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‘First Among Equals:’ The Development of Preponderant Federalisms in Upper Canada and Ontario to 1896

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A thesis submitted in partial fulfillment of the requirements for the degree in Doctor of Philosophy

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‘FIRST AMONG EQUALS:’ THE DEVELOPMENT OF PREPONDERANT FEDERALISMS IN UPPER CANADA AND ONTARIO TO 1896

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by

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Graduate Program in History

A thesis submitted in partial fulfillment of the requirements for the degree of Doctor of Philosophy

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Abstract

This dissertation explores how the Upper Canadian and Ontarian belief that their province could preponderate within Confederation impacted the dominion of Canada’s political development. It reveals that federalism in Upper Canada remained weak until Reformers recognized that their province could exercise preponderant influence in a federation where representation in the national legislature was based upon population. After this realization, Reformers increasingly believed that they could best serve their province and country by using their potential parliamentary preponderance to quash policy demands from the rest of Canada that did not align with their national vision. This was not, however, the only way Upper Canadians interpreted their colony’s role within Confederation. As 1 July 1867 neared, many Upper Canadians acknowledged their province’s potential power but doubted its ability to dominate national policy debates. They also argued that opposing initiatives from the rest of Canada would destabilize Confederation. This second group, therefore, cautioned against opposing the rest of Canada or suggested using their province’s political muscle to support the passage of compromise policies that accommodated demands from other parts of the country.

The dissertation explores how the ebb and flow of these two preponderant federalisms in Ontario impacted Canadian political debates from 1867 to 1896. The sense of power and entitlement that underlay preponderant federalisms often emboldened Ontarians to foment national political crises by rallying their province’s politicians to oppose policy initiatives from other parts of the country. The willingness of other Ontarians to withhold their support from these agitations or to stand behind compromise policies, however, frequently divided Ontario’s voice and limited the effectiveness of attempts to pit the province against other parts of Canada. The dissertation also challenges several bodies of research. First, contrary to the assumptions of political scientists, the House of Commons can be analysed as an intrastate institution when studying the development and significance of asymmetrically populous provinces within federations. It also proves that the inhabitants and politicians of Ontario rarely acted with the unity that many political scientists passingly suggest. Disagreements among Ontarians concerning the use of their province’s preponderance often
fractured its potential influence. Second, the dissertation challenges several historiographical assertions regarding Ontario political culture. The provincial consciousness inherent to suggestions that Ontario’s preponderant potential required it to desist from antagonizing the rest of Canada, or to use its potential influence to facilitate compromise, calls into question the centralists’ contention that Ontario Conservatives supported nation-building policies because they subordinated their provincial identity to national imperatives. The willingness of provincial rights politicians and newspaper editorialists to advocate using Ontario’s influence to safeguard provincial autonomy overturns the scholarly contention that pursuing preponderant influence and provincial autonomy were contradictory goals. Lastly, by examining the role Ontarians wanted their province to play in Confederation, instead of focusing on their policy demands, this dissertation also questions the propensity of regional alienation scholars to contend that Ontarians were apathetic to policy initiatives from the rest of Canada.

Keywords: Federation, federalism, Ontario, Canada, provincial rights, centralization, regional alienation.
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Introduction

“The essential is, that there should not be any one State [in a federation] so much more powerful than the rest as to be capable of vying in strength with many of them combined. If there be such a one, and only one, it will insist on being master of the joint deliberations; if there be two, they will be irresistible when they agree; and whenever they differ, everything will be decided by a struggle for ascendancy between the rivals.”


In 1861 John Stuart Mill warned the world against creating federations where one state or province could preponderate over the others. From its conception, Canada defied this warning. In the nineteenth century, federalism in Upper Canada, and later Ontario, was informed by the province’s political strength. Upper Canadians began to crave a preponderant influence in the governance of the Province of Canada once they outnumbered Lower Canadians in the 1850s. In 1867, the British North America (BNA) Act afforded Ontarians the right to elect 45% of the Members of Parliament (MPs) in the House of Commons. By comparison, Quebec elected 36% and Nova Scotia elected a comparatively paltry 10.5% of parliamentary ridings. Ontario’s numerical preponderance persisted, and by the end of the century it still held 43% of the country’s federal ridings (see Appendix 1). If Ontario MPs united, they could influence or control government policy with the support of a small handful of additional MPs from the rest of Canada. Ontario was also a wealthy province. Although Quebec was Canada’s industrial and banking centre, Ontario’s agricultural and expanding manufacturing industries created a tax base that paid that largest portion of dominion tariffs. Many Ontarians concluded that these contributions also entitled them to a leading role in Confederation.\(^1\)

Isolating this sense of entitlement and analysing its impact on Canadian politics necessitates distinguishing between federations and federalism. Preston King argues that decentralized government is not unique to federations; nearly all structures of government,

\(^1\) The precise portion of the dominion government’s revenues that came from Ontario is difficult to determine. As subsequent chapters describe, Ontarians regularly claimed that their province contributed more than its per capita share without opposition.
including legislative unions such as the United Kingdom, require local governments. He concludes that federations are “a constitutional system which instances a division between central and regional governments and where special or entrenched representation is accorded to the regions in the decision-making procedures of the central government.” Intrastate representation of autonomous provinces, in short, is what makes federations unique. In so doing, King distances himself from previous scholars such as Kenneth C. Wheare, who focused almost exclusively on the decentralization of constitutional jurisdictions to define federations. According to Wheare, Canada was originally a “quasi-federation” because its highly centralized constitution initially jeopardized provincial autonomy. By dismissing decentralization as a method of classifying federations, King directs attention away from the dominion-provincial jurisdictional disputes that form the brunt of centralist and provincial rights scholarship. He and other political scientists including Michael Burgess also move beyond this debate by distinguishing between federalism and federation.

Federalism is not a synonym for federation. Instead, according to Burgess, federalism is “the recommendation and (sometimes) the active promotion of support for federation.” Federalism therefore has normative and ideological qualities. Many Upper Canadians / Ontarians embraced the federal principle because they hoped that it would provide sufficient guarantees of provincial autonomy to facilitate the acceptance of representation by population (‘rep by pop’) in Lower Canada / Quebec. Such a constitutional system, these Upper Canadians / Ontarians also anticipated, would allow their province to exert preponderant and eventually dominant influence during national policy debates. Although Ontarians rarely succeeded at uniting their political representatives to exercise decisive influence, the attempts of some preponderant federalists to rally their MPs or Members of Provincial Parliament (MPPs) to oppose initiatives from other parts of Canada regularly contributed to heated political exchanges that alarmed Liberal and Conservative leaders and harmed national unity. The failure of these agitations was partly due to a second group of preponderant federalists who acknowledged Ontario’s preponderant potential but

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attempted to reduce political tensions and foster national unity by either discouraging its use or by realigning it behind compromise policies.

Analysing ‘rep by pop’ legislatures, such as the Canadian House of Commons as intrastate institutions is unusual. Political scientists such as Preston King, Ronald Watts, Kenneth Wheare, and William Riker are not unaware of the House of Commons’ potential as an intrastate institution but they focus their analysis on provincial or regional representation in national institutions such as the Senate. MPs are elected by approximately equal numbers of voters from ridings across the country. These scholars thus concentrate on the House of Commons as a democratic institution and give little or no attention to its intrastate potential. As William Livingston once argued, however, “the essence of federalism lies not in the constitutional or institutional structure but in the society itself.”

Although Upper Canadians and Ontarians were strong advocates of local representation in parliament, this dissertation repeatedly demonstrates that the asymmetrically strong potential influence afforded to Ontario in the House of Commons spurred many of its politicians and newspaper editors to imagine parliament as a place where their MPs could unite to exert provincial influence. In short, they consistently imagined the House of Commons as an intrastate institution.

Despite this aspiration, however, Upper Canadians, and subsequently Ontarians, rarely agreed on when and how their province should use this power. Two rival preponderant federalisms informed political debate in Ontario. As Mill predicted, the desire to use Ontario’s preponderant potential to dictate the Canadian government’s policies raised political tensions between it and the rest of the country. In the 1850s, Reformers aspired to decisively influence in the Province of Canada’s legislature by securing representation based on population. When they eventually secured the principle in 1867, many Ontarians entered

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Confederation believing that their province’s large share of parliamentary seats meant that they no longer had to compromise with the rest of Canada. Indeed, because Ontario was Canada’s most populous province and contributed the most taxes to dominion coffers, these Ontarians often assumed that their province was also a microcosm of the country. They therefore insisted that what was good for Ontario would be good for Canada and expected the rest of the country to accept their leadership. They were, to borrow from the words of Carl Berger, emboldened by a “sense of power” and entitlement to shape Canada’s development. This sentiment even crept into Ontario’s Legislative Assembly where MPPs frequently tried to use their province’s potential influence to pressure other provinces or the Canadian government to follow their wishes. This meddling, in addition to the prejudiced rhetoric and intransigence that often accompanied the agitations, antagonized the rest of Canada to oppose Ontario’s influence. An Ontarian sense of entitlement and power, therefore, contributed to the creation of a series of national political crises that endangered national unity.

Not all Ontarians fulfilled Mill’s fears. A second group of the province’s politicians and newspapermen accepted the Westminster system of majority government but were less trusting of majority rule when it concerned local interests or tastes. Mill recognized that individuals “follow their own selfish inclinations and short-sighted notions of their own good, in opposition to justice, at the expense of all other classes and of posterity.” Disinterested generosity and tolerance by the majority for minorities, he concluded, was unlikely and rare. This second group of Ontarians, who were usually Liberal-Conservatives (hereinafter Conservatives) regularly appealed to national imperatives in order to pass initiatives through parliament. The struggle to explain how Ontarians would benefit from their nationally-focused policies encouraged claims that what was good for Canada would be good for Ontario. Their province benefited more from national economic development and the continuation of British rule than from imposing its preferences upon the country. Ontario could thus afford to be generous when other provinces expressed legitimate needs. They admitted that their province possessed sufficient influence to destabilize Confederation. But they also recognized that Ontarians could not dominate national policy formulation and

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therefore concluded that its political representatives had to work with their counterparts from the rest of Canada. Ontarians, they urged, had to recognize their preponderant potential and avoid alarming the rest of Canada by interfering with the interests of the country’s smaller provinces. They also advocated using their intrastate preponderance to promote compromise solutions that fostered regional contentment and national unity.

The references to John Stuart Mill do not imply that Confederation was a Millian construct. Instead, they highlight the similar assumptions that underlay representative government and preponderant federalisms in Ontario and demonstrate that Confederation had philosophical and ideological underpinnings. Frank Underhill lamented the absence of “figures such as Hamilton, Jefferson, Madison, Franklin, Jay, Adams, and others like them, who combined a genius for hard practical politics with a capacity for philosophy and a habit of looking for the wider and deeper general implications of particular problems.” Underhill concluded that “this lack of the philosophic mind to give guidance to the thinking of ordinary citizens has been a weakness of our Canadian national experience throughout our history.”

Several historians affirm that Sir John A. Macdonald was “essentially pragmatic” and “did not work within any consistent theoretical or philosophical framework.” Yet, as Janet Ajzenstat points out, the speeches of Canada’s founders supporting Confederation “were peppered with references” to their American counterparts, and to leading British politicians and political philosophers, including Mill. In her study examining how the philosophy of John Locke informed Confederation, Ajzenstat admits that Canada’s founders did not speak or write in the manner of political philosophers. They did not write treatises. But they were indeed familiar with the philosophical principles underlying classical liberalism. They were familiar with arguments criticizing those principles. And they brought this knowledge of principles and arguments to bear in the debates on the federation of the colonies and in the creation of a new “general government” for the union.

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The founders, and especially Macdonald, were not ideologues, but as Peter Smith argues “Canadian Confederation… was not without ideological underpinning.”

In their abstract forms, neither preponderant federalism was inherently better or more praiseworthy than the other. Majoritarianism has often been used to rationalize the marginalization of minority rights. When analysing public debates such as the Jesuits’ Estates Act or the Manitoba Schools question, many Ontarians used majoritarian assumptions to justify anti-French and anti-Catholic policies. Other debates, including those concerning better financial terms for various provinces, generally lacked these offensive qualities. Although regional disagreements persisted, and anti-Quebec sentiment occasionally crept into the debate, the better terms agitations focused on preventing the dominion government from violating the alleged provincial compact. The desire to use Ontario’s influence to challenge demands from other parts of Canada, in short, was not always a destructive force in Canadian politics.

The tendency of Ontario historians to focus on dominion-provincial relations leads them to treat the two spheres of influence within federations as distinct and often competitive. This approach is useful when examining jurisdictional contests before the courts but it is too rigidly constitutional to adequately explore preponderant federalisms. The contestation of Ontario’s preponderant potential was, admittedly, sometimes restricted to parliament or the Legislative Assembly. More often, however, the same sense of entitlement and power transcended the division of powers and inspired attempts to assert Ontarian influence in both legislatures. Exclusively focusing on the contestation of Ontario’s intrastate influence, therefore, would ignore the heated debates that occurred in the Ontario Legislative Assembly. The full development and impact of preponderant federalisms in Ontario on Canadian politics is only intelligible when these debates are analyzed in concert.

Ontarians rarely fulfilled the preponderant federalist vision of united provincial action. The contestation of Ontario’s influence helped to fracture the province’s voice in

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parliamentary debates. Its Conservatives and Liberals / Reformers generally embraced different preponderant federalisms when considering their province’s role during important Canadian debates. Although the lack of clear party lines during much of the nineteenth century makes it difficult to quantify the partisanship of the popular vote across the province, Ontarians voted in nearly equal numbers for Conservatives and Liberals during almost every national and provincial election to 1900.13 With the exception of the unusual provincial elections of 1867 and 1894, as well as the national election of 1896, the popular vote variance in all general elections did not exceed 6.2% (see Appendixes 2 to 4). The close popular vote in Ontario necessitates studying how Conservatives and Liberals coped with the province’s preponderant federalisms.

The interaction of partisanship and preponderant federalisms has received little scholarly attention.15 When a government policy was unpopular in Ontario, the Liberals (and occasionally the Conservatives), tried to rally the province’s voters to support alternative solutions. Ontarians, they argued, could impact national politics by toppling Canadian governments that refused to heed their province’s demands. They also warned that Ontario provincial governments which refused to use their province’s potential preponderant influence to impact national debates would suffer a similar fate. Yet as the years passed, attracting and maintaining electoral popularity across the country led many Liberals and Conservatives to avoid this tactic by utilizing two distinct strategies. Sometimes politicians and newspaper editors warded off attempts to assert their province’s influence against from other parts of the country by acknowledging Ontario’s preponderant potential while insisting that it be used to promote compromise and national unity. When Ontarians found a policy too

distasteful to support, however, the Conservatives (and occasionally the Liberals) combatted the agitations in their province by evading assertions of its influence. Sending a dispute to the courts or denying that the provincial and dominion governments possessed the constitutional jurisdiction to impact a political debate allowed Liberals and Conservatives to argue that the desire in Ontario for intervention was inappropriate. These latter strategies helped Liberals and Conservatives to prevent the sense of power and entitlement in Ontario from compromising their provincial or national electoral popularity.

A partisan lens, however, does not adequately explain the actions of preponderant federalists. In some cases, individuals sympathized with the desire to rally Ontarians to contest demands from other parts of the country but nevertheless supported the government to preserve their office or partisan ties. On other occasions, the desire to foster national unity was genuine. Moreover, neither Liberals nor Conservatives adhered to a single preponderant federalism. Although Reformers / Liberals regularly urged Ontarians to use their influence to contest initiatives from the rest of Canada while Conservatives generally asked Ontarians to support or desist from interfering with the satisfaction of these demands, both parties occasionally deviated from these patterns. Each, moreover, experienced significant breaches in party discipline during the post-Confederation period. Notable politicians including Mackenzie Bowell, John Charlton, N. Clarke Wallace, and D’Alton McCarthy, in addition to a host of backbenchers, supported assertions of Ontarian intrastate power at the expense of their respective parties’ attempts to accommodate the demands of the rest of Canada.

Partisan frameworks are not, therefore, adequate for analysing Ontario’s role in shaping Confederation because neither party could claim a preponderant federalism as its own. Describing and analysing these shifts and deviations necessitates recognizing two preponderant federalisms and exploring their interaction with partisanship.

Historians have not interrogated the existence or importance of preponderant federalisms in Ontario. They generally examine how national parties and politicians served Ontario, or determine what Ontarians wanted, instead of analysing the significance of when and why Ontarians expected to be served. In so doing, they tend to follow one of three analytic traditions: centralization, provincial rights, and regional alienation. Although each school of thought attributes considerable agency to Ontario, and not all Ontarians were
preponderant federalists, their research overlooks or misinterprets how centralist and provincial autonomist ideals interacted with the belief that Ontario could decisively impact national policy development.

According to centralists, Canada required strong, centralized institutions to prevent the expansion of provincial, racial, and religious identities that endangered national unity. They point out that John A. Macdonald was keenly aware of how the state’s rights doctrine contributed to the outbreak of the American Civil War. The BNA Act gave the dominion government “all the great subjects of legislation” (such as commerce, banking, defence, and immigration), as well as the power to disallow provincial legislation within one year of its passage, the right to legislate on residual jurisdictions that were not explicitly listed in the constitution, and the right to legislate for the “peace, order and good government” of the country. Even in the divisive issue of education, which the founders deliberately gave to the provinces to avoid national political deadlock, the BNA Act gave the dominion government the right to pass remedial legislation if provincial governments violated the education rights of minority groups. Only the national government, centralists argue, possessed the Crown’s sovereign power. The provinces, which had been mere colonies prior to Confederation, were “subordinate” to the national government. These scholars, therefore, conclude that the BNA Act was the product of centralist thinking.

Ontario Liberals, centralists argue, played a pivotal role in destroying many of these powers through a series of legal cases from the 1870s to the 1890s. Donald Creighton insisted that the expansion of provincial powers crippled the Canadian government’s ability

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to maintain national unity.\textsuperscript{18} W.L. Morton agreed that only the dominion government could safeguard the rights of provincial minorities from majoritarian movements. The defeat of these powers in the courts by 1896 was a “disaster” for “the unity of the whole nation.”\textsuperscript{19} Richard Gwyn’s biography of Macdonald also contends that the purpose of Confederation was to create a ‘new nationality’ across British North America that would remain apart from the United States. Canada’s first prime minister “was a centralist because he was a nationalist. He wanted power in order to nurture a fragile, fragmented collection of quasi-colonies into a nation that could survive alongside the most dynamic nation-state in the world.”\textsuperscript{20}

The presumed antipathy of provincial and national identities leads centralization scholars to argue that Ontario Conservatives privileged national interests at the expense of provincial concerns. This argument is often implicit. When analysing the Conservative’s national elections campaigns, for example, scholars like Creighton, Gwyn, and P.B. Waite point to Macdonald’s dismissal of provincial rights agitations as well as his emphasis on nation-building platforms such as the transcontinental railway and the protective tariff as evidence of Canada’s centralist heritage. Although they acknowledge the prime minister’s desire to secure Ontario’s ridings, they rarely note his willingness to self-identify as an Ontarian and address his home-province’s policy concerns. With rare exception, they also ignore the uneasiness that this nation-building emphasis caused among other Ontario Conservatives. This lack of scholarly elaboration leaves the impression that Ontario Conservatives embraced nation-building and discarded their provincial identities and concerns.\textsuperscript{21} The identity argument is more explicit in the limited centralist scholarship that explores Ontario’s intrastate and dominion-provincial influence. J.C. Morrison, for example,


praises Macdonald for his willingness to disregard or oppose demands from Ontario Liberals when they conflicted with the Canadian government’s policies. He also berates Sir Oliver Mowat, who was premier from 1872 to 1896, for “being so provincially minded as not to be able to see that… there were other Provinces in the Dominion besides Ontario.”

Garth Stevenson, who leans towards provincial rights, nevertheless contends that “John A. Macdonald had no particular loyalty to the province in which he spent most of his life, and could just as easily have been a Quebec anglophone.”

Kenneth MacKirdy argues that William Ralph Meredith, the leader of the provincial Conservatives from 1879 to 1894, believed that “national interests should supersede provincial” imperatives. Although Peter Dembski notes Meredith’s dissatisfaction with Macdonald’s parsimonious treatment of the provincial Conservatives, he suggests that “Meredith’s stubborn backing of a centralized federalism” contributed to his willingness to endanger his electoral support by endorsing Macdonald’s protective tariff and joining the prime minister’s stand against provincial rights. Ontario Conservatives, these scholars conclude, supported Macdonald’s policies because they subscribed to his centralist message that subsumed or negated provincial identities.

Penny E. Bryden’s exploration of Queen’s Park’s use of dominion-provincial relations to secure their province’s interests from 1943 to 1985 in “A Justifiable Obsession” challenges some centralist assumptions about Ontario political culture. At first, this pursuit took the form of proposing alternative solutions to Ottawa’s policies to resolve national questions including tax renting that better suited Ontario’s interests. After the Quiet Revolution and the rise of Albertan concerns about Canadian energy policy, however, Ontario’s governments recognized that their interests lay in “maintaining a functioning federation” that included Ontario as its economic center. The government at Queen’s Park

therefore worked to steer the Canadian debate towards resolving mega-constitutional issues and strove to maintain communication between the provinces and the Canadian government. Although these goals often led Ontarian delegations to side with their national counterparts, Bryden points out that they did not “conflate province and nation.” Instead, Queen’s Park took “responsibility for the idea of nation.” 27 Ontario had an interest and unique role to play in maintaining the Canadian union. This astute observation shares some similarities with this dissertation’s discussion of Ontario Conservatives but leaves room for additional work. Bryden’s analysis focuses on what successive Ontario governments wanted while devoting comparatively little space to exploring whether or why they expected to be influential. The book also does not adequately explore the breadth of what might be termed the ‘helpful fixer’ impulse in Ontario. Bryden does not, for example, explore whether Ontario MPs advocated using their intrastate influence to preserve national unity. She also avoids analyzing how Ontario Liberal MPPs responded to these policies and whether they helped or hindered the provincial government’s initiatives. Although Bryden’s study explores the attempts of successive Ontario governments to shape Canadian politics, the full scope and impact of Ontarian initiatives to foster national unity are only discernable when these additional voices are incorporated into historical analysis.

This dissertation argues that Ontarians did not have to forsake their provincial consciousness to support centralist or compromise policies. Many maintained a provincial consciousness by contending that Ontario’s preponderance gave its electors and political representatives the unique opportunity to ensure the passage of legislation that facilitated national unity. Supporting national unity, they consistently insisted, was in Ontario’s long-term interests. This argument sometimes became politically unpalatable when it required its adherents to convince their supporters to accept and promote unpopular policies. Many politicians and newspapermen lacked this courage. In the 1880s and 1890s, for example, racial and religious prejudices led an increasing number of Ontario Conservatives to eschew compromise and to instead support movements emboldened by the belief that Ontario could obstruct policy initiatives emanating from Quebec. Despite this limitation, however, the formulation of an alternative interpretation of Ontario’s preponderant potential was important.

27 Ibid, 8.
to Canada’s political development because it was one of the only ways to challenge the agitations. Ontario politicians and newspaper editors therefore espoused this alternative preponderant federalism to justify their support for unpopular policies without eschewing their province’s political culture.

Unlike centralist scholars, provincial rights historians and political scientists contend that the best way to foster national unity is to preserve local autonomy. Each pre-Confederation colony, they note, had unique cultural characteristics that made a legislative union impractical. The policy diversity that resulted from this decentralization fostered rather than hindered the growth of national unity. Canadian loyalty spurred not from strong central institutions but from the local freedoms enjoyed across the country. Dominion governments that deviated from the BNA Act or tried to impose national designs on provincial jurisdictions created local grievances that undermined the popularity and even legitimacy of the central government. The provinces had the exclusive right to legislate on important issues including education, property and civil rights, local transportation systems, as well as “all Matters of a merely local or private Nature in the Province.” With only a few exceptions, such as agriculture and immigration, each government had the exclusive right to legislate within their respective jurisdictions. The national government was only supposed to use its power of disallowance sparingly, after consulting with the provinces and after giving them an opportunity to amend the offending parts of their own bill. They also note the claims of Liberal politicians such as Edward Blake, who contended that each pre-Confederation colonial government exercised a portion of the Crown’s sovereignty and that they employed this power when entering into an interprovincial compact that redistributed the colonial powers between the provincial and dominion governments. The BNA Act was, according to these Ontarians, a ‘treaty’ between the provinces, and neither they nor the dominion government could deviate from its terms without acquiring the mutual consent of all participants. Regardless of the historical legitimacy of a dominion-provincial ‘treaty,’ provincial rights scholars agree that the provinces were coordinate rather than subordinate to the dominion government. Facilitating and respecting local freedom would ensure long-term

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28 British North America (BNA) Act, section 92(16).

Provincial rights scholarship therefore embraces Ontarians who rejected Macdonald’s attempts to expand the dominion’s jurisdiction at the expense of the provinces’. Margaret Evan’s biography of Sir Oliver Mowat applauds his repeated legal victories against Canadian centralists before the British Empire’s highest court, the Judicial Committee of the Privy Council (JCPC). Mowat’s successes ensured that Canada’s ‘quasi federal’ constitution was politically unfeasible and instead became “predominantly federal in operation.”

Christopher Armstrong and Paul Romney similarly commend the leading role Ontarians played in protecting provincial autonomy.

Yet provincial rights scholars struggle to explain the concurrent development of provincial compact theory and the impulse to use Ontario’s preponderant potential to obstruct policy demands from other provinces. The constitution did not grant Ontario any special privileges; it did not create any jurisdictional asymmetries between Ontario and the other provinces. Ontario was, these scholars conclude, a province like the others. This constitutional equality leads some provincial rights scholars to overlook attempts to exercise Ontario’s preponderant potential. Romney, for example, does not discuss the largely Ontarian movement to secure the disallowance of the Quebec government’s Jesuits’ Estates Act. His argument that the provincial rights movement pervaded Ontario’s political culture cannot explain why large portions of its population supported another movement that sought to compromise Quebec’s legislative autonomy. A few historians including Frank Underhill, Bruce Hodgins, and Christopher Armstrong, briefly recognize the willingness of

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30 Evans, *Sir Oliver Mowat*, 181.


32 Romney, *Getting it Wrong.*
Ontarians to use their parliamentary preponderance to shape national debates but they struggle to align these actions with provincial rights; they do not interrogate the significance of this sense of power and entitlement and consequently leave their readers with the impression that such agitations contradicted the provincial rights movement. These same scholars find attempts to use Ontario’s Legislative Assembly to pressure other governments even more objectionable. Each ultimately concludes that Ontarian politicians and newspaper editors were “inconsistent” when they defended Ontario’s provincial autonomy in one debate and subsequently urged the provincial Assembly to pressure the dominion or other provincial governments to conform to Ontarian preferences. “Partisanship,” they suggest, led these Ontarians to overstep their provincial rights piety and rally against the Canadian or other provincial governments. Provincial rights and a desire to interfere in policy development outside of Ontario, according to these scholars, are antithetical concepts.

This narrow analysis misconceives how nineteenth-century Ontarians understood the coexistence of these two desires. Ontarian political leaders and newspaper editors recognized that their province’s asymmetrical population and taxation afforded its political representatives the opportunity to unite and champion any policy that had widespread support. They denied that there was any contradiction between simultaneously advocating provincial rights and a strong dominion government. Ontario’s MPs had the right to vote on all dominion legislation and there was no constitutional barrier prohibiting them from using their aggregate intrastate preponderance to swing a parliamentary vote. In fact, many provincial rights agitators advocated utilizing Ontario’s preponderant influence to safeguard provincial autonomy by defeating dominion interference. The two ideas were not necessarily contradictory. They could be mutually reinforcing.

This combination was on shakier ground when Ontarians imported it to their province’s Legislative Assembly. Although Ontario’s MPPs lacked the jurisdiction to comment on national policies, they often justified the passage of petitions against the actions of the Canadian or other provincial governments by arguing that Ontario’s large population, contributions to dominion revenues, and Protestant demographic, gave its Assembly ‘moral’ influence. Using the Legislative Assembly in this manner was not consistent with the spirit of provincial rights. Such debates often spurred from Liberal or Conservative attempts to score political points by associating or disassociating themselves from the Canadian government’s policies. Constitutional barriers aside, these agitators were intolerant when other provincial Assemblies commented on national politics. Provincial rights, they decried, required the national government and other provinces to confine their debates to their respective jurisdictions. Despite these inconsistencies, noting that the same sense of entitlement and power helped to inspire debates in Ottawa and Toronto reveals a consistency that is not apparent when they are exclusively analysed with a provincial rights lens. There was, moreover, no law preventing Ontario’s provincial Assembly from commenting on politics in other parts of Canada and the Assembly could not compel these institutions to obey its resolutions. In both legislatures, the belief that Ontarians were entitled to exercise unique and powerful influence in Canada helped to inspire resolutions and debates that often offended other provinces and raised Canadian political tensions.

Unlike provincial rights scholarship, the literature concerning regional alienation emphasizes the importance of Ontario’s parliamentary preponderance to the formulation of the Liberal and Conservative political platforms. From 1867 to the present, Conservatives and Liberals consistently favoured policies that would win votes in Ontario and Quebec at the expense of the Maritime and Prairie regions. As David Bercuson explains, this favouritism occurred because “Central Canada is where the votes are and where elections are won and lost.”34 Whether it was the National Policy, the dominion government’s retention of resource rights of the Prairie provinces until 1930, freight rates that favoured Central

Canadian industry, the National Energy Policy, the failure of Senate reform, or Stéphane Dion’s 2008 carbon tax platform, the Canadian government’s policies reflected its central province’s values or interests and marginalized Canada’s less populous regions. W.L. Morton argues that the Prairies remained a “subordinate” territory and “the colony of a colony” until 1930.\(^\text{35}\) Donald Savoie agrees. The Maritimes, he argues, were “sidelined” by a national government that focused on promoting Canadian nationalism in Quebec and ensuring that Ontario’s economy could compete against its American competition. They remain, in Savoie’s words, the “big dogs” of Canadian economic policy formulation. “Big dogs” he notes, “not only eat first, they also have a large appetite to satisfy when it comes to national economic development policies, federal investment, and the location of federal government activities.”\(^\text{36}\)

The tendency of these scholars to focus on Western or Maritime victimization and resistance, however, leads them away from examining the political role Ontarians wanted their province to play in Confederation. Ontario becomes part of a “Central Canadian” amalgam that obtusely seeks its own interests. In fact, Ontarians who opposed these regional interests knew their actions antagonized other parts of Canada but they generally believed that they had to use their province’s influence to safeguard national interests from sectional


tampering. Regional alienation scholars’ analytic focus also leads them away from recognizing that the desire among Ontarians to maintain partisan or national unity sometimes led its political representatives and newspaper editorialists to discourage Ontarians rallying against the rest of Canada or to advocate using their province’s parliamentary influence to support the initiatives from Canada’s other provinces. This reinterpretation of Ontario’s influence made it easier for its Conservatives and Liberals to support unpopular policies. Regional alienation scholars do not, in short, recognize that Ontarians tried to use their preponderant potential to hinder and facilitate the satisfaction of the rest of Canada’s demands.

Ontario historians are not unaware of preponderant federalisms, yet their consistent focus on dominion-provincial relations deters them from interrogating their nature and significance. In the 1980s, for example, the Ontario Historical Studies Series published biographies of Ontario’s leading premiers. In one volume, Margaret Evan uses provincial rights to challenge the centralist assertion that Mowat’s fight against Macdonaldian centralization was a mere partisan ploy. Her focus on the premier’s pursuit of provincial rights before the JCPC and Ontario’s electorate, however, leads her to only occasionally mention the sense of entitlement in Ontario to influence national policy debates.37 The biographies of premiers Sir James Pliny Whitney, G. Howard Ferguson, and Mitchel Hepburn, have similar limitations.38 Even Christopher Armstrong’s The Politics of Federalism, which analyses Ontario’s dominion-provincial relations from 1867 to 1942, only rarely notes the desire in Ontario to use the province’s influence to impact national debates.39 Although this dissertation explores the intersections of provincial rights and preponderant federalisms, its focus on the latter reveals new ways that Ontarians shaped Canada’s political development.

A few scholars give the desire in Ontario to preponderate more attention. In 1961, J.C. Morrison recognized that Ontario Reformers not only desired “to free Ontario from all

37 Evans, Sir Oliver Mowat.
outside interference,” but also wanted “to secure for her a preponderant, if not dominant, position in the Confederation.” \(^{40}\) Although Morrison describes the Ontario Liberals’ desire for preponderant influence in his thesis, he struggles to apply it to Ontario’s boundary dispute with Manitoba, and only succeeds when analysing the adjustments of dominion subsidies to the provinces. Even here, however, his complete reliance on the Toronto Globe for editorial opinion, his preoccupation with centralism, and his refusal to examine Ontario Conservatives, limits his ability to analyse the character and extent of preponderant federalisms. In his Canadian Historical Association booklet entitled “Ontario and Confederation,” Donald Swainson repeatedly describes Ontario’s desire for intrastate “preponderance” in Confederation. Ontarians tried and failed, Swainson notes, to control the Canadian government’s power of the purse by using the preponderant influence that ‘rep by pop’ afforded them. Like Morrison, however, Swainson’s post-Confederation discussion largely focuses on the provincial rights debates between Mowat and Macdonald and does not explore the nature and significance of preponderant federalism to Canadian politics.\(^ {41}\) S.J.R. Noel’s *Patron’s, Clients, Brokers: Ontario Society and Politics, 1791-1896* notes the common assumption among Ontarians regarding their province’s “rightful and important place in some larger, grander national entity.”\(^ {42}\) He also describes the crusade of Reformers for representation by population during the 1850s and early 1860s as a “majoritarian challenge.”\(^ {43}\) Aside from his discussion of Ontarian interest in the North-West, however, Noel provides little evidence to support this claim. The sense of entitlement and power that emboldened many Ontarians to rally against other parts of the country, in short, remains an under-researched aspect of Ontarian political culture.

Political scientists have also contributed to the academic discussion concerning the significance of asymmetries within federations. Like John Stuart Mill, political scientists initially worried that large asymmetries in a federation would destroy national unity. In his pioneering 1965 article, Charles Tarlton noted that the tendency of political scientists such as Wheare to study federations as a whole led them to overlook the asymmetries that exist


\(^{42}\) Noel, *Patrons, Clients, Brokers*, 27.

within federations. Just as each province in a federation has unique cultural, political, demographic, geographic, and economic traits, “each component unit would have about it a unique feature or set of features which would separate in important ways, its interests from those of any other state or the system considered as a whole.”

Federations with greater asymmetries, he argued, were more likely to desire local autonomy. Tarlton found this conclusion “discomforting” because he believed expanding local autonomy would lead to dissolution. In 1970 Ivo Duchacek also worried that federal asymmetries could harm national unity:

No member of a federal system can rule out the possibility that one leading element, be it a state or a coalition of states, may emerge and distort the principle of equality into that of a master-servant relationship. This may be the result of environmental changes such as uneven economic development, population shifts, new technology, or dynamic leadership and political skill in one of the component units. Hegemony in a federation, which is the very opposite of the federal principle, may be a fact, may be half-fact and half-fiction, or may be a matter of wrong perception altogether. In either case it will lead to strain and in some cases to explosion.

Today, most political scientists are no longer as alarmed by federal asymmetries. Michael Burgess and Franz Gress argue that they are “a fact of nature” within federations because “federal political systems are consciously and purposively designed to facilitate flexible accommodation for the many diversities which acquire political salience.”

Although Ronald Watts admits that extreme disparities (such as Nigeria in 1960 when the Northern Region dominated the other two regions with 54% of the country’s population and three quarters of its territory) can disrupt and destroy national unity, he is not concerned by most federal asymmetries. Daniel Elazar also contends that the “division of the whole territory of a body politic into constituent units need not be exactly equal, but can be based

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46 Ivo D. Duchacek, Comparative Federalism: The Territorial Dimension of Politics (Lanham, MD: University Press of America, 1970), 286.
on dispersed inequalities among the different units, as long as no single unit is so overwhelming or predominant as to jeopardize or appear to jeopardize the integrity or power of the others.”

The line between harmful and sustainable asymmetries, however, remains vague. Ronald Watts, regularly notes the asymmetrically large populations of Ontario and Quebec in Canada, of Prussia in Germany, of New South Wales and Victoria in Australia, and of the Northern Region in Nigeria. He also notes that the proportionately large populations of these provinces, states, and cantons, gave them “a preponderant influence” within their federations. Despite being aware of these examples of intrastate preponderance, however, Watts limits his analysis to noting that “these units have tended to play a predominant role in the federal politics of their federations, to the resentment of the more numerous smaller constituent units.”

Duchacek and Bertus de Villers offer similar generalizations. These comparisons do not explore how intrastate preponderance impacts a country’s political development. Indeed, de Villers asks:

How far is asymmetry in the size and wealth of regional units tolerable, especially where the predominance of one or two large units (e.g., Ontario and Quebec in Canada, UP in India, Prussia in the old Germany, or Northern Nigeria in the early 1960s) can itself become a source of disharmony. The discussion at this conference indicated that rather than appealing simply to a priori reasoning, we need more empirical research into the limits of asymmetry both de jure and de facto within federal systems.

Watts also admits that “there has been surprisingly little systematic comparative analysis of the degree to which the operation of federal political systems and federations is affected by the number of constituent units and their relative size and wealth.”

50 Watts, Comparing Federal Systems, 126
53 Bertus de Villers, ”Foreword,” xii.
A few scholars are answering the call for empirical studies. Edward Gibson and Tulia Falleti note asymmetries in Argentina during the nineteenth century, and argue that its past “struggle over political centralization…was less a struggle over how a national government would dominate local governments than over how the provinces would dominate one another.”

So long as it believed it could dominate the federation, Buenos Aires (which boasted the country’s only major port, and had four times the population of the country’s second largest city in the 1850s) demanded a strong and highly centralized federation that allowed its citizens to dominate its intrastate and bureaucratic institutions as well as the country’s trade. Gibson and Falleti label this behavior “hegemonic federalism.” Although many Ontarians wanted their province’s representatives to wield hegemonic power in parliament, they never secured this degree of influence. Indeed, they only described Ontario’s hegemonic potential as a future possibility. It is therefore a mistake to generalize about states and provinces like Buenos Aires, Prussia, and Ontario without considerable investigation.

Political scientists such as Duchacek, Elazar, Watts, Michael Burgess, and de Villers, moreover, do not consider the possibility of multiple federalisms within a single province. Their limited recognition of Ontario and Quebec as provincial power blocs does not discern the varied ways Ontarians interpreted their province’s preponderant potential. By utilizing two preponderant federalisms to frame their responses to political developments, Ontarians often compromised their ability to preponderate during Canadian policy debates. This division of Ontario’s influence frequently gave the Canadian government more policy freedom than might otherwise be assumed.

This dissertation relies heavily on newspapers. Ontario’s politicians regularly utilized preponderant federalisms to defend their policies on the hustings and in the legislatures. Hansard reports and reprints of public speeches in newspapers provide indispensable discussions of Ontario’s influence. Newspaper editorials also provide a wealth of evidence. The majority of newspapers during the 1800s were heavily reliant on party patronage.

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comprising printing contracts and official advertisements for their financial wellbeing. These ‘organs’ rarely strayed from their patron’s political tunes. Paul Rutherford in *A Victorian Authority: The Daily Press in Late Nineteenth-Century Canada* insists that editorials can provide insights into public opinion. He admits that editorials could not alter the views of decided individuals. Yet, as a “leading agency of legitimation” used in concert with other institutions such as political parties, editorials could sway undecided constituents.  

Conversely, “the press baron, whatever his idiosyncrasies, had to satisfy his clientele or else the popularity of his newspaper, and so his influence and revenue, would wane.”  

The *Globe*, for example, reversed its editorial stance during the Jesuits’ Estates controversy in March 1889 when its management realized that their original position hurt sales. Although determining agency between the public and the press is rarely possible, successful newspapers did not veer far from their owners’ perceptions of popular opinion, and are useful sources for analyzing the character of Ontario federalism.

Many of the newspapers examined in this dissertation were produced in Toronto. This methodology reflects the intensive discourse production that radiated throughout the province from the metropole. Although P.B. Waite admits that it is “difficult to say” how closely the hinterland papers followed Toronto’s example, he argues that

the small journals had their opinions… But there is not much differentiation in opinion. The editorials, written locally, seemed to embody ideas which, if not imported from the larger journals, at least tend to reflect their general policy, seen through the glasses of local issues. The *Leader* and the *Globe* were recognized as the two giants of Canada West; no other papers in the Province had their circulation, and undoubtedly they exerted considerable influence.

To verify these assertions, this dissertation relies heavily on two non-Toronto newspapers. The *Advertiser* was a Liberal organ published in London. David Mills, who was one of Ontario’s leading Liberals and one of Canada’s sharpest legal minds, edited the newspaper

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57 Ibid., 7, 147.
from 1882 to 1887. The paper closely mirrored the *Globe* and enjoyed wide circulation throughout south-western Ontario. The Belleville *Intelligencer* was a Conservative organ that had a large circulation in eastern Ontario. Sir Mackenzie Bowell, the Conservative MP for Hastings North, edited the newspaper from the late 1840s to 1878. Bowell was also a prominent Orangeman. He joined the Order in 1842 as a doorman at the age of eighteen (the youngest possible age for membership) and rose to become Grand Master of the Orange Lodge in British North America from 1870-1878. A prominent Conservative, he eventually became prime minister of Canada from December 1894 to April 1896. Even after 1878 when Mackenzie became a silent owner of the paper, the *Intelligencer’s* editorials continued to tow the party line. Like the *Advertiser*, the *Intelligencer’s* preponderant federalist editorials contained a measure of local character but almost always mirrored their metropolitan contemporary’s message.

Each chapter of this dissertation explores a stage of the evolution of federalisms in Ontario and analyses their significance for Canadian politics. Chapter 1 describes the gradual emergence of federalism in Upper Canada and explains why it took so long to develop. The federal principle made repeated appearances in Upper Canadian politics prior to 1858 but fell out of favour on each occasion. Gross misconceptions and ignorance about the principle, in addition to the tabling of underdeveloped proposals that rarely considered intrastate influence, harmed federalism’s initial popularity. The 1851 census could have fostered federalism in Upper Canada but George Brown and his followers expected ‘rep by pop’ to allow Upper Canada to control the Province of Canada’s policies. Until the end of the 1850s virtually all Upper Canadian politicians and newspaper editorialists imagined representation by population and federation as competing (rather than complimentary) solutions to the growing political friction between the colony’s two sections. The Conservative’s 1858 proposal to form a British North American confederation reflected this belief by largely overlooking intrastate arrangements. It was only in 1859 that Reformers proposed combining ‘rep by pop’ and Canadian federation to resolve the impasse. This platform marked the first time that a Canadian political party (if that term can be used to

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describe the Reformers in 1859) linked the two constitutional reforms. According to Brown, this combination of constitutional reforms would give each province local autonomy. Yet, he and other conventionists also began to murmur about the possibility of using their colony’s potential preponderant intrastate influence to dominate such a federation. Despite these brief surges of Upper Canadian federalism, however, Reformers and Conservatives reverted to their pre-1858 platforms from 1860 to 1864 when their federal proposals failed to gain momentum. ‘Rep by pop’ and the constitutional status quo were still more politically expedient than federal compromises. Federalism thus remained weak in Upper Canada until the formation of the Great Coalition in 1864.

Chapter 2 revisits the well-travelled ground of the Confederation negotiations and debates from 1864 to 1867. Throughout this period, the leading politicians of most British North American colonies debated the merits of the federal principle, and negotiated its application to British North America. Despite the achievement of ‘rep by pop’ during these discussions, Upper Canadian preponderant federalisms developed surprisingly slowly. Several leading Reformers hoped that Upper Canada’s burgeoning population would allow it to dominate a British North American House of Commons. Yet this aspiration continued to have limited currency among Upper Canadians because its adherents remained tight lipped to avoid sabotaging Confederation supporters in Lower Canada and the Maritimes with statements of Upper Canadian domination. In fact, Brownites did not openly proclaim their ambitious expectations until after the 1866 London Conference finalized the dominion’s constitution. As these Reformers opened up about their preponderant federalist aspirations, Conservatives and Reform-Coalitionists offered an alternative assessment of Ontario’s preponderant potential and the ways that it could be used in Confederation. On 1 July 1867, therefore, Upper Canadian Reformers and several Conservatives expected their province to exert preponderant influence but they contested the role that their province would play in Confederation.

Chapter 3 explores the evolution and impact of preponderant federalisms from 1867 to 1872. This period marked the first serious clashes of the two preponderant federalisms. From the outset, many Ontarians (and especially Liberals) expected to preponderate in Canadian politics. Although they hoped that Ontario would one day dominate Confederation
by acquiring an absolute majority of seats in the House of Commons, they expected their province’s voters to elect a solid bloc of mainly Liberal candidates who would exercise Ontario’s preponderant potential in the interim. The belief that their province’s intrastate influence would enable them to force the government to adopt their demands emboldened agitators to strongly oppose the Canadian government’s policies concerning the Intercolonial railway route, better financial terms for Nova Scotia, the Red River resistance, and the entry of Manitoba and British Columbia into Confederation. When the Canadian government proved intractable, they shifted their opposition to their province’s Legislative Assembly where they again demanded that the rest of Canada heed the demands of the province that contributed the biggest portion of the dominion government’s revenues and sent the largest delegation of MPs to parliament. The pre-Confederation debates had not anticipated this reaction and many contemporaries as well as present day commentators accused these Ontarians of being ‘inconsistent’ provincial autonomists. Although this move conflicted with the spirit of provincial autonomy, these Ontario agitators continued to describe their efforts in the Assembly as another legitimate way of exercising their province’s preponderant influence to reinforce provincial autonomy. Ultimately, Ontario’s provincial Assembly passed some of the agitators’ resolutions but these had little impact on national policy.

The ineffectiveness of these agitations was partly due to the opposition of Conservatives and a few Liberal-Coalitionists who refused to set Ontario against the rest of Canada. Sometimes these supporters utilized jurisdictional and nation-building rationales to oppose these agitations. On other occasions, they argued that national unity required Ontarian support for the unpopular policies. In their estimation, Ontario benefited most by the solidification of Confederation. Although these opponents often struggled to explain how dominion policies served their province’s interests, their support spurred from a culture of preponderant expectations that was unique to Ontario. The consequent split of Ontario’s preponderant influence ensured that the Canadian government enacted the other province’s policy demands. Despite the Ontarian agitators’ inability to unify the province behind their platforms, however, their stand raised sectional tensions and validated the rest of Canada’s concerns about Ontario’s preponderant potential. Moreover, because the same sense of power and entitlement informed the debates in the national and provincial legislatures, this chapter also demonstrates that preponderant federalisms amounted to more than attempts to form
parliamentary power blocs. Preponderant federalisms were rationales to organize Ontario’s potential constitutional and extra-constitutional asymmetrical influence to support or oppose policy initiatives from the rest of Canada.

Preponderant federalisms waned somewhat from 1872 to 1884. Leaders of the national Liberals from Ontario recognized that they were unlikely to sweep their province’s ridings and accepted the fact that they required the support of the rest of Canada to form national governments. Chapter 4 explores how this understanding led them to curtail their willingness to rally Ontarians against the rest of Canada. A belief that Ontario could influence the state’s policies that simmered beneath the surface of debates concerning Louis Riel’s expulsion from parliament, an amnesty for Red River’s resistors, and the New Brunswick school question, forced national Conservatives and Liberals alike to carefully manage their responses. Despite pursuing compromise solutions to these controversial questions, neither the Liberals nor the Conservatives advocated aligning Ontario’s potential preponderant influence behind these policies. The curtailment of agitations against the initiatives from other parts of Canada, combined with perceptions about the Canadian government’s legal and constitutional obligations, rendered such a strategy politically unnecessary and unwise. In the early 1870s and 1884, however, new demands for better terms evoked a limited return of preponderant federalisms. Ontario Liberals once again suggested that their province could unite and derail additional deviations from the financial terms of union but the imperative of maintaining national parties deterred these agitations from matching their previous intensity. In fact, threats of preponderant action against these better terms amounted to hollow attacks designed for voter consumption and did not endanger the Canadian government’s proposals. The curtailment of the sense of power and entitlement in Ontario ensured that these debates did not reach the high political tensions of 1867 to 1872.

The unwillingness of Conservatives and Liberals to frame their politics with preponderant federalisms from 1872 to 1884, however, was not absolute. Chapter 5 refocuses on provincial Liberals and Conservatives to explore how preponderant federalisms turned Ontario’s northwest boundary dispute into a heated political debate. Many Ontarians expected the additional territory to attract a new population that would bolster their
province’s intrastate representation. Yet Macdonald obstructed Ontario’s attempts to take the territory because he feared that the province’s enlargement would destabilize Confederation. Ontarians who believed that their province needed the political strength to oppose initiatives from the rest of Canada were infuriated. They claimed that opposition from Quebec forced Macdonald to ‘rob’ Ontario of this territory and to instead enlarge the partly French-Catholic province of Manitoba. The possibility that a united Ontario could force the Canadian government to relinquish the land emboldened the Mowat government and its supporters to adopt aggressive and confrontational strategies that elevated the political stakes and alarmed the rest of Canada. This stand forced provincial Conservatives into a difficult position. These MPPs and their supporters did not, as scholars suggest, forsake their province’s interests and political culture by embracing Macdonald’s desire for a smaller Ontario. Instead they continued to demand Ontario’s enlargement but argued that Mowat’s seizure of the territory abused Ontario’s preponderance and harmed national unity. They insisted that the only way Ontario could secure the disputed territory without alarming the rest of Canada was for it to submit its claim to the JCPC for judgement. Acknowledging Ontario’s intrastate power and expansionist aspirations allowed the provincial Conservatives to oppose Mowat’s policies without seriously harming their electoral prospects. The consequent split of Ontario’s voice and influence eventually forced Mowat’s government to submit its claim to the JCPC in 1883.

Chapter 6 analyses how a sense of entitlement and power to challenge movements in Quebec contributed to the intensification of racial and religious tensions in Canada from 1885 to 1889. During the political debates following the execution of Louis Riel, as well as the Quebec Legislature’s passage of the Jesuits’ Estates Act, the belief that Ontarians could unite and force the dominion government to satisfy their demands at the expense of Quebec’s resurged. In the case of the Riel execution debate this belief, in addition to anti-French and anti-Catholic sentiment, emboldened Ontarians to oppose the attempts of Quebecers to censure the Canadian government in parliament. This antagonism contributed to the increasing distrust between Quebec and Ontario. Yet not all Ontarians supported these campaigns. Virtually no Ontarian defended Riel but the suggestion that Ontario had a unique ability to restore national unity allowed some to acknowledge their province’s influence while opposing the agitations against Quebec. An awareness of Ontario’s influence even
provided a rationale to extend an olive branch to Quebecers to help restore national unity. Ontarians were not, therefore, as unified as most scholars claim. The agitation in Ontario during the Jesuits’ Estates debate was nearly impossible to subdue and again pitted Ontario against Quebec. It was so intense that several Ontario politicians and newspapers rejected their party’s lines and joined a movement attempting to organize Ontario’s influence to pressure for the disallowance of Quebec’s legislation. Ontarians who steadfastly opposed disallowance were hampered by the widespread belief that the Jesuits’ Estates Act was unconstitutional and a threat to English-Protestantism in Canada. Although the disallowance campaign failed, it nevertheless contributed to lasting resentment in Quebec.

The final chapter analyses how preponderant federalisms shaped the North-West language debate of 1890 and the Manitoba school debate of 1890 to 1896. In both cases, Ontarians were emboldened by the belief that they could use their preponderant influence to protect local autonomy from parliamentary interference. During the North-West language debates, D’Alton McCarthy encouraged Ontarians to use their parliamentary preponderance to support his bill terminating French as an official language of the North-West Territories. Although it initially appeared that McCarthy had successfully rallied Ontarians to his side, a compromise solution and limited appeals for Ontarians to align their influence to support national unity helped to defeat his bill. In the case of Manitoban schools, the belief in Ontario’s ability to influence national disputes inspired an activism and intransigence in Ontario that offended French-Catholics and threatened to split both political parties. The Liberals managed to contain the tension within their own caucus by allowing Ontarians to join the anti-remedialist campaign while promising justice to the Manitoban minority in Quebec. The obligation to govern limited the Conservative’s flexibility. Multiple Conservative defectors ultimately broke with their party and supported the anti-remedial agitation. Those who advocated tolerance struggled to maintain their Ontarian support. The Conservative government first managed the agitation by deferring the school question to the courts. When the JCPC eventually found in favour of the French-Catholic minority and the Conservatives committed to remedial action, its Ontario supporters were unable to quell the sense of power and entitlement in Ontario to use their parliamentary preponderance to oppose the bill. The Canadian government and its supporters acknowledged Ontario’s preponderant potential and tried co-opt it by once again urging Ontarians to use their power
to buttress national unity but the strategy ultimately failed to capture the imaginations of the majority of Ontarian voters. This failure contributed to rising political tensions and the Conservative’s defeat in the 1896 election.

After 1896, Canadian politics entered a new era. An increasingly diverse range of policy debates ranging from the Autonomy Acts of 1905 to Imperial policies concerning the Boer War, the Naval Crisis, and the First World War, increased Canadian political tensions. A new generation of politicians who were not present at Confederation’s founding introduced new dynamics to federal politics including dominion-provincial conferences and stronger party discipline. It is beyond the scope of this dissertation to examine whether preponderant federalisms impacted these changes. From 1867 to 1896, however, Ontario never exercised hegemonic influence. Yet attempts to achieve or block the province’s influence were integral to Canada’s political development. This sense of empowerment, however, required nearly a century to develop.
Chapter 1: The Gradual Development of Upper Canadian Federalism to 1864

"There is a magic to the word [federation] which permits us to dispense with the details."

_Globe_, 17 June 1862.

Until the mid-eighteenth century, Iroquoian and Algonquian nations along with a few thousand French fur traders and settlers inhabited present-day Ontario. By 1763 approximately twenty thousand Algonquin, Huron, and Iroquois peoples occupied the region.¹ During and after the American Revolutionary War (1776-1783), tens of thousands of Loyalists left the United States. Approximately thirty thousand went to Nova Scotia and New Brunswick. By 1790, a further fourteen to twenty thousand Loyalists flooded into the Great Lakes peninsula.² The Imperial government recognized that this new population constituted a generally Protestant peoples loyal to the British Crown that strengthened its hold on the remainder of British North America. It passed the Constitution Act of 1791, creating two separate districts out of the former colony of Quebec. Lower and Upper Canada each received their own appointed Governor and Legislative Councils representing wealthy landowners. They elected representatives to Legislative Assemblies based on a landowning franchise. After the 1837 to 1838 Rebellions, the Imperial government reunited the two governments into a single legislature. Upper and Lower Canada each received an equal number of seats in the joint Legislative Assembly. Emigration from Great Britain and Ireland to Upper Canada increased the domestic desire for constitutional change that would afford the colony greater self-rule. Over the subsequent decades Upper Canadians resisted and promoted a variety of different constitutional solutions, including the federal principle.³

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² Nelson Wiseman, _In Search of Canadian Political Culture_ (Toronto: University of British Columbia Press, 2007), 31; Peter A. Baskerville, _Sites of Power: A Concise History of Ontario_ (Don Mills, Oxford University Press, 2005), 41.

The federal principle played an intermittent but prominent role in Upper Canadian politics from 1791 to 1858. Throughout this early formative period Upper Canadians contemplated a variety of federal union proposals. The British government and John Beverly Robinson considered the federal principle during the early 1820s. Lord Durham initially proposed a federal solution when contemplating the best way to resolve political turmoil in Upper and Lower Canada in 1838. After Britain moved to free trade in the 1840s, Upper Canadian members of the British American League proposed the creation of a British North American federation. The federal principle was, therefore, not unfamiliar to Upper Canadians.

![Figure 1: Population of the Pre-Confederation Colonies](http://www.statcan.gc.ca/pub/11-516-x/sectiona/A2_14-eng.csv)

Yet these federal proposals did not attract widespread support. Why did federalism remain so weak in Upper Canada? A partial explanation can be found in British assessments of the federal principle. According to John Kendle, most nineteenth century British political

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thinkers were sceptical of dividing sovereignty between national and provincial governments. They believed that undivided government was the best way to ensure national unity. Many Upper Canadians shared this view and it hampered their federalism right up to 1867. This chapter discusses four additional factors that contributed to the unpopularity of federal proposals in Upper Canada. First, pre-1858 federal proponents in Upper and Lower Canada conflated the federal principle with the expansion of British (as opposed to American) presence and governance into the North American interior. Many used the terms “union” and “federation” interchangeably and their commitment to the former at the expense of the latter resulted in underdeveloped federal proposals that contributed to further misunderstanding. Second, the federal principle was still under development during the eighteenth century and several politicians exacerbated confusion by referring to the Province of Canada as a “federal” or “quasi-federal” union. Equating the federal principle with the Province of Canada’s government made it difficult for Upper Canadians to understand how it afforded greater provincial autonomy. As the popularity of the union in Upper Canada began to wane in the 1850s, this misunderstanding also detracted from the federal principle’s appeal. The third concern was cost. The multiple levels of government inherent to federations also made them expensive structures. Many Canadians believed that the colony did not require, and could not afford, this expensive form of government. Lastly, Upper Canadians preferred other constitutional solutions to the federal principle. The 1851 census transformed the dynamics of Canadian politics by confirming, for the first time, that Upper Canada was more populous than Lower Canada (see Figure 1). Over the next decade Brownite Reformers, and an increasing number of Tories, became increasingly frustrated with Upper Canada’s limited intrastate influence. These men advocated the principle of representation by population (‘rep by pop’) to ensure Upper Canadian autonomy. Despite the example of the American House of Representatives that combined ‘rep by pop’ and the federal principle, however, Upper Canadians imagined these two concepts as competitive rather than complimentary. Other political groups, moreover, preferred different constitutional solutions. Clear Grits often favoured dissolving the union. Still another group of moderate Reformers preferred giving

5 Kendle, Federal Britain, 35.  
6 Janet Ajzenstat, ed. Canada’s Founding Debates, (Toronto: University of Toronto Press, 2003), chapter 9; Vipond, Liberty and Community, 23-36.
each section a veto by implementing the double majority principle. Most Upper Canadian Conservatives relied on Lower Canadian support to form their governments and therefore defended the constitutional status quo. In this increasingly acrimonious debate, federation became a distant option. Prior to 1858, Upper Canadians did not find the federal principle very appealing.

The increasing legislative deadlock resulting from constitutional discontent in Upper Canada led Reformers and Conservatives to suddenly embrace the federal principle in 1858 and 1859. The Conservatives proposed a British North American federation in 1858 as a means to reassemble their government and sidestep the divisive ‘rep by pop’ debate. The following year, Upper Canadian Reformers debated combining ‘rep by pop’ and federation within the existing union. As in the past, neither Conservatives nor Reformers devoted themselves to the realization of these proposals. Instead, when each proposal failed to gain traction with the other colonies, or to even attract the support of the majority of Canadians, the political debate returned to ‘rep by pop’ as a stand-alone measure. The federal principle again faded into the political background.

This brief flash of federal debate in 1858 to 1859 had lasting consequences. Reformers began to understand a new recommendatory aspect of federation that scholars have not interrogated: the possibility of Upper Canadian intrastate preponderance. A federal structure of government could ensure each province’s autonomy while ‘rep by pop’ would give Upper Canada a preponderant proportion of seats in the federal legislature. During the early 1860s, the possibility of Upper Canadians using these seats to preponderate or dominate national policy debates percolated in the minds of leading Reformers. Not all Upper Canadians, however, accepted this vision of Upper Canada’s place in a federation. When discussing their proposals for a British North American confederation, Macdonald’s Upper Canadian Conservatives continued to emphasize the importance of geopolitical union and avoided debating their province’s parliamentary representation. While the pre-Confederation period was formative to the development of Upper Canadian preponderant federalisms, both types remained weak in 1864.
Early Union and Federal Proposals

The idea of uniting all of the British North American colonies had a long history. William Smith, a Loyalist who later became Chief Justice of Lower Canada, suggested a union in both 1785 and 1790. Smith hoped that a union of all of the North American colonies would solidify British rule and deter rebellion. When considering British North America’s future a generation after the end of the American Revolutionary War, the Chief Justice of Lower Canada, Jonathan Sewell, suggested curtailing the autonomy of each of Britain’s remaining North American colonies by uniting them under a strong executive authority. The colonies, however, were still too disparate, geographically isolated, and underdeveloped to unite effectively. These proposals attracted little attention.7

In 1822, the Imperial government tried to resolve a number of Canadian problems by proposing the reunion of Upper and Lower Canada. Since 1818, Lower Canada’s Governors and the Legislative Assembly engaged in a prolonged and bitter struggle to control the Civil List budget. The Parti Canadien, which represented French-Canadian interests in the Lower Canadian Assembly, insisted that the elected body had the right to control the government purse. The Crown, however, maintained the right to spend the Civil List without the Assembly’s approval, and multiple governors refused to resign this prerogative. Because neither side possessed superior jurisdiction regarding expenditures, the Imperial government hoped to circumvent the problem by dissolving the existing system and simultaneously limiting linguistic, religious, and property rights, while submerging the popular Parti Canadien within a larger legislature where it would have to compete with a united English bloc.8

Montreal’s merchant class long desired Canadian reunification. This class emerged from the fur trade but by the 1820s these mainly British merchants also profited from the

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8 In Britain, the Civil List by this time was largely confined to the expenditures incurred by the monarchy which the state was willing to reimburse. In Lower Canada, however, this list encompassed the majority of the state’s activities and costs. For detailed descriptions and analyses of the Civil List debate consult: Donald G. Creighton, “The Struggle for Financial Control in Lower Canada, 1818-1831,” *Canadian Historical Review* 12 (1931), 120-144; Fernand Ouellet, *Lower Canada, 1791-1840: Social Change and Nationalism*. The Canadian Centenary Series. (Toronto: McClelland and Stewart, 1980), 197-201.
import of European goods, as well as the export of Canada’s new staples: wood and wheat. Reunion would permit the full development of the Laurentian system. Splitting the Canadas, Laurentianists complained, made coordinating canal construction or the colony’s financial sector nearly impossible. Merchant values and interests were not exclusive to the major trading cities of Montreal and Quebec; they also impacted the politics of numerous upstream towns such as Kingston and Niagara that relied on Laurentian commerce. With their wealth, and political connections, the merchants were an influential force in favour of union.

Towards this end, Edward Ellice, who had not been in Canada since 1803 but who had just facilitated the union of the Hudson’s Bay Company and the North-West Company, began to quietly lobby the Imperial government in London to reunite Canada during the opening months of 1822.

Complaints by the Upper Canadian government also contributed to the Imperial government’s decision to propose reunion. Lacking a seaport of its own, Upper Canada imported its goods through Montreal and Quebec. At the turn of the century, Lower Canada agreed to give the Upper Canadian government the revenues from the goods passing through its ports that were bound for the western province. After the War of 1812, however, this system broke down. Customs officials under-reported Upper Canadian imports, and thereby reduced the latter’s revenues. The Upper Canadian government protested, but by 1819 the Civil List dispute prevented the Lower Canadian government from even appointing commissioners to negotiate a new agreement. During a two-year interim period, the Upper Canadian government lost four-fifths of its revenue. When the negotiations failed to reach a solution in 1821, the Upper Canadian government decided to petition the Imperial government to intervene by assuming control of the collection of import duties, and assigning an arbitration board to settle Upper Canada’s outstanding claims against Lower Canada.

9 Donald G Creighton, Empire of the St. Lawrence (Toronto: Macmillan, 1956), 214-223.
11 Creighton, The Empire of the St. Lawrence, 199-200; William Smith, "Side Lights on the Attempted Union of 1822," Canadian Historical Review 2, no. 1 (1921), 39; Martin, "The Union Bill of 1822," 43; Craig, Upper Canada, 100.
To deliver its petition, the Upper Canadian legislature despatched its Attorney-General: John Beverley Robinson. Despite being only thirty-one years old in 1822, Robinson was a leading Tory who had already served as Attorney-General for four years.

Upon arrival, the Undersecretary of War and the Colonies, Sir Robert John Wilmont Horton, surprised Robinson by revealing the discussions with Ellice and two members of the Lower Canadian government then in London, to reunite Upper and Lower Canada. Although Upper Canadians had heard rumours that the Imperial government had been contemplating reuniting Canada, neither the lieutenant governor nor the Assembly had discussed it. Robinson opposed the scheme by claiming that it defied the cultural geography that inspired the Constitution Act of 1791. Upper and Lower Canada remained very different colonies, and the latter’s French population ensured that even the combination of English Upper and Lower Canadians would not overcome its “preponderance.”

Despite his misgivings, the Imperial government proceeded with a union bill. It proposed fusing the two Legislative Assemblies with their existing memberships but preserved the executive branches of each section. The representation of each section in the Assembly would grow until each section had sixty seats. The British opposition, however, quashed the bill because the colonies had not been consulted, it would be extremely unpopular in Lower Canada, and because it had been introduced so late in the session. Unwilling to risk controversy, the Imperial government dropped the bill, and instead passed the less ambitious Canada Trade Act, which Robinson drafted almost single-handedly.

When passing the Canada Trade Act, the Imperial government promised to reintroduce unifying legislation during the next session. The negative reaction across most of Canada to the now public 1822 union bill, however, gave them pause. The Parti Canadien strenuously objected to the bill’s overrepresentation of Upper Canadians. Representing 120,000 Upper Canadians with forty representatives and Lower Canada’s half-million with fifty representatives was unacceptable. The clergy strongly disapproved of the bill’s many assimilative measures. Eventually 60,642 Lower Canadians signed petitions opposing the

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Most Upper Canadians also opposed the bill. Many western frontiersmen considered the measure to be anti-democratic because the colonies were not consulted. Western frontiersmen thought little about the Laurentian transportation system and worried that union could harm local autonomy. Many in York worried that a union would move the capital to another city, resulting in significant job losses. The most commonly held objection, however, was that the cultures of the two colonies were simply too different for a union to succeed. Only in Upper Canada’s eastern townships, as well as other towns and cities dependent on Laurentian trade, did the union bill receive strong support.14

From 1822 to 1824 some British Americans contemplated the creation of a larger union, comprising all of the colonies. Robinson, for example, who was still in London in January 1823, drafted a proposal for a British North American confederation. His proposal preserved the local legislatures, but gave them comparatively few responsibilities or taxing powers. Instead, the general government received sweeping powers to legislate on trade, defence, and even religious concerns (subject to the 1791 Constitution Act). In the general Assembly, Lower Canada would have twelve seats, Upper Canada, Nova Scotia and New Brunswick would each have ten seats, and Prince Edward Island and Newfoundland would each have six seats. Robinson believed that his plan would “elevate” the colonies to become a “really integral part of the Empire” and thereby solidify their British connections while nullifying republicanism.15 He also believed the English representatives would pursue national interests instead of local prejudices and would therefore collectively overpower any assertions of French power in the general Assembly.16 After the humiliation of 1822, however, the Imperial government did not seriously consider proposals like Robinson’s. Instead it recognized that union was unpopular in the colonies, and the lack of adequate communication and transportation systems made the proposals impractical.17

14 Ouellet, Lower Canada, 201-204; Creighton, The Empire of the St. Lawrence, 216-217; Ormsby,”The Problem of Canadian Union, 1822-28,” 290-291.
The Canadian Rebellions of 1837-1838 revived discussion of union and federation in Upper Canada. Lord Durham was appointed High Commissioner and Lieutenant Governor of Lower Canada and sent to report on the causes of the Rebellions. He stepped off his ship on 29 May 1838 confident that he already knew how to rectify the situation. In 1837 J.A. Roebuck, a British Whig in the House of Commons who had spent part of his youth in Lower Canada and currently served as the agent for the Lower Canadian Assembly, proposed a federal union of British North America. Although the proposal received little attention at the time because most Imperial parliamentarians still judged it to be impractical, Durham seized it as a means to assimilate Lower Canada’s French population and preserve a British counterweight to American influence in North America. An Executive Council would perform the duties of a national upper house. The plan preserved the provincial Assemblies and furnished them residual powers. Each provincial Assembly would elect five members plus an additional member for every additional 50,000 residents to a national Assembly. The proposal recognized the compatibility of representation by population and federation. If a British North American union proved unworkable, the same plan could be applied to the Canadas until the other colonies decided to join.

Durham knew a proposal to maintain the separation of Upper and Lower Canada would be unpopular among Lower Canada’s English-speaking minority but he “was confident he could either win it over or carry his policy without its support.” He was wrong. The Atlantic colonies expressed interest in a Maritime union but were not interested in Durham’s larger project. Upper Canadians also proved intractable to Durham’s proposed federation. According to William Ormsby, despite the previous proposals of government elites, “most Upper Canadians had not given any consideration to the possibility of a British North American union.” George Herkimer Marland, Inspector General of Upper Canada and prominent member of the Family Compact, believed confederation was

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19 Ibid, 20.
21 Ibid, 20-27.
22 Ibid 23.
possible but only in the distant future once adequate communications, transportation, and common interests had been established.\textsuperscript{23}

The Family Compact was a group of wealthy Loyalist and Tory elites, who dominated Upper Canada’s executive and judiciary branches of government. The latter group were immigrants from Britain who imported Burkean anti-democratic notions of privilege along with preferences for a strong and centralized executive. The Family Compact’s wealth and desire for government patronage led its members to closely align with the lieutenant governor’s policies. Although the lieutenant governor and the Family Compact preferred operating with the sanction of the elected colonial Assembly, they regularly went against its expressed wishes.\textsuperscript{24}

Durham heeded the opposition to federation and his famous Report instead proposed a Canadian legislative union. The Imperial government, desiring to limit French influence, inflated the power of Upper Canada’s smaller population by allotting each section forty-two seats in the united Legislative Assembly. The Imperial government sent Charles Poulett Thomson (later Lord Sydenham), a veteran Whig with over ten years of parliamentary experience, to secure colonial approval of the new constitutional framework in November 1839. Upper Canadians, Thomson soon learned, were not against the union in principle, but were very concerned about subduing French influence. Thomson devoted the next two weeks to meeting with Upper Canadian politicians from across the political spectrum. Upper


Canada’s debt from public works, he emphasized, would be consolidated into the union and would finally receive a fair share of the import duties. Equal representation, he assured his audiences, would give the English-speaking inhabitants of Upper and Lower Canada supremacy within the union’s legislature. After considerable lobbying and debate, the Upper Canadian Assembly approved the proposed union. Most Reformers supported the plan because they believed it would lead towards responsible government. Moderate Tories also voted for the plan because it would solve the province’s continued revenue problems. They remained suspicious of the Family Compact and believed that loyalty to Britain obligated them to accept it.  

The majority of Upper Canadians, therefore, agreed to the creation of the Province of Canada, hoping that English-Protestants would have preponderant influence in the united legislatures.

Family Compact Tories remained obstinate. The new union made the Executive Council more responsible to the Assembly. It also threatened the official position of the Anglican Church in Upper Canada by ending its exclusive claim to the clergy reserves. The Tories also worried that equal representation would leave English Canadians powerless to combat French influence. An infuriated Robinson published a lengthy response to Durham’s report, wherein he reiterated his fears regarding the continuation of Lower Canadian preponderance within a united legislature. Robinson believed the assimilative intent of the union was doomed to fail because, in part, Upper Canada lacked sufficient population to rival Lower Canada. The English in Lower Canada often voted with their French neighbours and could not be relied upon to vote as a bloc with Upper Canada.


26 In 1791 the Imperial government directed that one-seventh of the lands for each township be set aside for the use of the “Protestant Clergy of the Establishment of the Church of England.” From the outset, the Anglican Church claimed that this text gave its exclusive right to the revenues from the clergy reserves, while the Presbyterian Church (and later other denominations) strongly disagreed, claiming that they were also entitled to a portion of the revenues. Ormsby, The Emergence of the Federal Concept in Canada, 66; Craig, Upper Canada, 16, 273-274.
Robinson also worried that Upper Canadian Catholics might vote with their Lower Canadian brethren. Consequently, Robinson concluded that the French would either have the ascendancy, or be so nearly equal in number to the others as to enable them to keep up an obstinate contest which should make the issue of every important public question in a manner doubtful, or that, by combining, as in their present temper they certainly would, with whatever other portion of the Assembly they might find ready from different motives to embarrass and obstruct the government, they might at any time pervert the free institutions bestowed upon them to purposes destructive of the public welfare.

Although Toryism’s antipathy to responsible government soon declined into political obscurity, Robinson’s concern that Lower Canada’s aggregate influence could overcome Upper Canada’s traditionally divided representatives proved to be prophetic. The lack of confidence in Upper Canada’s ability to influence the politics of the province of Canada therefore predated the union. This concern proved to be an integral ingredient to the development of preponderant federalisms.

The Imperial government united the two colonies to form the Province of Canada on 10 February 1841. Upper and Lower Canada became Canada West and East, though most colonists continued to use the old names. The anticipated coalitions of English Lower Canadians and Upper Canadians did not materialize. Instead, the union was governed by a variety of coalitions of English Upper Canadians and French Lower Canadians. One of the most famous of these partnerships was between Robert Baldwin and Louis-Hippolyte LaFontaine, who together secured responsible government. The struggle, which lasted until 1849 with the passage of the Rebellion Loses Bill, dominated Reform politics. In this era of relatively harmonious cooperation between the two sections, constitutional reform to convert the legislative union into a federation seemed unnecessary. Besides, by 1842, the union government began to operate on a dualistic basis and appeared to many to be a “quasi federation.” Although one individual technically headed the cabinet as Prime Minster, separate Attorney Generals for Canada East and West led ministries for each section of the

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province. It was not a federation. The idea of a British North American union continued to
circulate but as Ged Martin explains, “general union was now identified as a development for
the future.”

The British American League

Increased tensions led Upper Canadians to again consider the federal principle. Canadian merchants were deeply affected by the dramatic drop in commodity prices during a depression from 1846 to 1849. Having suffered the union and the loss of their monopoly on trade with Britain when it moved to free trade during the 1840s, some Tories and other disillusioned individuals considered annexation to the United States. The final straw came in 1849 when the Canadian government passed the Rebellion Losses Act compensating participants of the rebellion who were not convicted of high treason for lost or damaged property. In Toronto, protesters smashed several of the windows in George Brown’s house and burned prominent Reformers in effigy. Even Lord Elgin, the Province’s Governor, could not escape the mobs. In Montreal, Tories torched the parliament buildings and formed the Annexation Association.

In general, however, Upper Canadian Tories were more moderate than their Lower Canadian counterparts. They rejected annexationism by supporting a rival British American League. Although Montrealers led by George Moffat ran the movement’s headquarters, Upper Canadians dominated its ranks. Nearly every Upper Canadian town and city sported a local association. “The membership” according to C.D. Allin, “was recruited almost entirely from the ranks of the Tory party,” although a few Reformers and annexationists also joined. The League was particularly attractive to moderate Tories because they believed it was a means of distancing themselves from the violent excesses in Montreal.

29 Martin, Britain and the Origins of Canadian Confederation, 86.
The League held its first convention at Kingston in late July 1849. Upper Canadians closely followed the convention’s proceedings, hoping it would produce an alternative to annexation.\(^\text{33}\) For the first three days, the convention focused on commercial relations within the Empire. On the third day, after considerable additional debate, the delegates unanimously approved British North American confederation. This endorsement was not, however, evidence of strong Upper Canadian federalism. As Allin notes, most of the delegates possessed “only a rudimentary knowledge” of the federal principle because they had not studied it in advance.\(^\text{34}\) “The scheme of a federal union,” he concludes, commended itself to the delegates, less on its own merits as a distinctly national policy than as a utilitarian measure well designed to meet the immediate necessity of the time. To the ultra Protestants, it appealed as a means of overcoming the domination of the French; to the imperialists, it held out the hope of preserving the British connection; to the nationalists, it prepared the way for the country's independence; to the business men, it presented the prospect of a wider market, and to the opportunists, it appeared as a likely means of escape from a horrible embroglio [sic]. Thanks to the combination of these discordant elements, the resolution was agreed to unanimously.\(^\text{35}\)

Nor were all of the delegates as convinced about union and the federal principle as the unanimous vote implied. According to Donald Creighton, a young John A. Macdonald who had only recently been elected to the Assembly in 1844 and who attended the League’s first convention, considered a British North American confederation to be “immature and impractical for the moment.”\(^\text{36}\) Nevertheless, a federal union was now the League’s policy, and the convention consequently passed resolutions requesting the Maritime provinces to appoint League delegates for a future conference to negotiate terms.

The parochial nature of the League’s platform was soon obvious. The League, dominated by Upper Canadian Tories, was unlikely to garner the cooperation of the Reform governments in Nova Scotia and New Brunswick. The Maritimes were also uninterested because they recognized that they would be junior players in any union. Moreover, the

\(^{33}\) Allin, "The British North American League, 1849.” 93.
\(^{34}\) Cephas, D. Allin, "The Genesis of Confederation in Canada,” in Annual Report of the American Historical Association for the Year 1911 (1912), 244.
\(^{35}\) Allin, "The British North American League, 1849,” 85-86.
\(^{36}\) Creighton, John A. Macdonald: The Young Politician, 145.
League’s Upper Canadian contingent lacked the authority to negotiate on behalf of the Canadian government, and this greatly weakened Maritime interest in its overtures. Ultimately, a similar association in New Brunswick appointed a delegation, which the League’s representatives met on 12 October. As neither delegation spoke for its governments, however, their discussions had little significance. The need to review the fruits of these meetings, nevertheless, spurred another convention.37

The second convention, held in Toronto in early November 1849, had a more challenging purpose than its predecessor. It had to clarify the League’s amorphous platform with specific constitutional proposals and encourage further negotiations with the other colonies. The convention failed to achieve either goal. Lacking new information from the other colonies, and knowing the considerable disagreements that simmered beneath the surface of the officially non-partisan meeting, most of the speeches remained vague. J.W. Gamble, a Tory representing Vaughan who often spoke during the proceedings, avoided detailed proposals, and instead focused on the expected benefits of a British North American federation. Each province of the federation, he declared, “would be able to make its own laws, to carry out its own views, and pursue the course it deems most for its interest, with Free Trade between all the provinces.”38

James Strachan of Goderich was the only delegate who attempted to outline a federal structure. On the fourth day of the convention, he proposed a federation that included a Legislative Council and Assembly, but avoided stating whether the national Assembly’s membership would be based on ‘rep by pop,’ or provincial / regional equality. He did not list any specific provincial or national jurisdictions, and only assured his audience in passing that a federal structure would render each province’s vital interests “inviolable.” This vagueness rendered Strachan unable to forecast Upper Canada’s potential influence within his envisioned federation.39 Even Strachan, however, could not resist emphasizing the merits of

38 Minutes of the Proceedings of the Second Convention of Delegates of the British American League (Toronto: Printed at the Patriot office, November, 1849, xviii.
39 Ibid, xlviii-xl. The minutes of the meeting confused James with his father, the Anglican Bishop of Toronto, by listing him as “John.” James’ proposal closely followed an earlier plan by his father. Peter J. Smith
British North American union. The union government, he argued, would attract the country’s best men and allow them to pass “more correct” policies than would be possible in the provincial legislatures. Good governance would quickly instil “a community of feeling as well as interest, and thus carry along with it the popular voice.” This solid commercial and political bloc would withstand annexation pressures. So long as British North American union occurred, Strachan remained remarkably flexible on federal particulars. As the coming decades would demonstrate, many Ontarians would try to focus dominion politics on national expediencies instead of ethnic divisions.40

The second convention’s lack of innovation contributed to the League’s unpopularity. The convention, for example, did little to assuage Maritime concerns.41 The League even failed to capture the hearts of Upper Canadians:

Although attractive in appearance, the scheme of a federal union, upon which the reputation of the League chiefly depends, fell signally flat on the electorate. The general public were not prepared to accept offhand such a far reaching constitutional proposal. They were almost entirely in the dark as to the national significance and importance of the proposed federation since no preliminary efforts had been made to educate them as to the advantages of an intercolonial union.42

The League’s federalism, in short, was “a loose and almost meaningless plank” that dressed-up a growing Conservative movement to enlarge the empire of the St. Lawrence across British North America during a time of economic crisis.43 League members focused on the benefits of a British North American union and did not dwell upon the specific government structures that would facilitate their vision. In Upper Canada, federalism continued to be a political expedient or crisis mentality to be married with union schemes when it seemed attractive.

“Civic Humanism Versus Liberalism: Fitting the Loyalists in,” in Canada’s Origins: Liberal, Tory, or Republican?, 128-129.
40 Minutes of the Proceedings of the Second Convention of Delegates of the British American League, xlviii-xlxi.
42 Ibid, 111.
43 Waite, Macdonald: His Life and World, 62.
The crisis soon passed. Although the Annexation Association published a Manifesto in October 1849, the movement never overcame loyalist sentiment. Even at its peak, it failed to gain much credence beyond Montreal. The British American League did not officially disband but instead drifted into obscurity in the proceeding months. Upper and Lower Canadians were still reasonably content with the existing legislative union. British and American markets also recovered in the early 1850s, further compromising the economic rationale for union. Yet the League was not inconsequential to Upper Canadian federalism. “Thanks to the league’s propaganda,” Allin concludes, “the Canadian public were familiarized with the idea of a federal union and were made conversant with some of the chief advantages of a confederation.” Ged Martin agrees that this ‘familiarization’ caused the federal principle to “reappear whenever an issue involving the future of the colonies came to the fore.”

The Census, ‘Rep by Pop,’ and its Competition

Although few took up the federal cause during most of the next decade, the federal principle never entirely disappeared from public debate. The activities of the British American League inspired small and insignificant stirrings during the early 1850s. At the beginning of the decade James Lesslie, the editor of Toronto Examiner, believed “it is a matter of speculation” whether the colonies would ultimately form a British North American confederation, or annex themselves to the United States. A few Reformers sponsored resolutions proposing a federal union of all the British North American provinces during the Legislative Assembly’s 1850 and 1851 sessions. Both debates, however, focused on the benefits and liabilities of creating a larger union and left the proposed federal structure of

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46 Martin, Britain and the Origins of Canadian Confederation, 94. For further analysis of the impact of the British American League to the annexation movement, consult Hallowell, “The Reaction of the Upper Canadian Tories to the Adversity of 1849.”
47 James Lesslie to W.L. Mackenzie, 30 January 1850, Archives of Ontario (AO), F 37.
government unevaluated. Indeed an 1851 resolution asked the house to express its favour for either a federal compact or a legislative union.\textsuperscript{48}

In 1850 Henry Sherwood, a Tory and former Attorney-General for Canada West, published an unusually detailed and lengthy draft constitution for a federal union. Like Robinson, Sherwood advocated British North American confederation to check the expansion of American influence on the continent and to preserve the remaining colonies’ links with the British Empire. He proposed granting each province fifteen seats in the nation’s upper house. Representation in the national Assembly would be based on population. Sherwood estimated that Upper Canada would be initially entitled to sixty seats, Lower Canada sixty-four, New-Brunswick eighteen, Nova Scotia twenty-three, Prince Edward Island five, and Newfoundland seven. Despite his plan’s combination of ‘rep by pop’ and federation, Sherwood’s pamphlet focused on delimiting jurisdictions as well as the British connection. It entirely overlooked speculating about intrastate and interprovincial relations.\textsuperscript{49} Most Upper Canadians still doubted the merits of federation or British North American union. After reviewing Sherwood’s pamphlet, the Toronto Globe’s editorialist wondered “what earthly interest have the Canadas in Newfoundland?”\textsuperscript{50} By the Globe’s estimation, Upper Canada’s future lay in the west; the Maritimes’ future lay to the east. British North American confederation was therefore a non-starter. In a subsequent editorial which the Globe reprinted from the British London Free Press, the Toronto paper also complained that the general government of a British North American confederation

would simply cost a great deal and have little or nothing to do. We have no need for a foreign or diplomatic system, the expense or the cares of a standing army are unnecessary, and the office of a viceroy is one for which the need has not been felt. Bearing this in mind, the advantage of uniting the whole of the British Provinces for the purpose of subdividing them again seems quite unnecessary. The object of the union between Upper and Lower Canada was a good one - to unite a people having similar interests, but differing in some external matters. The result of a union such as that proposed would only serve


\textsuperscript{49} Henry Sherwood, \textit{Federative Union of the British North American Provinces}, (Toronto: Lovell and Gibson, 1850).

\textsuperscript{50} Globe, 7 November 1850.
to continue distinctions which are already wearing away. In place of a united Province we would by such a union as the one proposed have a French and an English one.\footnote{Ibid, 28 November 1850.}

The failure of the \textit{Globe} to recognize that a federation would relieve the national government of having to legislate on persistently divisive local matters demonstrated the continued desire of Reformers to assimilate French Canada. At this juncture, Reformers did not recognize the recommendatory characteristics of the federal principle when it was combined with ‘rep by pop.’\footnote{Ibid, 7 November 1850.}

With responsible government achieved after 1849, a new generation of politicians emerged to lead Canadian politics. Upper Canadian Reformers became less willing to cooperate with Lower Canada. Old disagreements concerning church and state bubbled to the surface, shattering old alliances. The divisions became so unmanageable that Baldwin resigned as leader of the Reform movement in the Assembly in 1851, making Francis Hincks co-premier and leader of the Reform moderates. Hincks came to Canada from Ireland in 1832 where he soon gained political prominence as a moderate Upper Canadian Reformer from his short-lived \textit{Examiner} and \textit{Pilot} newspapers. Elected to the Legislative Assembly in 1841 as the representative for Oxford County, he rose rapidly through Reform ranks. In 1848, Hincks became Inspector General in the Lafontaine-Baldwin cabinet and was soon Baldwin’s chosen successor. As a moderate Reformer, Hincks opposed elite privileges and supported voluntaryism (the belief that churches and their institutions should be supported by their memberships, rather than by the state). His newspapers supported responsible government, non-sectarian schools, and the secularization of clergy reserves provided to the Upper Canadian Anglican and Lower Canadian Catholic Churches. Hincks, however, was also a realist, and once he became co-premier, he proved willing to deviate from these principles and compromise with Lower Canadians if he believed it would serve the union’s overall unity or keep his party in power.\footnote{William Ormsby, “Sir Francis Hincks,” in \textit{The Pre-Confederation Premiers}, 148-196.}

George Brown was a rival Upper Canadian Reform leader. After immigrating to New York from Scotland with his father in 1837, they re-settled in Toronto in 1843. George
Brown founded what soon became Upper Canada’s most popular newspaper: the *Globe*. As an evangelical Presbyterian, George Brown supported the Free Kirk movement and was deeply suspicious of the close relationship between church and state in Lower Canada. Unlike Upper Canadian agrarian radicals, however, Brown had commercial holdings in the Laurentian economy and recognized its economic importance for Upper Canada. He noted, for example, that if Canada was ever again at war with the United States, its access to the ice-free port at Portland, Maine, would disappear. Upper Canada, in Brown’s estimation, therefore required access to the St. Lawrence. ‘Brownites’ also believed in cabinet government and a limited franchise but they remained suspicious of American-style republican democracy. Depending on the issue, they sided with moderate or radical Reformers. Elected to the Legislative Assembly in 1851 in Kent County, Brown gained the support of more and more Reformers as the decade progressed.54

The 1837 Rebellion discredited radical Reformers but they returned in modified form as ‘Clear Grits’ openly opposing the moderation and compromise of the Hincksites. The movement was particularly popular among western Upper Canadian farmers who saw no immediate benefits from Laurentian trade in their day-to-day lives. Their membership included former radicals such as William Lyon Mackenzie and energetic young Reformers such as William McDougall. McDougall sympathized with the 1837 rebels after witnessing the burning of Montgomery’s tavern by loyalist forces after the uprising’s failure. His family provided him with an extensive liberal education in Canada and the United States. Trained as a lawyer, he soon moved into the field of journalism.55 By 1849 McDougall’s home was a meeting place for Reformers who disagreed with moderate leadership. These meetings soon spawned the Clear Grit movement. Clear Grits wanted to use responsible government to end the system of privilege that still underlay much of Canadian politics. They believed “in individual equality – of opportunity but not of condition.”56 As admirers of American agrarian democracy and the British radical tradition, they split with Upper Canadian moderates Reformers as well as Brownites by demanding the conversion of government

56 Noel, *Patrons, Clients, Brokers*, 178.
patronage positions to elected offices. Clear Grits, like Brownites, advocated voluntaryism and the secularization of the clergy reserves.\textsuperscript{57}

The Upper Canadian Conservatives divided between extremists and moderates. Both strongly supported the Laurentian economy and big business. Extreme Tories, including John Hillyard Cameron, rarely led the Conservative caucus due to their small numbers. They clung to the increasingly out-dated notion that state patronage should privilege the wealthy upper class and also supported the continuation of the Anglican Church’s right to state support. Cameron, like many Tories, was also an Orangeman and vehemently opposed the influence of the Catholic Church.\textsuperscript{58}

The Orange Order was a Protestant fraternal organization founded in Ireland in 1796. Its namesake was William of Orange who defeated the Catholic armies of James II at the Battle of the Boyne in 1690. Lodge members swore secret oaths promising to defend Protestantism, monarchism, and the continuation of the Imperial connection. Its members distrusted the Catholic Church, and Canadian lodge members were deeply suspicious of Catholic schools and French Lower Canadian influence in Canada. To demonstrate their solidarity and to commemorate the Battle of the Boyne, Lodge members held marches on 12 July each year. They also participated in anti-Catholic demonstrations that sometimes became violent. Most often, their opposition to the Catholic Church led them to support government policies that further separated church and state. The organization was hierarchical, with a Grand Master overseeing each country’s lodges. Ogle Robert Gowan brought the Order to Canada in 1829 by founding its first lodge in Brockville. The movement spread through the Irish Protestant communities of Upper Canada and then across the colony. In the first three years alone, the Grand Lodge issued ninety-one warrants for new lodges across Upper Canada. By 1870 the Order operated 930 Lodges in Ontario. Although the Orange Order operated across British North America, the Order was most successful in Upper Canada / Ontario. Its expansion was not merely due to religious bigotry but also to its emerging respectability by the mid-1850s. The rural lodges were small, generally hosting 20-40 men; their secrecy and willingness to accept all Protestant denominations made them ideal

\textsuperscript{58} Donald Swainson, “Cameron, John Hillyard,” \textit{DCB} (online edition).
places for frontiersmen to escape from the doldrums of pioneer life. Although officially non-partisan, the personal politics of the Order’s leaders in addition to the Reform suspicion of secret organizations, led the Orange leadership to favour moderate Conservative candidates. The tendency of Conservatives to work with Lower Canadian Bleus often led to conflict (and even contributed to a brief schism within the Order from 1853-1856). Not all Orangemen accepted this official bias but Upper Canadian politicians respected the power of the Orange vote in their ridings.59

Moderate Conservatives, such as William Draper and John A. Macdonald, believed that geography rendered the Province of Canada “indissoluble.”60 Macdonald had come to Kingston from Scotland as a youth. A successful lawyer, he won Kingston’s seat in the Legislative Assembly in 1844. Macdonald was part of a generation of new and more ‘practical’ Conservatives. They were less interested in government structures, and more interested in the economic development of the province. These Conservatives accepted the merits of responsible government. They also accepted that Canada’s sectional differences required its government to operate on a dualistic basis. As a result, the Conservatives were tolerant of separate schools and were more natural allies for Lower Canadians than the voluntaryist Reformers. They believed that maintenance of the existing system of representation, along with a willingness to compromise, would foster the continued economic growth of Canada and ensure peace between the two sections. Their conservatism was, as Creighton describes, “qualified by a genuine liberalism.”61 Upper Canada’s Conservatives thus situated themselves as the party that would preserve the union for the mutual benefit of both sections. In the coming decades, however, Conservatives and Tories rarely received the majority of Upper Canada’s seats and therefore tried to increase their governments’ power by reaching out to moderate Reformers.62

In Lower Canada, the general political unity that characterized the Lafontaine era shattered by the early 1850s. In its place were two factions: the conservative Parti Bleu and

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60 Creighton, John A. Macdonald: The Young Politician, 183.
61 Ibid, 218.
62 Ibid, 168, 183; Waite, Macdonald: His Life and World, 22.
the liberal Parti Rouge. The main Bleu leader was George-Étienne Cartier. Born into a well-to-do family named for King George III, and trained as a lawyer, Cartier was a Patriote during the 1837 to 1838 Rebellions, and had spent half a year in exile in the United States before returning to Lower Canada in late 1838. He was first elected to the Legislative Assembly in 1848 for Verchères and soon developed an extensive following among the Bleus. The Bleus were conservatives who sought the survival of French-Canadian traditions and culture. Part of this culture was the Catholic Church which, during the late 1840s and early 1850s, enjoyed revived influence in Quebec. The Bleus were therefore a “Catholic conservative grouping” that, with the public support of the clergy, enjoyed immense electoral success. Some Bleus were ultramontanes and obeyed clerical instruction in the secular sphere. Other Bleus, including Cartier, maintained a degree of independence from the Catholic Church; their alliance with the Church was close, but not absolute. The Bleus cultivated strong business ties and Cartier was no exception. He introduced the bill creating the Grand Trunk Railway in 1852 and was its board’s long-time legal representative. His close ties with the company gave him access to patronage, which he and his followers used to shore up political support. Like Macdonald’s Conservatives, the Bleus focused on building up the Laurentian economy and opposed annexation. He and Macdonald became, as Cartier’s biographer Alastair Sweeny describes, “Siamese twins” in Canadian politics. Macdonald required the Bleu’s majority of Lower Canadian votes, and the Bleus found the Conservatives to be much more natural allies than the Reformers.63

Opposing the Parti Bleu was the Parti Rouge. Antoine-Aimé Dorion was first elected to the Legislative Assembly in a Montreal riding in 1854 and soon became the Rouge leader. The Rouges were more radical due to their strong American-inspired liberalism. They advocated an elected Legislative Council, an elected public service, and universal suffrage. Although Dorion was a devout Catholic, the Rouge were anti-clerical and opposed ultramontanism. This dissent attracted the ire of the Catholic Church and contributed to the Rouge’s electoral unpopularity. To help publicize its ideals, the Rouge supported the creation of the Institut Canadien in Montreal. At the Institut, Lower Canadians could read

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63 Sweeny, George-Etienne Cartier; J.C. Bonenfant, “Cartier, Sir George-Étienne” DCB (online edition); Careless, The Union of the Canadas, 161-162, 188.
the works of blacklisted authors such as Voltaire, and hear liberal speakers discuss current issues. Like the other political leaders, Dorion also had extensive business connections, which led him to sign the Montreal Annexation Manifesto, and later to advocate dissolution of the Union.\textsuperscript{64}

A population boom catalysed the sectional conflict that had been simmering in the Province of Canada. The end of the Napoleonic wars and the subsequent Irish Potato Famine brought hundreds of thousands of immigrants to Upper Canada. Each successive decennial census documented a near doubling of Upper Canada’s population. The 1851 census showed that Upper Canada with 952,004 inhabitants had, for the first time in its history, become slightly more populous than Lower Canada with 890,261 people.\textsuperscript{65} Representation by population had a new appeal for Upper Canadians. They were already familiar with the principle, having rejected it in 1849 because they had judged their own population to be too small to compete with Lower Canada. Now, some Upper Canadians began to hope that ‘rep by pop’ would free their section from having to compromise further with Lower Canada.

In 1853 Brown initiated his push for ‘rep by pop’ during a debate to redistribute the existing seats within each section of the Province of Canada. According to the census, Brown bragged, Upper Canada now possessed “a preponderance” of the province’s inhabitants, and its phenomenal population growth showed no signs of slowing. He considered it unjust to continue Upper Canada’s underrepresentation when, according to his estimates, its inhabitants paid two-thirds of the province’s import duties. Brown concluded that “if the union of the Provinces is to work harmoniously and efficiently,” the sectional barrier between Canada East and West had to be removed via the implementation of ‘rep by pop.’ This change would encourage the treatment of all Canadians “as one people.”\textsuperscript{66} Brown recognized that his proposal would not garner the two-thirds majority required for

\textsuperscript{64} Careless, \textit{The Union of the Canadas}, 159-160; Jean-Claude Soulard, “Dorion, Sir Antoine-Aimé,” \textit{DCB} (online).


constitutional change yet he claimed the moral high ground and rebuked the Hincksite Reformers for using this as an excuse not to support the measure.  

Moderate Reformers and Conservatives denied the immediate importance of this demographic shift. Lower Canadian political representatives would never agree to increase Upper Canadian representation because it would leave them vulnerable to overzealous Upper Canadian voluntarists who might try to impose their beliefs on Canada East. Hincksite Reformers therefore defended the status quo and clung to their alliance with French Canada. They claimed that demanding representation by population indicated a desire among Upper Canadians to ignore these inviolable divisions and would lead to “scenes of bloodshed.”

Hincks denied that his government wanted Upper Canada to be governed against its will but insisted that Upper Canada had to “take the constitution as she found it. If she did not like that constitution, then let her agitate for dissolution of the Union.” The St. Lawrence was too important to Upper Canada’s economy to allow these sorts of divisions to develop. The Assembly ultimately rejected Brown’s amendment 57 to 15 and passed the government’s redistribution legislation.

Over the proceeding years, both the Upper Canadian Clear Grits and Tories became increasingly frustrated with their inability to topple successive moderate administrations led by Hincks, MacNab, and Macdonald which consistently relied upon their Lower Canadian majority to overcome Upper Canadian preferences. For example, Upper Canada had public and separate school systems since 1841. After the union, Montreal Bishop Ignace Bourget (1840-1876) as well as Toronto Bishop Armand-François-Marie de Charbonnel (1850-1860) pressured moderate Canadian governments to increase government funding and autonomy of Upper Canadian separate Catholic schools. During the same 1853 parliamentary session, the Hincks government passed legislation making Upper Canadian separate schools more

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67 Province of Canada, Debates of the Legislative Assembly of United Canada, 15 March 1853, 2154.
68 Ibid, 16 March 1853, 2172.
69 Ibid, 2173.
financially and bureaucratically independent from municipal interference. The government took this step after Bourget applied pressure to give the Catholic minority in Upper Canada the same rights as English Canadians enjoyed in Lower Canada. Only ten of twenty-seven present Upper Canadian representatives voted for the legislation, yet Lower Canadian support ensured the measure’s passage.72 Macdonald sponsored another school bill in 1855 that allowed any ten persons wishing to start a separate Catholic school to qualify for public financial support. The government had waited until the end of the session, when nearly half of Upper Canadians had already left Quebec for home, to table the bill. The vote was not announced in advance and even the government’s Superintendent of Education was kept unaware. Like its predecessor, the Conservative government passed a bill that affected Upper Canada against the will of the majority of its representatives. “Never before,” J.M.S. Careless points out, “had the existing provincial union looked so unsatisfactory to aggrieved Upper Canadians.”73

In the minds of the aggrieved, these failures to heed the will of the majority of Upper Canadian representatives on legislation that concerned their section of the province confirmed the need for constitutional change. Some Clear Grits, recognizing that Lower Canada would not accept ‘rep by pop,’ instead advocated the dissolution of the legislative union to secure Upper Canadian autonomy. The former rebel, William Lyon Mackenzie, moved a resolution proposing dissolution in 1853. Brown vehemently opposed dissolution because he wanted Canada to expand into the Hudson’s Bay Company territory or Rupert’s Land, and this required Lower Canadian (and particularly Montreal) resources. Dissolution would also isolate Upper Canadian commerce and agriculture from Atlantic trade. Brown therefore committed the Globe to a concerted campaign to convince dissolutionists to support ‘rep by pop’ during the summer of 1855. ‘Rep by pop’ was achievable, Brown contended during a speech at Brampton that summer, if Upper Canadians united behind the concept. The only reason Conservatives opposed it, his newspaper agreed, was because it would

73 Careless, Brown of the Globe Vol 1: The Voice of Upper Canada, 202-204. The 1855 School Bill is one of the few instances that Creighton does not strongly defend Macdonald’s tactics. Creighton, John A. Macdonald: The Young Politician, 221-222.
sweep them from office. Brown’s campaign succeeded. By the end of the summer most Clear Grits turned away from dissolution and instead lined up behind ‘rep by pop.’ The following year at the first Reform convention in Toronto, the Hinckites also promised to support the idea. Reformers now united behind a common “Brownite” policy comprising ‘rep by pop,’ expansion into the North-West, and resistance to Lower Canadian influence.

Aside from dissolution or representation by population, Canadians debated a third alternative to the status quo. Beginning in the mid-1850s John Sandfield Macdonald advocated the old but seldom followed double majority principle. Sandfield was a Roman Catholic Scotsman who modelled his politics on the “Baldwinite” Reformers. As an eastern Upper Canadian, he stressed the fundamental compatibility of interests between Canada’s two sections while also recognizing its cultural duality. The advocates of the double majority principle claimed that they could prevent regional discontent by accepting this duality and requiring the government to obtain a majority of votes from both sections of the province on national issues. Representatives from Canada East increasingly viewed this principle as a means to protect themselves from the swelling ‘Protestant mob’ in Canada West. With the exception of Sandfield and his few followers, however, few Upper Canadians considered the principle a viable form of governance because it allowed either section of the province to effectively veto legislation, thereby compromising responsible government. Deciding which bills were of national or local scope, moreover, proved impossible.

The federal principle received little attention during these years. In fact, a number of Canadians confused the federal principle with the Province of Canada’s division of powers. In 1853, for example, Hincks described the existing union as being “in many particulars a federal union” because it institutionalized many divisions between the two sections. The cabinet divided its positions between east and west, and the government passed laws that

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76 Bruce W. Hodgins, “John, Sandfield Macdonald,” *DCB* (online).
aligned with each section’s cultures. In March 1858 Louis-Victor Sicotte, a former Speaker of the House and future co-premier from Lower Canada, similarly alluded to Canada’s geographical division of cabinet posts and legislation, and thus insisted that Canada’s constitution was “more federal” than its American counterpart. The Province of Canada was not a federation; it lacked distinct and constitutionally entrenched national and provincial governments. Nevertheless, since many individuals believed that the Province was already (at least in part) a federation, logic dictated that its problems could not be resolved by the federal principle. In this infertile climate, federalism had little chance.

It was not until 1856 that Dorion rekindled the federal debate. During that parliamentary session, as well as the following year, Dorion told the Assembly that the Upper Canadian desire for increased representation was just, and he warned that Lower Canadian resistance would encourage dissolutionist sentiment in Upper Canada. Recognizing Lower Canada’s reluctance to agree to ‘rep by pop,’ Dorion instead proposed continuing the Canadian union under the federal principle. A federal government would allow each section to independently legislate on divisive issues while simultaneously facilitating the coordination of common interests in the general legislature. Dorion believed that the lack of affinity between the colonies rendered a larger British North American confederation unfeasible for the time being.

Upper Canadians, however, continued to view the federal principle with suspicion. Although Brown did not offend Dorion by openly opposing his 1856 federal proposal, he did not lend it his support. Instead, he threatened dissolution if Lower Canadians did not accept ‘rep by pop’ in the near future. During the mid-1850s the Globe remained highly critical of federal proposals. According to the Reform organ, the business of the state required two governments. “If each state is to manage its own finances, its own public works, and its own legislation – protection in time of war, and diplomacy in time of peace, being in the hands of

78 Province of Canada, Debates of the Legislative Assembly of United Canada, 16 March 1853, 2173.
79 Province of Canada, Legislative Assembly, Scrapbook Hansard, 12 March 1858. See also: Province of Canada, Debates of the Legislative Assembly of United Canada, June 28, 1850, 899; Ibid, 24 April 1856, 1613.
80 Province of Canada, Debates of the Legislative Assembly of United Canada, 24 April 1856, 1612; Globe, April 29, 1857.
81 Province of Canada, Debates of the Legislative Assembly of United Canada, 24 April 1856, 1616-1617.
the Imperial Government,” it asked, “what remains for the Federal Government?” The *Globe* also repeated the common Reform warning that a federation would entrench, rather than remove, the sectional line dividing Canada’s two provinces. A strong and united country could only emerge, it contended, if this line was eliminated. Charles Clarke, an Elora retailer and close friend of Clear Grits such as McDougall, expressed another concern that would become extremely common in the coming years. Like many Upper Canadians, Clarke was tired of demanding ‘rep by pop’ by 1856, yet he refused to support a federal solution because he believed it would be too complex to implement quickly. Despite knowing that it had no immediate prospects, Reformers continued to demand ‘rep by pop’ because they lacked an alternative solution.

Most Conservatives remained interested in British North American union and even federation, but they continued to view it primarily as means of expanding the Laurentian economy. Some, such as J.W. Gamble and W.H. Merrit pushed for union without mentioning federation. The Toronto *Leader*, founded in 1852 by James Beaty, was the chief Conservative organ and contended that American experience demonstrated that a federal system of governance was best suited to territorial expansion. Although desiring the creation of a country stretching from Atlantic to Pacific, the *Leader* warned that no single Legislature could dispose one half of the business that would come before it. And could the member for Gaspé qualify himself to pass opinion upon some local question affecting Vancouver Island, or *vice versa*. It may be that the present settlers at the Red River would be governed from the point of Toronto or Quebec; but there is little doubt that, in that case, they would feel themselves to be a sort of appendage to Canada; the colony of a colony, as it were; and there would not be a wanting of sources of irritation in abundance. It is true they would have their representatives in the Legislature; but the few votes to which they would at first be entitled would leave them completely at

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82 *Globe*, June 28, 1855.
86 Douglas McCalla, “Beaty, James.” *DCB*, (online). The Conservatives may have borrowed this idea from John Stuart Mill. Although Mill did not define a geographic threshold that necessitated the federal structure of governance, he opined that large countries could not be adequately governed from a single center. Roger B. Porter, "John Stuart Mill and Federalism," *Publius* 7, no. 2 (1977), 113n48.
the mercy of a body which they would have no possible means of
controlling. 87

As these “younger sisters” grew across the North-West, the Leader assured its readers, each
colony would join a “great northern federation.” These separate colonies would have the
expertise to manage their own resources and save Canada the cost of financing their
development. Canadians, therefore, needed to wait until separate colonies formed in the
North-West before taking control of the territory. 88 Macdonald and Cartier shared this
opinion. 89

Conservatives consequently dismissed calls for a smaller Canadian federation.
“Mutual forbearance and prudent toleration,” the Leader contended, were all that was
necessary for good governance of the union. The Reform crusade for ‘rep by pop’ was
premature. Although the Leader did not doubt that Canada West’s population would become
much larger than that of Canada East, the province’s current “superiority” was “still
questionable.” Once Canada West’s preponderance was unequivocal, the Leader vaguely
reassured its readers, the East “would necessarily, in due time, afford Upper Canadians all
the rightful advantages of any advanced position.” 90 Prudent statesmanship required
patiently waiting for the next decennial census in 1861 to reveal the extent of Upper
Canada’s preponderance. 91 In March 1858 the Leader still only admitted that

there has long existed a vague idea in the public mind of this section of the
Province that… federation would ultimately be found the only possible
solution of the representation question, on which the two sections of the
Province are in danger of becoming every year more antagonistic. This idea
may in future become fixed in the public mind, if some other and more
feasible solution of the question be not found. 92

Conservatives continued to imagine the federal principle as a distant option, preferable only
as a method to incorporate the North-West.

87 Leader, 3 March 1857.
88 Ibid.
90 Leader, 3 February 1857.
91 Ibid, 18 February, 1857. See also Ibid, 24 February and 4 March 1858
92 Ibid, 4 March 1858.
Upper Canadian federalism remained weak in the opening months of 1858. Unfamiliarity with federal principle limited the popularity of proposals by Robinson, Lord Durham, and the British American League. After 1822, neither the Maritime nor the Imperial governments seriously considered a British American union. When Canada West’s population surpassed its Eastern counterpart and demands emerged for constitutional change, Upper Canadians advocated a variety of different solutions. ‘Rep by pop,’ double majority, and federation were, according to Careless, the “three great competing solutions” to the Province of Canada’s impasse. Even in April 1858 the Leader described ‘rep by pop’ and federation to be “antagonistic” because “if a Federal Union were adopted there would no longer be any question of an adjustment of the representation between Upper and Lower Canada.” Partisanship increased the incentive to treat the solutions as competitive rather than complementary. This combination of perceptions and incentives led Upper Canadians to dismiss the handful of individuals, like Henry Sherwood, who recognized that ‘rep by pop’ and federation could be complimentary solutions. Reformers used representation by population as a partisan rallying cry and disparaged the federal principle. Rather than proposing a rival solution, most Conservatives opposed the idea, and instead advocated the continuation of the status quo for the time being, and associated federation with the future expansion of the Laurentian system. Until mid-1858, therefore, federation remained a distant choice with Conservatives and Reformers. All of this was about to change.

Federalism’s Brief Ascension

Nothing in 1857 or early 1858 indicated that federalism was on the rise in Upper Canada. Dorion’s 1856 and 1857 proposals for a Canadian federation were not novel and failed to gain momentum. Yet Reformers and Conservatives subsequently reconsidered the recommendatory components of federation. The existing legislative union was becoming increasingly unpopular in Canada West, and the Assembly debated the merits of double majority principle as well as representation by population. Alexander Tilloch Galt, an accomplished industrial and railway tycoon and well-known independent representative for

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94 Leader, 7 April 1858.
Sherbrooke, Canada East, sponsored a series of resolutions on 7 July 1858 advocating a British North American confederation. Like Dorion, Galt recognized that a federation of the Province of Canada would allow local governments to deal with “sectional matters” and thereby free the national government to legislate on areas of general agreement. Unlike Dorion, however, Galt believed the time was ripe for a British continental union. Federation, he argued, would be the ideal mechanism to secure the vast resources of the North-West. Galt’s resolutions also recognized that the federal principle’s preservation of local autonomy might entice the Maritimes to join a British North American confederation. Because Galt’s resolutions merely asked the Legislative Assembly to endorse the federal principle for British North America, they did not include specific constitutional measures. His resolutions did not cover other important aspects of federations, such as intrastate representation or provincial subsidies.95

Upper Canadians generally opposed Galt’s resolutions for the same reasons they had opposed its predecessors. Oliver Mowat considered the proposal “premature since he perceived no popular desire for it.”96 Despite his extensive Conservative connections, Mowat had successfully stood as a Reformer for the riding of Ontario South in 1857. George Brown openly opposed Galt’s proposal and stuck to his platform of ‘rep by pop’ or dissolution if necessary. Earlier in the year Brown had considered the federal principle in a private letter to his friend and fellow Reformer from Montreal, Luther Holton. A Canadian federation seemed impractical, and Brown wondered “what powers should be given to the state Legislatures and which to the Federal? Would you abolish the County Councils? … if you did not, what would the local Parliaments have to control?” A British North American confederation seemed more practical but the colonies were not yet ready, and Brown doubted he would still be in politics when they eventually united. He therefore continued to support ‘rep by pop’ while remaining open to federal proposals.97 John A. Macdonald, now premier for the past two years, did not deviate from his treatment of past federal proposals; he

95 Province of Canada, Legislative Assembly, Journals, 7 July 1858, 815; Jean Pierre Kesteman, “Galt, Sir Alexander Tilloch,” DCB (online edition); Province of Canada, Legislative Assembly, Scrapbook Hansard, 5 July 1858.
96 Evans, Sir Oliver Mowat, 31.
97 Brown to Holton, 29 January 1858, Library and Archives Canada (LAC), MG26-B. Others shared Brown’s concern: see Charles Waters to W.L. Mackenzie, 17 July 1858, AO, F 37.
continued to support the current constitutional system. For the time being he “stuck by the union.”\textsuperscript{98} Galt’s resolutions seemed destined to fail.

A ministerial crisis, however, breathed life into Galt’s federal proposal. The Macdonald-Cartier government fell in late July 1858 on the seat of government question, and Governor Edmund Head asked Brown and Dorion to form a government.\textsuperscript{99} The Reformers accepted the invitation and promised to establish ‘rep by pop’ with some sort of “checks” to protect Lower Canada from Upper Canadian infringements.\textsuperscript{100} It was only two days, however, before their government also fell. Governor Head asked Cartier and Macdonald to attempt to form another government. Galt agreed to join the cabinet as Inspector-General on the condition that the government adopt his federal resolutions. After the notorious “double shuffle,” the government announced its intention to work toward a confederation of British North America.\textsuperscript{101} The government sent a delegation, including Cartier and Galt, to England

\textsuperscript{99} The seat of government question was a deeply contentious issue for Canadian politics from 1841-1867. Whatever city hosted the government enjoyed considerable patronage and prestige. At the outset of the union, Kingston hosted the government. By 1844, however, it was clear that Kingston was too small for the government’s needs, and Montreal became the new capital. The debate resumed when rioters torched the Montreal parliament buildings in 1849. The government moved to Toronto, but Lower Canadian politicians sought the return of the capital to their section of the province. In 1851, after prolonged and acrimonious debate, Canadian politicians consented to an ambulatory capital, rotating every four years between Quebec City and Toronto. This arrangement proved expensive and unsatisfactory to patronage hungry politicians, however, and the debate continued. By 1857 it was clear that Canada’s politicians could not reach a consensus, so the government petitioned Queen Victoria to select a permanent seat of government. In 1857, the Queen selected Ottawa as the Province of Canada’s permanent seat of government. Yet in 1858 the Canadian parliament refused to ratify this decision and thereby toppled the Macdonald government. After another lengthy debate, the Assembly finally approved Ottawa as the capital during its 1859 session. See Wilfrid Eggleston, \textit{The Queen’s Choice: A Story of Canada’s Capital} (Ottawa: Queen's Printer, 1961), chapter 5, for a detailed narrative of the seat of government question.
\textsuperscript{100} These “checks” may have included federation, but the archival record is unclear. Careless, \textit{Brown of the Globe Vol 1: The Voice of Upper Canada}, 268-269.
\textsuperscript{101} Politicians who accepted a cabinet post had to resign their seat in the Assembly and seek re-election before they could take office. Because Governor Head refused to dissolve the legislature, this rule left leading Reformers unable to defend their administration against the Conservative challenge in the Assembly. Macdonald and Cartier’s government should have suffered the same fate when it returned to power, but the government discovered a loophole in the statutes. Ministers could change portfolios with one another without resigning their seats in the Assembly, provided that they occupied the position for no more than a month. Every cabinet Minister from Macdonald’s old government, therefore, accepted a new cabinet posting for a day, resigned, and then reaccepted their initial cabinet positions. Macdonald, for example, became Post-Master General for a day, before resuming his position as co-Premier. By this means, the Conservative government’s ministers kept their seats in the Assembly and successfully defended their government against Reform opposition. For a Conservative perspective on the crisis consult: Creighton, \textit{John A. Macdonald: The Young Politician}, 268-270. For a Liberal analysis of the crisis see: Careless, \textit{Brown of the Globe Vol 1: The Voice of Upper Canada}, 277-278.
to solicit the opinion of the Imperial government in early October. Although the British press and government accepted the eventuality of a British North American union, the Canadian proposal was unexpected. There had not been any of the extensive correspondence from the Canadian government and Governor that usually preceded such important proposals. Distracted by violent uprisings in India, the Canadian proposals even caught the Colonial Office off-guard. It hesitated supporting the project, and sent a despatch to the governors of each province warning them against becoming caught up in the hasty Canadian federal campaign.102 The Maritime colonies, in fact, were preoccupied with proposals for their own legislative union and were therefore uninterested or, in the case of New Brunswick, even hostile to the Canadian overtures that seemed only to address Canadian problems.103 In the face of these obstacles, federation receded from the Canadian government’s agenda. Although Conservatives and Bleus adopted confederation as their long-term policy to placate those desiring constitutional reform in, federalism among Upper Canadian Conservatives remained weak. Whether Macdonald and Cartier knew a British North American confederation would be impractical from the outset, or whether they subsequently recognized their proposal’s unpopularity, they rarely defended the federal principle during Reform attacks the following year. Instead, Conservatives resumed their normal pattern of compromise while blaming the Imperial government for its refusal to organize a colonial convention.104

Seeing no way forward, both parties attacked each other during the early months of 1859. The Toronto Daily Colonist and Atlas, for example, alleged that Dorion had only accepted ‘rep by pop’ after Brown had agreed to “emasculate” it “by limiting the influence of the Upper Canadian majority to Upper Canada.”105 When confronted with these accusations, Brown dodged the issue by claiming, with some justification, that it was unreasonable to expect his government to produce a mature constitutional alternative in two days. Yet because Upper Canadian Reformers and Rouges did not develop their program in the coming months, Brown could only note the Conservative government’s failure to elaborate on its

102 Martin, Britain and the Origins of Canadian Confederation, 104-108.
103 Creighton, John A. Macdonald: The Young Politician, 277.
own federal proposals to the Assembly. This partisan mudslinging did little to advance federalism in Upper Canada.

Brown’s evasion was probably due to the internal disarray within the Reform movement. Most Reformers rejected the double majority principle. Sandfield’s followers favoured the principle, but the Globe dissented because the imperative of maintaining parliamentary support often led governments to spend equally in each section, regardless of need. In order to secure funds to continue the abolition of seigneurial tenure in Lower Canada in 1859, for example, the government had to promise to contribute the equivalent funds to Canada West’s Municipal Loan Fund. The likely perpetuation of this pork barrelling, the Globe claimed, would lead to nothing short of “financial ruin.” Most Reformers, such as Oliver Mowat, continued to advocate ‘rep by pop,’ even though they knew it could not be secured.

Federation loomed large but few were willing to push for it. James Ross, the MLA for the riding of North Wellington, exhibited the federalism of many Reformers in an open letter to his constituents. Ross declared his continued support for representation by population throughout the Canadas while also confessing that “I can express no decided opinion on the federal union question, not having given much consideration to the matter.” The Globe mirrored Brown’s opinions by attacking the government’s federal program without condemning the federal principle. The newspaper expressed “every confidence” that all of British North America would “be united in one gigantic confederation” at some future date. Federation, however, remained impractical for the time being. The Maritimes were not

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106 Province of Canada, Legislative Assembly, Scrapbook Hansard, 9, 11 February 1959.
107 France’s government originally divided New France into seigneuries, and gave them to seigneurs as part of an initiative to create landed-gentry. The system however, was inefficient, and contrary to the British fee simple ownership system. In 1854, the Canadian government abolished seigneurial tenure and established a commission to determine whether budgeted funds would be sufficient to buyout the seigneurs. By May 1859 the commission determined that additional funds were necessary and the government offered to match its spending on the seigneurial fund with that of the Upper Canadian Municipal Loan Fund. Careless, Brown of the Globe Vol 1: The Voice of Upper Canada, 198-199, 296.
108 Globe, 2 June 1859.
109 Province of Canada, Legislative Assembly, Scrapbook Hansard, 31 January 1859.
interested and Upper Canada’s future seemed to be in the North-West. The commercial advantages from closer union with the Maritimes remained “hardly appreciable.”

George Brown, however, was crestfallen from the failure of his own attempt to form a government and became increasingly reclusive. To add insult to injury, the Cartier-Macdonald administration used Lower Canadian votes to pass its seigneurial tenure buyout legislation against the wishes of the majority of Upper Canadian MLAs. The Upper Canadian representatives, whose electorate provided the majority of the government’s revenues, futilely insisted that Lower Canadians pay for the resolution of this local matter. After years of advocating ‘rep by pop,’ Brown began to doubt that it could ever be achieved. In May 1859 he allowed his new editor, George Sheppard, to launch a campaign for what Brown had long threatened to be representation by population’s only realistic alternative: dissolution. Sheppard was an English radical who had previously worked for the Conservative Toronto Colonist before bringing his extensive editorial experience to the Globe. Throughout most of the summer, the Globe condemned the government for failing to address Upper Canada’s grievances and proposed dissolution as an alternative solution. Sheppard opposed the government’s plan for a British North American confederation. Again, however, the Globe did not explicitly disavow the federal principle. Instead, it proposed that the two provinces create a “federation… limited to the few relations which are common to both” provinces. The powers of the general government would be so narrow in scope that the Globe believed it would only need to meet every “two or three years; and then but for a few days.” While this proposal technically called for a federal government, the limits that the editorials proposed on general government would have rendered it impotent. In practice, Sheppard’s proposals amounted to the dissolution of the Province of Canada. Conservative papers contended that this dissolutionist movement was tantamount to annexationism and Sheppard used federal diction to allay these allegations.

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111 Globe, 8 October 1858.
113 Globe, 16 May 1859.
114 Ibid, 11 May 1859.
By July, Brown re-emerged, and reversed his position on Dorion’s 1856 proposal for a Canadian federation. The transition was not easy. The *Globe* continued to placate dissolutionist Reformers by insisting that its new alternative would “secure to us all the solid advantages of dissolution, and at the same time secure the means of meeting the exigencies which will be inseparable from the opening and settlement of the North-West.” Fixated on the tendency of governments to use Lower Canada’s influence to overpower Upper Canadian preferences, the *Globe* envisioned a highly decentralized federation. The provinces would possess nearly all of the state’s powers, leaving only the postal service, customs, and “control of the territory not yet formed into states” for the general government. Many Upper Canadian Reformers now recognized that a recommendatory feature of federating the Canadian government was the assurance of provincial autonomy. Federation would free each province to legislate without fearing interference.

There were additional reasons for Upper Canadians to support federation. By the late 1850s, Upper Canadian settlers were running out of frontier, and wanted to expand into the North-West. The territory, however, belonged to the Hudson’s Bay Company, which still preferred to use it for fur trading. Americans were also moving into the mid-west, creating new states like Minnesota in 1858. Canadians had to move quickly, Reformers believed, if they wanted to settle the North-West. The federal principle now seemed to be the most promising structure for expansion. Like its Conservative counterpart, the *Globe* now agreed that it would be “impossible to govern a country so distant” by a legislative union. But if the territory were separated into “a state or states of a Federation [sic],” governing the region “would be easy.” The principle would also assure Lower Canadians that their autonomy would not be compromised by the addition of millions of new settlers to the North-West. The federal principle, Brown now believed, could be used to unite Upper Canadians behind a platform that would also be acceptable to Lower Canadians.

118 *Globe*, 14 September 1859.
By September Brown moved to make his vision a reality. After securing Dorion’s support, he met with the Reform caucus at the Rossin House hotel in Toronto. Shortly thereafter, he began an all-out drive for Canadian federation and called for a convention to unite Reformers behind federalism.\(^{120}\) Brown had to be careful, however. Dissolution remained popular, and in the ensuing months, the *Globe* continued to recognize the recommendatory aspects of dissolution and treated it as a viable option if Canadian federation failed.\(^ {121}\)

By early November nearly six hundred Reform delegates convened in Toronto.\(^ {122}\) With the exception of the eastern parts of Upper Canada, where the Reform movement struggled to find supporters, the attendance was roughly representative of Upper Canada’s population distribution. On 9 November the delegates convened in St. Lawrence Hall, and commenced the business of presenting the drafting committee’s resolutions that were, as historian G.W. Brown pointed out, designed to move the convention to support their leader’s federal vision.\(^ {123}\) The first two resolutions expressed the standard Reform complaint that there was “universal dissatisfaction throughout Upper Canada” with the existing union. The “antagonisms” of Canada East and West arose from several differences, including “origin” and “local interests.” Maintaining the union was desirable but only if Upper Canada could secure adequate safeguards against further Lower Canadian interference in Upper Canadian local interests. The double majority principle, according to the second resolution, could not achieve these ends. The Conservative policy for a British North American confederation was not practical, the fourth resolution explained, because “the delay which must occur in obtaining the sanction of the Lower [Maritime] Provinces... places that measure beyond consideration as a remedy for present evils.” Instead, the fifth resolution proposed “the formation of two or more local governments, to which shall be committed the control of all matters of a local or sectional character, and a general government charged with such matters as are necessarily common to both sections of the Province.” The sixth and final resolution


\(^ {121}\) See for example: *Globe*, 14 September 1859.


declared that Upper Canada would only be satisfied if membership in the general Assembly of the federation was based on representation by population. For the first time, a Canadian political party (if the term can be used to describe the political allegiances of the period) considered ‘rep by pop’ and federation to be complimentary rather than competing solutions.\footnote{\textit{Globe}, 10 November 1859. True to his mission to rebuild Brown as a nation-builder, Careless treated this last resolution as a throw away to those still holding out for representation by population and thus considered it “less important” than the fifth proposing a Canadian federation. Careless, \textit{Brown of the Globe Vol 1: The Voice of Upper Canada}, 315-316. S.J.R. Noel notes the utility of the combination, but does not adequately explain its novelty or implications to the development of a sense of power and entitlement to dominate in a federation. Noel, \textit{Patrons, Clients, Brokers}, 199}

The delegates quickly split, however, as the federalists and dissolutionists vied to dictate the Reform platform.\footnote{Jones, "Ephemeral Compromise" uncovers the existence of a third group of moderates at the convention who believed that constitutional change was unnecessary because the existing union government could provide adequate governance if the different factions were more willing to compromise. This faith in the existing system led Sandfield to entirely ignore the conference. Although Jones demonstrates that other moderates did attend the conference, and express their views, their speeches did not sway the debates between the federalists and the dissolutionists.} Representation by population remained a key component of the Reform platform but Oliver Mowat contended that it would take too long to achieve as a stand-alone measure. The young Brownite argued that federation was a “shorter method” to achieve representation by population because it would assure Lower Canada of its local autonomy by providing the necessary “check” on the extent of Upper Canadian power.\footnote{\textit{Globe}, 11 November 1859.} Despite the preponderance ‘rep by pop’ would give Upper Canada, Brown still wanted the general government to have “as little to do as possible.”\footnote{Ibid.} To ensure that the general government did not infringe on provincial autonomy the former’s powers would be clearly defined in a written constitution. Several delegates, including Brown, also emphasized that this provincial autonomy would free Upper Canada to pursue its desire to acquire the North-West without raising Lower Canada’s concerns about being swamped by English Canadian votes in the national legislature.\footnote{Careless, \textit{Brown of the Globe Vol 1: The Voice of Upper Canada}, 321; See also Mr. A. Diamond, \textit{Globe}, 12 November 1859 and David Christie, \textit{Globe}, 14 November 1859.}

Canadian federation was the only practical way to apply the federal principle. Brown emphasized that a British North American confederation was a desirable long-term goal and
many of the delegates shared Brown’s hope that this eventual confederation would spawn a “national character.” Brown and Sheppard described this character as the extension of Canadian control into the North-West, as well as the reduction of Canada’s reliance on the Empire for defence, merchant marine, and other forms of Imperial assistance. All of the delegates agreed, however, that it would take years to negotiate a British North American confederation with the Maritimes and the Imperial government. A Canadian federation was therefore the most expedient way to solve Upper Canada’s immediate problems while simultaneously laying the groundwork for a “great confederation” spanning from the Atlantic to the Pacific Oceans.

Like many previous federal proposals, the convention’s resolutions were vague, and several delegates challenged Brownites to elaborate on their platform before seeking the convention’s approval. John McNaughton of Haldimand, for example, complained that “a federation might be well enough in itself, but the details were everything, and these had been kept back. What were the delegates to say to those who sent them there? They could only say that they had voted for federation; but what the details were to be they could say nothing about.” Few Brownites responded to this plea. William McDougall rejected it outright, claiming that “we are here… for the purpose of agreeing upon certain great principles.” Reform federalism was at a new apogee yet, like their Conservative counterparts, their federal vision remained undeveloped and vulnerable to attack.

Instead of answering these criticisms most federalist delegates disputed the dissolutionist platform. Dissolution, federalists proclaimed, was impractical. The two sections of the province had grown together. They shared a common tariff and an economic interest in the development of the Laurentian economy. Dissolution would also require the disaggregation of the two sections’ public debt. Brown claimed that only one Lower Canadian French newspaper was in favour of dissolution while five favoured federation.

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129 *Globe*, 11, 16 November 1859.
131 On the same day the chief dissolutionist, George Sheppard, similarly dared the delegates to ask the federalists “to tell you the details of their scheme, to show its working, to define the powers which they are willing to confer upon the central government.” *Ibid*, 12 November 1859.
133 *Ibid*, 16 November 1859.
Upper Canadians from the eastern region (whose local economies continued to heavily rely on Laurentian trade) were particularly insistent on this point and they warned that dissolution would split the Reform movement.\textsuperscript{134} Upper Canada would also have to convince the Imperial government to dissolve the union. Settling all of these matters, Mowat contended, “will certainly take a long time” and he doubted whether “it can be accomplished at all.”\textsuperscript{135} According to Mowat, the Imperial government was already considering a federation of the Maritimes and would be much more amenable to a similar arrangement for Canada.\textsuperscript{136} Several delegates concurred.\textsuperscript{137} Hope Mackenzie (the Reform MLA for North Oxford) feared that dissolution would re-route Canada West’s trade through the United States, thereby encouraging annexationism.\textsuperscript{138} Moreover, several delegates believed dissolution would be a “retrograde” step in colonial development.\textsuperscript{139} Although Brown and other federalists were willing to consider dissolution if federation failed, they continued to insist that it be a last resort.\textsuperscript{140}

Dissolution, as Careless notes, received the most support from the western delegates, who comprised the majority of the convention’s attendance and were furthest removed from Laurentian commerce.\textsuperscript{141} These facts, combined with their own impatient temperaments, made the western representatives doubt the viability of federation and support dissolution. Sheppard had not planned to speak at the convention but on the second day he took the podium to advocate dissolution “pure and simple.” Dissolution would not raise the cost of imported goods, Sheppard contended, because it was not in Lower Canada’s interests to drive away Upper Canadian business. It was in Lower Canada’s interest to part amicably with Upper Canada by fairly settling tariffs, public works, and revenues. Federation required complex planning while dissolution would be comparatively simple to achieve. Moreover,

\textsuperscript{134} Romney, Getting It Wrong, 83.
\textsuperscript{135} Globe, 11 November 1859.
\textsuperscript{136} Ibid.
\textsuperscript{137} Ibid, 12 November 1859.
\textsuperscript{138} Ibid, 14 November 1859. P.P. Pomeroy of Brockville expressed similar concerns during the same debate.
\textsuperscript{139} Ibid, 15 November 1859; Careless, Brown of the Globe Vol 1: The Voice of Upper Canada, 321.
\textsuperscript{140} Globe, 16 November 1859.
\textsuperscript{141} Careless, Brown of the Globe Vol 1: The Voice of Upper Canada, 318.
and in sharp contrast to Brown, Sheppard claimed that “the vast majority” of Lower Canadian newspapers favoured dissolution over federation.\(^\text{142}\)

The dissolutionists were much more effective at criticizing federalists than communicating their own vision. Some preyed on fears of the unknown. James Lesslie of York believed “federation was something new” and wondered whether it might prove to be “like the grand panacea of Responsible Government – surrounded by difficulties of which nothing was at present known.”\(^\text{143}\) Other sceptics pointed out that federations are expensive. As Romney summarizes, the dissolutionists “were not convinced that replacing one government by three would make for cheapness.”\(^\text{144}\) Dissolutionists also worried that federalist plans to expand into the North-West would be prohibitively expensive. Sheppard told the delegates that a large central government would be necessary to “organize,” defend, and police the North-West. ‘Organizing’ the territory would also require immense road construction. He doubted that Upper Canadians wanted to bear the additional tax burden that all of these measures would require. Federation would in fact be much more expensive than dissolution. Sheppard was also very familiar with the federalist and anti-federalist debates from the United States, and recognized that central governments tended to seek more power and he pointed out that this ran contrary to the Reform desire for Upper Canadian autonomy.\(^\text{145}\) He also contended that Upper Canadians knew little about federations and Reformers would be hard pressed to “educate” their ridings. “The federative plan of government,” Sheppard argued,

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\text{is a more refined system – rendering it unfitted to the simple requirements of the people of Canada. What are you going to give your Federative [sic] Government to do? Are you prepared to create local governments, and then to create a central legislature, a central executive, and with a vice-roy at the top – all to transact the business of a Province? Especially will you do this, simply that we may say we are not retrogressive? that [sic] we are still allied to Lower Canada? If you want a principle which shall rouse public attention, it must be a principle which commends itself to the common sense of community. And as against Federation [sic], a Dissolution [sic] of the Union,}
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\(^{142}\) Globe, 12 November 1859.
\(^{143}\) Ibid, 15 November 1859. Romney, Getting It Wrong, 81 notes Lesslie’s speech but does not analyze his comparison of responsible government with federation.
\(^{144}\) Romney, Getting It Wrong, 82.
\(^{145}\) Globe, 11, 12, November 1859.
being simple, direct, and already familiar to the minds of thousands, offers immense advantages when considered as the basis of a popular movement.\textsuperscript{146} Federation, in short, was too cumbersome and expensive to implement and too complicated for the average voter to accept. Dissolution was Upper Canada’s only realistic solution.

The convention organizers had to salvage some semblance of unity from the impasse. After consulting with William McDougall, they arranged to have him speak shortly after Sheppard proposed his dissolution amendment. McDougall was an appropriate choice to sponsor a compromise solution because he had been a founder of the Clear Grit movement (and had founded their newspaper organ: the \textit{North American}) but now worked for the \textit{Globe}. He also maintained close ties with the moderate Reformers.\textsuperscript{147} McDougall proposed amending the convention’s fifth resolution to instead read:

\begin{quote}
That in the opinion of this assembly, the best practicable remedy for the evils now encountered in the government of Canada is to be found in the formation of two or more local governments, to which shall be committed the control of all matters of a local or sectional character, and some joint authority charged with such matters as are necessarily common to both sections of the Province.\textsuperscript{148}
\end{quote}

Even the dissolutionist plan, McDougall pointed out, would require the coordination of some policies (such as tariffs) between the East and West. The proposal had little immediate effect, as the dissolutionists and federalists continued their binary debate. Ultimately, however, the desire for partisan unity, and a final appeal from Brown emphasizing the common ground between dissolutionists and federalists, decisively turned the delegates to support McDougall’s amendment. Sheppard withdrew his amendment, and McDougall’s passed with less than seven dissenters.\textsuperscript{149}

Paul Romney concludes that “autonomy for Upper Canada… remained the \textit{sine qua non}. That was what the [1859] convention was about.”\textsuperscript{150} The conventionists’ desire for local autonomy was undoubtedly strong but Romney’s fixation on this aspiration leads him

\begin{itemize}
\item \textsuperscript{146} \textit{Ibid}, 12 November 1859.
\item \textsuperscript{147} Careless, \textit{Brown of the Globe Vol 1: The Voice of Upper Canada}, 318-319; Romney, \textit{Getting It Wrong}, 80.
\item \textsuperscript{148} Emphasis added. \textit{Globe}, 14 November 1859.
\item \textsuperscript{149} Jones, "Ephemeral Compromise," 25.
\item \textsuperscript{150} Romney, \textit{Getting It Wrong}, 86.
\end{itemize}
to overlook an important and novel subtheme that also informed the gathering: murmurs regarding Upper Canadian preponderance within a federal legislature if population was the basis of representation. Elwood Jones recognized Brown’s attempt to use Upper Canada’s representation by population to assure his adherents to assume that their province would “leave its impress on national government,” but he uses this observation to argue that Brown was sympathetic with a centralized federation. These murmurs, in fact, marked the beginnings of a desire for Upper Canada to preponderate or dominate in a federation.

Sheppard tried to disabuse Upper Canadians of these preponderant expectations. He doubted, for example, that Lower Canada would accept ‘rep by pop’ under any circumstance because it would be tantamount to “bondage to the French race… Think you they do not know your federation would shut them up in a corner of Canada – that in fact if this scheme of federation were carried out you would have them at your mercy?” A federation based on representation by population was, therefore, a non-starter. On the other hand, Sheppard also doubted the plausibility of Upper Canadian preponderance within a true federation. Like many Upper Canadians, Sheppard associated the federal principle with the equality afforded to each state in the American Senate, and this led him to doubt the plausibility of an Upper Canadian majority of seats in the Lower House. “You say that Upper Canada is to have the preponderance in the federation,” Sheppard taunted, “to unite Upper and Lower Canada… on a basis which would give the major power to Upper Canada, is to do violence to the federative principle.” To be a true federation, the upper house would cancel out any Upper Canadian preponderant influence in the Lower House. The federal principle could not, he concluded, satisfy the hunger among Upper Canadians for preponderant influence via ‘rep by pop’

Even if the proposed Canadian federation lacked a senate, some of the convention’s delegates still doubted that representation by population would ensure Canadian preponderance. Without explaining how, Dr. D. Clark worried that Lower Canada would

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152 Globe, 12 November 1859.
153 Ibid, 12 November 1859. Romney, Getting It Wrong, 83 notes this section of Sheppard’s speech, but focuses on Sheppard’s concern about the expense of a bicameral general legislature, and overlooks its connection to a belief that Upper Canada could use the same provisions to bloc policy initiatives from Lower Canada.
still dominate a Canadian federation. He favoured dissolution but promised to also support a British North American confederation that included Red River once it was “established and populated” because it would eventually create a “federation so colossal that Lower Canada will not have in it the influence she now possesses, and yet she will have her rights.”

Robert McLean appeared to entirely forget the convention’s sixth ‘rep by pop’ resolution when he repeated his concern that the general government of a federation would still implement a tariff policy that favoured Lower Canada. Continued suspicion of Lower Canadian influence led many Upper Canadian Reformers to doubt the preponderant power their section of the province could wield in a general government based on representation by population.

In fact few Upper Canadians understood the full recommendatory possibilities of combining the preponderant influence that ‘rep by pop’ would afford Upper Canada, with the federal principle that would ensure provincial autonomy for both Upper and Lower Canada. Those who did understand it, such as Brown, likely hesitated sharing their vision more openly because honesty risked offending the very Lower Canadian allies whose support he desperately required. In the end, unravelling this confusion and dispelling distrust required several additional years of debate.

The *Globe* initially supported the spirit of the convention by admitting that the ‘joint authority’ compromise could take the form of either dissolution or Canadian federation. Within a few weeks, however, both dissolutionists and federalists began to deviate from the vague consensus. Sheppard, for example, speaking at a Reform function in North Wellington, told his audience that the ‘joint authority’ resolution alluded to dissolution. Brown forbade re-printing of Sheppard’s speech in the *Globe* and gave his editor strict

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154 *Globe*, 12 November 1859.
155 Ibid, 12 November 1859.
156 One rare exception was Thomas Donnelly of Prince Edward County who explained that Lower Canada was more likely to accept representation by population in a federal government because the general government “would only have the interests of the whole Province to attend to.” Ibid, 11 November 1859.
157 Brown was very aware of Lower Canadian suspicions and was not above dishonest silence. In a subsequent private meeting with Sheppard, Brown “urged that with the view of inducing the Lower Canadians to accept the general principle, specific points must be kept out of view, and that only by these tactics could the fundamental portion of the question be carried.” Sheppard to Charles Clarke, 4 December 1859, AO, F 26.
158 *Globe*, 16, 19 November 1859.
instructions: “No further recognition of different [constitutional] views – no further acknowledgment of compromise. Federation only is to be spoken of.” Sheppard believed this policy was “suicidal” and he only agreed to remain at the Globe after Brown asked him to preserve Upper Canadian Reform unity for the next session of parliament. If Lower Canada did not support Brown’s planned motion for ‘joint authority’ federation, then Brown promised to support Sheppard’s “extreme views.”

In the coming months Brown worked to consolidate Upper and Lower Canadian support for a Canadian federation. He even called a special caucus in March 1860 and offered to step aside as Reform leader in an effort to force Reformers to join his cause. The Globe used the terms ‘joint authority’ and federation interchangeably, and defended its federalism. Although the Reform newspaper organ admitted that the cost of a federal government might be marginally higher than the existing system, it concluded that corruption rather than the structure of government, created the majority of public expenses. Federation, therefore, would protect Upper Canada from Lower Canada’s alleged extravagance. Moreover, the ‘joint authority’ would only possess a few responsibilities, including the public debt and navigation of the St. Lawrence. The periodic meeting of a small general government, consisting of “a few able and experienced politicians of sound and well-tried integrity,” could oversee these limited responsibilities. Devolving sectional subjects to the provincial governments, the Globe assumed, nullified the need for a bicameral parliament.

Brown presented his federal proposal to the Assembly at the end of April. He estimated that Upper Canada provided 70% of the province’s revenues and required increased representation to more closely match this commitment. He also claimed that Upper Canada had 350,000 to 400,000 more people than Lower Canada. Based on these estimates, Brown projected that Upper Canada was entitled to “at least 25 more members” in the

160 Globe, 22 November 1859.
162 Globe, 30 November 1859.
163 Ibid.
The double majority system was “impracticable” and he freely admitted that Lower Canada would never accept representation by population as a stand-alone measure. The Conservative plan for a British North American confederation was “premature.” Brown instead proposed his highly decentralized scheme for a Canadian federation. The only two jurisdictions he listed for the general government were the common debt and navigation of the St. Lawrence. He was even willing to give the provincial governments the jurisdiction for the postal service and militia. His proposal also lacked any mention of a senate.\textsuperscript{165}

The effort proved futile. Already in mid-April, Alexander Mackenzie, a Scottish stonemason turned newspaper editor, prominent Brownite, and soon to be representative for Lambton in the Assembly, warned Brown that “the Federation Scheme will not of course have any chance in Lower Canada.”\textsuperscript{166} The Legislative Assembly decisively rejected Brown’s federation resolution 74 to 32. Most Upper Canadian Reformers voted with Brown but nearly as many Conservatives voted against it. Only nine Lower Canadian representatives supported the measure.\textsuperscript{167}

It was easy for Upper Canadian Conservatives to mock the ‘joint authority’ proposal. In fact, it became something of a sport. ‘Joint authority,’ most Conservatives eagerly pointed out, was “not intended to have any exact meaning or actual value.”\textsuperscript{168} Federalists and dissolutionists alike claimed it represented their platform. ‘Joint authority’ therefore lacked substance and future historians, the \textit{Leader} jeered, would “be able to gather the ashes of the grand Convention… into an urn of very small dimensions.”\textsuperscript{169} The Conservative organ also openly mocked the Reformers as “Rip Van Winkles” who had only recently awakened to the benefits of federation.\textsuperscript{170} Despite the enthusiasm of some Reformers, Conservatives judged the opposition’s proposal to be altogether too narrow. Canada could not form its own federation because “there is not enough of it.”\textsuperscript{171} Federations were expensive government


\textsuperscript{165} Ibid, 4.

\textsuperscript{166} Alexander Mackenzie to Brown, George, 13 April 1860, LAC, MG24, B40, Vol 3.


\textsuperscript{168} Leader, 17 December 1859.

\textsuperscript{169} Ibid, 9 May 1860.

\textsuperscript{170} Ibid, 29 November 1859.

\textsuperscript{171} Ibid, 7 May 1860.
structures and their greater costs had to be spread among all of British North America’s colonies. It would be inordinately expensive to bear the burden of an additional legislature alone. Regardless, Lower Canada would demand equal representation in a senate so that it could check Upper Canada’s influence. A Canadian federation, therefore, would not change Upper Canada’s influence.\footnote{Ibid.}

Conservatives also questioned the viability of Brown’s vision for a decentralized and limited general government. Noting the heightened tensions in the United States that would soon erupt in civil war, the Leader contended that a stable federation required a strong centralized general government.\footnote{Ibid.} George Benjamin, the Conservative for North Hastings and former Grand Master of the Orange Order, similarly doubted that “a mere set of Commissioners” could take credible charge for important tasks such as the public debt and the navigation of the St. Lawrence which would require strong executive authority. He also denounced representation by population as the “blackest ingratitude” because “Upper Canada was indebted to Lower Canada” for the 1840s when the latter had suffered underrepresentation.\footnote{Thompson’s Mirror of Parliament, Being a Report of the Debates in Both Houses of the Canadian Legislature. Edited by Samuel Thompson. Quebec, May 2, 1860, 5, 6.}

The renewed debate of the federal principle revived another long-standing question. Since at least 1849, Canadians had considered the possibility of subdividing their province into three or more roughly equal sections to create a better economic and demographic balance among the provinces. Few Upper Canadians gave it serious thought, yet the idea’s longevity and eventual demise illustrates the rise and evolution of Upper Canadian preponderant federalism. At the second convention of the British American League, for example, J.W. Gamble suggested that “in the event of a federal union, Canada might be divided into three Provinces.”\footnote{Minutes of the Proceedings of the Second Convention of Delegates of the British American League, xvii.} This proposal, which usually entailed the creation of a third province between Kingston and Montreal, was the most popular and likely the most viable of the subdivision proposals. Although he did not outline any borders, Dorion suggested the
subdivision of Canada into four provinces when reviewing his federal proposal in 1857.\textsuperscript{176} Galt’s 1858 proposal for a British North American union also allowed for the division of Canada into “several” provinces.\textsuperscript{177} A more concerted debate began in 1859 when the Reform Convention’s original fifth resolution proposed the creation of “two or more local governments.”\textsuperscript{178} Some Reformers doubted the proposal. Sheppard, for example, doubted that French-Canadians would consent to the creation of “three British provinces.”\textsuperscript{179} A representative from Prince Albert opposed subdivisions because he feared it would complicate the separate schools question.\textsuperscript{180} In subsequent months, the Toronto Leader also argued that subdividing the province would be costly because it would needlessly multiply Canada’s political and bureaucratic positions.\textsuperscript{181}

No speaker supported subdividing Canada during the convention but the Globe defended the principle before and after the convention. While subdividing the province might have temporarily compromised Upper Canadian influence, the Reform organ assured its readers that the new provinces in the North-West would identify “in feeling and interest” with Upper Canada.\textsuperscript{182} Subdivision moreover, would not cost more because, according to the Globe, Canada already had government officials spread across the province, and “we would have no more under a scheme of federation.”\textsuperscript{183} As in the past, the public debate on subdividing the Province of Canada receded into the background.

In 1858 and 1859, both parties sewed federal seeds believing that their species of federalism was right for the political season. The Conservative seeds fell on the rocky ground of the uninterested Maritimes; the Reform variety struggled to take root in the increasingly violent Canadian political climate. Partisan aggression and genuine disagreement kept both parties from reaping strong Upper Canadian federalism.

\textsuperscript{176} *Globe*, 29 April 1857.
\textsuperscript{177} Province of Canada, Legislative Assembly, *Journals*, 7 July 1858; Province of Canada, Legislative Assembly, *Scrapbook Hansard*, 7 July 1858.
\textsuperscript{178} *Globe*, 10 November 1859.
\textsuperscript{179} *Ibid*, 12 November 1859.
\textsuperscript{180} According to the report of the convention’s proceedings a “Mr. Hurd” made this statement. The delegate registry lists two individuals with this surname from the township of Reach (near present-day Whitby). *Globe*, 15 November 1859; *Ibid*, 10 November 1859.
\textsuperscript{181} *Leader*, 4 May 1860.
\textsuperscript{182} *Globe*, 22 July 1859.
\textsuperscript{183} *Ibid*, 22 November 1859.
The Revival of Old Remedies

The events of the early 1860s altered the Canadian political landscape and compromised Upper Canadian federalism. As Christopher Dunkin the Conservative MLA for Brome, later commented:

We never heard another word about it [Confederation]. The [Imperial] despatches were laid on our table in 1859, but nobody asked a question about them. The child was still-born, and no one troubled himself about its want of baptism. We went on with our old questions—representation by population; Upper Canada against Lower Canada… And we quarrelled and fought about almost everything, but did not waste a thought or word upon this gigantic question of the Confederation of these provinces.  

Dunkin exaggerated the decline of Canadian federalism, but his observation cautions against scholarship that describes the 1858 and 1859 federal proposals as conversion experiences that directly led to the BNA Act of 1 July 1867. Conservative apologists such as Creighton and Sweeny used the 1858 federal proposal to argue that the Conservative partisans first envisioned Confederation and merely waited for other British North American political leaders to catch up. Creighton, for example, claims that the failure of the Conservative mission to London had little long term significance: “what mattered most was the fact that Macdonald and Cartier, the two sectional leaders of the party, had been converted to the idea of a federal union.” In reality, as Careless contends, these men “were chiefly interested in the immediate political advantages that would accrue from the advocacy of a policy of federal union,” including the postponement of further debate on sectional issues such as ‘rep by pop’ and the seat of government question.  

In the years immediately following 1858, they did not pursue a federal solution. Yet the desire of Liberal apologists such as Careless to link the 1859 convention with the achievement of Confederation in 1867 also leads him to assert that “rep by pop was still conceived as linked with and leading to a scheme of federation.” Romney even claims that federation was “Brown’s favourite policy since

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184 Province of Canada, Confederation Debates, 27 February 1865, 485.
185 Creighton, John A. Macdonald: The Young Politician, 271. See also Sweeny, George-Etienne Cartier, 120-121.
186 Careless, Brown of the Globe Vol 1: The Voice of Upper Canada, 283. See also Romney, Getting It Wrong, 93.
Although the federal principle was not entirely absent from public debate from 1861 to 1864, Conservative and Reform federalisms lacked stamina. Rather than defending the viability of their respective programs, they reverted to their previous platforms or occasionally made empty promises to pursue their federal visions. The proposals of 1858 and 1859 were important developmental steps for the federalisms of both parties. They forced Upper Canadians to grapple with the federal principle, and this undoubtedly facilitated the acceptance of the Great Coalition in 1864. Given the reluctance of both parties to pursue their federal platforms in the interim, however, it is misleading to use the 1858 and 1859 proposals to argue that either Conservatives or Reformers instigated Confederation.

After a decade of ‘rep by pop’ debates, Conservatives and Reformers awaited the 1861 census results. Using interim population estimates to predict growth patterns, Brownite Reformers recognized that Upper Canada was not growing as quickly as during the previous decade. Still they eagerly anticipated an Upper Canadian “preponderance” of three to four hundred thousand people and expected to renew their clamouring for ‘rep by pop.’ Upper Canadian Conservatives desperately combatted the renewed popularity of representation by population. Some newspapers lowballed their own estimates of the census results. In October 1860, Conservative newspapers admitted that Upper Canada’s population was larger than that of Lower Canada but insisted that the disparity would be insignificant. As late as May 1861, the Leader claimed that the census would prove that Upper Canada contained no more than an additional 180,000 inhabitants. The Conservative organ even speculated that Lower Canada’s population would regain its preponderance in the coming decades. Upper Canadian population growth during the previous decade had been hampered, Conservatives claimed, by the departure of hundreds of thousands of its immigrants for the United States. The Belleville Intelligencer exhibited its Laurentian bias when it argued that the union of the provinces remained economically beneficial to Upper Canadians, and that ‘rep by pop’ was both unattainable for the time being and unnecessary. Lower Canadians would never consent

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188 Romney, Getting It Wrong, 92.
189 Leader, 30 October 1860; Leader, 31 October 1860. See also Niagara Mail as reprinted in: Globe, 26 April 1860.
190 Leader, 13 May 1861.
192 Ibid, 14 January 1861.
to giving the west a “preponderating influence.” Lower Canada had “never infringed” upon Upper Canadian rights, and if the western peninsula lacked political power, it was because they had alienated themselves by failing to consider the opinions and desires of Lower Canadians. Lower Canada, moreover, had been underrepresented for decades and fairness dictated that Upper Canada accept the same condition “for a series of years.” Perhaps sensing that these arguments were not allaying its readers’ desire for representation by population, the Intelligencer even claimed that the Reform policies of ‘rep by pop,’ federation, and dissolution, were in fact annexation projects in disguise. Ultimately, the 1861 census found 284,525 more people in Upper than Lower Canada.

This demographic information made renewed calls for ‘rep by pop’ too tantalizing to resist but unique circumstances delayed the reunification of Reform politicians. Instead of calling an election when the Macdonald-Cartier government fell in May 1862 after failing to pass its militia bill, Governor Charles Monck asked John Sandfield Macdonald to form a government. His was composed primarily of moderate Upper Canadian Reformers and Bleus and led by Louis-Victor Sicotte, and committed to governing by the double majority principle. This move was the only remaining untried solution to Canada’s political instability that did not require imperial legislation. Sandfield brought William McDougall, Michael Foley, William Howland, and Adam Wilson into his cabinet on the condition that they drop their support for representation by population. Brown was furious, but friends later convinced him that the concession was necessary. The Sandfield-Sicotte government survived until it passed a separate schools bill against the votes of the majority of Upper Canadian representatives in March 1863. Despite his violation of the double majority principle, Sandfield did not resign. Instead, after losing a non-confidence vote, he met with

193 Intelligencer, 3 May 1861.
194 Ibid, 17 May 1861.
195 By the early 1860s, the Imperial government and the public were eager to reduce Britain’s military commitments abroad. The Imperial government therefore put heavy pressure on the Canadian government to assume a much greater portion of the colony’s defence costs. Had it passed, the 1862 militia bill would have dramatically increased government defence spending and raising a militia force of fifty thousand men. Volunteerism would be the preferred method of recruitment, but conscription would be used if necessary. These immense burdens were unpopular, and Low Canadian frustration with Macdonald’s decision to make ‘rep by pop’ an open question also hampered the bill’s passage. The government fell when a handful of Bleus voted against its militia bill on 20 May 1862. Creighton, John A. Macdonald: The Young Politician, 329-333.
leading Reformers, including Brown and Dorion. To preserve his government, Sandfield abandoned the double majority principle and accepted ‘rep by pop’ advocates such as Oliver Mowat and Fergusson Blair, as well as Brown’s close friend and Montreal Liberal Luther Holton into his cabinet. Brown pushed for the ministry to adopt ‘rep by pop’ as its policy but Dorion’s concerns about Lower Canadian opinion convinced him to let the government treat it as an open question. In the general election that followed, the Upper Canadian Reformers (who enjoyed unusual unity) captured 40 of 65 seats. The increased exposure of ‘rep by pop,’ however, cost the Rouge in Lower Canada, where they only secured 24 seats. The new Reform ministry, therefore, remained as weak as its predecessor.196

During Sandfield’s premiership from 1862 to 1864, public debate focused on ‘rep by pop’ and generally ignored the federal principle. In the Assembly Brownites and Clear Grits complained about Upper Canada’s parliamentary underrepresentation as well as its payment of most of the province’s revenues. Mowat and McDougall both alluded to the need for the combination of representation by population with federation in the Legislative Assembly in order to appease Lower Canada. Yet in so doing, both politicians awkwardly avoided the words “federation” or even “joint authority.”197 The Globe’s editorials frequently demanded ‘rep by pop’ without advocating federation.198 The private correspondence of Upper Canadian Reformers focused entirely on representation by population, and contained no hint of federation.199 Even Careless admits that federation fell “well into the background” and that it was, “almost like old times.”200 Brown’s “favourite policy” during the early 1860s was ‘rep by pop’ and not federation as Paul Romney claims.201

After 1862, when the Globe occasionally discussed the federal principle, it described a new recommendatory component of federation for Upper Canada: preponderance in

197 Province of Canada, Legislative Assembly, Scrapbook Hansard, 17 April 1861, 24 February 1863.
199 See for example: McDougall to Brown, 1 April 1861; Dorion to Brown, 19 July 1861; Holton to Brown, 25 July 1861; William McDougall to Brown, 27 March 1862; Alexander Mackenzie to Brown, 2 May 1862; Mackenzie to Brown, 23 May 1862; Ferguson A. Blair to Brown, 24 May 1862; George Brown to Brown, Gordon, 11 May 1863, LAC, MG24, B40, Vol 4.
201 Romney, Getting It Wrong, 92.
common affairs. Although the pairing of ‘rep by pop’ and Canadian federation had always implicitly promised this possibility, the 1859 convention delegates and the Globe consistently represented the plan as a means to secure Upper Canada’s autonomy rather than a means to bolster Upper Canadian influence beyond its own borders. The frustrated Reform organ now claimed that the delegates had “desired to get rid of Lower Canadian domination, not only in regard to local Upper Canadian affairs, but also to matters common to both Provinces.”

Looking to the future in January 1863, the Globe again argued that “it should be the effort of Upper Canadians to regulate the affairs of their own Province, to obtain Representation by Population, to open the North-west territory, so that when the federation of all the British American Provinces does come it may be formed with Upper Canada as the central figure of the group of States, with Western adjuncts as well as eastern.” Such expressions of preponderant federalism were rare between 1862 and 1864. Moreover, the Reform desire for Lower Canadian support led them to send mixed signals when discussing their federalism. While advocating representation by population, for example, Mowat tried to allay Lower Canadian fears of English domination. Mowat compared the tendency of Lower Canadians to cross party lines on sectional votes with Upper Canada’s tradition of more rigid partisanship. “Upper Canada would never be united on the floor of the Legislature,” Mowat concluded, assuring Lower Canadians that they would continue to wield the “balance of power.” Nevertheless, by the early 1860s a few Upper Canadians recognized that combining ‘rep by pop’ and federation could promise both provincial autonomy and preponderant influence beyond Upper Canada’s borders.

The census split the Upper Canadian Conservative caucus. In 1861 Macdonald still rejected ‘rep by pop’ but his caucus was less agreeable. Too many Upper Canadian voters now considered the disparity too large and many Conservatives openly supported representation by population. After spending five years in the political wilderness while attending to personal losses from bad investments, John Hillyard Cameron promised to support ‘rep by pop’ during his successful campaign in the Peel County by-election of 1861.

202 Globe, 17 June 1862.
203 Ibid, 6 January 1863. Careless, Brown of the Globe Vol 2: Statesman of Confederation, 111 notes this same editorial, but he frames it as a combination of Brown’s “sectional and national aspirations,” and does not weed out the desire to dominate a federation.
204 Province of Canada, Legislative Assembly, Scrapbook Hansard, 24 February 1863.
George Benjamin who had attacked Brown’s proposals during the previous session, now suggested that Canada adopt ‘rep by pop,’ that the house create a standing committee to distinguish general from local questions, and that only the applicable section’s representatives vote on the latter. 205 The desire for representation by population was so strong that Macdonald risked losing followers to John Hillyard Cameron, so he brought three ‘rep by pop’ Conservatives, including Benjamin, into the cabinet, and made the issue an open question. 206 The result was staggering. In 1862 forty-three of sixty-five Upper Canadian MLAs, including most of its Conservatives, supported ‘rep by pop’ against the Cartier-Macdonald government’s stated policy. 207 Despite this internal division, Macdonald continued to support Cartier’s stand against the popular measure, pronouncing it “as dead as Julius Caesar” in mid-March 1864. 208

Conservatives continued to treat ‘rep by pop’ and federation as competitive solutions. Their preoccupation with the former limited their consideration of the latter. Macdonald’s followers promised federation as an alternative to representation by population or double majority whenever they felt threatened, but they treated it as a long-term solution. Although “it may not be obtained in a day or a year,” the Leader commented in May 1861, British North American confederation was the only solution acceptable to Lower Canadians. 209 The Toronto organ also argued that the Maritimes were far more likely to eventually join a British North American confederation than a smaller Maritime union. Like Canada, they were too small to form their own federation and the Leader expected that sectional issues, such as local jealousies over the location of a common seat of government, would sunder their negotiations for a legislative union. A British North American confederation would create one common government while still affording each province its own capital. 210 Conservatives offered no promises, however, on when this eventuality would come to fruition.

205 Ibid, 19 April 1861.
208 Province of Canada, Legislative Assembly, Scrapbook Hansard, 14 March 1864.
209 Leader, 1 May 1861. See also: Intelligencer, 22 February 1861.
210 Leader, 18 December 1860. See also Ibid, 12 December 1861.
The American Civil War also contributed to the decline of federalism in Upper Canada during the early 1860s. Six months after the war began, the Globe admitted “that the present crisis is one of the most trying that has yet occurred to test the stability of the Federal [sic] system.” Once the war broke out, both Reformers and Conservatives dramatically curtailed espousing their federal proposals. This crisis of faith facilitated the return of Reformers to representation by population. In the lead-up to the 1861 election, Macdonald promised to continue to push for a British North American confederation. To avoid the decentralized “defects” of the American constitution that he believed led to their Civil War, Macdonald tried to preserve federalism by pledging his support to a highly centralized federation. By 1863 and early 1864, the fear that provincial autonomy would destroy a British North American confederation was so pronounced that Macdonald and the Toronto Leader broke with Cartier by abandoning the federal proposal. Instead they supported a British North American legislative union with “checks,” that were presumably based on the British model. As the subsequent Confederation debates demonstrated, this change suited many Upper Canadian Conservatives.

Conclusion

Examining the pre-1864 period explains why federalism took so long to develop in Upper Canada. Both parties, at different times, advocated or opposed federation based upon their limited understanding of the federal principle, as well as their shifting assessments of Upper Canadian politics. Few Upper Canadians supported federation in 1822; they also rejected it in 1838. The British American League had slightly more success in 1849 but even this movement failed to generate federalism at the grass-roots level. Nearly all of these early federal proposals were vague and the lack of detail limited the ability of Upper Canadians to recognize the recommendatory aspects of the federal principle. The lack of adequate transportation and communication networks, in addition to Lower Canada’s larger

211 Globe, 23 October 1860. See also: Irish Canadian, 28 September 1864.
212 Address of the Hon. John A. Macdonald to the Electors of the City of Kingston with Extracts From Mr. Macdonald’s Speeches. 1861, viii; Creighton, John A. Macdonald: The Young Politician, 320.
213 Leader, 14 July 1863; Province of Canada, Legislative Assembly, Scrapbook Hansard, 14 March 1864.
population, also reduced the practicality and appeal of these early federal proposals in Upper Canada.

The 1851 and 1861 censuses made Upper Canadians increasingly aware of their colony’s preponderant potential but most linked this potential to their demands for ‘rep by pop’ alone. Both parties continued to imagine the federal principle as a rival solution to representation by population and the double majority principle. The inclusion of both ‘rep by pop’ and federation in the Reform Convention’s 1859 platform only temporarily challenged this construct. With rare exceptions, both parties reverted to considering federation as a rival to the other solutions after the Legislative Assembly’s 1860 session.

Only a handful of individuals prior to 1864 understood how combining ‘rep by pop’ and federation could empower Upper Canada while making popular representation palatable in Lower Canada. Certainly the necessity of cultivating the support of Lower Canadians deterred some Reformers from espousing a desire to preponderate or dominate in a federation. The absence of this aspiration from the private correspondence of Reformers, however, suggests a second, and less sinister explanation: a lack of reflection. Many Upper Canadian Reformers were so fixated on securing autonomy from Lower Canada that they rarely considered how preponderant intrastate influence could be used to shape the entire country. Still others doubted that ‘rep by pop’ would give Upper Canada sufficient muscle to overcome Lower Canadian traditional non-partisan unity on sectional issues. Even after the 1859 convention, only a minority of Reformers described how ‘rep by pop’ would also allow Upper Canada to shape events and policies effecting areas beyond its borders.

The desire for Upper Canada to dominate a federation was not yet widespread and remained underdeveloped at the beginning of 1864. Conservatives wanted a British North American confederation and tended to emphasize national benefits at the expense of local interests but they did not discuss their province’s potential intrastate power prior to 1864. Both preponderant federalisms required several additional years of intense public debate to reach fuller forms.
Chapter 2: The Rise of Preponderant Federalisms in Upper Canada, 1864-1867

“When the new Constitution comes into operation on Monday next, we in Upper Canada get 17 representatives more than Lower Canada. We will have 82, and Lower Canada 65. And, looking at the rate at which the population in the two sections has hitherto advanced, the probability is that in 1871 we will be entitled to 94 or 95 representatives, and that ten years later, if the same ratio of increase in the population is maintained, Upper Canada will have a majority in the House of Commons in the Federal Legislature. If our people, therefore, are not well governed under the new Constitution, it will be their own fault. (Hear, hear.)”

George Brown at the third Reform convention, Toronto Globe, 27 June 1867.

“The Province of Ontario has one evil to avoid: that of isolating itself from the rest of the Confederation and thus compelling the formation of an union of the other three Provinces for self-protection... The majority in the Maritime Provinces will be in search of allies, and they ought to find them in majorities here.”

Toronto Leader, 2 May 1867.

By 1864 the Sandfield-Dorion government was in a perilous state, and the Conservatives and Bleus were eager to topple it with a non-confidence motion. When new attempts to attract moderates from both parties to the government side of the house (including John A. Macdonald) failed, the Sandfield-Dorion government resigned before a confidence vote could be arranged.¹ Who could command a parliamentary majority? Lord Monck, the Governor General, was at a loss. Everyone he asked, including western Liberal Fergusson Blair, Conservative Alexander Campbell, Cartier, and Dorion were unable to rally sufficient support. Ultimately, only Macdonald and Étienne-Paschal Taché mustered the necessary backing. Few believed, however, that their government would last because it relied upon the old and worn alliance of Upper Canadian Conservatives and Lower Canadians Bleus. Continued deadlock seemed all but certain, and constitutional reform inescapable.

¹ Hodgins, John Sandfield Macdonald, 73-74.
Yet Canada’s political deadlock was not the only reason its inhabitants desired constitutional reform. A series of crises during the American Civil War made British North Americans aware of their inadequate defences. The Trent Affair in late 1861, for example, brought the Northern United States and British Empire to the brink of war.² Other inflammatory incidents such as the two-year carnage wrought by the C.S.S. Alabama,³ and the St. Alban’s Raid of October 1864,⁴ also contributed to British North American uneasiness. If war broke out, British North America would be the front lines for an advancing Northern army that was “greater than Napoleon’s.”⁵ In this “atmosphere of crisis,” the Canadian government ramped up its militia spending to nearly half a million dollars; a sum still woefully inadequate for the defence of Canada’s long boundary with the United States.⁶ Although London did reinforce British North America with 14,000 troops after the Trent affair, its main focus was on expansion in Asia and Africa, Britain was increasingly unwilling to stand up to the emerging power of the United States.⁷ Perhaps, many Canadians hoped, British North American defences would be better coordinated if they were part of a political union. “In practical terms,” historian Ged Martin acknowledges, “political union would achieve very little [for the defence of the colonies], but psychologically it seemed to be a response on a scale appropriate to the crisis.”⁸ By 1864 the US government also announced that it would abrogate the 1854 reciprocity treaty and

² The British Empire was officially neutral during the American Civil War. In November 1861 the USS Jacinto intercepted the RMS Trent in international waters and removed two Confederate emissaries who were bound for Europe on a mission to secure British and French diplomatic recognition of the Confederacy. This violation of British neutrality brought Britain to the brink of war with the North. W.L. Morton, The Critical Years: The Union of British North America, 1857-1873. The Canadian Centenary Series (Toronto: McClelland & Stewart, 1964), 98-109.
³ The Confederacy had violated British neutrality by arranging for ships to be constructed in British shipyards, sailed to the Azores, and then refitted as ships of war. The most famous of these vessels, the C.S.S. Alabama, wrought havoc on Northern shipping from 1862 to 1864. Morton, The Critical Years, 185-187, 196-197.
⁴ In October 1864, a group of Confederate soldiers robbed three banks, wounded two men, killed a third, and set multiple fires in and around St. Alban’s, Vermont. These men fled across the border to Canada. When a Montreal magistrate claimed that his court lacked jurisdiction to try the captured fugitives, he enraged Northern authorities by returning their money and releasing them. Morton, The Critical Years, 164, 171.
⁶ Ibid 74.
⁸ Martin, Britain and the Origins of Confederation, 192.
Canadians were desperate to find new markets for their goods. A British North American union seemed an opportune solution to these problems.

Despite the 1859 Reform conventionists’ recognition that ‘rep by pop’ could give Upper Canada decisive influence in a federal parliament, the colony’s inhabitants only gradually developed and expressed preponderant federalisms. George Brown adamantly defended ‘rep by pop’ during the constitutional negotiations that preceded Confederation, but the public debates that followed only moderately expanded the discussion of Upper Canadian dominance within a federation. Maritime distrust of Central Canadian domination and Lower Canadian fears of English-Protestant hegemony led many aspirants to avoid sharing their expectations and to instead emphasize other benefits of the Quebec Resolutions when discussing Confederation in public. It was not until after the 1866 London Conference finalized Canada’s new constitution that these Ontarians began to openly share their hopes.

By 1865, however, discussion of Upper Canada’s potential intrastate influence was widespread enough to encourage the development of an alternative interpretation. A few Upper Canadian Conservatives and Reform-Coalitionists who broke with Brown doubted that ‘rep by pop’ would give their province the ability to oppose the rest of the country’s representatives, and insisted that Ontario’s Members of Parliament (MPs) would need to cooperate with their counterparts from the rest of the country. They even implied that Ontario MPs should use their combined parliamentary influence to ensure the passage of compromise policies. Yet the espousal of this alternative vision of Ontario’s role within Confederation remained rare. The majority of Conservatives accepted Confederation because they recognized that it was the only way the other colonies would accept political union. They hoped that provincial control of sectional concerns, such as education, would allow them to focus on the expansion of the Laurentian commercial empire. Even as Brown and his supporters began to openly express their aspirations for preponderant and dominant influence in early 1867, Upper Canadian Conservatives and Reform-Coalitionists only sporadically countered with their alternative assessment.

These limited expressions of preponderant federalisms, however, were significant. The Brownite desire for Upper Canadian preponderance ensured strict adherence to ‘rep by pop’ and encouraged Upper Canadians to contemplate their province’s role within
Confederation. Resistance to the Brownite desire to overrule other parts of the country with Ontario’s asymmetrical intrastate representation exacerbated partisan divisions. Despite their speculative forms, therefore, preponderant federalisms contributed to the politics surrounding Confederation.

**Federalism Gains a Firm Hold**

When the Taché-Macdonald government assumed power, Upper Canadians were hungry for constitutional change. In May 1864 the Assembly approved Brown’s proposal to create a constitutional committee comprised of leading proponents of all of the major solutions to consider Canada’s future. In the next few weeks, this committee met eight times behind closed doors to facilitate frank discussion, and quickly determined that dissolution, ‘rep by pop,’ and double majority, were unworkable solutions. On 14 June its chairman, George Brown, presented its conclusions to parliament. The committee favoured a federal solution but to avoid division, it did not express a preference for either a Canadian or British North American federation. Even this open-ended recommendation garnered dissent. Three of the committee’s twenty members, including John A. Macdonald, refused to sign the report. That same day, however, the Taché-Macdonald government fell on a non-confidence motion. It was the fourth ministry to fall in two years.\(^9\)

The need for a new coalition had been obvious for some time, but the lack of crisis forestalled the requisite willingness to compromise. Now Brown discreetly approached several Conservatives about the possibility of a coalition of Reformers, Conservatives, and Lower Canadian *Bleus*. Galt and Macdonald met with Brown on 17 June to discuss possible terms. Practical politics now forced Macdonald to reconsider his movement away from the federal principle, and he re-joined the campaign for a British North American confederation by suggesting it as the coalition’s constitutional platform. Rather than immediately proposing his 1859 Reform convention platform (a Canadian federation that could be expanded to include the rest of British North America over time), which might have served as a compromise solution, Brown suggested that the proposed coalition pursue ‘rep by pop’

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within the existing legislative union. Brown’s proposal was, of course, unacceptable to Bleus, who feared English-Protestant domination. After several days of additional talks, the negotiators achieved a compromise agreement. On 22 June Macdonald announced the formation of the Great Coalition of Lower Canadian Bleus, and Upper Canadian Reformers and Conservatives. Macdonald informed the stunned Assembly members that the coalition would propose legislation during the next parliamentary session to remake the Province of Canada into a federation and make allowances for the future integration of the rest of British North America. In the interim, the government would also send delegates to the Maritimes to solicit their interest in a British North American confederation. To ensure Reform inclusion in these actions Brown, Mowat, and McDougall joined the cabinet.

When the Great Coalition first announced its plans, Dorion pushed the government to elaborate on its new platform. At first the unprepared and somewhat ill-informed Coalition leaders evaded the request, but they eventually tried to answer these appeals. Cartier was the first to speak. He claimed that the federal principle required equal representation for each province in one legislature and representation according to “population and territory” in the other. When Dorion pressed for more details, Cartier explained that “the details of the scheme had not been in any way considered” by the Great Coalition’s members. When Dorion persisted, Macdonald affirmed the government’s lack of clear vision by repeating Cartier’s definition. For the first time, a Canadian government’s platform included both ‘rep by pop’ and federation, but it had not yet had the time to consider details. To fill this gap, the cabinet spent the next few months preparing behind closed doors for the Maritime union conference planned for 1 September.

Without concrete measures to consider, some Canadian newspapers turned to international and historical examples to debate the merits of the federal principle. Many

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10 The archival record does not provide a clear answer on Brown’s actions during the opening negotiations that led to the formation of the Great Coalition. Brown may have initially proposed ‘rep by pop’ as a bargaining strategy, hoping to steer the negotiations towards Canadian federation as a compromise solution. The Reform party’s constant advocacy of ‘rep by pop’ since 1861, and their failure to even discuss federation in private correspondence, however, calls this strategy into doubt. “Ministerial Explanations,” 16 June 1864, LAC, MG26-A, Vol 46.
12 Province of Canada, Legislative Assembly, Scrapbook Hansard, 22 June 1864; Globe, 24 June 1864.
Upper Canadians continued to harbour doubts. One reader, who wrote to the editor in the Leader, implied that federations were un-British and unnecessary because the United Kingdom ruled England, Scotland, and Ireland as a legislative union. Federation’s detractors also used ancient Greece to argue that federations were doomed to dissolve. The government’s supporters responded in kind. They used the example of New Zealand, which was still a federation in the 1860s, to demonstrate the stability of the federal principle. Switzerland’s federal history proved that federations could provide provincial autonomy for diverse ethnic groups while uniting them against common aggressors. The experience of the small European federation also demonstrated that federal governments were not prohibitively expensive to operate. Federalists also dismissed suggestions that the American Civil War discredited the federal principle. The Globe insisted that the conflict was due to northern and southern disagreements over slavery, rather than the United States’ federal structure of government. “The wonder is not,” the Globe argued, “that the…general government failed to keep these two peoples together in peace for three generations. The surprise should rather be that differences so fundamental did not bring on the crisis before the colleagues of Washington had passed from earth.”

The Canadian government delegation left for Charlottetown on 29 August 1864 aboard the Queen Victoria. The Maritime delegations assembled for their first meeting on 1 September but news of the Canadian delegation’s imminent arrival led them to postpone their discussion of Maritime union until after they heard the alternative Canadian proposal. The Canadian presentation thus began the following day. The meetings were closed to the public and only fragmentary records of the proceedings survive. On 2 and 3 September Cartier and then Macdonald outlined the advantages of a British North American confederation. The next day Galt described the financial aspects of the Canadian proposal. After a Sunday respite, Brown presented the finer constitutional aspects of the Canadian plan including the composition of the general and provincial governments, the division of powers between

13 Leader, 18 July 1864.
14 Globe, 24 June 1864.
15 Ibid, 1 August 1864.
16 Ibid, 3 and 8 August 1864.
17 Ibid, 9 July 1864.
18 Waite, The Life and Times of Confederation, 80-83.
them, and the role of a judiciary. On 6 September the Maritime delegates followed up with questions, and the next morning they met alone to consider the Canadian proposal. Within hours they discarded Maritime union and approved the Canadian proposal pending the establishment of satisfactory terms. The delegates then discussed many of these terms and agreed on several important points, including ‘rep by pop’ in the national Assembly, and the allotment of twenty seats to Upper Canada, Lower Canada, and the Maritimes (Nova Scotia, New Brunswick and Prince Edward Island) in the senate. Before committing to such terms, however, the delegates had to consult with their governments and prepare for a follow-up conference to iron out a full constitutional proposal. They would reconvene at Quebec City on 10 October. The delegates then boarded the Queen Victoria for a tour of the Maritimes.

During this period the Canadian newspapers began exploring the implications of combining ‘rep by pop’ and federation for Upper Canada. Prior to the Charlottetown conference, the Globe and Leader described the combination of representation by population and federation as a defensive measure. ‘Rep by pop’ would give Upper Canadians the “majority of representatives” in the Lower House, and these individuals would be blameworthy if they did not block legislation that their constituents considered “unjust.”

The equal representation of each province in the upper house would, conversely, protect Lower Canada from the possibility of Upper Canada forcing unjust legislation through the lower house. Although Upper Canadians might find this empowerment of Lower Canada to be “annoying,” they had nothing to fear because it was a preventative rather than positive capability. Upper Canada’s autonomy would remain intact. After the Charlottetown conference the Leader adopted a more critical view of Confederation and backed away from this message. The Globe, however, continued to emphasize the defensive merits of Upper

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19 There is some disagreement among historians concerning the order of the speakers as well as the topics they discussed. As Careless points out, Brown’s letter to his wife Anne on 13 September is a first hand account and should therefore be considered more reliable than other documents. Brown to Anne, 13 September 1864, LAC, MG24, B40, Vol 5; Careless, Brown of the Globe Vol 2: Statesman of Confederation, 153-155, 384n25; Creighton, John A. Macdonald: The Young Politician, 365-366.
20 Waite, The Life and Times of Confederation, 87, 93, 367n39.
21 Globe, 29 June 1864.
22 Leader, 20 July 1864.
Canadian preponderance in the proposed Lower House.\textsuperscript{23} For the time being, as Romney insists, provincial autonomy continued to be the primary focus of Reform federalism.\textsuperscript{24}

Although the establishment of a British North American confederation was still uncertain, the Charlottetown conference effectively ended the idea of subdividing Canada into more than two provinces. During the early 1860s, the \textit{Leader} had occasionally mocked the 1859 Reform convention’s resolutions by restating its warnings regarding the potential costs of subdivisions.\textsuperscript{25} In June and July 1864, the \textit{Leader} condemned the Reform-inspired Coalition backup plan for a Canadian federation by repeatedly associating it with subdivisions. Instead of bringing the province of Canada into a larger British North American union that would foster the birth of a new “nation,” subdividing Canada into its own smaller federation would increase “jealousies” between each of the less powerful provinces.\textsuperscript{26} The \textit{Leader} even speculated that the Maritimes preferred to keep Upper and Lower Canada intact, because subdividing their territory would create a third Canadian province that would demand its own additional representation in a federal senate.\textsuperscript{27} The idea of dividing Canada into more than two sections did not survive the Charlottetown conference. Canada would be divided into two provinces. Without an advocate, the idea of subdividing Canada quickly faded into oblivion.\textsuperscript{28} Two large provinces would loom over Confederation.

The delegates to the Quebec conference of October 1864 put flesh on the bones of the Charlottetown agreements. In only seventeen days, they drafted a set of resolutions acceptable to Canada, Nova Scotia, and New Brunswick. The negotiations were not easy; each colony made difficult compromises. In terms of intrastate influence, the first struggle arose on the third day of the conference when the delegates contemplated the senate’s composition. At Charlottetown, delegates had agreed to the equal representation of the Maritimes as well as Upper and Lower Canada in the senate but, because Newfoundland had

\textsuperscript{23} \textit{Globe}, 8 October 1864.
\textsuperscript{24} Romney, \textit{Getting It Wrong}, chapter 7.
\textsuperscript{25} \textit{Leader}, 18 June 1861; \textit{Ibid}, 31 March 1862; \textit{Ibid}, 28 June 1862.
\textsuperscript{26} \textit{Leader}, 29 June 1864; \textit{Ibid}, 2 July 1864.
\textsuperscript{27} \textit{Leader}, 20 July 1864.
\textsuperscript{28} The \textit{Leader} briefly revived the subdivision question when Maritime disapproval of the Quebec Resolutions led Reformers to again push for a Canadian federation. \textit{Leader}, 14 August 1865. The \textit{Globe}, which had long abandoned the subdivision issue, ignored this misrepresentation of its policy. \textit{Globe}, 4 May 1865; \textit{Ibid}, 17 October 1865. The idea rarely resurfaced thereafter. See for example: \textit{Sentinel}, 4 October 1888.
been unable to attend the conference, it had not been included in the Maritime allotment. It took four days and a host of failed resolutions and amendments to develop a new formula. On the first day of the senate discussions, Macdonald and Mowat moved that the senate have 72 members and that the Maritimes (including Newfoundland), Lower Canada, and Upper Canada each receive twenty-four members. The Maritime colonies refused to diminish their respective proportional representation by forgoing senators to accommodate Newfoundland, and demanded the Maritimes receive slightly more than one-third of the upper house’s seats. This deviation from the Charlottetown conference agreement opened Pandora’s box.

Each delegation, including the Canadians, tried to increase their senate representation. According to Edward Whelan, a Prince Edward Island delegate and reporter, Lower Canada requested more seats in order to protect itself from Upper Canadian influence as well as the combination of the “British element” from Upper Canada and the Maritimes. This fear may have been fuelled by Brown’s alleged request for Upper Canada to receive more seats than Lower Canada. Over the succeeding days, the delegates considered a host of formulas, including equal representation for each province. Eventually, however, Macdonald successfully resurrected Charles Tupper’s previously rejected suggestion to maintain the Charlottetown agreement and simply add another four seats for Newfoundland as a separate Senate contingent. This proposal compromised the Charlottetown agreement of equal regional representation, but only slightly. Upper Canadians took solace from the knowledge that the North-West would eventually provide additional seats that would likely balance the increased Maritime representation. The Prince Edward Island delegation, which still desired equal provincial senate representation, was the sole dissenter.

The delegates then shifted to debating how senators would be selected. In 1865, American state legislatures selected Senators. This provided the Senate with the necessary

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29 Waite, The Life and Times of Confederation, 71, 100; A.A. Macdonald, "From Notes Taken at the Quebec Conference Held at Quebec," October 1864, LAC, MG26-A, Vol 46, 11.
30 Examiner, October 24, 1864.
31 A.A. Macdonald provides one of the few transcript-like accounts of the conference. On October 15, however, his notes are impressionistic because he was occupied compiling figures for the Prince Edward Island delegation. A.A. Macdonald, "From Notes Taken at the Quebec Conference Held at Quebec," October 1864, LAC, MG26-A, Vol Vol 46, 12.
32 Moore, 1867, 104-106.
popular authority to rival the House of Representatives. The British tradition of governance emphasized the primacy of elected parliament. Appointed senators would only possess the authority to block or revise hasty legislation passed by the House of Commons. Appointing Senators for life, many of the delegates hoped, would free the upper chamber from partisan bias. Most of the delegates accepted the appointment of senators because they privileged responsible government more than regional power. Even Nova Scotian and New Brunswick delegates, who desired a senate capable of defending their interests, did not want it to also possess the legitimacy to rival the representatives their electorate sent to the House of Commons. Ultimately the majority of the conference members prevailed: the Governor General, on the advice of the prime minister, would appoint senators for life. In the coming months, most Upper Canadians also supported the appointment system, although Clear Grits, who continued to oppose appointment on ideological grounds, preferred an elected system.

The debate concerning senator selection, however, was somewhat inconsequential for Upper Canadians. As the *Globe* explained:

> the constitution of the federal assembly is vastly more important than that of the upper chamber… The mode of selecting the upper chamber in the confederation – the mode of selecting the local governors and other provincial officials…. are all questions of vastly less importance than that of the representation in the federal assembly. Having a right decision upon that main point, we can well afford to be generous and exhibit a spirit of compromise relative to the minor questions.

The conference gave Brown and Macdonald the gist of their preferred senate design but it also forced Upper Canadian delegates to protect a more cherished goal: representation by population in the House of Commons. By common consent, Quebec would be perpetually divided into sixty-five ridings, and the average population of that province’s ridings would serve as the average for the dominion ridings in the other provinces. This ratio created a House of Commons with 194 members. Upper Canada had eighty-two seats, Nova Scotia nineteen, New Brunswick fifteen, Newfoundland eight, and Prince Edward Island five. Prince Edward Island’s delegates, however, wanted each of their six counties to have its own representative. Brown strongly opposed this suggestion. The voters of the island colony

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33 Ajzenstat, ed. *Canada’s Founding Debates*, chapter 3; Moore, 1867, 104-113.
were already over-represented with five MPs and, if PEI were instead used as a base and its representation increased to six members, ‘rep by pop’ would require the House of Commons to swell to an unnecessarily large 230 members. Galt and most of the delegates concurred. The increasingly disenchanted Prince Edward Island delegation again accepted defeat.35 Upper Canadians could privately rejoice at the entrenchment of ‘rep by pop’ in the conference’s resolutions.

The delegates also debated a host of other issues. The dominion government would buyout all provincial debts. In provinces like Ontario and Quebec, where the colonial debt exceeded $25 per capita, the province would repay the difference to the dominion government at a rate of 5% interest. The remaining provinces, which owed less than this $25 per capita allowance, would receive a 5% interest grant from the dominion government for the unused portion of their debt. The delegates also decided that the general government would provide each province an annual grant of eighty cents per capita according to the 1861 census. New Brunswick also secured an additional allowance of $63,000 per annum for ten years from the dominion government, as well as special permission to charge an export duty on timber and lumber to balance its books (see Table 1). Because Upper Canadians would contribute the largest portion of these payments to the other provinces, they insisted that resolution sixty-four of the Quebec Resolutions promise that “such aid shall be in full settlement of all future demands upon the General Government for local purposes.”36 The delegates also agreed to the construction of an Intercolonial railway linking Riviere-du-Loup to Truro (central Nova Scotia) and, as finances permitted, the construction of communication and transportation infrastructure in the North-West.37 This railway linking Quebec to Nova Scotia, its advocates believed, would facilitate interprovincial trade and travel. Both the colonial and Imperial authorities also desired the railway because it would permit the rapid transportation of infantry and military equipment across the union. With the possible exception of expansion into the North-West, none of these decisions shaped the development

35 John A. Macdonald (JAM), Notes, 19 October 1864 and JAM, Notes, 20 October 1864, LAC, MG26-A, Vol 46; Waite, The Life and Times of Confederation, 104-105.
36 J.A. Maxwell, Federal Subsidies to the Provincial Governments in Canada (Cambridge: Harvard University Press, 1937), 14 contends that “there can be no doubt that the declaration was literally meant and was literally given.”
of Upper Canadian preponderant federalisms. Instead, they were part of the deal that would make Upper Canada’s preponderance possible. With the Quebec conference’s Seventy-Two Resolutions in hand by the end of October, the conference delegates adjourned and began a tour of Canada.\(^{38}\)

**Table 1: Annual Monies to be Paid by the Dominion to the Provinces**

<table>
<thead>
<tr>
<th>Province</th>
<th>Debt Allowance</th>
<th>Subsidy ($)</th>
<th>Grant in Aid of Government ($)</th>
<th>Special Grants ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ontario</td>
<td>62,500,000*</td>
<td>1,116,873</td>
<td>80,000</td>
<td>-</td>
</tr>
<tr>
<td>Quebec</td>
<td></td>
<td>889,253</td>
<td>70,000</td>
<td>-</td>
</tr>
<tr>
<td>Nova Scotia</td>
<td>8,000,000</td>
<td>264,686</td>
<td>60,000</td>
<td>-</td>
</tr>
<tr>
<td>New Brunswick</td>
<td>7,000,000</td>
<td>201,638</td>
<td>50,000</td>
<td>63,000</td>
</tr>
</tbody>
</table>

* Because the Canadians could not agree how much of the Province of Canada belonged to Canada East and Canada West, they combined the debt, and assigned the division to arbitration.


In the coming months, British North Americans considered the Quebec resolutions. The Canadian Legislative Assembly debated the resolutions during February and March 1865. During these debates, the Great Coalition adamantly defended the Quebec Resolutions. Although both parties desired the union of British North America, it was the primary goal of the Conservatives. Upper Canada’s economic and political future lay in consolidating the Laurentian economy. British North American union would provide an ice-free port for Upper Canadian goods in case of hostilities between Britain and the United States. The union would also unite the disparate colonies into a new nation and facilitate “Canada’s survival as a distinct, un-American society.”\(^{39}\) Once this base was established, the Laurentian economy could expand its influence westward to the Pacific Ocean.\(^ {40}\) Increased geographic size and wealth, Conservatives insisted, would increase trade among the provinces, create a larger tax base from which to launch public works, and increase British North America’s prestige abroad making it easier for it to borrow money and attract immigrants.\(^ {41}\) The union would also create opportunities for new alliances that Macdonald’s Upper Canadian Conservative

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\(^{38}\) Maxwell, *Federal Subsidies to the Provincial Governments in Canada*, 9-12.


\(^{40}\) *Ibid*, 291, 294, 418.

minority could use to maintain a hold on government power and patronage. In fact, the Conservative desire for British North American union was so strong that it often eclipsed their federalism. In many instances, Conservatives used “union” as a synonym for “Confederation.”

Macdonald sympathized with those who preferred legislative union, but he insisted that a centralized federation was the best that could be achieved. Lower Canada would not agree to a plan that did not promise constitutional means to protect its language, culture, and religion. Neither Lower Canada, nor the Maritimes would forfeit their legal codes. Practical politics necessitated provincial governments. Most Upper Canadian Conservatives accepted this argument. J.S. Ross, the Conservative MLA for Dundas offered a typical response. He was not particularly concerned about the structure of the government. “Whether Legislative or Federal,” he insisted that “union is strength, and union is desirable if we expect future growth and greatness.” Although Upper Canadian Conservatives generally supported Confederation, Conservative federalism remained weak because its members subordinated it to expanding the Laurentian economy.

Reformers also desired the union of the existing British North American colonies to resist American territorial encroachment, but they continued to focus on the economic potential of western expansion. The North-West would become an immense agricultural empire that would help fill the void left by the abrogation of the Reciprocity treaty and turn the fledging union into an important country. According to Romney, Upper Canadians also craved autonomy from Lower Canada’s influence. They therefore continued to frame ‘rep by pop’ and the creation of separate provincial governments as means to liberate themselves from French-Canadian influence.

42 Smith, “The Ideological Origins of Confederation.”
43 See for example: Leader, 9 February 1865; Ibid, 13 February 1865; Province of Canada, Confederation Debates, 16 February 1865, 290-298.
44 Province of Canada, Confederation Debates, 6 February 1865, 29, 32.
47 Romney, Getting It Wrong, chapter 7.
The Canadian government also tried to combat allegations that Confederation would be unreasonably expensive. When introducing the Quebec Resolutions in parliament, for example, Macdonald claimed that the Quebec Resolutions would not cost Upper Canadian taxpayers more than the existing union. The sessions of the general legislature would be shorter because they would not have to consider sectional matters. Galt also emphasized cost efficiency and assured the House that the Quebec agreement “does not contemplate any future extension” of the eighty cent subsidy to the provinces. Brown admitted that he would have preferred an arrangement wherein each province raised the funds to cover its own expenses but because the Maritimes lacked the municipal tax system common in Upper Canada, the conference had to accommodate this financial demand. The costs, moreover, were worthwhile. “If we were offered Michigan, Iowa or Minnesota” under similar resolutions, Brown rhetorically asked the Assembly, “I would like to know what sum, within the compass of Canada, we would not be prepared to pay?” On occasion, Reformers such as Brown and Hope Mackenzie even speculated that Upper Canadians might pay less tax under the new scheme than under the current union. The newspapers repeated many of these arguments. The Leader admitted that Confederation would be expensive, but it nevertheless contended that the deal would be “a good investment” in Upper Canada’s defensive and commercial future. The Globe conceded that Upper Canada would contribute more than its share of the country’s tariff revenues but it claimed that this was reasonable because Upper Canadians consumed more tarifed goods than their colonial peers. The financial terms of Confederation were set. No province could receive more than the Quebec Resolutions specified, and while this redistribution would be a net loss for Upper Canadians, the terms were final rather than open ended.

Many Canadian politicians were critical of the Quebec Resolutions. Conservatives argued that a legislative union would better inculcate national unity. Christopher Dunkin

48 Province of Canada, Confederation Debates, 6 February 1865, 30; Ibid, 7 February 1865, 70.
49 Ibid, 8 February 1865, 92-93.
50 Ibid, 99.
51 Ibid, 109; Ibid, 6 March 1865, 676-678.
52 Leader, 9 February 1865.
gave the lengthiest and most comprehensive critique of the Quebec Resolutions.\footnote{For a fuller analysis of Dunkin’s critique of Confederation consult: Ged Martin, "Painting the Other Picture: The Case Against Confederation," in \textit{From Rebellion to Patriation: Canada and Britain in the Nineteenth and Twentieth Centuries}, ed. C.C. Eldridge, (Canadian Studies in Wales Group, 1989), 43–82.} Dunkin worried that the federal principle would preserve and even institutionalize provincial identities. This provincialism, he feared would hamper the development of national unity:

> It is proposed to adopt here a plan which had a direct tendency to place on the floor of our House of Commons a number of provincial delegations, and not a number of independent members of parliament. The tendency is therefore towards a system antagonistic to, and inconsistent with, those principles on which the British Constitution reposes. With provincial delegations, rather than members of parliament, on the floor of the Federal Legislature, we are not likely to have that political longevity, whether of men or parties, without which the British system of government can hardly exist.\footnote{Province of Canada, \textit{Confederation Debates}, 28 February 1865, 513; \textit{Ibid}, 27 February 1865, 493.}

Dunkin was not the only speaker to express this concern. Prominent Conservative and Orangeman, Matthew Crooks Cameron, represented North Ontario in the Assembly and was one of the few to vote against the Quebec Resolutions.\footnote{Evans, \textit{Sir Oliver Mowat}, 77.} In a private letter to Macdonald, he worried that "the scheme itself based on the federal principle does not inspire me with a feeling of confidence that it will succeed in making us live more in harmony... or work with an eye solely to the common good."\footnote{M.C. Cameron to JAM, 3 December 1864, LAC, MG26-A, Vol 338, Pt 2.} He elaborated on this fear during his parliamentary critique of the Quebec Resolutions. Cameron advocated a legislative union because “if we are to be united, it ought to be in fact as well as in name; that we ought to be one people, and not separated from each other by sections.”\footnote{Province of Canada, \textit{Confederation Debates}, 24 February 1865, 455.} Conscious of how the Southern desire for local autonomy sparked the American Civil war, Cameron concluded that if Canadians joined the British North American union proposed in the Quebec Resolutions, they “would be sowing the seeds of discord and strife, which would destroy our union.”\footnote{\textit{Ibid}, 463.} Walter Shanly, the Conservative MLA for Grenville, ultimately voted with his party, despite sharing these doubts. Like Cameron and Dunkin, Shanly believed that the American experience proved that federations produced “politicians rather than statesmen.”\footnote{\textit{Ibid}, 10 March 1865, 900.} Politicians only cared about getting re-elected; statesmen convinced their constituents to value national imperatives and
compromise. To succeed, the new country’s structure of government needed to foster unity, and many worried that the federal principle’s preservation of provincial identities would compromise this goal. The tendency to believe that provincial interests lay in nation-building would be fundamental to subsequent appeals for Ontarians to desist from rallying against initiatives from the rest of Canada, or to use their influence to facilitate the passage of compromise policies. However, these men were so fearful of the persistence of any regional divisions, and so desirous of legislative union, that they overlooked the possibility.

Other Upper Canadian Reformers, as well as a number of Conservatives, believed Confederation would be prohibitively expensive. They questioned whether the province’s additional seventeen seats would be worth the considerable costs that the Quebec Resolutions required their province to shoulder. Maintaining a provincial and federal government would be expensive. The step towards nationhood and independence would also require British North America to maintain its own army and naval fleet. Some Upper Canadian taxpayers worried that their province would shoulder the largest portion of these additional expenditures.61 The London Advertiser warned that the Quebec Resolutions gave Upper Canada “representation by population – and taxation by population.” Although it did not condemn the Confederation scheme, the Advertiser judged the above commitments to be a heavy price to pay for freedom from Lower Canadian “domination.”62 John McMurrich (the Reform representative of Saugeen in the Legislative Council) and M.C. Cameron disliked the plan to redistribute some of the general government’s revenues back to the provinces. Both men believed each province should pay its own expenses instead of dipping into the general government’s revenues. According to this interpretation, Upper Canadians risked continued exploitation by additional provinces if they agreed to the Quebec Resolutions.63

Few Upper Canadians defended one of the Resolutions’ most costly provisions: the construction of the Intercolonial railway. The project had never been popular in Upper Canada because its taxpayers knew that their province would be responsible for the largest

61 M.C. Cameron to JAM, 3 December 1864, LAC, MG26-A, Vol 338, Pt 2; Province of Canada, Confederation Debates 15 February 1865, 201.
62 Advertiser, 22 November 1864.
portion of its construction costs despite the fact that the line would provide them with few immediate benefits, and would not even enter their province. In an extremely negative editorial, the *Perth Courier* estimated that Upper Canada would pay for half of the Intercolonial’s construction costs.\(^{64}\) To make matters worse, the cost of construction was not yet clear, and many Upper Canadians worried that they were signing a blank cheque. Other Upper Canadians believed it would, like the Grand Trunk Railway, fail as a commercial venture. Many also worried that, if war with the United States occurred, the railway’s close proximity to the border made it an easy target for American occupation. Nevertheless, most Upper Canadians held their noses, and accepted the Intercolonial’s construction as a necessary inducement for Maritime participation in the union.\(^{65}\)

Several Upper Canadians also doubted that their province’s seventeen additional seats would be enough to overcome French-Canadian influence. John Macdonald (the Reform MLA for Toronto) believed Joseph Cauchon’s (the *Bleu* MLA for Montmorency) assertion that the senate, rather than the House of Commons, would be the final arbitrator of sectional disputes. He therefore expressed his desire for increased Upper Canadian representation in the senate.\(^{66}\) M.C. Cameron also believed Upper Canada’s strengthened intrastate influence could “be easily checked and completely swamped by the addition of forty-seven members from the Lower Provinces!”\(^{67}\) He was not alone. While speaking to a Reform club in Toronto in January 1865, John McMurrich worried that Lower Canada and the Maritimes would join forces against Upper Canada’s interests in the House of Commons.\(^{68}\) The *Perth Courier* also warned that the rest of Canada’s MPs could overpower Upper Canada’s 82 representatives in the House of Commons.\(^{69}\) Other MLAs shared this concern.\(^{70}\)


\(^{66}\) Province of Canada, *Confederation Debates*, 7 March 1865, 761. At least one other representative, Joseph Currie (the Conservative MLA for Ottawa) also desired increased representation for Upper Canada in the senate. *Ibid*, 17 February 1865, 283.

\(^{67}\) Province of Canada, *Confederation Debates*, 24 February 1865, 458.

\(^{68}\) *Globe*, 19 January 1865.

\(^{69}\) *Perth Courier*, 17 November 1864.
Upper Canadians who wanted to dominate in the federation’s national debates still walked a fine line when commenting on their province’s potential preponderant influence. They accepted Confederation, in part, because they continued to believe that ‘rep by pop’ would give their province preponderant influence in the House of Commons. One *Globe* editorial from January 1865 even described representation by population, rather than provincial autonomy or even federation, as the Reformer “sine qua non.” It insisted that strict adherence to rep by pop was in the entire country’s best interests. Giving the Maritime provinces a few more seats, for example, would not appreciably increase their power, but would give Upper and Lower Canadian MPs a “sense of injustice which might possibly tend to make them somewhat intolerant towards the smaller provinces.” Yet French Lower Canada and the Maritimes remained nervous about Upper Canada’s preponderance, so Reform supporters often downplayed their province’s potential influence during public discussions. Hope Mackenzie insisted that in crusading for representation by population, Upper Canadians “never sought or wished for supremacy, but only our just and fair influence according to our numbers and the public burdens.” Rather than exploring what Upper Canada would do with its preponderant influence, he emphasized the colony’s long history of political division, and noted that it would limit Upper Canadian preponderant influence in the House of Commons.

During the Confederation debates in the Assembly, Brown continued to describe Upper Canada’s preponderance as a defensive capability. He recognized that his province would be comparatively weak in the senate, but clung to the knowledge that Upper Canadians would “have [the] power, which we never had before, to prevent them [Lower Canadian representatives] from forcing through whatever we may deem unjust to us” in the House of Commons. In a vague speech the following week in the Legislative Council, Reformer William McMaster echoed the Reform leader by explaining that Confederation would “secure to the people of Upper Canada representation by population in that branch of

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71 *Globe*, 12 January 1865.
73 Province of Canada, *Confederation Debates*, 8 February 1865, 88.
the Federal Legislature which controls the purse-strings.” Similarly, on 12 January 1865, the *Globe* tried to assuage Maritime concerns of Upper Canadian dominance by admitting that it expected the populations of Upper Canada and the North-West to dwarf Lower Canada and the Maritimes in the decades to come. Unlike previous editorials that traditionally expressed the belief that Upper Canadians would overwhelmingly inhabit the North-West, however, this editorial described the region as a potential counterweight to Upper Canada. If that was not enough to placate Maritime concerns, the *Globe* assured its readers that the British tradition of justice and tolerance would lead the rest of the British North American representatives to block any measure Upper Canada might try to pass against another section of the country.75

The tendency of Reformers to describe their province’s preponderance as defensive, or insignificant, was less than sincere. Although the scenarios they described were plausible (and in some cases prophetic), Brown and his followers did not believe they were probable. In one of his speeches downplaying the significance of Upper Canada’s preponderance, Alexander Mackenzie could not help but encourage Upper Canadians to push the general government to fulfil the 69th article of the Quebec Resolutions that promised expansion into the North-West “with all the influence that can be brought to bear.”76 Reformers also believed that their province’s influence would grow in the coming decades. On 12 January 1865 the *Globe* declared that “any one who has any faith in the future of British America, must believe that the day will come when but a minority of her people will live in Lower Canada and the Eastern Provinces. Upper Canada and the vast country known as the Red River territory ought, if they have fair play, in forty years time to contain many millions of people.”77

George Brown revealed his aspirations in his private correspondence. He recognized that the same defensive power he described in public could be used to shape Confederation to suit Upper Canadian preferences. On the closing day of the Quebec conference, Brown

76 Province of Canada, *Confederation Debates*, 23 February 1865, 430.
77 *Globe*, 12 January 1865.
enthusiastically informed his wife that he was not worried by the “Tory” aspects of the Resolutions because Upper Canadians had “the power in our hands (if it passes) to change it [the constitution] as we like! Hurrah.”\(^{78}\) Five months later, Brown reaffirmed these expectations when he expressed sympathy for Maritimers, who he believed faced a difficult decision on Confederation. The decision to join Confederation was easier in Upper Canada because it would have “all the advantages” in the proposed union.\(^{79}\) Other Reformers who joined Brown in celebrating the achievement of ‘rep by pop’ without explaining what Upper Canadians could do with their potential intrastate preponderance undoubtedly held similar private aspirations.

Conservatives avoided or cast doubt upon the Reform contention that ‘rep by pop’ would give their province preponderant influence in the proposed Confederation. When introducing the Quebec Resolutions, Macdonald focused on how each provincial share of representatives in the House of Commons would be calculated and did not discuss the significance of ‘rep by pop’ for Upper Canadian influence in the general government.\(^{80}\) Alexander Morris, the Conservative MLA South Lanark, referred to John Stuart Mill’s warning about creating federations with large asymmetries of power between the constituent members. Rather than trying to explain why the Canadian context would not violate this warning, Morris simply noted that Canada and Prince Edward Island were \textit{prima facia} similar to New York and Rhode Island, and moved on to his next point. If asymmetries were not a problem among Northern states, they would not be a problem in a British North American confederation.\(^{81}\) The \textit{Leader} also discounted Brownite aspirations. Representation by population guaranteed Upper Canada “all she is fairly entitled to,” the \textit{Leader} recognized, “but she will not have the majority which has so often been promised to her.”\(^{82}\) Upper Canadians, therefore, could not expect to “swamp the Lower Provinces.” In fact, the \textit{Leader}


\(^{79}\) George Brown to Anne, 4 March 1865, LAC, MG24, B40 , Vol 6.

\(^{80}\) Province of Canada, \textit{Confederation Debates}, 6 February 1865, 38.

\(^{81}\) \textit{Ibid}, 23 February 1865, 439.

\(^{82}\) \textit{Leader}, 7 November 1864.
argued that the union could not be effectively governed if each region’s representatives to the House of Commons acted as provincial blocs.\textsuperscript{83}

Instead, Ontarian politicians in the new House of Commons would need to be ‘statesmen.’ George Jackson, the Conservative MLA for Grey, provided the most thoughtful rendition of this argument. “Statesmen” according to Jackson, had to eschew “abstract propositions,” and instead embrace practicality and compromise. He was glad ‘rep by pop’ would give Upper Canada its due influence in the House of Commons but recognized that a federal union was the only way the other colonies would accept this arrangement.\textsuperscript{84} Canada would remain a country of diverse interests and he suggested that “it is hardly to be conceived that gentleman called together for the performance of certain high purposes would attempt to do an injury to one part of the country over another.”\textsuperscript{85} Using Upper Canada’s influence in the House of Commons to ram through narcissistic policies was both immoral and contrary to its interests:

If Upper Canada is blessed with more wealth than any of the other provinces, it ought not to be forgotten that its accountability and its responsibility are greater – that they are in proportion to its riches – and while the people of that important section of the Confederacy may be called upon to concede some things that they have valued very highly for the general welfare, yet it is not for a moment to be supposed – and no one who dispassionately examines the whole subject can come to that conclusion – that Upper Canada will not receive very important advantages in return, in other respects. There must be conciliation and compromise between the several conflicting interests found in so large and so varied a territory, and we never can have a union without meeting and accommodating ourselves to this difficulty.\textsuperscript{86}

This pragmatic, yet ironically ideological statement summarized many of the assumptions that would underlie the willingness of Ontarians to use their influence to support compromise policies. Their province would be central to the new Confederation because it possessed so much of the country’s wealth and influence. Rather than using these attributes to narrowly pursue its own ends at the expense of the rest of Canada, the larger project of Confederation required Upper Canadians to compromise with the other provinces, even if doing so

\textsuperscript{83} Ibid, 1 December 1864.

\textsuperscript{84} Province of Canada, Confederation Debates, 9 March 1865, 887.

\textsuperscript{85} Ibid, 884.

\textsuperscript{86} Ibid, 888.
occasionally conflicted with their interests. In 1865 Jackson remained one of the few Upper Canadians who linked statesmanship with preponderant federalism.

The federal debates remained somewhat impressionistic and still often lacked detail. No one had an answer, for example, when M.C. Cameron and Christopher Dunkin asked about provincial representation in the national cabinet. This “vagueness,” Cameron rightly pointed out, detracted from the Quebec Resolutions’ credibility.\textsuperscript{87} Some of the vagueness of the debates was due to ignorance. C.B. de Niverville, the Bleu MLA for Trois-Rivières, famously confessed that he had not read the Quebec Resolutions prior to debating them in parliament.\textsuperscript{88} He probably was not alone. Others politicians were deliberately vague. Macdonald, for example, believed that it would be unwise to hamstring Canada’s future leaders with a lengthy constitution. The English government’s longevity, he asserted, arose in large part from its ability to evolve over time.\textsuperscript{89} The allure of preponderant influence, British North American union, provincial autonomy, in addition to continued inter-colonial distrust, also remained strong deterrents to publicly exploring the nuances of the Quebec Resolutions. The colonial delegates had “made a deal” and Upper Canadian advocates understood the importance of not jeopardizing goodwill by speculating.\textsuperscript{90} The debates therefore passed without concerted public discussion of preponderant federalisms. The few who talked or wrote about moulding the national government’s policies with Upper Canada’s preponderant influence focused on the mechanism to create change. They rarely described the type of country they envisioned.

The intensive Confederation debates, therefore, did not prepare Upper Canadians to consider how to use their province’s future preponderance. Those who hoped to use Ontario’s intrastate influence to dominate confederation welcomed the deal with great anticipation but did not yet share their hopes with the masses. Without this activism, Conservatives only rarely and vaguely explored Upper Canada’s potential role within

\textsuperscript{87} Ibid, 24 February 1865, 459; Ibid, 27 February 1865, 497-499.
\textsuperscript{88} A.I. Silver, \textit{The French-Canadian Idea of Confederation, 1864-1900} 2 ed. (Toronto: University of Toronto Press, 1997), 43.
\textsuperscript{89} Waite, \textit{Life and Times of Confederation}, 132.
\textsuperscript{90} Moore, \textit{1867}.
Confederation. Another year would pass before Upper Canadians began to more openly debate the role they would play within Confederation.

**Anticipating Ontario’s Preponderance**

Public debate of the Quebec Resolutions in Upper Canada slowed to a crawl after their approval in the Canadian Legislature. Most political observers focused on political developments in the Maritimes. Few of the inhabitants of Prince Edward Island supported a scheme that would give the Island’s six counties five seats in the general parliament without resolving its land tenure problem. Newfoundlanders questioned how their province’s small population could secure its tariff and foreign policy preferences within a general government dominated by Canada. They also foresaw few benefits to contributing to the costs of the Intercolonial railway or expansion into the North-West.

New Brunswick’s Premier, Samuel Tilley, called an election for March 1865 to solicit support for Confederation but was soundly defeated. For a time it seemed that the Confederation movement had stalled. The unpopularity of Confederation in Nova Scotia led its premier, Charles Tupper, to postpone debate in the Assembly. Nova Scotia’s leading anti-Confederate and former Premier, Joseph Howe, published a series of editorials against the Quebec Resolutions in the opening months of 1865. Before year’s end, George Brown also contributed to the Confederation drama. His distaste for Macdonald, his continued desire to supplant the Kingston Conservative as Upper Canada’s leader, along with several clashes in the cabinet regarding tariff negotiations with the United States during the summer and fall of 1865, led Brown to resign from the Great Coalition in December. Fergusson Blair, a moderate Reformer who had served in Sandfield’s government and currently sat in the Legislative Council for the Brock district, assumed Brown’s place in the Coalition cabinet as President of the Council. Despite his dissent of the government, Brown continued to support the union cause. Confederation was on shaky ground.91

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The following year, however, many dissenting Nova Scotians and New Brunswickers re-evaluated their opposition. The Colonial Office in London favoured British North American union. Attacks by American radicals from the Fenian Brotherhood in New Brunswick in April 1866 also encouraged reassessment. Although the raid had little military consequence, the panicky atmosphere led many of Confederation’s detractors to reconsider their position. In this new political climate the Lieutenant Governor of New Brunswick, Arthur Gordon, forced another election for May and June 1866. It ultimately restored Tilley and his supporters to power. Capitalizing on Tilley’s restoration, Tupper secured the permission of the Nova Scotian legislature “to arrange with the Imperial government a scheme of union which will effectually secure just provision for the rights and interests of this Province.” Shortly thereafter Tilley passed a similar resolution. The Maritime legislatures did not approve the Quebec Resolutions; they only sanctioned further negotiations. With these limited mandates in hand by the spring of 1866, both provinces sent delegations to London to secure the best possible terms.

When the negotiations resumed in London in December 1866, the Maritime delegates needed to secure better terms than those promised in the Quebec Resolutions. The Imperial government did its part by offering to guarantee part of the loan required for the Maritime’s long desired Intercolonial railway. This, however, was not enough. Both provinces lacked municipal taxation and the Quebec Resolution’s assignment of tariffs to the dominion

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92 The Fenian Brotherhood was a militant organization founded in Ireland in 1858 and the United States the following year. After the American Civil War, thousands of well-trained Irish Catholics joined the Fenian Order to secure Irish independence. The Fenians hoped that by invading British North America, they would secure the collaboration of its large Irish population to weaken Britain’s hold on Ireland or even form an army to fight Britain. Morton, *The Critical Years*, 183, 191-195.

93 As quoted in Maxwell, *Federal Subsidies to the Provincial Governments in Canada*, 18.


95 The Imperial government had already offered a loan guarantee to the separate provinces in 1862, but Upper Canadian dissent for the cost of the Intercolonial railway project had convinced Sandfield to withdraw his government’s support. Since the failed 1862 negotiations, the Imperial authorities linked the Intercolonial with a British North American union. The 1866 loan was therefore a fulfillment of a British promise, as well as an inducement to accept the union. The Imperial government desired a British North American union because it hoped the union would result in lower British North American tariffs and a greater colonial willingness to shoulder their own defence costs. Martin, *Britain and the Origins of Canadian Confederation*, 238-239, 256-257.
government deprived them of their main revenue source. The Canadian delegation recognized the Maritime’s financial need but did not want to violate “the principle that the Provinces should receive equal treatment on the basis of population rather than on the basis of fiscal need.”\(^96\) The conference delegates found ways to improve the Maritime’s financial terms without blatantly violating this precept of the Quebec Resolutions. They promised to raise the Maritime subsidy by applying the same eighty-cents per capita to Nova Scotia and New Brunswick’s 1871 populations, while Ontario and Quebec’s subsidies continued to be based on the 1861 census. To placate the Canadians, this arrangement would only persist until each province’s population reached 400,000. The new formula ensured that the subsidy technically continued to be calculated on a per capita basis. The London conference also added annual grants to the financial package and these were not strictly proportionate to population. Each year the general government would pay Ontario $80,000, Quebec $70,000, Nova Scotia $60,000 and New Brunswick $50,000 (see Table 1). Although these financial concessions were not unreasonably expensive, many Brownite Reformers who were now outside the cabinet and who consequently responded to the negotiations from across the Atlantic, worried that the unequal treatment of each province might lead to further concessions in years to come. The London delegates anticipated this concern, and their resolutions, as well as the BNA Act, reassured Upper Canadians that these financial terms would be the “full settlement of all future demands.”\(^97\)

The London adjustments led the Upper Canadian representatives to reopen the issue of senate representation. In a letter to Lord Monck, McDougall described the debate. For “three or four days” the London delegates rehashed the question of elected or appointed officials, lifetime appointments, and “especially” what McDougall referred to as “fixed” regional representation. McDougall and the other Reform Coalition delegates expected Upper Canada’s population to continue to grow at the phenomenal rates of the previous two decades, and therefore pushed for the regional representation in the senate to be adjustable. The other delegations, however, continued to fear that if the regional representation formula

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was modified, “the smaller Provinces would be at the mercy of Upper Canada, [and] that the fixed Upper House was their only protection.” 98 Ultimately, the London conference rejected modifying regional representation in the senate and instead inserted a provision for the dominion government to appoint an additional three or six senators to the chamber if their inclusion preserved the existing regional proportions. 99 Upper Canadian Reformers had to content themselves with preponderant representation in the lower house.

Aside from these intrastate debates and financial questions, the London conference delegates also amended the Quebec Resolutions by adding provisions that protected separate schools. The Quebec Resolutions only guaranteed the rights that Protestant and Catholic minorities in Lower and Upper Canada enjoyed “at the time when the Union goes into operation.” 100 During the Canadian parliamentary session in August 1866, Alexander Galt pushed the government to introduce legislation that would have expanded the administrative independence of Upper Canadian separate schools. The government bill had wide support from both Upper and Lower Canada. But then Robert Bell, the Conservative member for the Franco-Ontarian riding of Russell, proposed a bill that promised Upper Canadian Catholics the same rights as Lower Canadian Protestants. Although Macdonald initially supported Bell’s bill, other Upper Canadian Conservatives and Reformers opposed it. Bell’s bill was extremely popular among Lower Canadian Catholics, but Macdonald recognized that allowing their political representatives to force the measure through the Assembly would have infuriated Upper Canadians and created ill-will at Confederation’s outset. The government therefore withdrew its education bill and effectively terminated the debate. Galt protested this decision by resigning from the government but his counsel and pressure from Lower Canadian Protestants led the government to include him in their London delegation. This time Galt successfully pushed through measures that eventually became section 93 of the BNA Act. Each of the four sub-sections qualified the otherwise exclusive provincial jurisdiction in education. Sub-section one guaranteed the perpetuation of separate school

98 McDougall to Monck, 27 January 1867, LAC, MG27, IC6.
rights, as they existed “by Law in the Province at the Union.” The second sub-section guaranteed Upper Canadian Catholics the same rights as Lower Canadian Protestants. The third sub-section gave minorities across Canada the right to appeal to the Governor General to disallow provincial education legislation that eliminated separate school rights that existed “by Law at the Union.” Sub-section four empowered the dominion parliament to “make remedial Laws” if a provincial legislature violated the guarantees set out in section 93.  

Catholic Upper Canadians nervously followed these negotiations. Franco-Upper Canadians compromised 4.7% of the province’s 1871 population. Despite their high concentration in the southwest in Essex and Kent counties, in the northwest counties of Prescott and Russell, as well as the Ottawa region, this ethnic minority elected few representatives to either the provincial or dominion legislatures. They therefore looked to Lower Canada and Quebec for the protection of their minority rights. Irish Catholic support weighed more heavily on the minds of Upper Canadian politicians. Irish Catholics comprised approximately 17% of Upper Canadians in 1871, and constituted a potentially powerful swing vote. From 1864 to 1867 their two major Toronto newspapers maintained a strong ethnic perspective. The Canadian Freeman, founded in 1858 by James G. Moylan, whose close ties to Toronto Bishop John Joseph Lynch, as well as the continued Reform emphasis on representation by population drove his newspaper to support the Conservatives. Patrick Boyle, who had previously worked as a printer at the Globe, founded and edited the Irish Canadian in 1863 as a reaction against clerical oversight and eventually supported Reformers. Although the issues of the Irish Canadian for much of this period no longer exist, the Canadian Freeman regularly commented on Confederation’s

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development. Given past Canadian politics, Irish Upper Canadians were understandably concerned about maintaining minority rights to publicly funded separate schools, and both organs therefore closely followed the attempts by Galt and others to secure these rights at home and in London. Even after the London conference published its guarantees for minority education rights, the Canadian Freeman argued that the promises would only be as good as the representatives elected to parliament.\(^{105}\) The newspaper also noted the extensive representation of English-speaking Protestants in Lower Canada, and encouraged Irish Catholics to vote as a bloc to secure the election of a proportionate number of Catholic representatives in both provincial and federal parliaments, as well as the dominion cabinet.\(^{106}\) Despite these different interests, the Irish newspapers did not entirely ignore their province’s preponderance prior to Confederation. In August 1864, the Irish Canadian worried that a “Saxon spirit of aggression” would deter French-Canadians from accepting a federal solution.\(^{107}\) In January 1867 the Canadian Freeman nervously noted that representation by population would give Ontario and Quebec “the controlling influence” in the dominion parliament.\(^{108}\) Whether Ontario Irish Catholics would benefit from their province’s preponderant influence, however, remained to be determined.

Irish Catholics were not the only Upper Canadians unsure about their province’s preponderance. After the London conference, Upper Canadians resumed debate on the role their province would play in Confederation. Brown’s resignation and revival of partisanship divided Reformers. A few supported the decision of Howland, Blair, and McDougall to remain in the government coalition. A more significant minority continued to support Sandfield. Most Reformers, however, followed Brown.

\(^{105}\) See for example: Canadian Freeman, 9 August 1866; Ibid, 15 November 1866; Ibid, 10 January 1867; Ibid, 14 February 1867; Ibid, 28 February 1867.

\(^{106}\) See for example: Irish Canadian, 19 April 1866; Ibid, 28 March 1867; Ibid, 6 June 1867. Despite their numbers, Irish Catholics were too dispersed to secure the parliamentary representation that they desired. Like the rest of Upper Canadian voters, moreover, Irish Catholics often limited their potential influence by splitting their vote between Liberal and Conservative candidates. During late pre-Confederation and early post-Confederation periods, the Freeman supported the Conservative party, while the Irish Canadian, supported the Reformers / Liberals. Stortz, “The Irish Catholic Press in Toronto, 1874-1887;” Michael Cottrell, “Irish Catholic Politics in Ontario,” 796.

\(^{107}\) Irish Canadian, 17 August 1864.

\(^{108}\) Canadian Freeman, 10 January 1867.
With Confederation a certainty, Brown began to encourage Upper Canadian voters to elect his followers to the first session of the House of Commons. Confederation’s achievement negated the need for the Great Coalition’s continuation. In the past, Macdonald and his Conservatives had overpowered the more numerous Upper Canadian Reformers by allying with Lower Canadian Bleus in the Assembly. Brownites therefore repeatedly warned Upper Canadians to be vigilant. The Bruce riding Reform Association warned its voters in a lengthy address to guard against “a new unholy alliance.” Upper Canadian Reformers would now have to “contend” with three provinces instead of one. The construction of the Intercolonial railway and the opening of the North-West to European settlement would create immense patronage opportunities that those in power could use to sway Upper Canadian Members of Parliament from pursuing their riding’s interests. The BNA Act gave Upper Canadians the opportunity to influence these actions but only if they nominated “men of unimpeachable moral character” who would not succumb to the temptations of patronage and power once in Ottawa.109 Similarly, Joseph Gould (a wealthy farmer and businessman) noted Ontario’s additional seventeen parliamentary seats and told a Reform meeting in the riding of North Ontario that “it will depend on ourselves… whether Confederation shall be an advantage to us.”110 In short, Brownite Reformers contended that Upper Canadians had to elect a solid phalanx of their candidates if they expected Upper Canadian interests to gain any traction in Ottawa.

George Brown organized another convention to solidify the Reform base behind his post-Confederation vision. On June 27 over six hundred delegates crowded into the Music Hall on Church Street in Toronto.111 These delegates overwhelmingly rejected Howland and McDougall’s appeals for the continuation of the Great Coalition. The Coalition government, the delegates declared, did not serve Upper Canada’s interests. Macdonald’s government would sacrifice the interests of any constituent province to maintain power. In the dominion cabinet, the convention’s speakers argued, Macdonald and the Quebec representatives would act as a single power bloc, requiring the support of only one additional Maritime minister to overwhelm the influence of Blair, Howland, and McDougall. Supporting the Coalition was

109 Globe, 6 April 1867.
110 Ibid, 4 April 1867; Ronald J. Stagg “Gould, Joseph” DCB (online edition). See also: Globe, 23 April 1867.
thus tantamount to admitting that Upper Canadian Reformers were “unable to control the destinies of the new confederation.”

Brownites were extremely judgemental of those who continued their association with the Conservatives from the Great Coalition in the dominion cabinet. The delegates, and particularly the Globe, condemned them as “traitors” who lacked principle, sought only power, and insisted the that Ontario contingent was “without influence in the new Government.” The Globe argued that Reformers, as the only reliable protectors of provincial interests, would win the elections and thereby secure even fuller representation in the post-election cabinet. Anything else would be a distortion of Ontarian federalism.

Fortunately, these Upper Canadians argued, their province’s intrastate preponderance would allow it to stand apart from the other provinces if necessary. Now more concerned about his appeal in Upper Canada than his image in Lower Canada, Brown openly shared his aspirations. ‘Rep by pop’ gave Upper Canadians the opportunity to shape the dominion. He twice reminded the delegates that time was on Upper Canada’s side. Even if Upper Canada’s population grew at the diminished rate of the past decade, Brown projected that the 1871 census would raise the province’s parliamentary representation to “94 or 95” seats, “and that ten years later if the same ratio of increase in the population is maintained, Upper Canada will have a majority in the House of Commons.” Brown advocated patience. Upper Canada’s day would come:

If we have a majority we will carry the House, and if we have not we will wait till the Coalition falls to pieces, which will not be long; and then, when the Coalition no longer commands the confidence of the House, the Governor-General must send for the Reformers, and do you think these gentlemen would then refuse an alliance with the Reformers of Upper Canada? Take my word for it, gentlemen, if the Reformers of Upper Canada are true to themselves, and stand united as they have done in the past, they hold the balance of power in this Dominion.

112 Globe, 26 June 1867; Proceedings of the Reform Convention (Toronto: Globe, June, 1867), 51-52, 54-55.
113 Globe, 3 July 1867.
114 Proceedings of the Reform Convention, 32. See also Ibid, 53.
115 Ibid, 52.
A host of other delegates, including Edward Blake and Adam Crooks of Toronto, Robert Fraser of Brockville, and J.G. Currie of St. Catharines expressed similar hopes. The BNA Act gave Ontarians preponderant influence, and “it will be their own fault,” Brown bluntly concluded during his speech to the convention, if Upper Canadian Reformers did not secure their province’s interest by playing a central role in dominion affairs.

Reformers denied that these aspirations were sectionalist. During the convention’s proceedings, Brown suggested that the Maritimes would elect a strong Reform contingent that would support the Upper Canadian Reform agenda. Yet even he admitted that this was mere conjecture. As Careless points out, Upper Canadians still knew little about the Maritimes and, until the disparate Reformers joined as a single national party, the Globe instructed its readers to “avoid speaking or acting as though general questions were to be settled by the vote of Ontario alone" because it could encourage further fear of Upper Canada’s preponderance. Although Reformers were more open about their hopes for influence than they had been at the 1859 convention, they still worried about how they would be perceived in the rest of British North America.

By the final months of 1866 and early 1867, Conservatives began to explain why compromise would be so crucial to the infant country’s development. They favoured Confederation because they continued to hope that it would relegate the sectional issues that had plagued the union parliament to the provinces and allow national politicians to focus on expanding, populating, and strengthening the new dominion. In so doing, they would enrich and enlarge the Laurentian economy and construct a bulwark against American encroachment. All of Canada would benefit from the union of British North America. In one excessively optimistic editorial, the Leader forecasted that the four provinces would eventually contain fifty million inhabitants. Halifax, the Conservative organ bragged, would

116 Ibid, 27, 38, 69, 83-84.
117 Ibid, 32. Careless, Brown of the Globe Vol 2: Statesman of Confederation, 249 briefly describes this aspiration but his focus on the convention’s partisan purposes, and Brown’s desire to create a national Liberal party, limits his analysis of the popularity and character of the idea.
118 Proceedings of the Reform Convention, 32.
serve as an ice-free port for this immense interior, and would consequently grow to rival New York City.\footnote{120}

In this new political environment, old partisan divisions would be unnecessary, quaint, or detrimental to national development. New partisan divisions would develop over time but, for the time being, the country needed its most able men to guide the country to maturity. Confederation was a fresh start, and good governance necessitated the continuation and expansion of the Coalition government to include all of the dominion’s provinces. To do otherwise, Conservatives claimed, would be regressive. Patriotism, the \textit{Leader} insisted, required the dominion’s voters to give the coalition a “fair trial” before returning to partisanship.\footnote{121}

Coalition supporters did not deny that the provinces’ varied interests would create some tension but defended their allegiance to the government. Navigating these differences, McDougall told his Hamilton audience at the end of October 1866, would require “statesmanlike” men who were willing to put aside their previous “petty” differences and aim for “higher policy.”\footnote{122} Ontario, he warned, was not strong enough to secure its interests while remaining aloof from the government. At the 1867 Reform convention McDougall argued that if he and the other Reform-Coalitionists had not maintained their position in the cabinet, “we would have seen the three eastern Provinces banding together and supporting a government to which the majority in Upper Canada was opposed.”\footnote{123} When discussing Confederation in his memoirs, Howland alleges that Brown had lost “interest in the success of the measure,” and implied that Brown was only interested in supplanting Macdonald after his departure from the Great Coalition.\footnote{124} At the 1867 Reform convention Howland insisted that “there could not be a more ruinous thing for us to do than for the great reform party of Upper Canada to preclude those representing us from uniting with men no matter where they may come from, who have worked earnestly to bring about the \text{[constitutional]} change.” The alternative was to “coalesce with those… who have strenuously opposed the Union

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\textsuperscript{120} \textit{Leader}, 6 October 1866.
\textsuperscript{122} \textit{Ibid}, 31 October 1866.
\textsuperscript{123} \textit{Ibid}, 1 July 1867.
\textsuperscript{124} Sir William P. Howland, “\textit{Autobiography of The Hon. Sir William P. Howland},” Trent University Archives, \textit{Acc 77-1020} (1906), 25.
throughout, with those prominent among whom is one who has said that if it had not been for the oath he had taken to her Majesty he would be among the first to shoulder his rifle and march to the border to shed his blood in opposition to Confederation.”

Upper Canadian voters would harm Confederation by supporting Brownite candidates. The Leader agreed. If Upper Canada did not support its Coalition candidates it risked “isolating itself from the rest of the Confederation and thus compelling the formation of an [sic] union of the other three Provinces for self-protection.” The Maritimes were not eager to contribute to the costs of Canadian expansion into the North-West and convincing them to support such policies required strong Upper Canadian representation in the government. An Upper Canadian bloc vote for Brownite candidates, the Leader warned, would not secure this goal. Upper Canada, like the other provinces, had to participate in the governing coalition if it wanted its needs to be met.

By the eve of Confederation, Upper Canadian Coalitionists recognized their colony’s preponderant potential. They nonetheless opposed independent provincial action because they continued to believe that the other provinces would still prevail against their influence in the House of Commons. For Confederation to spawn a ‘new nation,’ all of the provinces, including Ontario, needed to elect representatives who would cooperate and compromise with their peers from other parts of British North America.

Conclusion

Upper Canadian preponderant federalisms developed relatively quickly between 1864 and 1867. When the Great Coalition first formed, few politicians publicly espoused preponderant federalisms. Even the intense negotiations at Charlottetown and Quebec City as well as the debates in the Canadian Assembly, failed to generate significant public discussion of their province’s potential influence. Until the London conference, Upper Canadians who hoped to dominate Confederation avoided alarming Lower Canada and the

125 Leader, 1 July 1867.
127 Ibid, 2 May 1867. See also Ibid, 6 May 1867; Ibid, 27 June 1867.
128 Ibid, 10 May 1867.
Maritimes by keeping tight-lipped about these desires. They waited until after the London conference made Confederation a certainty before openly proclaiming their provincial aspirations. Conservatives generally focused on the economic and defensive benefits of British North American union, and few initially conceived of their province as a prospective ‘first among equals.’ They accepted the federal principle by necessity rather than by choice. At the same time, however, a few Conservatives and Reform-Coalitionists responded to Brownite aspirations for preponderant intrastate influence 1865 and 1866 – or their outright declarations of future dominance in 1867 – by proposing an alternative vision for Ontario’s role in Confederation. They admitted that Ontario might exercise strong influence within the new dominion but denied its ability to outvote the rest of the country. These Ontarians therefore advocated restraint and cooperation with the rest of the country. They even began to hint at using Ontario’s potential influence to support the passage of compromise policies. On the eve of 1 July 1867, therefore, many Brownites, Reform-Coalitionists, and Conservatives believed that representation by population would assure Ontario’s provincial autonomy and ‘just’ influence in national affairs, but they disagreed about the role their province would play within Confederation.

In late June 1867 both preponderant federalisms still lacked breadth. The prolonged ‘rep by pop’ debate limited discussion of the role Ontario would play within the House of Commons and the Senate and it further led both parties away from considering other forums of intrastate influence, such as the cabinet. The desire for provincial autonomy and confidence concerning Ontario’s intrastate power also discouraged Reformers from considering the potential influence that Ontario’s Legislative Assembly might exert during national debates. Neither of these oversights would survive the first years of Confederation.

At times, both parties used their preponderant federalisms to serve their partisan interests. Reformers, and especially Brown, appealed to Upper Canadian prejudices, and claimed that their province would only be safe if its electors sent a solid bloc of Reformers to parliament. Conservatives similarly asked Upper Canadians to support the continuation of Coalition government by claiming that it would prevent Brownite Reformers from misusing Ontario’s influence and sabotaging Confederation at its birth. These partisan appeals sometimes strained credibility. According to Donald Creighton, for example, Macdonald
continued to describe his government as a coalition in Upper Canada despite knowing that it was “a rather dubious fiction” to consider McDougall, Howland, and Blair to be representative Upper Canadian Reformers.\(^\text{129}\) Not all partisan rallying cries, however, were insincere propaganda. Coalition supporters from Upper Canada had good reason to fear the possibility that an intrastate power struggle led by Ontario could compromise national unity. Conversely, Brownites had fought long and hard for ‘rep by pop’ and provincial autonomy, and were understandably unwilling to accept further dictations from the rest of Confederation.

Paul Romney insists that English-Canada’s intelligencia increasingly ‘got it wrong’ after the Laurier era by imposing their desire for centralized government that could overcome local prejudices and maintain national unity onto Upper Canadians. “By prematurely converting Upper Canadians into Canadians,” he writes, “centralist story-tellers prevented themselves from seeing Confederation as Oliver Mowat had seen it: as the belated achievement of autonomy under monarchical institutions - that is, of responsible government - by Upper Canada.”\(^\text{130}\) Upper Canadians, Romney rightly contends, did not forsake their affinity for autonomy on 1 July 1867. They continued to value their provincial consciousness and did not subordinate it to national identities. Some would soon espouse a provincial compact theory of Confederation. But Romney’s eagerness to uphold Mowat as a kindred spirit to Quebec’s provincial autonomists leads him to overlook the desire in Ontario to preponderate in Canadian policy debates. Upper Canadians wanted provincial autonomy and they entered Confederation believing ‘rep by pop’ would provide them with sufficient seats in parliament to defend themselves from further interference by the other provinces. ‘Rep by pop’ also promised Upper Canadians the potential to strongly influence the national government’s policies. At the end of June 1867, most Upper Canadians expected their province to become a ‘first among equals’ that would have strong intrastate representation that could be used to sway national policy debates. It remained to be seen, however, if Ontarians would unite and whether they would use their strength to oppose or support policy initiatives from other parts of the country.

\(^{130}\) Romney, *Getting It Wrong*, 279.
Chapter 3: ‘The Ishmael of Confederation’, 1867-1872

“Under our present Constitution we are not divided sectionally... and so it will be under the proposed Confederation... In claiming, then, that under it there will, on all questions, be a majority against Upper Canada, is to assume that Upper Canada will be at war with all the other provinces, and that they will be continually at war with it. Well, what right has any man to assume that this will be the case – that Upper Canada will be the Ishmael of the Confederation? I think he has none whatever.”

Hope Fleming Mackenzie, Province of Canada, Confederation Debates, 6 March 1865, 677.

On 1 July 1867 Canadian Confederation became a reality. Only Ontarians, however, widely celebrated the new country. Many were confident that their opinions would have more weight than those from other provinces but was sharp disagreements persisted concerning the use this influence. In the Biblical book of Genesis, Ishmael’s illegitimacy sets him apart from Abraham’s family. An angel prophesized that Ishmael’s “hand will be against everyone and everyone’s hand against him.” That Ontario might be similarly alienated troubled many during the Confederation debates. Would Ontarians become the disfavoured Members of Parliament? In 1865, Hope Mackenzie did not think so.

Brownite Liberals and a few Independent MPs such as Mackenzie Bowell expected ‘rep by pop’ to ensure that their province rarely need to accommodate the conflicting demands of other parts of the country. They hoped that Ontario MPs would form a voting bloc in parliament and therefore expected to exercise decisive influence during national debates concerning the Intercolonial railway’s route, better financial terms for Nova Scotia, the Red River resistance, and the entry of Manitoba and British Columbia into Confederation. The belief that such alliances were plausible emboldened these Upper Canadians to turn these policy questions into heated political debates that damaged national unity. In each of these debates, Brownites and a few Independents knew that Ontario lacked the absolute majority to dominate in the House of Commons, yet they sought to attract a

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1 Province of Canada, Confederation Debates. 6 March 1865, 677.
handful of votes from the rest of Canada and rally Ontario’s MPs to nevertheless exert decisive influence. The repeated failure of these agitators to secure their policies led many to wonder whether their province was the abandoned child of Confederation. Despite these setbacks they clung to the hope that Ontario could still impose its will upon national policy debates. This continued faith in Ontario’s preponderant potential emboldened the agitators to continue to boldly antagonise the rest of Canada and reject compromise policies.

Despite the Brownite Liberals’ focus on intrastate influence during the three years preceding Confederation, preponderant federalisms unexpectedly contributed to a second set of debates in Ontario provincial politics. Beginning with the 1867 national and provincial elections, and following several failed attempts to rally Ontario MPs to oppose initiatives from the rest of Canada, preponderant federalists urged Ontario’s MPPs to unite and impose their will on other parts of the country. Provincial rights historians have misunderstood these agitations. Bruce Hodgins concludes that Edward Blake was an “inconsistent” federalist because he flip-flopped between upholding and ignoring the division of powers between the dominion and provincial governments. Blake espoused provincial compact theory when opposing better terms for Nova Scotia in 1869 but then tried to convince Ontario’s Legislative Assembly to censure the Canadian government for its handling of the Red River resistance in 1871 and 1872. Christopher Armstrong also alleges that there was a conflict between Blake’s demands for “non-interference” in provincial affairs and his attempts to use the Ontario Legislative Assembly to interfere with the dominion government’s policies. In fact, Blake and other Liberals insisted that Ontario use its intrastate preponderance and ‘moral’ influence to prevent the Canadian government from setting precedents that compromised their vision of Canada. These politicians and newspaper editorialists also claimed that enforcing their perception of Ontarian interests was the only way to build national unity. Exerting strong influence and safeguarding the provincial compact were mutually reinforcing goals.

3 Hodgins, "Disagreement at the Commencement," 63-64. See also Hodgins and Edwards, "Federalism and the Politics of Ontario, 1867-1880," 70.
Conservatives who followed the leadership of Macdonald, Sandfield and M.C. Cameron have also been misunderstood. Centralists such as Creighton, Morrison, Gwyn, and Morton, as well as provincial rights historians like Romney and Armstrong, focus on Macdonald and write as if these Ontarians forsook their provincial political culture and focused on national interests after 1867. This assertion is not accurate. Sandfield, M.C. Cameron, as well as Macdonald, cautioned Ontarians against Brownite ‘sectionalism’ and the danger of setting their province against the rest of Canada. If Ontario was immoderate, they warned, it would alienate itself from the rest of Canada or even spur secession or dissolution in other provinces. They also argued that Ontarians could facilitate greater interprovincial harmony by refusing to unite against initiatives of other provinces or by using their preponderant influence to secure compromises.

The willingness of Ontario MPPs to engage these national debates and discuss Ontario’s potential influence demonstrates that preponderant federalisms amounted to more than attempts to form parliamentary power blocs. Admittedly, the Conservatives often denied that their province had a right to intervene, but their dismissals were accompanied by warnings premised on Ontario’s ability to antagonize national unity by interfering in affairs that did not concern its provincial legislature. Preponderant federalisms led Ontarians from national and provincial politics to imagine that their province could exercise constitutional and extra-constitutional influence in national debates. This common belief contributed to Liberal attempts to rally against the rest of Canada, and Conservative attempts to discourage such agitations.

The 1867 Elections

John A. Macdonald surprised the country by selecting John Sandfield Macdonald to take his place as leader of the Coalition at Toronto and become Ontario’s first premier. Sandfield was a moderate Reformer who had often challenged Macdonald’s rule in the past. He also lacked an extensive Ontarian following and he had opposed Confederation during the

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1865 debates. Macdonald, however, selected Sandfield because he valued the Cornwall MP’s desire for dominion-provincial harmony. Sandfield, the prime minister hoped, could construct a moderate Conservative-Liberal coalition that would cooperate with a similar coalition in Ottawa. Both men hoped that this alliance would keep Brownites from controlling the provincial government in Toronto, or Parliament Hill in Ottawa.6

The concurrent Canadian and provincial election campaigns that ended in September 1867 established the political battle lines for the next five years.7 As J. Murray Beck argues, the dominion election was hardly a national election: “it was, in fact, four separate elections, each conducted in splendid isolation from the others, each taking its tone from the events leading to Confederation in the particular provinces.”8 Ontarians did not debate the merits of Confederation in either the national or provincial election campaigns but their different perceptions of Ontario’s interests led them to favour different dominion-provincial and intrastate relationships.

During the campaigns, Coalition candidates claimed that Canada could not yet afford partisanship. Confederation righted old wrongs, such as Lower Canadian dominance in the former Legislative Assembly. At a political meeting in West York, Sandfield argued that those who tried to renew old interprovincial rivalries “were the enemies of the country,” because such actions would only jeopardize Confederation.9 Macdonald went even further by contending that prospective provinces were not interested in the Province of Canada’s old partisan divisions, and that perpetuating these differences could hinder the expansion of the dominion across British North America by compromising the appeal of Confederation in Prince Edward Island or British Columbia.10 The campaigns of both the dominion and provincial Coalitions, therefore, emphasized the need to give the new Confederation a “fair trial” by allowing them to govern until new partisan divisions emerged.

7 For further analysis of the 1867 elections consult: Small, "A Study of the Dominion and the Provincial Election of 1867 in Ontario."
8 Beck, Pendulum of Power, 1.
9 Leader, 20 July 1867.
10 Ibid, 26 July 1867.
Coalition supporters also solicited electoral support by insisting that a strong Confederation required Ontarian collaboration. The Toronto Leader explained that “Ontario, in respect of population, is nearly one half of the dominion; and serious inconvenience would arise if it were to come in collision with the General Government.”11 A week later, the Leader elaborated:

Mr. Sandfield Macdonald has, in this combination, taken the best possible precaution against Ontario being brought into collision with the Dominion. It was of the utmost importance to this Province that this should be done; for if Ontario had been arrayed against the rest of the Confederation, the other Provinces would, in self-defence, have united against her. In that event, she would have found herself in a minority, and more at the mercy of the other three Provinces than Upper Canada was of Lower Canada.12

Ontario was large and important, and could sabotage Confederation if it did not support Ottawa. Yet Ontario lacked the strength to dominate Confederation. Going it alone in parliament would alienate their province from the rest of the Canada and limit their ability to influence the cabinet. Cooperating with the other provinces was the best way to protect Ontario’s interests. Coalitionists repeatedly emphasized these themes. Historian Bruce Hodgins notes several occasions when Sandfield emphasized the importance of harmony between Ontario and the dominion government or told Ontario’s voters that their province had to “prevent Ontario from being politically isolated.”13 In a public letter to Torontonians, Robert Harrison, the Coalition MP for West Toronto, argued that the election of Brownite Liberals to the House of Commons would encourage sectionalism in the Maritimes and endanger the fragile new Confederation.14 The Belleville Intelligencer agreed.15 Ontarians had to protect their country’s future by preventing their province’s influence from being misappropriated and misused by Liberal sectionalists.

Brownite Liberals expected to sweep Ontario’s ridings in both elections and dominate the provincial and dominion governments. They claimed that Sandfield’s dominion-provincial cooperation was a “patent combination” steeped in corruption and jurisdictional

11 Ibid, 15 July 1867.
12 Ibid, 22 July 1867.
13 Hodgins, John Sandfield Macdonald, 93.
14 Leader, 4 July 1867.
15 Intelligencer, 14 August 1867.
confusion that would undermine Ontario’s provincial autonomy and intrastate influence.\(^{16}\)
The *Globe* opined that Quebec’s ability to “command” the country would only end if
Liberals won Ontario’s dominion and provincial ridings.\(^{17}\) On 24 July, the same newspaper
published an editorial expounding its vision of Ontario’s future dominance. Representation
by population guaranteed that “no great injustice can be done to a section like Ontario, which
has now nearly half of the whole representation, and will have more than half before many
years go by.” Should Ontario’s majority prove insufficient in the interim, the *Globe* believed
either Quebec’s English ridings, or Maritime representatives, would vote with Ontario MPs.
The main threat to Ontario’s intrastate influence was therefore Ontarian voters. The *Globe*
contended that “it is absolutely necessary, at the coming election to see that men are returned
who will not submit to French domination.”\(^{18}\) Only the election of Coalition representatives
could compromise Ontario’s preponderant influence and expose Ontario’s wealth to
predation by the rest of Canada.

When the campaigning ended, Ontario voters gave John A. Macdonald’s dominion
Coalition 52 seats (nearly two-thirds of the province’s ridings). Most of these were
Conservatives, but the tally also included Liberal-Coalitionists such as McDougall.
Sandfield’s majority is harder to determine, but it did not exceed ten seats. Like its national
counterpart, Sandfield’s government contained mainly Conservatives, but also included
Liberal-Coalitionists such as Edmund Wood\(^{19}\) The popular vote was much closer. John A.
Macdonald’s government, for example, won 63% of Ontario’s seats with only 51% of the
popular vote (see Appendix 2). These divisions demonstrate that Ontarians continued to
contest what type of preponderant federalism would inform their representatives’ actions.

Ontario also secured the largest number of cabinet ministers. The appointment of
Senators limited their willingness to protect regional interests by overruling the House of

\(^{16}\) *Globe*, 20 August 1867. The origin of this term ‘patent combination’ is not entirely clear. See Small, "A
\(^{17}\) *Globe*, 8 July 1867.
Sandfield Macdonald*, 90-93 agrees with this estimate. Some Ontarians still believed that the Coalition’s
continuation was necessary the following year. See for example: William Foster to Aikins, 15 August
1868, LAC, MG27, ID1.
Commons. This inefficacy made the Canadian cabinet the next logical place for intrastate representation. Macdonald only struck the regional balance of five Ontarians, four Quebecers, and four Maritimers, after extensive dealing and “great difficulty.” The prime minister, along with Alexander Campbell, became Ontario’s Conservative representatives. Campbell, who articled and later became a partner in Macdonald’s Kingston law office during the early 1840s, was a member of the Great Coalition. He attended the Charlottetown and Quebec conferences, and joined the cabinet as Postmaster General and leader of the government in the Senate. Despite his lifelong service as one of Macdonald’s Ontario lieutenants, he also maintained a friendship with Mowat, who had also articled in Macdonald’s law office. Three Liberal-Coalitionists from Ontario also joined the cabinet: William McDougall became the Minister of Public Works, William Pearce Howland became the Minister of Inland Revenue, and Fergusson Blair became the President of the Privy Council.

The Intercolonial Railway Route

After the elections, Ontarians contested the route of the Intercolonial Railway (see Figure 2). The Northshore route (which was also known by a variety of other names including the “Robinson Route”) travelled furthest up the St. Lawrence and then down the eastern side of New Brunswick before linking into existing rail lines at Truro and terminating at Halifax. Peter Mitchell, a Senator for New Brunswick who was also Macdonald’s Minister of Marine and Fisheries, was the root’s chief proponent in the cabinet. The Northshore route had advantages and disadvantages. Critics pointed out that the line was among the longest envisioned, and that the line’s higher construction and operating costs would reduce or destroy its profitability. Sanford Fleming estimated it would cost approximately $20 million to construct the route. The Imperial government, however, agreed to guarantee part of the loan required to construct the Intercolonial at 4% instead of 6%, but this guarantee was contingent on the railway’s defensibility from the United States in any potential future.

20 JAM to Rose, 8 October 1867, LAC, MG26-A.
conflict. The British therefore favoured the Northshore route’s distance from the border, and its Canadian advocates used this preference to justify their stance. The Northshore route was also the least risky to construct because it was already extensively surveyed. Quebecers preferred the Northshore route because they believed its extension through their province would facilitate further settlement.

Opponents of the Northshore route favoured a terminus at Saint John. A Central route turned south much earlier, and travelled through the centre of New Brunswick. The line could still be connected to Truro if desired, but the route would make Saint John the closest ice-free port to Central Canada. Tilley was the Central route’s chief cabinet advocate. It promised to be less expensive to construct because it was significantly shorter and would utilize more existing or pre-planned lines. Tilley claimed his preferred line would cost $10 or $12.5 million to construct. McDougall supported this route, as well as a Frontier route that ran even closer to the international border and claimed that this latter option would only cost $7.5 million to construct. Ontarians who were critical of the Northshore route frequently repeated Fleming’s $20 million construction estimate to emphasize the savings of alternative routes. McDougall’s supporters also believed that the shorter distance to Saint John would make the line more competitive against existing American alternatives to ice-free ports. Critics pointed out that the Central and Frontier routes were less surveyed than the Northshore route. They also warned that the closer proximity of the Central and Frontier routes to the American border would jeopardize the Imperial loan guarantee. McDougall replied that the dominion would still be ahead if it forewent the Imperial guarantee, accepted the higher interest rate of 6%, and built the cheaper route.

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Figure 2: Proposed Routes for the Intercolonial Railway, 1868.\textsuperscript{27}

The debate would last a year-and-a-half and jarred the emergent preponderant federalisms of many Ontarians. Many Ontarians, and especially Brownites, framed the debate as an initial test of their province’s intrastate power. High expectations of their province’s influence led them to try to reach across the country and impact the route of a railway that did not run through their province. This sense of power contributed to their demands for a parliamentary vote as well as their disappointment with their cabinet representatives. Without this intransigence, the route debate would have been a small affair. New Brunswickers would have still contested the railway’s route but Quebec’s influence would have ensured the construction along the Northshore route. Ontario’s agitation against the route not only failed, it sowed a spirit of discontent that contextualized their reactions to subsequent debates. The Canadian government managed to prevent a parliamentary vote by asserting that the Northshore route was the best for Canada. Few, Ontarians however, were willing to advocate using their province’s intrastate influence to support the Northshore route. Instead, they deflected blame by pointing to the constitution and Imperial influences.

As early as 16 December 1867, Antoine Dorion complained that the Canadian parliament was shirking its “duty” by allowing the Imperial government to determine the railway’s route. The Canadian government claimed that London insisted on making the final selection before issuing its guarantee for the Canadian loan. Brownite Liberals supported Dorion’s demand for a clear parliamentary vote, but a larger group of Ontario Coalitionists voted against it, defeating Dorion’s amendment 83 to 35. Behind closed doors, however, the Canadian cabinet debated the best route to satisfy the Imperial government’s requirements. According to historian Gene Allen, the question was divisive. Mitchell, along with Edward Kenny and A.G. Archibald from Nova Scotia, as well as Cartier, Hector-Louis Langevin, and Jean-Charles Chapais, all supported the Northern route. Sir Leonard Tilley, John Rose of Quebec, in addition to Howland, Campbell, and McDougall, favoured Central or Frontier routes. Macdonald avoided committing to either course. During the cabinet discussions, McDougall fought to turn the cabinet away from the Northshore route but was

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28 Canada, House of Commons, Debates, 16 December 1867, 296.
31 Ibid, 430, 432.
ultimately unsuccessful. Instead, Macdonald used the alleged Imperial preference to leverage the Northshore route and secure the loan guarantee by May 1868. The debate ended on 17 May 1869 when Alexander Mackenzie proposed resolutions expressing the desirability of ceasing current construction, and the shortening of the planned route to Halifax. After considerable discussion Richard Cartwright, the Conservative MP for Lennox, proposed an amendment denouncing any discussion of the Intercolonial route. Although a small handful of Liberals defected, most Ontarians voted with their party. Cartwright’s amendment passed 114 to 28.

During this year-and-a-half long route debate, Brownites were frustrated by the lack of a clear parliamentary vote regarding the Intercolonial’s route. The Globe argued that Macdonald avoided a vote because he knew that if it were held in parliament where “Ontario has almost a controlling voice, not one in ten of their political friends would sustain it.” Edward Blake expressed similar frustration when he called Cartwright’s 1869 amendment “an ingenious attempt to evade the responsibility of the members of this house, and to save them from voting either approval or disapproval of the Northern route.” Blake was a young and wealthy Toronto layer who had spent the last decade becoming a leading Reformer. Elected to both the provincial and dominion legislatures in 1867, he was an ambitious leader in the Reform caucus who was not above using Ontarian prejudices to promote himself or his party. Even William McDougall was dissatisfied. In one of several letters to Macdonald expressing frustration about Ontario’s lack of influence, McDougall asked the prime minister “to make the route an open question and leave to it Parliament” to determine the route.

Brownites also expressed frustration with the inability of Ontario cabinet ministers to influence the government’s decision. In April 1868 the Globe argued that these men were powerless to stop the government from selecting the Northshore route. “Sir John will yield to Mr. Cartier, as he has so often done before” and the editorialist doubted that even the

32 Ibid, 433.
33 Canada, House of Commons, Debates, 17 May 1869, 364-365. For Cartwright’s justification of this amendment to Ontarians see: “Mr. Tilley Criticized,” publication unknown, approx. 1874, Queen’s University Archives (QUA), Cartwright Family Papers, Box 16, Scrapbook.
35 Globe, 28 March 1868.
36 Canada, House of Commons, Debates, 17 May 1869, 361.
resignations of Howland and McDougall would change government policy. Mackenzie believed that McDougall and his Ontario peers would also “yield” to Cartier’s preference in the cabinet. David Mills, the Liberal MP for Bothwell, began to privately consider provincial cabinet representation to be a “pernicious principle.”

McDougall was, in fact, deeply disturbed by the inability of Ontario’s cabinet ministers to influence policy. He believed that they had a duty to represent Ontario’s “material interests,” and bitterly complained to Macdonald that Howland’s illness and Blair’s death diminished their province’s influence in the cabinet to a point that he described as “quasi-constitutional.” In order to prevent the “sectional policy” of Quebec and Nova Scotia from succeeding, McDougall urged Macdonald to “at once” fill Blair’s empty cabinet seat. Despite his public appeals for Ontario to use its influence to support compromise at the 1867 Reform convention, McDougall still privately hoped that Ontario could overcome the influence of the rest of Canada’s cabinet representatives.

Ontario Coalition MPs were not the only individuals Brownites blamed for the selection of the Northshore route. In a letter to Charles Clarke, George Brown believed that the constitutional guarantee of ‘rep by pop’ had forever freed Ontario from Quebec’s influence and it was therefore no fault of mine or those who like you so long fought for this constitutional change - that rascalities [sic] still go on in high quarters and a bad Railway policy is being proposed. No constitution that the wit of man could suggest, can make men pure and wise. Our new constitution did all it could - it placed the power over public affairs fully and fairly in the hands of the electors [Ontarians] - and if the electors chose to send back to power men who had abused their confidence in past years, they could expect nothing else than the scemers [sic] we now [illegible] at Ottawa.

Ontarian voters had failed to exercise their birthright by electing office-seeking officials who used their power to serve their own interests, rather than their province’s.

38 Globe, 7 April 1868.
39 Mackenzie to Brown, 16 March 1868, LAC, MG24, B40, Vol 8. See also: Advertiser, 18 April 1869.
40 David Mills, Daily Journal, 13 April 1868, UWO, David Mills Papers, B4285, File 244.
42 Brown to Charles Clarke, 31 October 1868, AO, F 26. See also: Globe, 12 September 1868.
Representation by population, however, was not the only reason Ontario was entitled to influence the Intercolonial’s route. While these preponderant federalists recognized the dominion’s constitutional obligation to build the railway, the fact that their province would pay the highest portion of the costs and would receive no benefit other than an alternative (and likely more expensive) route to an ice-free port, led them to resent the higher costs of the Northshore route. In his letters, McDougall asked Macdonald to let the “representatives of the taxpayers” determine the route.43 The Globe claimed that Ontarians would gladly bear the cost of building a railway that would contribute to the growth of a political and economic “nationality,” but it insisted that the province’s large financial contribution gave it “the right of saying that it should be built along the shortest route and in the cheapest matter.”44 While speaking at Bowmanville, Blake also contended that it was unfair to ask

the people of Ontario who contribute five-ninths of the receipts of the Dominion, - who pay largely in excess of their proportion according to population, and who are willing to pay their proportion of the fair cost of the work on the most economical, commercial route - … to pay twice as much as the first cost of such a line and a large annual sum in addition for working expenses.45

Ontario’s immense financial contributions, Blake concluded, gave it “a right to say whether the longest and most expensive route, or the shorter one, should be chosen.”46 Although their lobbying ultimately failed, these Ontarians demanded influence in return for their taxation.

At this early stage in the post-Confederation development of preponderant federalisms, those who tried to use Ontario’s influence to thwart initiatives from other parts of Canada rarely felt the need to solicit support from outside of Ontario. On 15 March 1869, for example, the Toronto Globe contended that Ontario’s preponderant representation in the House of Commons left the province “the responsibility of introducing better administration into the affairs of the Dominion. When she undertakes that work in earnest, she will not lack assistants in any of the other Provinces.”47 But such statements were exceptional and

44 Globe, 3 August 1868.
46 Ibid. Mackenzie made a similar claim in May 1868 after noting that Ontario would pay for “more than half” of the Intercolonial. Canada, House of Commons, Debates, 20 May 1868, 752.
47 Globe, 8 June 1869.
assumed that the rest of Canada’s interests aligned with Ontario’s. Confederation was still too new for these Ontarians to recognize that they could not reliably control dominion policy with their votes. They did not yet understand that securing their assessment of Ontario’s interests required support from the other provinces.

The majority of Ontario Conservative MPs followed their leader. Macdonald reminded Ontarians that the Canadian government had to consider the interests of the entire country when determining the Intercolonial’s route. During the debate on Dorion’s amendment, he insisted that “the government had no interest in selecting the line except that it should be for the benefit of the whole country” and that “the consequence of the question of a route being referred back to Parliament, would simply be to make this House the arena for fighting the battle between the local and conflicting interests of the two sections of New Brunswick.” 48 In March 1868 Macdonald repeated his contention that it was the duty of the cabinet, rather than parliament, to weigh “the great diversity of local interest.” 49

Other government supporters concurred by noting the dominion’s constitutional obligation to construct the Intercolonial and often alleged that their opponents wanted to renege on this commitment. The Leader mockingly recalled Brown’s willingness during his tenure in the Great Coalition for the dominion to construct six Intercolonial lines, and compared it with the Globe’s post-Confederation opposition to the Northshore route. 50 In his speech in Bowmanville, Blake commented on the Northshore route’s questionable profitability by arguing that: “when we have built the track, erected the bridges, and laid the rails, the cheapest plan for us to pursue would be to tear them up again, sell the iron and burn the bridges.” 51 The Leader considered this statement “tantamount to a condemnation of” any Intercolonial route and a violation of the constitution that endangered national unity. 52 Even the Globe, which agreed that Blake’s suggestion would save money in the long run, admitted that such a course was unthinkable given the dominion’s constitutional obligations to

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48 Canada, House of Commons, Debates, 18 December 1867, 311, 313.
49 Ibid, 16 March 1868, 347.
50 Leader, 30 March 1869. For constitutional obligation see also: Canadian Freeman, 5 December 1867.
51 Globe, 15 March 1869.
52 Leader, 15 March 1869. See also 30 March 1869.
construct the railway.\textsuperscript{53} By citing these examples, Conservatives avoided the route question and claimed that they were the only representatives willing to fulfill Ontario’s constitutional obligations to support the construction of an Intercolonial railway.

Yet Macdonald’s supporters struggled to link the Northshore route to Ontario’s interests. James Beaty, who still owned the \emph{Leader} and represented the riding of Toronto East in Ottawa, reminded his fellow parliamentarians that “Confederation would never be fully completed until” the dominion government satisfied the desires for the Intercolonial and the “annexation of the North-West territory.”\textsuperscript{54} By reminding parliament that the Quebec conference tied these two projects together, Beaty linked the construction of the Intercolonial to Ontarian interests. He did not, however, explain why the Northshore route was in Ontario’s interests. Others mentioned the defensive benefits of the route.\textsuperscript{55} The \emph{Leader} claimed that the selection of the Northshore route would satiate Nova Scotian concerns and strengthen Canadian unity. The editorial left the reader to assume that a stronger Canada was automatically worth the additional expense to Ontarian taxpayers.\textsuperscript{56} Robert Harrison, the Conservative MP for West Toronto, came closest to linking the Northshore route, nation-building, and Ontario’s preponderant influence. “As one of the representatives of Ontario,” Harrison:

\begin{quote}
fe
t bound to state his reasons for the vote he was about to give. It had been said that the great mass of the people of Ontario were opposed to this work…None of the [proposed] routes had any advocates on the ground that they would pay. There were other considerations which rendered this road necessary. It was a great political necessity, being absolutely needed for the transport of troops and munitions of war through the Provinces. Again, it was a great commercial necessity, for it would form a main link of that great line of connection between ocean and ocean which would one day draw across British territory the rich merchandize of India and China. Apart from these considerations, however, the road was a necessity arising from Confederation, was provided for in the Act of Union and could not be repudiated.\textsuperscript{57}
\end{quote}

\textsuperscript{53} \textit{Globe}, 27 March 1869.
\textsuperscript{54} Canada, House of Commons, \textit{Debates}, 11 December 1867, 246.
\textsuperscript{55} \textit{Ibid}, 17 May 1869, 356.
\textsuperscript{56} \textit{Leader}, 29 August 1868. See also: Canada, House of Commons, \textit{Debates}, 16 March 1868, 347.
\textsuperscript{57} Canada, House of Commons, \textit{Debates}, 17 May 1869, 356.
What was good for Canada was good for Ontario. The line’s existence, rather than its route, was Ontario’s paramount interest. All Ontarians desiring a strong and prosperous country needed to support the dominion government’s route.

Despite their firm stand, however, many Ontario Coalitionists remained uncomfortable with their choice. Macdonald had considerable difficulty defending his conduct as an Ontarian representative. During the parliamentary debate in May 1869, Mackenzie mocked the prime minister for being “one of the famous minority” in his own cabinet on the Intercolonial route question. Mackenzie went on to doubt that Macdonald had “the interest of his own Province at heart.” To these allegations, Macdonald only replied: “I did not say that I had not the interest of Ontario at heart.”58 Other Ontarian MPs sometimes treated the Intercolonial as a poison pill that their province had to swallow in order to gain the benefits of Confederation. Francis Jones, the Conservative MP for Leeds North and Grenville North, admitted that Ontario would pay for “one half” of the costs “without deriving any advantage, directly or indirectly, from the construction of the road” but, like other supporters, he emphasized Ontario’s constitutional duty to contribute to the costs so long as Nova Scotia remained a part of Confederation.59 Others expressed their doubts in private. Sandfield communicated his concerns about the unfairness of the Northshore route to Ontario in a strongly worded letter to Macdonald, but remained silent during the parliamentary debates despite holding seats in both the provincial and dominion legislatures and being the premier of Ontario.60

Gene Allen insists that the Imperial government would have accepted a Central route if the Canadian government proposed one, but Macdonald supporters also alleged that the Imperial preference for the Northshore route tied their hands and thereby absolved themselves from responsibility for selecting the Northshore option. Harrison, for example, claimed that “without the Imperial guarantee they could not undertake the construction of this line.”61 The Leader agreed.

59 Ibid, 16 March 1868, 348.
61 Ibid, 356.
Holding no unimportant part in the Imperial policy as to Confederation, the Imperial Government guaranteed the loan necessity to its construction. The least we could do was to allow that Government to control the route which the railroad should take. As the railroad must be built, and the guarantee for the loan – obtained thereby under the most favourable circumstances – was had ungrudgingly, it is sheer folly to say that we are paying too dear for our whistle.62

By discussing the route within the context of Imperial preferences, provincial interests (including Ontario’s) seemed petty. By placing agency for unpopular decisions elsewhere, Ontario Conservatives tried to evade responsibility for the route and preserve their constituents’ support.

From the outset of Confederation, Ontarians believed that their province had the right to play a preponderant role in the formulation of the national government’s policies. Yet Ontarians did not agree on how their province’s influence should be used. Brownite Reformers and McDougall claimed that their province’s population and taxation entitled it to veto the route of a major dominion public work that lay completely outside of Ontario’s borders. By opposing this route and expecting the rest of Canada to listen to their demands, these agitators elevated the Intercolonial route question to a major national debate that pitted their province against politicians from all of the other provinces. The inability of Brownites to prevent the construction of the Northshore route inspired some Ontarians to resent the Maritimes and the Intercolonial’s dispute remained a Liberal rallying cry for years to come.

Ontario Coalition supporters, and especially Conservatives, countered the agitation by claiming that they had to support the Northshore route. They insisted that Canadian and Ontarian interests required the longer and more expensive route but struggled to explain this claim. This difficulty partly spurred from the disbelief of many government supporters. Although many Ontarians hinted at the need for their province’s support only a few, like Harrison, were bold enough to openly court Ontarian support for the unpopular measure. It was easier for government supporters to blame the constitution and the Imperial government for the route. Had the Intercolonial been an isolated event, these exchanges could be

62 *Leader*, 2 October 1868.
discarded as political sabre rattling, but it was only the first of several national debates to be complicated by preponderant federalisms from Ontario.

**Nova Scotia’s Better Terms**

Nova Scotia did not enter Confederation willingly and its citizens overwhelmingly elected anti-Confederates to the House of Commons in 1867. From the outset it was clear that Nova Scotian dissatisfaction would become a national concern. The province’s strongest grievance, according to James Maxwell, was its financial situation. Confederation stripped Nova Scotia of over 90% of its taxing powers but only relieved the provincial government of just over half of its expenditures. Because Nova Scotia lacked municipal taxation, the provincial government was financially strapped. Its government was also hard pressed because it constructed some railways before Confederation in anticipation of the Intercolonial. When the dominion appropriated these lines for the Intercolonial, it did not compensate the provincial government for the associated debt.\(^63\)

Nova Scotians aired their concerns at the openings of the first two sessions of the dominion parliament. Ontarians tended to dismiss their complaints. Ebenezer Bodwell (the Liberal MP for Oxford South) described the BNA Act’s financial arrangement for the Maritimes as generous compared to Ontario and Quebec, and urged Nova Scotians to give Confederation the same “fair and impartial trial” it was receiving in the rest of Canada.\(^64\) The Belleville *Intelligencer* believed Nova Scotia’s grievances were “imaginary,” that Nova Scotia had “obtained all they asked for” in the BNA Act, and that it would therefore be in the best interests of Nova Scotia and “the country as a whole” if its representatives focused on working within the existing constitutional arrangement. Despite this stand, the editor ended his opinion piece by vaguely anticipating that “any defects” could be “remedied by future legislation.”\(^65\) A year later the Toronto *Leader* admitted that strict comparisons between Ontario and Nova Scotia were unfair because the Maritime province lacked the municipal tax system that contributed to the Ontario government’s balanced budgets. Yet even as

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\(^{63}\) Maxwell, *Federal Subsidies to the Provincial Governments in Canada*, 27.

\(^{64}\) Canada, House of Commons, *Debates*, 14 November 1867, 64.

\(^{65}\) *Intelligencer*, 7 October 1867.
Macdonald prepared to begin negotiations with Joseph Howe, the *Leader* argued that increasing Nova Scotia’s subsidy would be unfair to the rest of the provinces, and especially unfair to Ontario.⁶⁶

Few Ontarians discussed the Nova Scotian problem until Macdonald and Howe reached an agreement in January 1869. Howe would join the dominion cabinet, and as Donald Creighton describes, Nova Scotia would “be put on a financial equality with New Brunswick.”⁶⁷ Both Macdonald and Minister of Finance John Rose worried about the possibility of the Nova Scotia agreement triggering a series of domino claims from other provinces. Macdonald also worried about the unpopularity of the agreement in Ontario.⁶⁸ Rose therefore tried to make it appear that the bill was a “rectification of an original mistake.”⁶⁹ On 11 June 1869 Rose proposed Nova Scotia’s better terms, including an additional $82,689 annual subsidy for a period of ten years. The dominion also raised Nova Scotia’s debt allowance by $1,188,756. Rose claimed that the dominion government accepted these changes to bring Nova Scotia into line with existing arrangements with New Brunswick.⁷⁰

As Robert Vipond and Richard Gwyn note, Blake opposed Rose’s assertion of the Canadian government’s spending power by presenting an amendment and espousing the first coherent and sustained expression of provincial compact theory. Confederation, he asserted was a partnership. On July 1 1867, each province surrendered some of its powers to the dominion government in return for certain guarantees enshrined in the constitution. The BNA Act outlined the financial terms of union and the dominion government did not have the power to deviate from these allotments. Only the Imperial parliament had that power and even it could not act until all of the provincial Assemblies and the dominion government consented to the change. He admitted that Ontario had a special interest in the question because it would contribute approximately five-ninths, or roughly $1.1 of the $2 million

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⁶⁶ *Leader*, 17 December 1868.
increase promised by Rose. Blake feared that violating the provincial compact would open the “flood gates” of requests from other provinces for more concessions at Ontario’s expense.\textsuperscript{71}

Blake’s attempts to combat Nova Scotia’s better terms during the next year stemmed from more than provincial compact theory. Historians overlook how many Ontarians supported Blake’s contention that Ontarians could unite and successfully challenge the government’s policy. These same scholars also overlook how Blake’s repeated failure to summon Ontario’s parliamentary preponderance led him to cling to provincial compact theory in November 1869. Research on the responses of Ontario Coalitionists, and especially Conservatives, to these debates is even more limited. Most historians either ignore the responses of Ontario Coalitionists to the Liberal attacks, or limit their discussion to Macdonald’s replies.\textsuperscript{72} Swainson claims that Ontario Coalitionists “acquiesced” to the dominion government’s attempts to “prevent the preponderance of Ontario” during the debate.\textsuperscript{73} Far from adopting a passive role, Coalition supporters from Ontario regularly appealed to the sense of power and entitlement in Ontario to influence national debates when combatting Blake and his followers. Although many rejected the Assembly’s right to intervene, they acknowledged Ontario’s preponderant potential and they also tried to refocus this belief in Ontario’s ability and right to preponderate behind the dominion government’s better terms deal.

Many Ontarians who opposed better terms advised the rest of Canada to respect the provincial compact because it was their only protection against Ontario’s parliamentary preponderance. The passage of Nova Scotia’s better terms, they warned, would set a precedent allowing parliamentary majorities to rewrite the financial terms of union. Blake claimed that Ontario would be free to use its parliamentary preponderance to secure better terms:

\begin{itemize}
  \item Typical analysis can be found in: Schull, \textit{Edward Blake: The Man of the Other Way}, 60-62. For similar analysis see also: Vipond, \textit{Liberty and Community}, 43-44; Cook, \textit{Provincial Autonomy, Minority Rights and the Compact Theory}, 11; Romney, \textit{Getting It Wrong}, 151-154.
  \item Swainson, \textit{Ontario and Confederation}, 23.
\end{itemize}
How long would it be till the other Provinces brought forward their cases of injustice and necessities. Where will those demands cease? When will the flood gates now opened be closed again? Never. Have not we in Ontario a right to assert, and by our votes establish, that injustice has been done us? Have not the representatives of each Province a right to say to the Dominion—‘You departed from the provisions of the Quebec Conference in an unjust measure, and in an unjust principle you gave a subsidy to one of the Provinces not in proportion to its population— hence we claim a reconsideration in our favour?’ He was not aware that any representative of Ontario ever uttered a word of complaint in reference to any injustice felt. For his part, he had been careful to avoid suggesting anything of the kind.  

If Ontario MPs united, the rest of Canada would not be able to stop them. The *Globe* agreed. It warned that if parliament continued to rob Ontario of additional taxes, Nova Scotia would “not be the only Province clamouring for repeal.” Ontario did not even have to raise its subsidies to benefit from this preponderant power. The province’s large contributions to dominion coffers made reducing provincial subsidies and grants just as attractive. Joseph Rymal, the Liberal MP for Wentworth South, suggested that granting better terms to Nova Scotia would set a precedent that would “re-open” the terms of union and “he believed Ontario, which furnished most of the funds, would not be so favourable to Confederation as she had been.” The rest of Canada, in short, could not afford to provoke Canada’s largest province. They required Ontario’s financial support. Altering the terms of union via parliamentary majorities would only embolden Ontarians to use their parliamentary preponderance to improve their own financial position at the expense of the rest of Canada. Each speaker recognized that such decisive action by Ontario would destabilize Confederation and therefore warned that national unity necessitated respect for the provincial compact. Majority rule on the financial terms of union, they concluded, suited Ontario, but harmed national unity.

Macdonald and his supporters insisted that better terms were critical to national unity. Richard Gwyn describes Macdonald’s response to Blake’s provincial compact claims as

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75 *Globe*, 9 June 1869.
76 Canada, House of Commons, *Debates*, 11 June 1869, 748.
“muddled,” a better description of his reaction throughout 1869 would be evasive.\textsuperscript{77} The prime minister avoided confronting Blake’s jurisdictional query and instead asserted that national unity necessitated the dominion government’s decision. The “annexationists of Nova Scotia” had to be discredited and Newfoundland still had to be wooed into Confederation. Opposing better terms constituted a “blow to the union.”\textsuperscript{78} Frank Killam, the Liberal MP for Yarmouth, affirmed the prime minister’s stand. He expressed surprise at the “parsimony exhibited by the members for Ontario in this debate” and regretted their willingness to deny his province “what was necessary to carry on her local services.”\textsuperscript{79} Ontario Conservatives also vaguely asserted the government’s jurisdiction. Without elaborating, John Hillyard Cameron (who was now the Conservative MP for Peel) contended that “there was no question of constitutionality or unconstitutionality;” the Canadian government had the right to spend and share its revenues however it wished.\textsuperscript{80} The Toronto \textit{Leader} was more specific. Ottawa possessed the jurisdiction to change the financial arrangements between the dominion and the provinces because it was tasked with the “peace, order and good government” of the entire country.\textsuperscript{81}

Conservative MPs, however, did not specifically urge Ontarians to use their parliamentary preponderance to support the bill. Macdonald avoided discussing Ontario’s influence by appealing for all of Canada to support the deal. “Those who were in favour of Confederation,” he charged, “would vote against the amendment.” Those who opposed better terms were “an enemy to Confederation.”\textsuperscript{82} Pro-government newspapers, including the \textit{Leader} and the \textit{Canadian Freeman}, also avoided discussing Ontario’s role while contending that the “true friends of the Union” favoured better terms.\textsuperscript{83} The unwillingness to rally Ontarian influence behind the bill during the debate probably arose from the knowledge that most Ontario MPs would not support the government. At the end of the debate only one Ontario Liberal supported the government but one third of Conservative MPs, including

\begin{itemize}
    \item \textsuperscript{77} Gwyn, \textit{Nation Maker}, 70-71. Maxwell would agree that Macdonald was “evasive.” Maxwell, \textit{Federal Subsidies to the Provincial Governments in Canada}, 30.
    \item \textsuperscript{78} Canada, House of Commons, \textit{Debates}, 11 June 1869, 740.
    \item \textsuperscript{79} \textit{Ibid}, 12 June 1869, 768.
    \item \textsuperscript{80} \textit{Ibid}, 11 June 1869, 728.
    \item \textsuperscript{81} \textit{Leader}, 10 June 1869.
    \item \textsuperscript{82} Canada, House of Commons, \textit{Debates}, 11 June 1869, 740-741.
    \item \textsuperscript{83} \textit{Leader}, 10 June 1869; \textit{Canadian Freeman}, 15 July 1869.
\end{itemize}
Robert Harrison and Mackenzie Bowell, supported Blake. Despite these defections, Blake lost the vote of 57 to 96.\(^8^4\)

Discontentment in Ontario, however, continued. Immediately after the conclusion of the parliamentary debate Conservative supporters addressed the sense of entitlement in Ontario to influence the debate. On 15 June, the \textit{Leader} claimed that it was Ontario’s duty to assist the cash strapped province. The Nova Scotian government required better terms because its “position in the Union was not as advantageous as it was out of it.” Ontario, it pointed out was “in no need of money,” and because Nova Scotia’s position in the Confederation was “less favourable,” the \textit{Leader} implied that Ontario could easily afford Nova Scotia’s better terms.\(^8^5\) A few weeks later, the Conservative organ explicitly appealed for Ontarian support. “There is not a thoughtful man in Ontario,” it asserted, “who does not at heart feel that if the government had not done something to conciliate the people of Nova Scotia the consequences would have been of a most serious character.”\(^8^6\)

As historians such as Joseph Schull, Christopher Armstrong, Peter Baskerville, and J.C. Morrison note, Blake resumed his provincial compact crusade by proposing thirteen resolutions protesting the better terms when Ontario’s Legislative Assembly met in November. The first twelve resolutions emphasized the generosity of Ontarian taxpayers to the rest of Canada under the terms of union, acknowledged the validity of provincial compact theory, reaffirmed the finality of the financial terms as defined in the BNA Act, and requested the Imperial government to disallow the dominion’s legislation. The thirteenth resolution stated that it was in “the interests of the country” that legislation be passed barring

\(^8^4\) Canada, House of Commons, \textit{Debates}, 11 June 1869, 748. Ontario Conservatives such as the Independent Mackenzie Bowell said nothing during the debate and historians have subsequently ignored their partisan break. Bowell’s organ, the \textit{Intelligencer}, however, defended some of the defectors by praising their willingness to break with party ranks by rejecting “additional subsidies to Nova Scotia in violation of the Constitution.” \textit{Intelligencer}, 16 June 1869. Other Conservative MPs were less consistent. Robert Harrison’s defection to the group of Ontarian MPs opposing better terms was temporary. While commenting on a resolution moved by Edmund Wood and Mackenzie Bowell to raise the financial receipts of Ontario and Quebec by a proportionate value the following day, he succumbed to partisan pressure and reversed his stand on the better terms question. The Conservative MP noted that the Ontario government had a considerable surplus and he “did not think $150,000 a year was a large sum to be devoted to removing the chronic discontent of Nova Scotia.” Canada, House of Commons, \textit{Debates}, 12 June 1869, 767.

\(^8^5\) \textit{Leader}, 15 June 1869.

\(^8^6\) \textit{Ibid}, 3 July 1869.
the Canadian parliament from further deviating from the financial terms of union.\footnote{Ontario, Legislative Assembly, \textit{Journals}, 23-24 November 1869, 34.} In a speech full of rhetorical excess, Blake revisited the same themes he explored in June. Because Ontario paid five-ninths of the dominion’s expenditures, Blake feared that better terms for Nova Scotia would lead the other provinces to “show a most calf-like appetite for the milking of this one most magnificent cow [Ontario].”\footnote{Globe, 24 November 1869.} If the dominion government did not adhere to this provincial compact then every province would try to secure better terms. Subsidies secured one day could be eliminated the next day by a simple majority vote. National unity necessitated stable financial terms of union.\footnote{Schull, \textit{Edward Blake: The Man of the Other Way}, 60-62; Armstrong, \textit{The Politics of Federalism}, 13; Baskerville, \textit{Sites of Power}, 124; Morrison, “Oliver Mowat and the Development of Provincial Rights in Ontario,” 250-255. For similar analysis see also: Cook, \textit{Provincial Autonomy, Minority Rights and the Compact Theory}, 11; Romney, \textit{Getting It Wrong}, 151-154.}

These scholars do not, however, explore the way preponderant federalisms informed the Assembly’s debate. Liberals, who championed ‘rep by pop’ in the decades preceding Confederation, now suffered a crisis of faith. Their failures to determine the Intercolonial’s route and prevent the passage of better terms for Nova Scotia demonstrated that Ontarians could not expect their preponderance in the House of Commons to protect them from other provinces’ influence. This new fear led them to rely much more heavily on provincial compact theory. The week before the Assembly’s debate, the \textit{Advertiser} admitted that “the Ontario Members may not be able to rescind the Nova Scotia subsidy, but it is their duty to make an emphatic protest against the partial and dangerous principle.”\footnote{Advertiser, 15 November 1869.} When proposing his resolutions in the Assembly, Blake was even more despondent about Ontario’s influence:

The argument has been stated that representation by population exists… that we have a strong representation there, and that that ought to suffice us... It is bad logic… to say that that is a remedy – that that is a sufficient protection, which is the very instance… we are discussing has proven to be utterly insufficient; but, sir, all the Provinces stand upon an equal footing. It is said that Nova Scotia and New Brunswick are on just the same footing as Ontario, in a constitutional point of view. If Ontario has, under this view, a fair representation, what is to be said of New Brunswick or Nova Scotia, represented by only fifteen or eighteen in a House compromised of about 200
members. (Hear.) Was it possible that the rights of these districts would be of avail within such a house that they had any security?  

Partisanship prevented Ontario from using its parliamentary preponderance to secure its interests. Coalition MPs, Blake concluded, chose power over provincial loyalties. When he appealed to the Assembly to support his resolutions, Blake maintained that every provincial legislature had the right to petition against violations of the compact. Ontario’s concern about paying for further better terms underlay this appeal, but Blake avoided describing any unique Ontarian right to protest the dispute. Ontario, under this description, was a province like the others. Additional speakers wondered whether eighty-two parliamentary seats was an adequate guarantee of their province’s preponderance and even feared the collective intrastate power of the rest of Canada. James Boyd, who was the Liberal MPP for Prescott, accepted the constitutionality of Nova Scotia’s better terms. Yet after noting that Ontario was in the “minority” in the House of Commons, he had the audacity to ask whether “a majority [should] rule merely because it was a majority?” Provincial compact theory, rather than Ontario’s intrastate influence, seemed to be the only way to protect Ontarian taxpayers from the demands of the rest of Canada.

Despite this rhetorical retreat, provincial Conservatives recognized that Blake’s resolutions constituted an attempt to use the legislature of Canada’s largest province to denounce better terms for Nova Scotia. Many Conservative MPPs echoed the prime minister by defending the dominion government’s spending power and framing better terms as a national unity measure. Matthew Crooks Cameron, who would assume leadership of the provincial Conservatives in December 1871 due to Sandfield’s declining health, led the provincial government’s response to Blake’s resolutions. Cameron argued that the Canadian government had the right to “to resist any one part of the Dominion for the benefit of the whole.” Expending two million dollars to quell Nova Scotian discontent was “to the advantage of the country… and this House was not doing right when they attempted to excite discontent again.” Frederick Cumberland, the Conservative MPP for Algoma, insisted that commenting on the Nova Scotian deal was contrary to the provincial Assembly’s interests.

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91 *Globe*, 24 November 1869.
92 *Ibid*.
93 *Ibid*. See also *Leader*, 13 November 1869.
By “meddling with matters beyond their control” Blake and his supporters “opened the door for an invasion of our rights by the Legislature which we defy.” He admitted that every legislature had the right to petition other governments on matters beyond its jurisdiction but he “objected to always using and abusing it,” and advised the Assembly to reserve this privilege for “great occasions.” Better terms for Nova Scotia was a “cheap” way to cement the union.

Coalition MPPs also acknowledged Ontario’s potential preponderant influence and warned against spurning better terms. Cameron admitted that if the dominion could change its financial arrangements with Nova Scotia, it could also alter its arrangements with other provinces such as Quebec. But he believed that the members of the House of Commons would not support further concessions, and concluded by repeating Rose’s contention that the Nova Scotian case was unusual and required rectification. Granting better terms to Nova Scotia, he concluded, would not expose Ontario to additional taxation for the benefit of other provinces. Cameron asked the representatives of both parties to “do their duty” and “bend their energies to the advancement of the peace and prosperity of the whole Dominion, of each and every portion of it” by defeating Blake’s resolutions. The Ontarian Assembly, in short, could foster national unity by refusing to interfere in affairs that were not the Assembly’s concern.

Edmund Wood, whose loud voice and outspokenness earned him the nickname “Big Thunder,” went even further. Wood served as both Liberal MP and the Liberal-Coalition MPP for Brant South. He was also Sandfield’s Minister of Finance. Despite his opposition to the better terms arrangement in June, he appealed to Ontarians to support national unity during the Legislative Assembly’s November debate. Supporting Blake’s resolutions, he warned, would “give such vast strength and power to the opponents of Confederation in Nova Scotia.” Wood predicted that the Assembly’s passage of the resolutions “would array the whole of the lower Provinces against Ontario.” Instead of begrudging the additional expense of the better terms for Ontario, he suggested that his province imitate Great Britain. The Imperial government, he contended, “did not go about computing how much money she

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94 *Globe*, 24 November 1869.
spent on the different parts of the empire. Her aim had been to build up and consolidate a great and noble empire.” Ontario, like the Imperial government, needed to support policies that fostered unity. Fighting against the rest of Canada did not serve Ontario’s interests. Mcneil Clarke, the Conservative MPP for Grenville South agreed:

> If this Legislature set itself up as a Court of Appeal against the Government at Ottawa they would place themselves in a position of antagonism to the Central Government, to the Imperial Government, and to the people of Nova Scotia. If they set themselves in such a position towards the Central Government, the victory must lie either way. And in whichever way the victory lay, either the prestige of the Central Government or that of the Provincial Government would be lessened and degraded. Both of these results should be carefully avoided.96

Coalitionists ruled out opposing parliament. Ontario could not secure its interests by alienating itself from the rest of Canada. They nevertheless asserted Ontario’s uniqueness. By comparing Ontario to Great Britain, and encouraging MPPs to foster national unity by supporting the dominion government, Coalitionists acknowledged the sense of power and entitlement in Ontario to influence national politics but questioned its limits and urged Ontarians to desist from alienating themselves from the rest of Canada.

> These tactics reduced the willingness of Ontario MPPs to protest against better terms for Nova Scotia but they did not entirely overcome impulse. Sandfield’s government defeated the first eleven resolutions by a vote of 42 to 35. Blake withdrew the twelfth resolution requesting Imperial disallowance. His thirteenth resolution, however, was less aggressive than the rest and was therefore more popular. Rather than suffer a mass defection, the government supported this final resolution. It passed by a vote of 64 to 12. This concession, as Bruce Hodgins notes, embarrassed Sandfield’s government.97 There was no escaping the fact that the representatives of Canada’s most populous province overwhelmingly supported the passage of legislation debarring the dominion government from passing further better terms.

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96 Ibid.
Blake almost immediately tried to capitalize on this victory. On 1 December 1869 in the Ontario Legislative Assembly, and on 30 March 1870 in the House of Commons, he motioned for an address to be sent to the Imperial government requesting it to debar the dominion government from further altering the financial terms of Confederation by amending the BNA Act. When defending his resolution in the Assembly, Blake again contended that the provincial legislature did not require constitutional jurisdiction to impact the dominion government’s policy. Ontario’s sheer size entitled it to influence. He urged Ontario’s provincial representatives to use “the moral effect of the passage of this address” to the Imperial government, to combat the better terms precedent.\(^98\)

When making these assertions in both legislatures, Blake denied that he and his supporters were appealing to sectionalism. Blake warned against giving parliamentary majorities the power to alter the financial terms of Confederation. Doing so would not only set a dangerous precedent that endangered provincial interests, including those of Ontario, it would also lead to continuous discontent and possibly even dissolution.\(^99\) The dominion government should heed Ontario’s demands, and not set a precedent that jeopardized Canadian unity. What was good for Ontario was good for the country. When replying to his critics in the Ontario Legislative Assembly, Blake asked:

\[...\text{what part of Canada was Ontario? Was it not the largest Province of the Union? and [sic] were not the interests of Canada almost in a literal sense our own? If the interests of the two could conflict, he knew of no case in which the Dominion could injure Ontario without injuring the whole Dominion; or Ontario damage the Dominion without damaging itself. Their interests were interwoven.}\(^101\)

By defending Ontario’s interests Blake claimed that he was, by definition, also considering the country’s needs. Federalism and national unity would only grow if the dominion government abided by the constitution. Despite being shaken, Blake and his followers believed in their province’s preponderant influence. Although Nova Scotians understandably

\(^98\) *Globe*, 2 December 1869.


\(^101\) *Globe*, 2 December 1869. See also: *Ibid*, 9 June 1869; *Advertiser*, 15 November 1869; Canada, House of Commons, *Debates*, 11 June 1869, 748.
disagreed, these Ontarians insisted that they were fulfilling their moral responsibility to Canada by trying to use their province’s preponderant influence to oppose better terms.

Once again, Coalition MPPs responded to Blake’s attack on the dominion government’s spending powers by warning against overestimating Ontario’s influence. Sandfield believed that the Imperial government would not act on the Address, and warned that “the people of Ontario, who knew they were the greatest power in the Dominion, and who had a larger measure of interest than the other Provinces would feel injured.” Disappointing Ontarians would harm their infant nationalism. The premier intimated that this discontentment would lead Ontarians away from accepting future dominion government policies. Abram Lauder (the Conservative MPP for Grey South) agreed. He claimed that it was the “duty” of the provincial Assembly’s MPPs “to work as harmoniously as they could” with the dominion government because Ontario was “the most powerful of the Provinces.” The passage of Blake’s resolution by the Ontario Assembly, he worried, would have a “disquieting effect” in the rest of Canada.102 The popularity of Blake’s motion, however, won over many converts. Only 12 MPPs opposed his resolution. Sandfield was canny enough to be absent when the vote was called. Lauder even supported Blake’s resolution.103

Blake had less success in the House of Commons. He repeated his appeals for pan-Ontarian support and noted that sixty-four MPPs from “the most important Province” supported his thirteenth November 1869 resolution. It was “the bounden duty” of those who hail from Ontario, he declared, “to assert what they believed to be right and just towards their Province.”104 When responding to Blake’s motion, Macdonald and his government did not urge Ontarians to unite against the Liberal leader and support national unity. Instead, the prime minister stuck to reasserting the Canadian government’s right to spend as it chose and moved an amendment asserting this position.105 Parliament passed Macdonald’s amendment by a vote of 87 to 60. All but one Ontario Liberal voted against the government. Six Ontario Conservative MPs, including Bowell, supported Blake. Nova Scotia’s better terms were

102 Globe, 2 December 1869.
103 Ontario, Legislative Assembly, Journals, 1 December 1869, 54-56.
104 Canada, House of Commons, Debates, 30 March 1870, 762-764. See also: Globe, 7 April 1870.
105 Canada, House of Commons, Debates, 30 March 1870, 772-775.
unpopular in Ontario, but this dissent was not strong enough to overcome partisan obligations and fuel a successful campaign against the measure in parliament.  

Only a month after the conclusion of the Intercolonial route debate, the desire to dictate the Canadian government’s policies again turned a relatively inexpensive financial concessions into a heated and prolonged debate that demonstrated the willingness of many Ontarians to rally against the rest of Canada. Ontario’s ability to influence national policy, however, was not beyond doubt. The timing of Blake’s famous November 1869 provincial compact speech was no coincidence. After failing to secure their visions for the Intercolonial railway and the financial terms of union, Blake and other Liberal supporters suffered a crisis of faith. Ontarians, it seemed, could not rely on ‘rep by pop’ to prevent the rest of Canada from using their tax dollars to fund projects that they opposed. In this context provincial compact theory, an idea that afforded Ontario no special status, became ascendant. Still, the belief that Ontario could decisively impact national debates persisted; hope continued to embolden Blake and his province’s supporters to oppose better terms in 1869 and 1870.

Coalition supporters from Ontario were not the passive politicians that the ‘patent combination’s’ detractors often alleged. They provided uniquely Ontarian rationales for supporting better terms for Nova Scotia. Even when deferring to the dominion government’s jurisdiction they regularly described their province’s unique ability to compromise or solidify national unity. Nationalism did not subsume provincial identities; Ontario’s interests and ‘duty’ lay in respecting or supporting nation-building endeavours like Nova Scotia’s better terms. This alternative assessment of Ontario’s influence had a limited impact on the

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106 The voting on subsequent amendments at the end of the debate provides further evidence of this point. Thomas Oliver, the Liberal MP for Oxford North, proposed a resolution “this House is of the opinion that no further grant or provisions beyond those made by the Union Act and Act respecting Nova Scotia, shall in future be made out of the revenue of Canada, for the support of the Government or Legislature of any one of the Provinces.” The similarity of this resolution to Blake’s successful thirteenth resolution of November 1869 likely led John A. Macdonald to follow John Sandfield Macdonald’s example. Oliver’s resolution, the prime minister claimed, still respected the government’s spending power. It passed 134 to 10. Every Ontario MP supported the measure. Edmund Wood then tried to pass a further amendment requesting “that such steps should be taken as to render impossible any such grants or provisions.” Parliament rejected this additional measure by a vote of 56 to 85. Ontario MPs were clearly eager to demonstrate their dissent against better terms but they did not succumb to the temptation to defy their party’s need to maintain support in the rest of Canada. They paid lip service to the ‘finality’ of better terms but they did not support measures that barred the Canadian government from granting better terms in the future. Canada, House of Commons, Debates, 30 March 1870, 785-788.
parliamentary debate but was fundamental to the Assembly’s discussions. Quebec’s support for Nova Scotian better terms virtually ensured the bill’s survival and made appeals to Ontarian influence unnecessary. Sandfield’s followers lacked this luxury and therefore had to directly confront the agitation led by Blake. Their attempts to redirect Ontario’s preponderant influence away from interfering in the national debate were only partly successful. Nonetheless, they demonstrated that Ontarians continued to have a provincial consciousness when supporting Macdonald’s nation-building policies.

The 1871 Census

The national census of 1871 spurred a brief but important debate that further demonstrates the continued importance of ‘rep by pop’ to nearly all Ontarians. The BNA Act promised a decennial census to calculate the representation of each province in the House of Commons. The dominion also used this demographic data to determine the value of some of its provincial subsidies. As the census year neared, the Liberal press became more and more excited by the possibility of Ontario increasing its parliamentary preponderance. No one would say whether this anticipated increase would be sufficient to give Ontario an absolute majority of seats but Liberal editorialists continued to stoke their readers’ anticipation. In 1868 the Globe speculated that the census would document sufficient population growth in Ontario to justify giving the province an additional twelve ridings. By December 1869 the same newspaper contented that it was “only a question of time,” until Ontario’s “representatives will outnumber those of all of the other provinces put together.” A year later the Advertiser believed that the “principle of representation by population will largely augment the preponderance of Ontario after the next census.” Even the Canadian Freeman, whose Catholic writers felt apart from mainstream Ontarians and therefore usually lobbied for Ontarian Irish Catholic representation in parliament and the cabinet, denied that

107 Globe, 4 March 1868.
109 Advertiser, 23 August 1870.
they were alarmed by the “inevitable” prospect of Ontario becoming the “ruling province” of the dominion.110

The official results disappointed Liberal expectations. According to the census, Ontario only grew by 224,751 people in the decade after 1861. This count only afforded it an additional six seats in the House of Commons. By referring to past censuses that documented considerable immigration to Ontario and population increases of double this number, and by comparing Ontario’s growth to separately compiled immigration figures, the Globe insisted that Ontario had actually grown by 400,000 inhabitants. Even Quebec, it noted, grew by 79,741 from 1861 to 1871 “without the assistance of any appreciable immigration.” The leading Liberal organ therefore condemned the census as a “conspiracy to defraud Ontario of her due share of Parliamentary Representation [sic].”111 Other Ontario newspapers shared this concern. The Woodstock Sentinel, for example, was also dismayed when it compared the census report with the county’s records. It too concluded that “Sir George Cartier is interested in preventing any preponderance of Ontario’s influence in the Parliament of the dominion; and we are justified in believing, from the census returns, that those in power have not hesitated to use the opportunities afforded them to secure the desired end.”112 Some Ontarians alleged that the census takers deliberately made “mistakes” that understated their province’s population. The Globe also complained about the census survey method. The census counted the de jure inhabitants of homes, rather than their de facto residence on a particular day. Consequently, it included Quebec emigrant workers living in the United States because their family considered them to be transient workers. Similarly, the Globe alleged, family members living in other Quebec counties may have been counted twice, once as residents of their counties, and once as part of their parent’s households. But transient workers or merchants in Ontario, for example, were not counted because they resided in


111 Globe, 18 November 1871;

112 Woodstock Sentinel, 24 November 1871.
hotels. Ontario, they argued, had been robbed. The only way to right this wrong, Liberal newspapers concluded, was to use Ontario’s influence in the upcoming dominion election to foist the Coalitionists from power and elect Liberal representatives who would furnish the country with fairer censuses in the future. These sentiments were widespread. The Globe reprinted a host of editorials from across the province that repeated the same arguments.  

The Toronto Leader, by contrast, avoided discussing the census. Aside from one editorial expressing the hope that Ontario would “be entitled to a much larger representation in the House” of Commons after the 1871 census, it did not eagerly anticipate the publication of the census results. The Conservative organ continued this avoidance after the results were published. On 17 November it noted the results for each province and claimed to be “gratified” that Ontario’s population grew by nearly a quarter million people. The Leader also acknowledged that immigrants were not staying in Canada, but anticipated that more would stay as the dominion opened the North-West to European settlement. The editorial did not, however, comment on the veracity of the census’ results. The Leader published a second editorial the following day expressing disappointment regarding the reported population growth of the entire country, but it did not comment on Ontario’s rate of growth. Although it stood by the census’ findings, its editor felt obligated to doubt whether “the census of 1871 is in the main more perfect than the census of 1861.” Neither of these editorials explored the impact of the census on Ontario’s intrastate representation. It seems likely that Ontario Conservatives avoided discussing the census and its significance to their province’s potential preponderance because the possibility of achieving decisive intrastate influence through ‘rep by pop’ was increasingly accepted (even in Conservative circles) during the two preceding decades. On the other hand, the silence of Conservative supporters was consistent with their attempts to use Ontario’s influence to foster intrastate harmony. Like their mainly Liberal opponents, Ontario Conservatives recognized their province’s potential to exert strong intrastate influence, but it was not their primary concern because they imagined the rest of Canada’s provinces as allies rather than competitors.

113 See reprinting of multiple editorials from across Ontario concerning the census in: Globe, 1 December 1871.
114 Leader, 24 November 1870.
115 Ibid, 17 November 1871.
116 Ibid, 18 November 1871.
The desire for preponderant influence in Ontario led both Liberals and Conservatives to be conscious of the census. For Ontarians, the statistics amounted to more than a source of regional pride. Liberal newspapers associated the results with their province’s preponderant potential. Conservative newspaper organs recognized the popularity of this interpretation, however, and avoided directly confronting the sense of power and entitlement that underlay the Liberal complaints.

The Red River Resistance

The Red River resistance was another issue of contention for Ontarians who wanted to use their province’s influence to shape Canadian policies at the expense of objections from other parts of the country. Although Ontarians initially showed some sympathy for the resistance, Louis Riel’s decision to execute Orangeman Thomas Scott diminished this support. When the Canadian and Manitoban governments refused to arrest the resistance’s military commander Ambroise Lépine or to extradite Riel from the United States, many Ontarians accused Quebec of using its influence to protect French-Catholic ‘murders’ from prosecution. For the next two years Ontario Liberals and Conservatives jockeyed for political position.

Historians analysing Ontarian responses to Scott’s death focus on Liberal and Conservative attempts to harness or sidestep the religious and racial bigotry that contributed to the debates. They do not distinguish how the attempts of Ontarian politicians and newspaper editors to exploit or constrain their province’s sense of entitlement to influence government policies across Canada also shaped the debate. This confidence emboldened Ontarians to act on their sense of justice as well as their religious and racial prejudices. The intense response from Ontario alarmed Quebecers. Yet these agitations suffered from limitations. Partisan incentives encouraged agitators at the provincial Assembly but discouraged them on Parliament Hill. On the other hand, urging Ontarians to align their support behind a compromise that was acceptable to French-Catholics was politically unfeasible. Macdonald’s supporters could not expect their constituents or subscribers to

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support the use of Ontario’s preponderant power to protect a ‘murderer’ from prosecution. Conservative supporters instead combated the agitation in Ontario by denying that their province could use its influence to ensure the punishment of Scott’s killers.

Ontarian expansionists believed that they would enrich themselves, their province, and their country, by integrating the North-West into Canada’s agricultural and commercial economies. They also feared that Canada’s population and economic growth would stagnate if it did not secure additional territory. As Doug Owram observes, “until 1857… the majority of scientific expeditions and a large portion of the writings on the region had been concerned with the Arctic and sub-arctic, the region that was to become the agricultural heartland of the West had generally been traversed only in a perfunctory manner on the way to the more northerly regions. This changed as questions of settlement and commerce came to the fore.”118 During the late 1850s, new expeditions to the Prairies led by men such as John Palliser and Henry Hind returned with descriptions of an immense frontier ripe with agricultural potential. “By the later 1860s,” Owram continues, “expansionism had become intertwined with nationalism. The very definition of the young Dominion of Canada and its hopes for the future were increasingly thought to be inseparable from the opening of the West.”119 In 1869, even Ontarian ethnic minorities such as Irish Canadians incorporated expansionism into their aspirations. The Canadian Freeman declared that the region’s future provinces would “ultimately be the controlling influence of the Dominion of Canada.” The newspaper encouraged Ontarian Irish Catholic families to move to the region to ensure that they would be “fully represented in that new power” and secure minority rights across the Prairies.120 Ontarians expected to benefit from, and even control, the Prairie region’s vast economic and intrastate potential. They were, as S.J.R. Noel summarizes, “more imperialist than colonial.”121

On 1 July 1867, however, Canada did not yet possess the North-West. The Hudson’s Bay Company’s (HBC) charter for Rupert’s Land (roughly the Hudson Bay’s watershed), allowed it to continue using the region for the fur trade at the expense of White settlement.

118 Owram, Promise of Eden, 64-65.
119 Ibid, 77.
120 Canadian Freeman, 15 July 1869; Ibid, 28 February 1867; Ibid 22 July 1869.
121 Noel, Patrons, Clients, Brokers, 222.
The Company was willing to surrender this charter, but only in return for £1 million and huge land tracts. The British government, which negotiated with the Company on Canada’s behalf, was eager for Canada to acquire the territory and facilitate mass agricultural settlement but was unwilling to buy out the Company’s charter. Yet the Canadian government initially rejected the Company’s terms. After protracted negotiations, the parties reached an agreement in March 1869. The HBC relinquished all claims to the North-West in return for £300,000, one-twentieth of the fertile belt lands, and 45,000 acres of land adjacent to their trading posts. By the end of June, the Canadian parliament ratified this agreement and passed the Act for the Temporary Government of Rupert’s Land. This Act, which would take effect on 1 December, recognized all North-Western law that did not contradict Canadian law, and provided for the establishment of a territorial government by a Governor and Legislative Council. The dominion government appointed William McDougall as the territory’s first Governor and he departed for his new home in early October. Despite over a decade of surveys and negotiations in London, Canadians remained relatively uninformed about the North-West and its inhabitants.122

According to the 1870 census, Manitoba contained 11,963 persons. The Métis, who had long inhabited the Red River area, comprised 5,757 of its population. The offspring of mainly French-Canadian-Cree fur traders, the Métis were a unique blend of European and indigenous cultures. These Roman Catholic French or Algonkian speaking peoples lived a semi-nomadic lifestyle. Contrary to the contentions of George Stanley, who argued that the Métis were “primitive” and could not withstand the onslaught of “civilized” Europeans, subsequent scholars have proven that they were an adaptive and successful peoples. Their economy centred on subsistence agriculture and the buffalo hunt. According to Gerhard Ens, the Métis developed a proto-industrial system for processing the animals. Métis agriculture was based on narrow river lots that families passed down from generation to generation without registering their holdings with the HBC. The arrival of dominion surveyors who utilized a square-lot system, was therefore alarming to the region’s inhabitants. The Métis were not afraid to confront those who obstructed their success. When they tired of the

HBC’s enforcement of its fur trading monopoly during the trial of Guillaume Sayer in 1849, for example, they intimidated the courts out of punishing the Métis trader, and forced the company to lift its restrictions. By 1870, the Red River region also hosted 4,083 Protestant and English-speaking mixed-bloods who were descendants of the Selkirk settlers. Newer arrivals included approximately 1,500 Canadian expansionists. The census takers did not count the thousands of additional aboriginals who lived beyond the Red River communities.\textsuperscript{123}

None of these groups were consulted or invited to the negotiations among the Imperial government, dominion government, and Hudson’s Bay Company. The participants of the London negotiations, as W.L. Morton rightly contends, treated “one of the greatest transfers of territory and sovereignty in history… as a mere transaction in real estate.”\textsuperscript{124}

Many of the inhabitants of Red River, not just the French Métis, worried that a new stampede of Ontarian settlers would trample their lands, faith, and language. They organized a “National Committee” to resist annexation by Canada until their demands were guaranteed. The young twenty-eight year old Louis Riel soon headed the movement. Riel, who was born in Red River and received a Catholic education in Quebec, was among the most educated of the movement’s leaders. At first, Ontario newspapers were unconcerned by the Committee’s actions. They took note, however, when the Métis first repelled the Canadian surveyors in August 1869, prevented McDougall from entering Red River in late October, and then seized Upper Fort Garry on 2 November. Although these actions were provocative, no property was damaged and no one was injured. In late January 1870 delegates from across Red River met at Upper Fort Garry for a convention. Over seven days they established a Provisional Government, drafted a “list of rights,” and appointed delegates to go to Ottawa to negotiate on behalf of the government. The list of demands included provincial status for Manitoba, two representatives in the House of Commons, official status for both the English and French languages, and Canadian recognition of the Métis’ lands. The conventionists did not discuss


\textsuperscript{124} Morton, \textit{Manitoba}, 117.
education rights. Macdonald agreed to meet with the delegates and delayed annexing the territory. In Ontario, newspaper editorials remained calm. They often debated the competence of the failed Lieutenant-Governor McDougall, the right of the resistors to self-government, and the justice of Red River’s complaints against the dominion government. A few newspapers, such as the *Irish Canadian*, openly cheered the resistance of Catholic Métis.

It was only after the news of Thomas Scott’s death on 4 March 1870 reached Ontario that its population turned *en masse* against the Red River resistance. Thomas Scott was a 28 year-old Orangeman from Perth who was among the expansionists attempting to thwart Riel’s government. During his imprisonment by the Provisional Government, Scott became “the most hated man in the barracks. His dysentery and his contempt for the metis irritated his captors beyond endurance.” After threatening the Métis leader’s life, Riel ordered a court-martial where his military commander, Ambroise Lépine, presided. The court-martial sentenced Scott to death. The motivation behind his execution remains unclear. Gerald Friesen emphasizes the guards’ exasperation with the Orangeman. According to Morton, Riel believed that Scott’s death would convince Ottawa to take the Provisional Government seriously. Regardless of the reason, it took weeks for news of Scott’s demise to reach Ontario. As late as 29 March, MPs still questioned the veracity of reports of his death in the House of Commons.

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125 Friesen, *The Canadian Prairies* 116-123; Gwyn, *Nation Maker*, 112. Ralph Heintzman and D.J. Hall debate whether the Métis intended for separate schools to be enshrined in the territory’s constitution. Heintzman admits that the second list of rights contained no mention of separate schools but contends that the Métis expected their separate schools to persist because clause 16 ensured Métis “privileges” would be controlled by the local Legislature. Hall agrees that the Métis expected Canada to permit a separate school system but notes that conventionists refused to enshrine separate school rights in the territory’s constitution. Only the fourth “list of rights,” which did not receive popular approval, protected separate schools. Ralph Heintzman, “The Spirit of Confederation: Professor Creighton, Biculturalism, and the Use of History,” *Canadian Historical Review* 52, no. 3 (1971), 260; David J. Hall, “‘The Spirit of Confederation’: Ralph Heintzman, Professor Creighton, and the Bicultural Compact Theory,” *Journal of Canadian Studies* 9 (1974), 31.


The return of John Christian Schultz and Charles Mair from Red River in early April, however, dispelled any doubts and ignited Ontarian tempers. Schultz was an Ontarian businessman who moved to Red River in 1861 and subsequently led the failed Canadian opposition to the resistance. Mair, who had a longstanding interest in the North-West, was a prominent Canadian poet and founding member of the Canada First movement. Established in April 1868, this non-partisan movement sought the realization of D’Arcy McGee’s expressed desire for a pan-Canadian nationalism to solidify national-unity. The movement was intensely imperialistic and anti-American. Its leaders quickly decided that Canadians shared a common nordicity. Canada Firsters argued that surviving in the harsh climactic conditions of high latitudes produced great civilizations and races. The Red River resistance, however, revealed the superficiality of this pan-Canadian rhetoric. Mair, like most Canada Firsters, had strong anti-French and anti-Catholic prejudices. The movement viewed French-Canadians, and particularly the Métis, as impediments to the expansion of English-Protestant hegemony and therefore found few followers outside of Ontario. “Although Canada First talked of creating a Canadian nationalism,” historian D.R. Farrel notes “they in fact equated this with Ontario provincialism.”

Schultz and Mair used Scott’s death and the belief that Ontario possessed the power to oppose Quebec’s influence to invigorate English-Canadian nationalism (or Ontario provincialism) against French-Canada. The Métis, Mair contended, had an “aptitude for falling into the modes of savages” and were an obstacle to Canadian settlement. At a mass rally in Toronto they claimed that Riel’s followers had rebelled against the British Crown and murdered Scott for his unwavering allegiance. They demanded “justice” and “revenge” for Scott’s death. According to Schultz, Ontario was especially entitled to counter the resisters. “It was from Ontario this movement to add Red River to the Dominion commenced; it was in Ontario this expression of indignation was expressed; and it was to Ontario the Territory

properly belonged. He only hoped the day was not far distant when Ontario would have peaceable possession of it, and that he would meet many of his hearers in Red River.”

This rally inspired further “indignation meetings” in Toronto and across Ontario. The outrage against the Métis broadened into a campaign against alleged French-Catholic aggression emanating from Quebec. Ontario, these men claimed, had to prevent Quebec from controlling government policy in the North-West. At another rally in Toronto on 9 April, a Toronto Alderman blamed Quebec influence for the dominion government’s refusal to pursue Scott’s killers. Ontarians, he insisted, could force the Canadian government to change its policy.

The speaker wished to ask them if the people of Ontario were ready to submit to the humiliation that was about to be put upon them?…There was in the Parliament at Ottawa one little man who had more power than all Ontario - whose three or four words could whip the entire Government into line, and unfortunately could whip the entire people of Ontario into line too; and that little man had only to pronounce the words “call in de members," and the business is done. (Laughter.) Were they to be sold by the friends of this little man? ("No.") It was to prevent such a humiliation as that that this meeting had been called; it was to show that he took no part in such a humiliation as that the speaker had come forward on that platform to denounce that state of affairs and call upon them, men of Ontario, loyal and true to the institutions under which they lived, to put down with scorn and indignation any Government or any men who might treat them in that way. (Cheers).

F.E. Cornish, a speaker at a London indignation meeting, also appealed to this Ontarian sense of power. “It is our duty,” he argued, “to enter our solemn protest (cheers) and to call upon the representatives of Ontario to insist that Cartier and his followers shall not stand in the way of pushing on this Red River expedition until all engaged in opposing the establishment of British rule there are brought under subjection.” If the rest of Canada allowed Quebec’s influence to spread, Cornish warned that “in less than five years the cry in Ontario will be for dissolution” of Confederation. The Advertiser agreed. Ontarians could not trust the dominion cabinet to heed their province’s demands because “Cartier is king.”

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131 Globe, 7 April 1870.
132 Ibid, 11 April 1870.
133 Advertiser, 11 April 1870.
134 Ibid; see also Ibid, 30 April 1870.
province had to respond to the aggressive influence of its provincial rival. The Canadian government could not privilege one ethnicity at the expense of others. The basic premise of British justice was “equal rights to all, exclusive privileges to none.” According to A.I. Silver, this linkage was unfortunate but “natural,” given Riel’s French heritage and the attempts of Provencher Bishop Alexandre-Antonin Taché to secure an amnesty for the resistors.

The widespread agitation in Ontario alarmed French-Catholic Quebecers. According to Silver, Quebecers had been “indifferent” about the resistance in 1869 and early 1870. Most concluded that the resistance was a struggle for local autonomy rather than a French-Catholic struggle against English-Protestantism and this understanding limited their empathy. Quebecers also uniformly denounced Scott’s execution. Ontario’s reaction, however, shifted public opinion in Quebec. As Silver notes, Ontarians seemed more interested in punishing French-Catholics than in punishing Riel and Lépine. French-Catholic Quebecers now moved from “ambiance” to a “pro-Métis position.” While Quebecers did not yet consider the Métis to be fellow French-Canadians, they believed that their province needed to protect the Métis from Ontarian prejudice. This shift, however, was the product of more than Ontarian religious and racial antagonism. The offensive statements emanating from Ontario were also the product of a longstanding belief that their province had the ability and right to determine the national government’s policies over the objections of other provinces.

Macdonald, wary of offending the voters of Quebec or Ontario, tried to calm tensions. To ensure Canada’s assumption of Rupert’s Land, the dominion government assuaged the Métis’ concerns. Cartier and the prime minister met with the Provisional Government’s delegates and satisfied nearly all of their demands. The Manitoba Act promised that the provincial government’s records would be published in both French and English, established a Legislative Council where French and English would have an equal voice, recognized the Métis’ land claims, and promised an additional 1.4 million acres for their use. Section 22 of the Act even protected the province’s denominational schools to satisfy a last minute demand.
by the delegates. The prime minister also sent Adams G. Archibald, a man who understood the importance of Métis consent, to Manitoba to replace McDougall as Lieutenant-Governor. Colonel Garnet Wolseley, however, beat Archibald to Manitoba. Wolseley commanded a military expedition of Imperial troops and Canadian militiamen who Macdonald sent to establish Canadian authority at Red River. Ostensibly a peaceful force, the militia contingent was full of Ontarian volunteers who were eager to avenge Scott’s death. Their arrival forced Riel to flee to the United States. Robbed of their chance for revenge, many of the militiamen attacked Métis resistors and destroyed their property. Archibald tried to combat these tensions by appointing moderates to his government. Both he and Macdonald discouraged Riel from running for public office. Yet Archibald also recognized Riel’s immense popularity among the Métis and deliberately avoided issuing warrants for the former leader’s arrest. He even urged the dominion to grant a full amnesty to all of the resistors.  

Archibald’s refusal to sign warrants for Riel’s arrest allowed the latter to return to Manitoba from his exile in North Dakota on several occasions. Although Riel sometimes had to flee gangs intent on his capture, he remained a leader among Manitoban Métis. When William O’Donoghue, a former resistor, tried to assemble a Fenian force to invade Manitoba from Minnesota, the English and Métis inhabitants of Red River contributed to the defence of the province. When Archibald inspected the Métis troops, he shook the hand of their leader, Louis Riel. Despite this limited cooperation in Manitoba, an amnesty did not come. Riel attempted to raise his public visibility by successfully campaigning to become the MP for Provencher in the 1872 dominion election but it did not provoke an amnesty.  

The gradual establishment of Canadian control in Manitoba did not alter the precarious position of Ontarian provincial and national government supporters. No Ontario politicians or newspaper, not even Toronto’s Irish Catholic publications, dared to excuse Scott’s execution. The widespread belief that the execution was a murder, in addition to anti-French and anti-Catholic sentiment, made appealing for Ontarians to use their influence

140 See for example: Canadian Freeman, 14 April 1870; Ibid, 11 August 1870; Irish Canadian, 13 April 1870.
to facilitate compromise impracticable. Yet government supporters had to dissuade Ontarians from believing that their angry province could determine the government’s Red River policies. Instead, they tried to limit Ontario’s potential influence by moving politically sensitive questions to the Imperial arena. The Canadian government had promised a general amnesty in 1869, but that preceded Scott’s execution. The Red River delegates pushed hard for the fulfilment of this promise. The widespread outrage in Ontario concerning Scott’s execution, however, made it politically impossible for the Canadian government to accommodate this demand. The dominion government nevertheless led Red River’s delegates to believe that an Imperial amnesty would be forthcoming. In subsequent months, both Macdonald and Cartier tried to persuade the Imperial authorities to grant an amnesty without reference to the dominion government. The move, they repeatedly warned, was politically untenable in Canada. The Imperial authorities refused to grant a general amnesty without a formal request from the Canadian government and the two governments spent the next few years avoiding responsibility for an amnesty.141

When rumours began to circulate that the dominion government desired an amnesty newspapers supporting Macdonald countered the perceived affront to Ontario’s intrastate influence by claiming that the dominion government lacked the power to affect the fate of Riel and Lépine. The Toronto Leader noted that Riel took up arms when Red River was Imperial, rather than Canadian, territory. An amnesty, it concluded, was an Imperial responsibility.142 The Irish Canadian echoed this argument as part of its attempts to moderate the mounting anti-Catholicism in Ontario.143 Even Bowell’s Intelligencer did not take a hard line against the government. It desired Riel’s capture, but postponed discussing the jurisdictional question by claiming that no amnesty could be issued (whether by dominion or Imperial decree) until the courts issued a conviction.144 By situating the amnesty question within the Imperial sphere, rather than national politics, these newspapers

142 Leader, 13 July 1870; Ibid, 20 July 1870.
143 Irish Canadian, 13 April 1870.
144 Intelligencer, 4 August 1870; Ibid, 3 September 1870.
hoped to dissuade Ontarians from believing that their province could influence the fates of
Riel and Lépine.\textsuperscript{145}

Several newspapers also challenged the sense of power and entitlement underlying
the agitation by questioning its allegations of French or Catholic ‘domination.’ Irish Ontarian
newspapers, alarmed by the rising anti-Catholicism in their province, categorically denied the
allegations of the Catholic Church’s support of the Red River resistance.\textsuperscript{146} In April 1870 the
Toronto \textit{Leader} proclaimed that “there is no man in the whole Dominion more true to British
institutions and more intensely loyal – be he French Canadian or of English origin – than Sir
George Cartier.”\textsuperscript{147} The same paper also offered a more limited defence of Taché.\textsuperscript{148}
Ontario’s preponderant influence was therefore not endangered or necessary, the \textit{Leader}
claimed. The same newspaper, however, admitted that Ontarian anger concerning Scott’s
death was just. “At this particular moment the aim of good citizenship and true journalism
should be rather in the direction of smoothing down the bitter feelings which were created by
the North-West difficulties than of intensifying them. Ontario is sufficiently strong to
withhold frequently from giving back a hard answer even when it has been provoked.”\textsuperscript{149}
These attempts to assuage these concerns regarding Ontario’s influence did not succeed.
Discontentment over Riel’s escape to the United States and Lépine’s continued residency in
Manitoba continued to mount.

By the beginning of 1871 little had changed. The agitators remained appalled by their
province’s inability to force the dominion government to pursue Riel and Lépine. If Ontario
lacked the necessary intrastate influence, they reasoned, it was incumbent upon their
Legislative Assembly to secure justice for Scott. In the Ontario Legislature on 2 February
1871, Blake asked the Assembly to censure the dominion government for its failure to pursue
Riel and Lépine by moving a resolution asserting that “every effort should be made to bring
to trial the perpetrators of this great crime.” The resolution also asked the Lieutenant
Governor “to take such steps as may be best calculated to further” this end. The motion was

\textsuperscript{145} Lamb, \textit{Thunder in the North}, 109 makes a similar argument but does not substantiate it or examine the role
of the press in popularizing this strategy.
\textsuperscript{146} \textit{Canadian Freeman}, 28 April 1870; \textit{Ibid}, 7 July 1870.
\textsuperscript{147} \textit{Leader}, 11 April 1870.
\textsuperscript{148} \textit{Ibid}, 15 April 1870.
\textsuperscript{149} \textit{Ibid}, 19 May 1870.
politically astute. It was an election year and Blake hoped to capitalize on the widespread hatred of Riel in Ontario. The resolution amounted to a petition; the Assembly lacked the power to coerce either the Manitoban or Canadian governments to seek Riel and Lépine. Blake nevertheless contended that the Assembly had the right to demand justice. A “son” of Ontario had been “murdered,” he proclaimed, and Ontario’s MPPs had the right to “express the feeling” of their province.150

The resolution’s supporters protested that it was not a mere publicity stunt. They insisted that their province possessed the influence to encourage the apprehension of Riel and Lépine. Blake, for example, appealed to the Assembly to lend its “great weight, influence, and authority, in favour of the vindication of justice in the matter.”151 The Liberal organs also justified their support for the resolution by emphasizing the importance of Ontario’s voice to national policy development. According to the *Globe*, constitutional jurisdictions were not relevant to the question. The British House of Commons protested the massacre of British citizens in Greece the preceding year. How did an Ontarian address to its Lieutenant Governor differ? The Ontario provincial government may have lacked legal jurisdiction, but the *Globe* repeatedly argued that MPPs could exert “moral force” because they represented Canada’s “Premier Province.”152 If Blake’s resolution had passed, it “would have compelled the Governments of Ottawa and Fort Garry to arrest the murderers. The demand of the Ontario Parliament could not have been disregarded.”153 The *Globe* repeated this sense of power the following week:

Let it be borne in mind… that the opinion of Ontario could never be more fully expressed than through the Legislature; that the whole proceedings against the murderers were degenerating into a transparent sham; and that the standing of Ontario in Confederation and her particular interest in this case all showed how valuable and influential her formally-expressed opinion and wishes on the subject would be. If the voice of public meetings, such as were held last spring, were valuable, much more the united voice of the whole Legislature. And if that voice could not help to secure justice, at any rate, it

151 Ibid.
152 *Globe*, 3 February 1871; Ibid, 16 February 1871.
153 Ibid, 4 February 1871.
might have been raised in solemn protest against a flagrant and deliberate failure of right.\textsuperscript{154}

The \textit{Advertiser} also supported the Assembly’s entitlement to pronounce on the question. “It is most particularly our duty, not only as the Province whose citizen has been assassinated, but as the largest section of the Dominion, to discuss this affair, and to use all our endeavours, unitedly as well as individually, to see that the murderers escape not from justice.”\textsuperscript{155} Ontarians were not merely outraged by Riel and Lépine’s continued freedom, they were also emboldened by the belief that they could ‘compel’ the Canadian government to capture the former resistance leaders.

In this heated political climate, asking Ontarians to put their political weight behind compromise policies remained politically impracticable. The widespread assumption that Riel and Lépine were guilty of ‘murder,’ in addition to allegations that French-Catholic ‘domination’ protected them from prosecution, precluded an appeal for Ontarians to compromise with the rest of Canada. Instead, Ontario Conservatives contended that provincial autonomy and Ontarian interference in dominion or Manitoban jurisdictions were antithetical. Blake, Matthew Crooks Cameron alleged, “seemed to think that it was his special province and function to censure the Government at Ottawa on every occasion that was presented to him.”\textsuperscript{156} The Assembly, however, “had no power or authority to demand the extradition of this man Riel for an offence committed in Manitoba.” He therefore moved an amendment that “deplored” Scott’s death but nevertheless asserted that “it would be unwise and inexpedient to interfere with the prerogative which properly belongs to another Government, and to discuss a question over which this house has no control.”\textsuperscript{157} According to the \textit{Intelligencer}, the \textit{Globe}’s assertion that Ontario could ‘compel’ the Manitoban or dominion governments to arrest Riel and Lépine was “the veriest buncombe.”\textsuperscript{158} The \textit{Leader} agreed with its contemporary. The Assembly, it declared, “has nothing to do with the

\textsuperscript{154} \textit{Ibid}, 16 February 1871.  
\textsuperscript{155} \textit{Advertiser}, 4 February 1871.  
\textsuperscript{156} Ontario, Legislative Assembly, \textit{Scrapbook Hansard}, 2 February 1871.  
\textsuperscript{157} \textit{Ibid}.  
\textsuperscript{158} \textit{Intelligencer}, 7 February 1871. Bowell’s newspaper repeated this charge in \textit{Ibid}, 13 February 1871.
matter.” It went on to dare Blake to table his cause in parliament.\footnote{Leader, 9 February 1871. The Leader reprinted the Intelligencer’s 13 February editorial in Ibid, 15 February 1871.} Cameron’s argument proved effective. The Assembly supported his amendment by a vote of 47 to 28 in the Assembly.\footnote{Ontario, Legislative Assembly, Scrapbook Hansard, 2 February 1871.}

Ontarian attempts to affect the fate of the resistance’s leaders were far from over. After four years as premier, Sandfield had to call a general election and the Liberals once again attacked the Sandfield government’s unwillingness to use Ontario’s influence to antagonize Quebec. While giving a speech in Toronto in early March 1871, Lieutenant-Colonel George Denison charged that the “French Canadian party…had its claws upon the whole Dominion.” Its influence was so strong that it used the ‘patent combination’ to force Sandfield’s government to oppose Blake’s 1871 resolutions. At that time, it took Sandfield’s government “by the throat” and told it: “you must not vote for these resolutions.”\footnote{Globe, 1 March 1871.}

Like D.R. Farrel, David Gagan suggests that such speeches spurred from “‘Ontario First’ if not ‘Toronto First’” sentiments.\footnote{Gagan,”The Relevance of Canada First,” 38.} This sense of power and entitlement was not, however, limited to the Ontario First movement. The Globe, which did not endorse the Canada First movement, also used the same argument to encourage Ontarians to elect Blake. On 20 February, the Globe asserted that Ontario currently lacked the power to influence dominion policy. “The two Macdonalds,” it alleged, repeatedly bowed to the demands of “the united phalanx of Quebec.”\footnote{Globe, 20 February 1871. See also: Ibid, 13 March 1871.} “The best way to reach John. A.,” it concluded, “is through John S.”

…the Combination [sic] at Toronto needs to be overturned quite as much as the Coalition at Ottawa. For the people of Ontario to endorse John S. and his doings is practically to declare that the steps taken by the Dominion Cabinet at Red River have been all right…. If, then, the people of our Province desire to have English law and liberty extended over all the North-West, they must not only look well to the Dominion elections, but to those of our Local Parliament. It is in these that the question of the future of the Dominion is to be determined…\footnote{Globe, 20 February 1871. Ibid, 20 February 1871.}
The Globe repeated this conflation on 23 February. Ontario had a right “to assert her just and proper place in the Dominion, of which she is the most important member. At present she is all but ignored in the Government… When Ontario speaks, her voice must not be stifled but heard. The time is at hand when she may assert her own will, and that resolutely.”165

Ontarians needed to elect MPPs who would unanimously support Blake’s resolutions. Only then would the Canadian or Imperial governments heed their province’s “moral influence.”166 Confederation gave Ontarians the ability to overpower Quebec’s influence and ensure justice in the North-West, but they had to choose representatives who were willing to stand up to the rest of Canada.

Sandfield’s government tried to avoid the agitation by calling attention to its large surplus and new railway bill (which created a $1.5 million grant fund to help railways operate after their initial construction). Its supporters also addressed concerns about Ontario’s influence in Confederation. They attacked Blake’s Liberals as “factionalists” who would harm the still infant Confederation with Ontario’s influence.167 “It is high time,” the Leader grumbled, for Ontarians to “cease talking about French-Canadian influence in a House in which the English element outnumbers the French more than two to one.”168 The Intelligencer and a meeting of the Orange Lodges of Ontario disparaged Blake by emphasizing the Liberal leader’s obvious desire to “create political capital” from Ontarian indignation.169 A co-authored letter by leading Orangemen including D’Alton McCarthy (senior) and Ogle Gowan discredited the agitation for the arrest of Scott’s killers by proposing a hypothetical scenario. If a Canadian were murdered in Ontario and escaped to the United States, they doubted that Ontarians would accept petitions from the Lieutenant Governors of Manitoba or Quebec demanding the fugitives’ capture: “Would not every man of every party in this Province look upon such a piece of impertinent interference in our affairs, as an insult to our Government, our Parliament, and our people?” Ontarians should judge the other provinces “as we should wish to be judged ourselves under like

165 Ibid, 23 February 1871. See also: Ibid, 6 March 1871.
166 Ibid, 9 March 1871.
168 Leader, 16 March 1871.
169 Intelligencer, 25 February 1871.
circumstances.” Ontario, in short, had no right to pressure the rest of Canada to follow its desires. Such cavalier actions were bound to fail and would harm national unity.

The election did not overturn Sandfield’s government. Although his party secured slightly less than half of the Assembly’s seats (see Appendix 3), electoral irregularities left eight ridings unoccupied while the courts determined the need for by-elections. Sandfield tied to escape his precarious position by arguing that it would be premature for his party to resign the government until the courts and by-elections determined the partisanship of these ridings.

After the election, parliament debated the government’s policy on Riel and Lépine. The debates on 11 and 12 April demonstrated the limits of the national Liberal’s confidence in Ontario’s influence. On 11 April, Joseph Rymal, the Liberal MP for Wentworth South, moved a resolution that criticized the Canadian government for its failure to pursue Riel and Lépine and urged the Governor General to take action to secure their capture and trial. Although the resolution resembled Blake’s February resolution, the parliamentary debate was much more subdued and did not incorporate Ontario’s potential influence. The Canadian government defended its inaction by claiming that it lacked the jurisdiction to punish crimes committed in Red River in March 1870. It did not, after all, formally annex the region until July of the same year. Cartier concluded that “the administration of Justice rested entirely with the Local government.” Rymal, Bowell, Wood, and Blake dismissed this defence by claiming that Imperial legislation allowed Upper and Lower Canada to try individuals for crimes committed in Red River during the early nineteenth century. Thus they concluded that the Canadian government possessed the jurisdiction to capture and try Riel and Lépine. Blake urged the government to extradite Riel from the United States and arrest Lépine in Manitoba. By focusing on the jurisdictional dispute, Conservatives and Liberals from Ontario avoided considering their province’s potential influence. Even Blake, who had so vehemently defended the Assembly’s ‘moral’ right to interfere in the dispute, allowed Rymal

170 Leader, 13 March 1871.
172 Macdonald first used this argument in: Canada, House of Commons, Debates, 16 February 1871, 9-10.
to move the parliamentary resolution and relied on legal arguments, rather than Ontario’s intrastate votes, for the substance of his brief supporting speech.\footnote{173 The entire debate is in: Canada, House of Commons, Debates, 11 April 1871, 374-379.}

Mackenzie Bowell jeered Blake’s inconsistency. When the government defeated Rymal’s resolution by a vote of 75 to 40, the MP for Hastings North moved a nearly identical resolution that urged the apprehension of Riel and Lépine but avoided censuring the government for its previous inaction. According to Bowell, Blake’s “mildness and gentleness” in parliament was

truly amazing when compared with the manner in which he fulminated his thunders at every one [sic] who dared to think differently from him in the Legislative Hall at Toronto. (\textit{Hear, hear.}) Here he pretends it would be useless to bring the subject of Scott’s murder before the House because he would not carry a motion similar to the one he had introduced into the Legislature at Toronto, when surrounded by an Ontario and Protestant audience.

Ontario, Bowell implied, could use its votes in the House of Commons to pressure for the arrest of the former resistance leaders. Instead of standing by his previous assertions of Ontario’s influence, the Liberal leader contorted himself to avoid offending his Quebec allies in parliament.\footnote{174 The entire debate is in: \textit{Ibid}, 12 April 1871, 386-390. See also \textit{Leader}, 15 December 1871.}

Bowell had a point. Although Blake supported the capture of Riel and Lépine in both legislatures, different partisan incentives led him to adopt different tactics. In parliament, Blake recognized that Ontario MPs lacked the unity to pursue the same course. His province did not have the parliamentary votes to counter Quebec’s support for an amnesty.\footnote{175 Schull, \textit{Edward Blake: The Man of the Other Way}, chapter 5 focuses on Blake’s rise to premier and avoids discussing his quiet role in the 1871 parliamentary debate. At a speech in Bowmanville Blake defended his actions by claiming to be the victim of Coalitionist hypocrisy that faulted him for not proposing a similar resolution while refusing to support him. \textit{Advertiser}, 1 May 1871.} In this context appealing for Ontarians to unite behind the resolution was futile and humiliating for the Ontarian leader. Accusing Quebecers of unjustly protecting Riel and urging Ontarians to combat their influence would only unite Quebecers against the resolutions. Ontario Conservative MPs did not have to justify their votes on such controversial resolutions because they could rely on Quebec MPs like Cartier to speak on behalf of the government.
This opportunity allowed them to quietly sit and vote for or against Liberal resolutions without drawing attention to their actions. The Legislative Assembly did not afford its Conservative MPPs this luxury. Its membership was entirely Ontarian and its political parties did not have to consider the opinions of the rest of Canada in order to gain or maintain power. Throughout the Red River debate in Ontario, therefore, Sandfield’s supporters denied that their province was entitled to special influence.

By December 1871, Sandfield still clung to power with a temporary majority of less than five seats. The courts had not yet finished with the remaining eight contested ridings, and when the Assembly reconvened, the premier stated that his government would avoid controversial business until the seats were filled. Blake and his Liberals were unwilling to wait. They challenged the Coalition’s right to rule by defeating it in a series of resolutions and confidence votes. Edmund Wood, whose position in the cabinet was predicated on his ability to control the faltering support of moderate Liberals, resigned as Treasurer in the middle of the debate. This dramatic move sealed the government’s fate. Thoroughly defeated, Sandfield also resigned and Blake became Ontario’s second premier on 20 December.176

Having secured the government, and with a provincial election years away, Blake continued to pursue Riel. In January 1872 he again tried to rouse the Assembly with a more vaguely worded resolution which “regret[ed] that no effective steps have been taken to bring justice to the murderers” of Scott and also asked “that something should be done to that end.”177 When defending his motion, Blake continued to espouse Ontario’s right and ability to force the capture of Scott’s killers against the objections of French-Catholics in Manitoba and Quebec. Legislating on provincial jurisdictions set out in the BNA Act was not the Assembly’s only purpose. “It was entirely competent,” he declared “for this Chamber, in a matter in which the honour of Ontario was concerned, and in a matter affecting the life of a citizen of Ontario, to take notice of the murder of one of its people.”178 Alexander Mackenzie

177 Ontario, Legislative Assembly, Journals, Volume 5, 23 January 1872, 55.
178 Globe, 24 January 1872. Schull, Edward Blake: The Man of the Other Way, 85 notes this statement, but does not its repetition by others in the Assembly.
echoed his leader. He promised the Assembly that “the Government at Ottawa would not be indifferent to the action of the great Province of Ontario.” Edmund Wood agreed. Having returned to the Liberal backbenches, ‘Big Thunder’ spoke his mind. Ontarians, he complained, had “waited in vain” for dominion action and it was now appropriate for the provincial government to intervene. In response, Cameron continued to argue that the Assembly “had no jurisdiction in the matter.” It was unwise for one province to interfere in another government’s affairs, and he contended that the resolution “could have no effect in the direction of bringing the murderers of Scott to justice.” This time, however, Ontario’s MPPs found jurisdictional arguments unpelling. Every present MPP, except Cameron, voted for Blake’s resolution. With this overwhelming support in hand, Blake’s government extended its reach beyond the provincial borders. During the budget debate in early February the Liberal Treasurer, Alexander Mackenzie, presented the government’s allocation of a $5,000 bounty for the arrest of Riel and Lépine. Aside from a mocking comment from Cameron, the government encountered no opposition to the measure. The bounty was, as Schull notes, “good provincial politics” but it also allowed Ontarians to circumvent parliament and assert themselves in whatever province or state Riel and Lépine resided. Thereafter, the two former resistance leaders not only had to worry about being captured by anti-Catholic or anti-French mobs wherever they went, the bounty made their capture extremely lucrative for anyone on the Prairies. The law officers of the dominion, as the Advertiser noted, had “a substantial inducement to bring them to an account.”

Racial and religious prejudice alone does not explain the vehement reactions of many Ontarians to the escape of Scott’s killers. When politicians and newspapers dealt with the Red River resistance and the amnesty question from 1870 to 1872, they sought more than a middle ground between English-Protestant and French-Catholic demands; they also confronted the belief that Ontario could overcome Quebec’s influence and ‘compel’ the

180 Globe, 24 January 1872.
181 Ibid.
182 Globe, 8 February 1872.
184 The Manitoba Liberal, 15 March 1872 reprinted the gist of the bounty notice. Le Métis, 20 March 1872 published an editorial complaining about Ontario’s interference in Manitoban affairs. Advertiser, 12 March 1872.
Manitoban and Canadian governments to pursue Thomas Scott’s killers. Liberal newspapers and MPPs repeatedly appealed to a sense of power in Ontario to justify their aggressive resolutions in the Legislative Assembly. Conservative MPPs and MPs knew that it was unadvisable to advocate using Ontario’s preponderant influence to protect a ‘murderer.’ Instead, they tried to disabuse Ontarians of the belief that they could use their intrastate influence to control government policy by appealing to the Imperial government to take charge and by pointing out that their Legislative Assembly lacked the jurisdiction to ‘compel’ state action. Neither strategy was entirely successful. Although the Conservative’s strategy proved effective in 1871, Blake’s Liberals used this same sense of power and entitlement to secure the Assembly’s decisive support for their resolutions the following year.

The 1871 to 1872 debate also demonstrated some of the ways that partisanship impacted the willingness of Ontarians to assert that their province could dominate national policy debates. After parliament failed to satisfy Protestant Ontarians, the prospect of using concurrent discontentment with the province’s influence to bolster his party’s electoral support inspired Blake’s Liberals to tie Sandfield’s government to the continued freedom of Riel and Lépine. By emphasizing Ontario’s preponderant potential and linking its failure to the ‘patent combination,’ Blake argued that Ontarians could punish Sir John A. Macdonald by terminating Sandfield’s premiership. Yet partisanship also led Blake to curtail such rhetoric in parliament. The necessity of building bridges with the Rouges made appeals for Ontarians to combat Quebec influence bad politics. Although Blake continued his agitation against Scott’s killers into 1872, limited his preponderant federalist attacks to the Assembly where they did not directly affect his relationship with Quebec representatives.

New Provinces, Familiar Reactions

The desire to preserve Ontario’s intrastate preponderant potential or safeguard its future dominance also led Ontario Liberals to object to the terms of union for both Manitoba in 1870 and British Columbia in 1871. Each of these new provinces negotiated terms of union that were much more generous than those enjoyed by Ontario. Manitoba had a population of twelve thousand in 1871. According to the ‘rep by pop’ ratio that determined
the number of ridings in each province, Manitoba was entitled to less than one seat in the House of Commons. The Provisional Government’s ‘list of rights’ requested two parliamentary seats in 1870. Instead, the ‘postage-stamp province’ received four seats in the House of Commons and two Senators. When pressed about this increase, Macdonald replied that “it would be hopeless to expect that free-men would consent to be united to Canada without a representation in the Canadian Parliament being provided for.” One or two MPs, he implied, did not satisfy this necessity.186 To ensure that the province of Manitoba could tend to its jurisdictional responsibilities, the Canadian government also took the unprecedented step of deviating from precedent and included an estimate of the province’s native population when calculating its financial terms. Manitoba received the same eighty-cent per capita subsidy as the other provinces, but it was calculated on the inflated assumption that Manitoba contained 17,000 people. It also received a $30,000 annual grant. In addition, because it had no debt, the new province received annual interest payments of $23,604 from the dominion. In total, Manitoba received $5.50 per capita from the dominion government (see Table 2). The dominion government accepted these terms to restore its relations with the Red River region while the Provisional Government still controlled Red River in the spring of 1870. These measures would also increase the Conservative’s popularity in Manitoba at the next election.187

186 Canada. House of Commons Debates. May 2, 1870, 1327.
Table 2: Annual Monies Per-Capita Paid to the Provinces by the Dominion in 1871

<table>
<thead>
<tr>
<th>Province</th>
<th>$ / Capita</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ontario</td>
<td>0.64</td>
</tr>
<tr>
<td>Quebec</td>
<td>0.67</td>
</tr>
<tr>
<td>Nova Scotia</td>
<td>1.21</td>
</tr>
<tr>
<td>New Brunswick</td>
<td>1.20</td>
</tr>
<tr>
<td>Manitoba</td>
<td>5.50</td>
</tr>
<tr>
<td>British Columbia</td>
<td>6.33*</td>
</tr>
</tbody>
</table>

*This figure is approximate, British Columbia additional funds from the dominion government, including a loan for dock construction at Esquimalt.

Table adapted from Maxwell, *Federal Subsidies to the Provincial Governments in Canada*, 34, 39-40.

The Pacific colony of British Columbia was in dire financial straits by 1870. The population boom that accompanied its 1858 gold rush led it to borrow heavily to finance the construction of roads in the colony’s interior. After the gold rush ended, a population exodus left the colony’s government struggling to finance the debt. By 1870 the population of 36,247 (including 8,576 persons of British descent, 1,548 emigrants from Asia, and 25,616 Indigenous persons) shouldered a government debt of over $1 million. The colonial government had to devote one quarter of its tax revenues to servicing the debt. After several years of debate, the colony decided to seek terms of union with Canada. Because Macdonald took ill at the end of the discussions with the Red River representatives and just prior to the arrival of the British Columbian delegates in June 1870, Cartier led this second set of negotiations. American interest in the colony led Cartier to offer the delegates generous terms to ensure Canadian access to the Pacific Ocean. The most notable part of the dominion’s offer was the construction of a transcontinental railway. The British Columbian delegates recognized the necessity of connecting their colony to Canada but only requested a wagon road. Cartier, however, convinced the delegates to ask for a railway. The dominion government agreed to commence the construction of a transcontinental railway from the Pacific Ocean to Lake Nipissing within two years and complete it within ten years of the date of union. The other financial terms were based on the assumption that British Columbia contained 60,000 people. By stretching this already exaggerated population estimate, the

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Canadian government justified giving British Columbia six seats in the House of Commons and three in the Senate. This final population estimate also entitled the Pacific province to a $48,000 annual subsidy, annual interest payments of $33,000, and an annual grant of $35,000 a year from the dominion. In spite of this generosity, British Columbia still required an additional $100,000 a year to balance its books (see Table 2). Thus, Cartier offered an additional twenty-year $100,000 annual subsidy to reimburse British Columbia for lands it surrendered to the dominion to help pay for the Canadian Pacific Railway (CPR). According to Maxwell, this valuation of the public land was “entirely arbitrary,” but it provided the Canadian government the necessary excuse to make up British Columbia’s deficit.189

Ontario Liberals, and even a few Conservatives, complained that these terms violated the precedents established during the Confederation negotiations of 1864 to 1867. They protested against the overrepresentation of both provinces because they worried that it endangered Ontario’s parliamentary preponderance. In May 1870, the Intelligencer broke ranks with Macdonald and criticized Manitoba’s representation. Although it was willing to accept a temporary shift from strict representation by population, it considered four ridings to be unjustified and called upon Ontario’s representatives to demand changes to the government bill.190 Other Ontarians were less descript but nevertheless objected to the violation of the ‘rep by pop’ principle. David Mills argued that dividing Manitoba into four ridings was “unfair” to the rest of Canada. Instead of over-representing Manitoba in anticipation of its population’s expansion, he recommended maintaining the principle of representation by population and making adjustments in between the decennial censes.191 Robert Harrison complained that the terms exceeded the representation requested in the Provisional Government’s list of rights.192

Ontarians, according to Liberal supporters, could not afford to allow a second French-Catholic province to erode their intrastate preponderance. This concern was not unfounded. Historians note a desire among many leading Quebecers for Manitoba to become a large and

189 Maxwell, Federal Subsidies to the Provincial Governments in Canada, 38-41; Sweeny, George-Etienne Cartier, 226; Gwyn, Nation Maker, 138.
190 Intelligencer, 5 May 1870.
191 Canada, House of Commons, Debates, 7 May 1870, 1426.
192 Ibid, 1423. See also: Advertiser, 9 May 1870.
populous French-Catholic province that would ally with Quebec in the House of Commons against Ontario. They have not, however, explored how these concerns shaped the responses of Ontario Liberals. They demanded, for example, the expansion of Manitoba’s borders to encompass Portage La Prairie, a predominantly English-Protestant settlement that Macdonald initially excluded from the province. Its inclusion, the *Advertiser* hoped, would help to prevent the new province from becoming “another non-progressive, jealous, narrow-minded Quebec.” Although Macdonald gave into this pressure, Ontario Liberals were still unsatisfied. When parliament passed the Manitoba Act, the *Advertiser* complained that “the door-way and hall leading into the North West has been converted into a French preserve. As far as legislation could do so, the foundations have been laid for another Province of Quebec, with all its bigotry, exclusiveness, and jealousy of free thought and progress.”

The following year, Colonel Denison perpetuated this sentiment while speaking in Toronto. He acknowledged Quebec’s “legitimate influence in Quebec and in the Dominion,” but condemned its alleged attempts to “rule Manitoba, and rule the Dominion.” Ontarians had anticipated expanding into the North-West and they believed that they could not afford to have their preponderant influence compromised by the growth of a second French-Canadian province. They expected to impose their interests and cultures onto the North-West and thereby expand the power and influence of their society.

Ontario Liberal MPs and their supporting newspapers also opposed the overrepresentation of British Columbia in 1871. The concern was an Ontarian fixation. Only a handful of other MPs, including Alexander Galt and John Gray (the Conservative MP for the City and County of Saint John), commented on the two provinces’ over-representation during the parliamentary debate. Ontarians recognized that their concern was unique. The deviation from the principle of representation by population was, the *Globe* declared in two


194 *Advertiser*, 4 May 1870; Canada, House of Commons, *Debates*, 2 May 1870, 1312, 1320-1322.

195 *Advertiser*, 12 May 1870.

196 *Globe*, 1 March 1871. *Ibid*, 20 February and 3 October 1871 also hint at this argument. Although Denison was known for his conservative values he unsuccessfully ran the Liberal candidate for Algoma in 1872. Norman Knowles, “Denison, George Taylor,” *DCB* (online edition).

editorials on 20 February, “especially offensive to the people of Ontario” who entered Confederation expecting ‘rep by pop’ to free them from “Lower Canadian domination” and to give them “a fair share” of influence “in the management of the affairs of the United Provinces.” To protest this policy, Ebenezer Bodwell moved an amendment declaring British Columbia’s proposed representation to be “enormously in excess of the proper number according to population.” This deviation constituted a “violation of the fundamental principle of the pact between the Provinces” that “ought not to be disturbed without the assent of the Provinces.” Parliament rejected his amendment by a partisan vote of 58 to 87.

Ontario Liberals and their supporters defended the principle of ‘rep by pop’ in 1871 because they worried that the affirmation of the Manitoban precedent would erode Ontario’s intrastate influence. At the end of March, the Globe and the Advertiser published editorials objecting to the new province’s overrepresentation. They opposed the inclusion of British Columbia’s Native and Chinese populations to increase British Columbia’s seat-count. Such inclusion had “been deliberately rejected” in the past. All of the provinces had to be treated equally. If the West’s representation included its Native and Chinese populations, then Ontario was entitled to additional ridings.

The dominion government, the Globe warned, could use the Manitoban and British Columbian precedents “for granting representation in excess of that agreement to a dozen new Manitobas and British Columbias [sic] carved out of the great North-West.”

The Advertiser was equally adamant. “If this principle is not jealously guarded by Ontario,” it warned on 29 March, “we may lose the chief advantage sought by the Act of Confederation.”

The London Liberal organ elaborated on this warning the following day:

If in the case of one province we interfere with the principle of representation by population so long struggled for, there will be no excuse for not doing the very same thing in the case of other provinces; and we [Ontario] should thus

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198 Globe, 20 February 1871.
199 Canada, House of Commons, Debates, 31 March 1871, 312-131; Canada, House of Commons, Journals, 31 March 1871, 190-192.
200 Globe, 30 March 1871; Advertiser, 30 March 1871. See also: Canada, House of Commons, Debates, 28 March 1871, 282.
201 Globe, 30 March 1871.
202 Advertiser, 29 March 1871.
fall back into that very same unpleasant and injurious condition under which we laboured in the old Legislative union of Upper and Lower Canada.\footnote{Ibid, 30 March 1871.}

The Liberals’ concern about the new provinces’ overrepresentation did not abate. When Edward Blake addressed his riding of West Durham at end of April, he noted that it contained two to three times more white inhabitants than British Columbia and complained that it only received one representative compared to the Pacific province’s six seats.\footnote{Globe, 28 April 1871. Cartwright, Reminiscences, 95 expressed similar concerns.} If Ontarians expected their province to protect themselves from the rest of Canada and influence the national government they had to oppose reinforcing the Manitoban precedent in British Columbia.

In addition to the threat that the new provinces allegedly posed to Ontario’s parliamentary preponderance, Ontario Liberal MPs and their newspaper organs also opposed British Columbia’s terms of union because they believed that the financial aspects of the agreement were unfair. Thomas Oliver complained that the dominion assumed ten times as much debt per capita for British Columbia as it had for Ontario and Quebec.\footnote{Canada, House of Commons, Debates, 30 March 1871, 300.} They also objected to the government’s transcontinental railway construction timetable. Having already promised to construct the Intercolonial railway (which Upper Canadians had traditionally avoided due to the heavy cost they would bear), Ontario Liberals opposed committing to the dominion government’s ambitious and expensive schedule. The \textit{Advertiser} opined that “we have saddled ourselves already with an unknown total for the Intercolonial Railway… it behoves the people of Canada – and especially of Ontario, who will have chiefly to bear the burden – to pause and count the cost before giving new guarantees” to British Columbia.\footnote{Advertiser, 29 March 1871.} Alexander Mackenzie anticipated that the railway would cost “six to seven times” as much as the Intercolonial and therefore moved an amendment that limited construction to that which “the state of finances will justify.”\footnote{Canada, House of Commons, Debates, 28 March 1871, 282.} Edward Blake was also outraged by the government’s extravagant promise.\footnote{Schull, Edward Blake: The Man of the Other Way, 88-93.} It was wrong, these Liberals concluded, for Ontarian taxpayers to bear these financial burdens against their will.
When justifying their support for the terms of union, Ontario Coalition MPs and their supporters tried to assuage concerns in their province concerning the deviations from ‘rep by pop.’ The prime minister’s parliamentary majority may have allowed him to privately brag that he could “pretty much [do] as I please,” but his supporters felt differently. They knew, for example, that Ontario voters expected explanations for the overrepresentation of the new provinces in the House of Commons. Some Ontarians, such as George Jackson, struggled to justify the temporary overrepresentation of British Columbia. On this occasion the man who boldly espoused the imperative of Ontarian support for compromise in 1865 only vaguely asserted that six representatives for British Columbia was “common sense.” Most Coalition supporters recognized that they needed to explicitly address the Liberals’ objections. The Leader claimed that the articles concerning representation by population in the Quebec Resolutions and the BNA Act only applied to the original four provinces and therefore had “no more reference to the Red River country than to Patagonia or Terra Del Fuego.” During the 1871 parliamentary debate, William McDougall argued that the Manitoba Act “had been passed under peculiar circumstances,” and therefore did not set a precedent that could be used to justify the violation of representation by population for British Columbia. He nevertheless accepted the new province’s overrepresentation because he expected British Columbia’s population to surge after it entered Confederation. “The evil,” McDougall concluded, “would be temporary.” While speaking to his own riding in July, John Hillyard Cameron also downplayed the significance of Manitoba’s overrepresentation: “the Province had just four members in the House of Commons, and yet we were told that that was too many!” Confederation needed Manitoba and British Columbia, and temporary overrepresentation was an acceptable cost. By contending that Ontario’s preponderance was not threatened by these exceptions, Coalitionists appealed to Ontarian voters to support the party that focused on national interests.

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210 Canada, House of Commons, Debates, 29 March 1871, 293; Ibid, 5 May 1870, 1423.
211 Leader, 7 May 1870.
212 Canada, House of Commons, Debates, 30 March 1871, 304. Parliamentarians from other provinces echoed this argument: Canada, House of Commons, Debates, 29 March 1871, 290-291.
213 Mail, 6 July 1871, AO, F 2-2-14, D356714.
Conservatives rarely assessed Ontario’s interests when discussing the financial terms of union for Manitoba and British Columbia. They denied that the terms were unfavourable to Canada and instead emphasized the imperative and benefits of constructing a transcontinental nation. “It was absurd,” the Leader argued in May 1870, to expect Manitoba to find the financial resources to support its own development like the larger provinces. “Exceptional concessions” were necessary if Canadians expected it to develop into a province capable of paying for its own governance. Despite this appeal for generosity, the Leader still felt the need to claim that Manitoba’s terms of union were “as equitable as any bill could be.”

A similar pattern emerged in 1871. As many historians note, the transcontinental railway was a key component of the Canadian government’s nation-building vision. Ontario Conservatives voted for this bold endeavour but struggled to explain why Ontarians should support the expensive project. Jackson suggested that the construction of the intercontinental railway would improve Canada’s standing with “English capitalists.”

James Grant, the Conservative MP for Russell, expected Vancouver to become a major shipping port with Asia. The affluent empires of Persia, Rome, and Britain had each prospered while they “controlled the trade of the East.” All of Canada, including Ontario, he concluded, would profit from this trade. Canada’s long-term interests lay in facilitating a strong and prosperous British Columbia.

The Leader was more direct when discussing Ontario’s interests in a transcontinental railway:

The railway is a matter of fifty times as much interest to Ontario and the Dominion at large as it is to British Columbia. Were British Columbia never to come into the Confederation, a railway, first to Fort Garry, and then on through the fertile valley of the Saskatchewan to the Rocky Mountains, would be an absolute necessity if we have any serious notion of populating those distant regions within reasonable time…. The actual cost which the railway will incur will be small compared with the advantages to be derived form it.

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214 Leader, 7 May 1870. Maxwell, Federal Subsidies to the Provincial Governments in Canada, 34-35 agrees with this assessment.
215 Canada, House of Commons, Debates, 29 March 1871, 293
216 Ibid, 28 March 1871, 283.
217 Leader, 20 March 1871. See also: Ibid, 4 July 1870.
Even this exposition retained a vague quality. Why and how western settlement would benefit Ontario was common sense and unstated. Ontario Conservatives still struggled to link their province’s interests to the Canadian government’s policies.

Those who opposed the terms of union for Manitoba and British Columbia were, according to Ontario Conservative MPs and their supporters, unpatriotic opportunists who endangered Confederation by using sectional narrow-mindedness to gain popularity in their own province. Such pretences imperilled Confederation. The *Intelligencer* claimed that Ontario Liberals opposed British Columbia’s terms of union to increase their popularity even though they knew it could have driven the Pacific colony and the North-West to seek annexation to the United States.\(^{218}\) Ontarians had to be flexible. It was “impossible,” the *Leader* warned in May 1870,

> to govern a country like Canada – covering as it does a wide extent of territory and containing people who pursue so many varied industries – without an occasional clashing of interest. If, on every such occasion, we are to have men like Mr. Mackenzie coming forward… to fan the flame of discord instead of drawing them together by the ties of amity and goodwill, the position of affairs will become intolerable and one of two results will necessarily follow – either the political fabric we have reared with so much labour and pains will fall with a crash, or the agitators will be branded as traitors and cast out as implacable foes of society.\(^{219}\)

It was up to Ontarians to “decide which it shall be, for upon them mainly rests the obligation” because it was in Ontario that sectionalism “first” arose.\(^{220}\) Responsible use of Ontario’s preponderance required a willingness to compromise and invest in Canada.

In the end, the Liberals’ objections accomplished little. Although they convinced Macdonald to expand Manitoba’s borders to include Portage La Prairie, they continued to worry that Manitoba would be a second French-Catholic province. A similar sense of entitlement led these Ontarians to demand the curtailment of the provinces’ financial terms of union as well as their parliamentary representation. These objections did not change the terms of union but they did produce heated exchanges that heightened political tensions

\(^{218}\) *Intelligencer*, 5 April 1871; Canada, House of Commons, *Debates*, 30 March 1871, 300.

\(^{219}\) *Leader*, 20 May 1870.

\(^{220}\) *Ibid.*
between Ontario and Quebec. Although Ontario’s Coalition MPs expressed their desire for a transcontinental nation, they also addressed Liberal ascriptions of Ontario’s influence in Confederation. They dismissed concerns about the new provinces’ overrepresentation and contended that Ontarians needed to support the generous terms if they expected to construct and benefit from a transcontinental country. The willingness of Ontario Coalitionists to confront these attacks and support the dominion government’s policies helped check discontentment that risked jeopardizing Canada’s expansion.

The 1872 Canadian Election

The 1872 Canadian election was the final clash of preponderant federalists during the first government. The year also marked the last Canadian election when ridings polled sequentially over several months rather than simultaneously on a single day. The practice prolonged the campaigning and allowed governments to schedule the initial polls in ridings where they expected a strong showing to create the impression of landslide support. In Ontario, the election was the culmination of five years of preponderant federalist debate.

Once again, a sense of power and entitlement to decisively impact national policy development was integral to the Liberal campaign. The hope that Liberal candidates could sweep their province by catering to English-Protestant prejudices and a belief that Ontario could impact national policy development, contributed to Blake and Mackenzie’s willingness to campaign on an Ontario-centric platform at the expense of their popularity in the rest of Canada. The Macdonald government, Liberal partisans alleged, consistently ignored Ontario’s interests because it relied on support from the rest of Canada. While speaking at North Lanark, Alexander Mackenzie asked Ontarians to vote Liberal because “Cartier and his friends no doubt wished to establish in the heart of the continent a small French colony to balance the large and growing Province of Ontario.”

If Ontarians expected to fulfil their longstanding desire to expand into Rupert’s Land and prevent the erosion of their parliamentary preponderance by a second French-Catholic province, they had to elect a government dedicated to extending English-Protestantism in the West. Blake also

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221 *Globe*, 3 June 1872. See also: D.R. Cameron to Schultz, 15 October 1872, QUA, Charles Mair Fonds, Vol 1, File 2.
complained that the over-representation of Manitoba and British Columbia damaged Ontario’s intrastate influence. The election, he forecast, would be close. The ten new ridings would almost certainly return Macdonald supporters who would tip the parliamentary balance in favour of his government. Politicians like Edward Blake and James Young, the Liberal MP for Waterloo South, also berated the dominion government’s willingness to take on additional financial obligations despite Liberal objections. Ontario would pay 55% of Nova Scotia’s better terms and a similar proportion of British Columbia’s twenty-year $100,000 land subsidy. It would also contribute three-fifths of other Canadian expenditures, including the transcontinental railway’s estimated $30 million cost. “And why… has Ontario been betrayed into this position” the Globe asked? “Why, simply THAT ONTARIO MAY BE VOTED DOWN – simply that Sir John A. Macdonald may continue to hold office and bid defiance to the people of Ontario!” The Advertiser agreed that Macdonald bribed the other provinces to “keep Ontario down.”

Ontario’s “humiliation,” the Advertiser concurred, would only end when it elected representatives who did not trade their province’s interests to maintain power.

224 Advertiser, 6 August 1872; Ibid 25 July 1872.
225 Globe, 13 June 1872; Ibid, 3 July 1872.
227 Ibid, 22 July 1872. See also: Ibid, 18 June 1872;
The Conservatives, who discarded the Coalitionist façade, directly confronted the sense of entitlement that informed these attacks by denying that Ontarians could use their parliamentary power to influence Riel’s fate. The enforcement of criminal law, they pointed out, was a provincial responsibility. Ontario could not use its parliamentary preponderance to force the Canadian or Manitoban governments to arrest Riel or Lépine. While speaking in Peterborough during July 1872, a heckler prompted Macdonald for Riel’s whereabouts. Macdonald famously responded “God knows; I wish I could catch him.” The prime minister noted that he also had no jurisdiction to pursue the man who gunned down his good friend D’Arcy McGee in Ottawa on 7 April 1868. If the Canadian government lacked the jurisdiction to influence the carriage of justice in the country’s capital, he reasoned, it would be extreme hubris for it to attempt to force the Manitoban government to take action against Riel. Macdonald also attacked Blake’s attempts to use Ontario’s influence to affect Riel’s arrest. Far from encouraging Riel’s capture, the bounty compelled the fugitive to flee the country. Macdonald claimed that the provincial government approved the bounty to foment anti-French and anti-Catholic sentiment in Ontario and to turn the Orange Lodges against the Conservatives. Ontario’s attempts to affect Riel’s capture, the Conservatives concluded, were misplaced and counterproductive.

The Conservatives also encouraged Ontario’s voters to elect a bloc of their candidates. The Leader warned Ontarian voters that “upon your votes may hang the destiny of the Dominion. Its best interests have been entrusted to your hands.” The province’s tendency to split its representation between the two parties was, it contended, “so inimical to the well-being of Ontario [and] is the worst enemy of our province.” The Conservative organ warned that Ontario would set the rest of Canada against Ontario if it elected a “phalanx” of Liberals. Such an outcome would harm national unity and could even lead to Canada’s dissolution. Several Conservatives echoed this concern. Sir Francis Hincks,

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229 Mail, 11 July 1872, Macdonald repeated parts of this argument during a shorter speech in Hamilton a few days later. Ibid, 15 July 1872. AO, F 2-2-13, Vol D356714.
231 Leader, 3 August 1972.
232 Ibid, 13 August 1872.
who returned from being the Governor of Bermuda in 1869 and replaced Rose as Macdonald’s Finance Minister, told his Peterborough audience that

the avowed policy of the *Globe* newspaper was that a party in Ontario – he might hardly say Ontario, but a part of Ontario, the western peninsula – should control the legislation of the Dominion, and enjoy a prescriptive right to abuse every man who did not assent to that policy. If anyone took the trouble to read that newspaper he would see it laid down that Ontario had a right to control the legislation of the country, and that if the people of Ontario held together they would be able to do it. The party which that paper represented had taken a course… that would make a large portion of Ontario detested by the people of the other parts of the country.234

The Conservatives, by contrast had worked to expand Canada across the continent while fostering unity among the provinces. Hincks appealed to Ontarian voters to continue this work and avoid alienating their province from power by supporting Conservative candidates. Ironically it was Charles Tupper who, while campaigning at a mass meeting in Strathroy during the 1872 Canadian elections, explained why Ontarians needed to tolerate the violations of representation by population in the Manitoban and British Columbian deals:

The Opposition talked of the six members that had been given to that Province [British Columbia] as if some dreadful crime had been committed, and as if those members were to override all the rest of the Dominion. When he (Dr Tupper) looked at the men who were standing before him – fair specimens of the intellect, intelligence and power of Ontario – he could not believe that they, with eighty-eight members in the Parliament, and conscious of their strength, would begrudge Manitoba[‘s] four members for the short time that would elapse until the teeming immigration that would flow into it would raise its population so as to entitle it to a greater number; nor could he believe that there was a man present who did not know that the admission of British Columbia into the Union was cheap on the terms that had been granted and that in a few years – such was its geographical position, the abundance of its resources and the attractions it would offer to settlers from other countries – it would have a right to claim a greater number than six representatives.235

According to Tupper, the Conservatives had not endangered Ontario’s parliamentary preponderance. Ontario could benefit from Canada’s territorial expansion, and the province

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235 *Leader*, 28 August 1872.
could not afford to allow petty jealousies over temporary inequalities to jeopardise this future. It had to use its parliamentary preponderance to safeguard these national interests.

In the end, neither party secured a decisive victory in Ontario. The Liberals only carried 48 of its 88 seats. This was a significant improvement on their 1867 showing though the Liberal gains hardly constituted an unstoppable voting bloc. The popular vote was a dead heat (see Appendix 2). Macdonald was disappointed by the Conservative’s weakness in Ontario but it was not a critical failure. The Conservatives secured enough seats in the rest of Canada to ensure a slim majority of 8 seats in parliament.236

Conclusion

During Confederation’s first five years, Ontarians expected their province to use its intrastate preponderance to shape Canada’s political development. The division of Ontario’s potential parliamentary preponderance between two competing federalisms, however, limited the province’s influence. When running in general elections or debating issues such as the Intercolonial’s route, Nova Scotia’s better terms, the Red River resistance, and the Manitoban and British Columbian terms of union, many Ontarians, and especially Liberals, believed that they could decisively shape the Canadian government’s policies. This belief in Ontario’s preponderant influence emboldened them to repeatedly oppose policy demands from the rest of Canada. Yet aside from the inclusion of Portage la Prairie in Manitoba and Blake’s bounty, these agitations produced few tangible results. Instead of accepting defeat, the same sense of power and entitlement led Ontario Liberals to bring the same debates to their provincial Assembly. The indignant rhetoric and bigoted assumptions that informed these debates often aggravated sectional tensions in Canada. Blake’s opposition to Nova Scotia’s better terms, and his dogged pursuit of Riel and Lépine at Ontario’s Legislative Assembly, aggravated interprovincial tensions and delayed the Liberal’s ability to attract support from the rest of Canada.

The willingness of these Ontarians to challenge other provinces’ influence arose from more than political opportunism or prejudice. Their actions also flowed from a belief that

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236 Beck, Pendulum of Power, 21.
Ontario had the intrastate and ‘moral’ influence to decisively impact national debates. They therefore urged Ontario MPs to protect the provincial ‘compact’ when critiquing the terms of union for Manitoba and British Columbia. Contrary to the conclusions of scholars such as Bruce Hodgins and Christopher Armstrong, the debates concerning better terms for Nova Scotia demonstrate that this sense of power and provincial compact theory could be mutually reinforcing ideas. Blake and his followers denied that they ignored provincial rights when debating the Red River resistance at Ontario’s Legislative Assembly. The Assembly admittedly lacked the jurisdiction to impose its will on either of these questions and these Liberals would have responded indignantly if other governments had tried to pressure Ontario in a similar manner. Yet no law barred the provincial legislature from trying to influence national debates and attempts to rally Ontarians in both legislatures affords the agitations a greater consistency than existing scholarship appreciates.

Not all Ontarians accepted the rationales that informed these aggressive stands against other parts of the country. Ontario Coalitionists (both Conservative and Liberal) asserted a different role for Ontario. Contrary to the claims of centralist historians, these Ontarians maintained their provincial consciousness. They acknowledged Ontario’s unique preponderant potential but argued that using its influence to block initiatives from other parts of the country would destroy Confederation. Instead, they urged Ontario to desist from obstructing these policies. On several occasions, such as the 1867 and 1872 elections and during the debates concern the terms of union for Manitoba and British Columbia, they even contended that Ontarian support for compromise solutions to national questions was integral to fostering national unity.

The imperative of challenging the agitators’ sense of power and entitlement to influence national debates by proposing alternative interpretations of Ontario’s influence was especially strong in provincial politics, where Coalition MPPs could not rely on representatives from other provinces to defend the government. They rebuffed these agitations by noting the Assembly’s lack of jurisdiction but also recognized that they required further rationales to justify their acceptance of dominion policies. Acknowledging Ontario’s potential power while claiming that its interests lay in supporting compromise allowed Coalition supporters to oppose agitations against initiatives from other parts of the
country while affirming the desire to preponderate in Confederation. These strategies facilitated Ontarian support for the Coalition in 1867 the and rejection of all but one of Blake’s resolutions concerning better terms for Nova Scotia in 1869. Although the agitations in Ontario against these initiatives regularly increased Canadian political tensions with their rhetoric and policy demands, the existence of two preponderant federalisms generally split Ontario’s voice and helped to ensure that they rarely impacted the Canadian government’s policies.

Yet the willingness of Ontario Coalitionists to suggest uniting behind compromise also suffered from limitations. The belief that allowing Riel and Lépine to remain free was contrary to Canadian law limited the willingness of Ontario Coalitionists to oppose the campaign for their capture. Similarly, the unpopularity of better terms for Nova Scotia led Coalitionists to support Blake’s 13th resolution requesting legislation barring the Canadian government from granting any further adjustments to the financial terms of union. When an agitation against a policy by the dominion or provincial governments enjoyed strong support in Ontario, and especially when it was widely held to violate Canadian law, urging Ontarians to support compromise became a political impossibility.

In 1872 both preponderant federalisms remained important to Ontario political culture and Canadian politics. That same year, Ontarians continued to contest whether their province was the ‘Ishmael of Confederation,’ but both types of preponderant federalists agreed that their province was a first among equals. New political imperatives, however, reduced the utility of that assumption.
Chapter 4: The Curtailment of Preponderant Federalisms, 1872-1884

“It is true, as you remarked, Sir, that it is always possible for a large and powerful Province to do something distasteful to the smaller ones, but I think it is still more likely that a powerful neighbour will prove generous, and use its power not with a view of her own aggrandizement, but to deal justice to all. It has been the aim of my political life to do justice to every section, and to see that no section gets more than justice.... I hope that in the course of the next few years the progress of this Province will be such as to lead every one to view as favourably as possible the combination known as the Dominion of Canada.”

Alexander Mackenzie, Globe, 9 November 1875.

Alexander Mackenzie’s comments before a Halifax audience in 1875 reflected a new unwillingness to pit Ontario against the rest of Canada. Two failed attempts to return an overwhelming Liberal caucus from Ontario at national elections and repeated failures to rally Ontarians to impose their will upon other parts of the country between 1867 and 1872 demonstrated that Liberal aspirations for preponderant and even dominant provincial influence were misplaced. Ontario Liberal MPs and their supporters increasingly recognized that their province would not supply their party with sufficient seats to dominate a national government. This understanding led them to seek the support of representatives from the rest of Canada by seeking compromise solutions that accommodated their diverse demands. The change also forced these Ontarians to reconsider their opposition to demands from other parts of the country during controversial debates such as Riel’s expulsion from parliament, a Red River amnesty, and the New Brunswick schools question. In parliament, Ontario Liberals pointed to provincial rights and Imperial authority to dissuade their constituents from believing that they could use their parliamentary preponderance to impact Canadian policy. Although the Conservatives occasionally hinted that Ontario MPs needed to block initiatives from other parts of Canada while in opposition at Ottawa, the same partisan considerations led them away from mounting a concerted agitation. The shift away from pitting Ontario against the rest of Canada was also apparent in Ontario’s Legislative Assembly where provincial Liberals almost entirely disengaged from these divisive national questions. The
successful curtailment of the sense of power and entitlement in Ontario helped the Macdonald and Mackenzie governments to prevent these debates from escalating into political crises that damaged national unity.

The national Liberals did not, however, completely curtail the desire among their Ontarian supporters to use their province’s influence to block initiatives from the rest of Canada. This was evident during the better terms debates in 1873 and 1884. As in 1869 and 1870, the Liberals formed the parliamentary opposition during these debates, and did not have to find compromise resolutions. Yet the goal of forming a national Liberal government led its Ontario leaders to gradually stop from urging their province’s MPs to use their parliamentary preponderance to block the better terms proposals. By 1884 partisan pressures even led Edward Blake to drop his rejection of better terms and to instead support enlarged subsidies so long as every province received a proportionate increase. Despite this curtailment in parliament, Liberal MPs and newspapers still tried to convince the province’s voters that Ontario would be more influential if they turned against the Conservatives. The belief that Ontario could preponderate in national policy debates continued to hold sway but partisan considerations led the Liberals away from alienating their support in the rest of Canada.

Proposals for alternative applications of Ontario’s influence ebbed and flowed with this oppositional rhetoric. The hesitancy of the Conservatives and Liberals to rally Ontarians against other parts of the country during the expulsion, amnesty, and New Brunswick school debates reduced the need for MPs to explain why Ontario needed to support the government. When the Liberals showed some willingness to rally Ontarians against further better terms, the Conservative press responded by publishing a few editorials calling attention to Ontario’s unique ability to use its influence to foster national unity. Countering these agitations did not, in short, necessitate a subordination of regional consciousness to nationalism. Conservative newspapers and MPs continued to justify their support for the government by arguing that Ontario’s influence was more usefully applied to supporting better terms.
Partisan Developments

Ontario Conservatives and the Liberals made important adjustments in 1872. Macdonald shed his ‘Coalitionist’ guise and refocused on his Conservative base. The prime minister also abandoned the Leader as his primary media organ. Beaty’s newspaper did not challenge the Globe’s ability to mould public opinion. In its place, the Conservatives founded a new newspaper, the Mail, to carry their message across the province. Its editor, T.C. Patteson, created a publication designed for a mass audience by including everything from sports to international news. Soon the paper ran morning, evening, and weekly editions. The Mail, unlike the Leader, closely followed the Conservative line and ensured that its readers received the Conservative’s interpretation of political developments. The Leader gradually fell into obscurity and eventually folded in 1878.¹

In 1872 the Conservatives and Liberals had not yet coalesced into national parties. Although Macdonald succeeded in constructing a national caucus, the pursuit of regional interests continued to rival party discipline. By maintaining his alliance with Cartier, Macdonald gained significant support from Quebec. The alliance, however, also required the prime minister to heed Cartier’s counsel. New Brunswick and Nova Scotia Reform MPs refused to tie themselves to a party dominated by Central Canadian concerns and power. Their members eschewed party alliances and followed whichever parliamentary leader they believed would best serve their province or riding. Escott Reid called this strategy “ministerialist” because it led MPs to follow ministerial patronage rather than parties. By granting favours to regional group leaders, such as Joseph Howe, Macdonald gained the support of the majority of Maritime representatives. In Ontario, the moderate Liberals, led by MPs such as Howland and McDougall, dropped their Coalitionist association and gradually re-joined the Liberal or Conservative national and provincial caucuses. At the end of 1872, Macdonald headed a national Conservative government.²

¹ Rutherford, A Victorian Authority, 59; Creighton, John A. Macdonald: The Old Chieftain, 115-116, 118-119.
The Liberals lagged behind their Conservative counterparts at forming a similar party. In 1872, their caucus remained a loose alliance of regional groups. Several factors contributed to this dynamic. According to Paul Heppe, the Liberal tradition of privileging individualism and provincial autonomy at the expense of “party coherence and solidarity” made it very difficult for their members to accept the sacrifices necessary to create a “disciplined, nationally organized party.”\(^3\) Ontario Liberals also lacked the patronage necessary to attract Maritime ministerialists. Quebec’s *Rouges* shared the Reformers’ liberalism but it was difficult to convince their voters to support a Liberal government when their Ontarian counterparts protested French-Catholic intrastate power. Many of these Maritime Reformers and *Rouges*, moreover, had been anti-Confederates only a few years before, and only gradually accepted Confederation. The Liberals thus remained even less united in parliament. Until 1873, they could not even agree on a parliamentary leader. George Brown remained an important influence in Ontario but his failure to secure a riding in 1867 left the Liberals with a series of provincial and regional parliamentary heads. Brown’s pre-Confederation voluntaryism also made him unpopular with the majority of Catholic voters across Canada. Selecting a parliamentary leader would be a first step to organizing a Liberal party with national appeal that could rival its Conservative counterpart.\(^4\)

Alexander Mackenzie, who heard rumours that the Conservatives might suffer from scandal during the upcoming session, arranged for leading Liberals to meet and select an official leader before the 1873 spring session began. Mackenzie believed that his limited education made him a poor choice. He therefore urged Edward Blake to accept the position of party leader. Blake was young, educated, and very popular in Ontario but he suffered from what doctors called “neurasthenia,” an emotional condition that caused him considerable anxiety and sometimes forced him to take lengthy holidays from public duties. Since becoming a politician in 1867, he had also neglected his lucrative legal practice, and he told the meeting that he intended to devote much of his attention during the next few years to building it back up. He refused to accept the leadership. Instead, Blake asserted that

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Mackenzie should assume formal leadership of the party. Since Confederation, Mackenzie often led the party in the House and it was only logical that he should continue in this role. Still others suggested Dorion assume the leadership. But Dorion believed the leader needed to be an Ontarian because they compromised the caucus’ largest provincial contingent. The meeting disbanded without a leader. Only hours before the 1873 Throne Speech, the party’s leadership met again, and this time Mackenzie succumbed to pressure and agreed to serve as leader.5

Selecting a Liberal leader proved to be a prudent strategy. During the spring of 1873 Lucius Seth Huntington, a Montreal Liberal MP, rocked parliament by claiming that the Conservative party had accepted huge financial contributions (eventually found to be $350,000) from Sir Hugh Allan during the 1872 campaign. Sir Allan, a wealthy and influential Montreal businessman, donated the funds to the Conservatives with the understanding that the government would give him the presidency of the company that would construct Canada’s Pacific railway. Macdonald’s telegraph to Allan requesting “another ten thousand” dollars to carry the party to the end of the campaign, connected him to this violation of electoral law. As Macdonald pointed out during the subsequent inquiry, accepting large donations for political favours was common at the time. The sheer scale of the donations, and the revelation that Allan had secretly maintained ties with American railwaymen who sought to undermine an all-Canadian route for the transcontinental line, however, turned public sympathy toward the Liberals who had always claimed that they put patriotism before party. The Governor General, Lord Dufferin, was deeply troubled by these revelations. After reviewing the facts, and despite his family’s close friendship with Macdonald, he asked the prime minister to resign. On 7 November 1873, Dufferin swore in Canada’s first Liberal government.6 Partisanship remained sufficiently loose that Mackenzie did not immediately dissolve parliament. Instead, he waited to see if sufficient ministerialists

would switch their partisan allegiance to his government. When he failed to attract sufficient supporters, Mackenzie called an election.⁷

The character and outcome of the campaign based on the ‘Pacific Scandal’ was a forgone conclusion. Mackenzie claimed that Canadians had to “purge” parliament of corruption. The Liberals, he declared, would provide “honest” government.⁸ The former stonemason told the crowd that his government would pass significant reforms to the election laws, including simultaneous voting across the country and a secret ballot. He also promised to create a Canadian Supreme Court and to renegotiate the railway agreement with British Columbia. A Liberal government would construct the transcontinental railway, but at a slower pace. Existing water-born transportation on the rivers and lakes between the Rockies and the Great Lakes would fill the interim gap. Aside from its railway policy, the Liberal platform was uncontroversial and ensured that voters could focus on the scandal.

By comparison, the Conservatives were in disarray. Despite Macdonald’s public shaming, the Conservative caucus rejected his resignation. Macdonald nevertheless recognized that his leadership was a liability to the party, and he rarely campaigned outside of his Kingston riding. In Ontario, most Conservative candidates criticized the Liberal platform. The Pacific Scandal was a witch-hunt, they claimed, and voters would not be fooled by the Liberal ploy. Canada needed a transcontinental railway as soon as possible. Again the popular vote was close, but its distribution gave the Liberals a landslide victory. In Ontario, the Liberals won 66 of the province’s 88 seats (see Appendix 2). They captured just over half of the ridings in Quebec and swept the Maritimes. The Conservatives only did well in British Columbia, where its small population clung to the Conservative promise to honour the CPR’s ambitious construction schedule.⁹

This victory induced Liberal rule but their caucus remained deeply regionalized. The Liberal win brought significant Maritime support and the government’s New Brunswick and Nova Scotian contingents each received two seats in the new cabinet. But their cabinet ministers rarely attained the influence of their Ontario and Quebec counterparts including

⁸ As quoted in Beck, Pendulum of Power, 23.
Blake, Mackenzie, Holton, and Dorion.\textsuperscript{10} The persistence of strong regional allegiances made pitting Ontario against the rest of Canada an extremely dangerous strategy for the government. Mackenzie could not allow his Ontario caucus to threaten his government by treating the rest of Canada as a force to be overcome. The Liberal government had to do more than balance conflicting provincial and regional interests. To avoid being toppled by national political crises, it had to sidestep the Ontarian sense of entitlement to preponderant influence that many of its leaders had encouraged since 1867.

The Expulsion and Amnesty Questions

For the next twenty months following the 1872 national election, Ontarians only rarely considered the fate of Riel and Lépine. In February 1873 the Ontario Assembly briefly debated the government’s bounty. M.C. Cameron continued to insist that the measure exceeded the province’s jurisdiction and questioned the Ontario government’s sincerity by asking why it did not go further by appointing agents to pursue the former resistance leader in Manitoba. Oliver Mowat, who became premier the preceding October, defended his predecessor’s measure. Mowat claimed that the Ontario government had the right to offer a reward for Riel’s capture but it could not appoint officers to pursue the former resistance leader beyond Ontario’s borders. Like Blake, the new premier distinguished between Ontario’s constitutional jurisdiction and its ability to lobby other provinces. The provincial Liberal government continued to deny that there was a conflict between asserting Ontario’s influence and demanding provincial autonomy.\textsuperscript{11}

Cartier’s death and Riel’s re-election to the dominion riding of Provencher resumed the debate concerning the former resistance leader. On 30 March 1874, Riel entered parliament, took the oath of allegiance to the Queen, signed the register, was recognized, and fled Ottawa. Many Ontarian English-Protestants were horrified by Riel’s presence in their province. Over the next two years, Canadians focused on the futures of Riel and Lépine. Although historians note the hesitancy of Liberal and Conservative leaders to confront the

\textsuperscript{10} S.T.A. Burke, “Mackenzie and His Cabinet, 1873-1878,” \emph{Canadian Historical Review} 41, no. 2 (1960), 130, 133.

\textsuperscript{11} Ontario, Legislative Assembly, \emph{Scrapbook Hansard}, 5 February 1873.
religious and racial antagonisms that informed the debate, they only implicitly acknowledge how the desire for intrastate influence in Ontario and Quebec shaped their respective responses to the questions. Once in power, Ontario Liberals laboured to prevent the agitations that they had previously encouraged from destabilizing their government. They utilized a combination of silence, delay, and disassociation, to constrain their province’s sense of power from raising religious and racial tensions. Their successful use of these strategies allowed Ontario Liberal MPs to sustain the Mackenzie government’s passage of an amnesty bill. Opposition Conservatives from Ontario did not, by contrast, adopt their predecessors’ aggressive stand against the rest of Canada. They initially avoided preponderant federalisms entirely, and even decided against urging Ontarians to unite and defeat the government’s amnesty policy in parliament. They did, however, foster discontent with the Liberal party in Ontario by arguing that it no longer heeded Ontario’s voice.

Immediately following Riel’s flight from Ottawa, Bowell and Schultz moved that parliament examine the evidence concerning Riel’s criminal status in Manitoba. They also summoned H.J. Clarke, the Attorney General of Manitoba, to testify before parliament concerning his province’s warrant for Riel’s arrest. Both motions passed with almost no comment from the government side. Clarke, who was in Ottawa at the time, testified the following day and affirmed the warrant for Riel’s arrest. At the end of the proceedings, Bowell and Schultz moved another resolution requesting Riel attend parliament the following day. This motion also passed without comment from the uneasy government.

For the next two weeks, both parties’ Toronto organs fomented anti-Riel sentiment. The Globe demanded Riel’s expulsion from parliament. The presence of a wanted man’s name on the roll call, it opined, lowered parliament’s stature. By failing to attend the session, moreover, Riel was not fulfilling his duties to his riding. Provencher’s constituents had the right to expect representation in parliament. Conversely, the Leader alleged that the Mackenzie government was in “alliance with the [Catholic] Hierarchy.” It tried to make the

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13 Waite, Canada: Arduous Destiny, 42-43; Globe, 1 April 1874.
14 Globe, 1 April 1874. See also: Ibid, 11 April 1874; Advertiser, 13 April 1874.
Canadian government the target of frustration in Ontario by claiming that it did not attempt to catch Riel while he was in Ottawa. The *Leader* even speculated that the government had facilitated Riel’s access to parliament hill and hinted that it was contemplating an amnesty.\(^{15}\) Although the editors of both newspapers clearly believed that the majority of Ontarians still desired the punishment for Scott’s killers, they avoided offending Quebec by urging united Ontarian action.

After Riel failed to respond to a second motion to attend parliament, Bowell and Schultz moved that he be expelled from the House of Commons because he was, “beyond the shadow of a doubt,” guilty of actions that made him “unworthy” of sitting in the House of Commons. By mid-April 1874, Bowell initiated the two-day debate by claiming that “it was the duty of the government” to secure Riel’s capture and expel him from parliament until he stood trial. In response, Joseph Mousseau, the Conservative MP for Bagot, moved an amendment requesting the Crown grant Riel full amnesty. Mackenzie was in an awkward position. From 1870 to 1872, he and other Liberals had tried to improve their party’s popularity in Ontario by stoking anti-Catholic sentiment and the belief that Ontario had the right and ability to block Quebec’s influence (see Chapter 3). Now, however, his government required French-Canadian support and sympathy in Quebec for Riel had strengthened. The majority of Quebec newspapers now described Riel’s future as a French-Canadian cause worthy of the province’s intrastate support. When denouncing Bowell’s motion for expulsion, most Quebec MPs regretted Scott’s death but claimed that it was an execution carried out by a legitimate government. Riel and his followers were not, they insisted, criminally liable.\(^{16}\)

Mackenzie was eager to avoid an intrastate contest and borrowed from the Conservatives who had previously emphasized rule of law and due process during similar

\[^{15}\textit{Leader}, 2\text{ April 1874}.\textit{The Irish Canadian}, 8\text{ April 1874} \text{was much more sympathetic. It admitted that “the interest of humanity” dictated that Riel should have spared Scott’s life but nevertheless argued that “it is not surprising” that Riel ordered the execution of the Orangeman who had been expelled from the territory and allegedly even pledged to kill Riel. The newspaper went on to unconvincingly argue that Riel would take his seat in parliament. “The French members of the House are resolved,” the \textit{Irish Canadian} claimed, “that he shall at least have fair play.” Emphasis in original.\]

debates following the resistance. By focusing on legal questions, rather than intrastate influence, Mackenzie sidestepped the desire in Ontario to influence the emerging bicultural dispute. The prime minister pledged to vote for Bowell’s motion because Riel remained a “fugitive from justice.” He also promised to vote against Mousseau’s amnesty motion but did not rule out supporting amnesty in the future. The prime minister claimed that he could not support amnesty for Riel at the present time because a parliamentary committee had not yet determined whether the Macdonald government had promised it. Blake made a similar case. He claimed that “it was their duty not to be carried away by passion or prejudice” and even suggested that the leaders of the Orange Order “regretted” some of their memberships’ extreme positions. Conscious of French-Catholic sensitivities in Quebec, Blake avoided the question of Riel’s guilt when he addressed parliament: “it was because he [Riel] did not come here, and because his absence from this place was occasioned by an evasion of justice that Provencher was not represented… that they were asked to declare that seat vacant.” Riel could not take his seat in parliament for the riding of Provencher unless he cleared his name in a court of law. An amnesty, moreover, was out of the question at the time because parliament would not grant Mousseau’s request and the debate would generate further sectional discord across the country.

Aside from Bowell and a few backbenchers who briefly faulted the Liberal government for not doing more to catch Riel, Conservative MPs from Ontario did not speak during the debate. Macdonald was conspicuously absent. Conservative MPs from Quebec delivered the majority of the Opposition’s responses. The Conservatives and Liberals, in short, recognized that pitting Ontario against Quebec would destabilize their parties and ensured that their speakers did not inflame the debate by offending either provinces’ desire for intrastate power. But these precautions did not deter bloc voting. When it was time to vote, most Quebecers opposed Bowell’s motion, but nearly every Ontarian representative, including Mackenzie and Blake, supported it. Without raising the battle cries of 1870 to

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1872, a united Ontarian vote expelled Riel from parliament. The amnesty question, however, continued to linger.\textsuperscript{18}

The push to resolve the question arrived seven months later. In early November 1874 a Manitoban court sentenced Ambroise Lépine to be hanged the following January for the execution of Thomas Scott. This ruling forced Mackenzie’s government to settle the amnesty question. Although the public knew that the government would grant some sort of amnesty to the vast majority of the Red River resistors, the fate of Lépine, Riel, and other leaders, remained uncertain. Racial and religious tensions, as well as the desire in both provinces to control the debate, increasingly divided the country and paralyzed Mackenzie’s government.\textsuperscript{19} Quebecers believed that the Canadian government was obligated to grant a full amnesty to all Red River resistors and they expected Mackenzie’s government to heed their demands. The Governor General received 252 petitions bearing the names of 58,568 individuals petitioning against Lépine’s execution. Quebec’s Legislative Assembly also unanimously requested mercy. To make matters worse for Mackenzie, his Liberal government lacked a Quebec lieutenant that could make a compromise palatable in French Canada because Dorion left the cabinet in late May 1874 to become Chief Justice of the Queen’s Court Bench of Quebec. Some of Mackenzie’s Quebec cabinet ministers, who had expressed sympathy for Lépine’s plight when campaigning in 1874 and endured Riel’s parliamentary expulsion, threatened to resign from the government. They demanded that the government grant Lépine and the other leaders of the Red River resistance an amnesty or at least moderate their punishment to a few years in prison, banishment, or the loss of civil liberties. French-Quebecers expected the dominion government to heed their demands.\textsuperscript{20}

On the other hand, Mackenzie could not afford to ignore the expectation in Ontario that the Canadian government comply with its demands for the capture and punishment of Thomas Scott’s killers. Lépine’s trial could not have come at a worse time. On 18 January 1875, Ontarian voters would choose between the Catholic-friendly Mowat and the well-


known Orangeman M.C. Cameron in a provincial election. As Blake pointed out in an understated letter to Mackenzie, any lenience by the dominion government would be “inexpedient” for Mowat’s electoral prospects.\footnote{Blake to Mackenzie, 18 June 1874, LAC, MG26-B.} Unable to find a solution that did not offend the demands and sense of power in both provinces, Ontario Liberals and their newspapers diverted attention from their indecision by criticizing the Conservatives for not pursuing Scott’s killers.\footnote{Thomson, \textit{Alexander Mackenzie}, 222-223; Lamb, \textit{Thunder in the North}, 104-115.}

This intrastate tug-of-war paralyzed the Canadian government. Until mid-December, the Mackenzie government, like its Conservative predecessor, avoided a parliamentary debate and pressured the Imperial government to intervene. An Imperial amnesty would satisfy French Quebec while absolving the Liberals in Ontario for the responsibility of granting his freedom. Colonial Secretary Lord Carnarvon, however, recognized the sensitivity of the subject and insisted that the Crown only grant an amnesty if the Canadian government officially requested one.\footnote{Graham, "The Riel Amnesty and the Liberal Party in Central Canada, 1869-1875," 130-131.}

Although Lord Dufferin recognized that the amnesty question was mishandled from the start, he also knew that neither the Imperial nor the dominion governments could act without further dividing the country. He therefore quietly sought the permission of both governments to commute Lépine’s sentence on his own authority. Over the Christmas break he proposed commuting Lépine’s death sentence to two years imprisonment and the permanent loss of civil rights. To avoid disturbing the Ontario provincial election, Mackenzie asked Dufferin to postpone announcing the decision until after the polls closed. The Governor General consented, and did not publish his proclamation until 21 January 1875. When justifying his decision, he expressed his unwillingness to overlook the execution of Thomas Scott. He also noted the loyalty of Red River’s Métis to the Crown during the Fenian raid of 1871 and pointed out that Quebec’s population was led to believe that the resisters would receive full amnesty.\footnote{Waite, \textit{Canada: Arduous Destiny}, 44-45.}
Free from the burden of determining Lépine’s fate, Mackenzie embraced Dufferin’s lead and presented a similar compromise to a packed parliament on 7 February. His government proposed a general amnesty for everyone involved in the resistance except Riel who would also receive an amnesty after the conclusion of a five-year banishment. Thereafter, he could return to Canada but would never be eligible to hold political office. To justify this policy and combat the lingering sense of power and entitlement that threatened to jeopardize the Liberal government’s stability, Mackenzie gave a lengthy speech wherein he claimed that his Conservative predecessor had promised to grant a full amnesty and that preserving the peace in Manitoba and the rest of the country required the Liberal government to honour that commitment. He also criticized Macdonald for quietly bribing Riel to stay in the United States while publicly declaring that he wanted to catch him during the 1872 election. Edward Blake, who privately believed the government policy was too lenient, nevertheless bowed to Mackenzie’s decision and echoed his leader’s claim that the government had to honour the amnesty promised by their Conservative predecessors. Télesphore Fournier (the Minister of Justice), and Wilfrid Laurier (the newly elected lawyer representing Drummond-Arthabaska) made similar speeches regretting that a full amnesty was not possible but insisting that the government’s plan was better than no amnesty.25

Ontario Conservatives criticized the amnesty and denied their alleged culpability. Macdonald, sitting in the opposition benches and free of the hazards of formulating policy, vehemently attacked the government’s decision as a blatant disregard of Ontario’s demands and influence. He repeatedly defended his honour as an Ontarian representative and denied that his government had promised to grant Riel an amnesty. Macdonald again complained that Blake’s bounty drove Riel out of the country. He also mocked the Liberal amnesty compromise by noting Mackenzie and Blake’s previous demands for Riel’s capture and trial. The Liberals, who had once attacked Macdonald for his government’s failure to capture Riel and Lépine, now proposed a resolution that he “would never have dared to propose in this House.”26 Mackenzie’s government was two-faced; it would tell Ontarians that Scott had

26 Canada, House of Commons, Debates, 11 February 1875, 72.
been avenged, and Quebeckers that “the punishment is very light.” Bowell agreed. The Liberals were no longer willing to match their rhetoric with action. The Mackenzie government, they implied, no longer heeded Ontario’s preponderant power. Although Conservatives never explicitly called upon Ontario MPs to unite against the government, they urged their province’s voters to believe that the Liberals had abandoned their province and now bowed to Quebec’s influence to maintain their power.

On 12 February parliament passed the Liberal amnesty policy by a vote of 126 to 50. Roughly two-thirds of Ontario’s representatives voted in favour of the amnesty. The majority of Quebec MPs also supported the measure. After the debate, Ontarians debated how their influence affected the outcome of the dispute. In an editorial published on 15 February, the Globe avoided mentioning Ontario’s vote. Instead, it continued to insist that Macdonald bribed Riel to flee to the United States and promised an amnesty. The Liberal government, it insisted, was obligated to fulfil his pledge. Macdonald, rather than Mackenzie, was the cause of Ontario’s disappointment. The Leader addressed Ontario’s vote and built upon Macdonald’s flirtation with its preponderant potential. In an editorial published the same day, the Conservative organ decried the passage of the government’s amnesty bill. It alleged that the Liberal government was dominated by Quebec’s influence. “No one in Ontario,” it opined, “believes that the Premier had any other motive in advocating an amnesty for the murderers of Scott, than to secure for his Administration the support of Lower Canada, and the motives of these sixty members who supported him in it.” Ontario, the Leader suggested, did not have to tolerate the Mackenzie government’s willingness to service Quebec’s demands. “The Province of Ontario never intended, in sending these men to represent it in Parliament, that they should use their influence for the purpose of freeing two criminals from the consequence of their crimes.” Only the Conservatives, the Leader asserted, represented the widespread disgust in Ontario. By waiting until after the debate’s completion, the Leader ensured that its more explicit editorial did not heighten tensions by inspiring Ontario MPs to unite behind an anti-French or anti-Catholic platform. The timing of

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27 Ibid, 80.
28 Ibid, 61-64.
29 Globe, 15 February 1875.
30 Leader, 15 February 1875.
the editorial’s publication instead points to the Conservative’s willingness to embitter Ontarians against Quebec’s influence and the Liberal government. The *Leader*, moreover, did not repeat this attack for the rest of the month. The deviation from their traditional interpretation of Ontario’s preponderance was a calculated risk.

Neither Ontario Conservatives nor Liberals were willing to endanger their popularity in Quebec by rallying Ontario MPs to use their collective votes to block government policy during the expulsion and amnesty debates. In 1874, when Ontario’s MPs proved that they could unite and overcome Quebec’s opposition, neither party urged Ontarians to force Riel’s expulsion from parliament. The following year, Mackenzie’s Liberals adopted Macdonald’s tactic of appealing to Imperial authorities for leadership. They also claimed that Macdonald’s government bound them to pass an amnesty. In so doing, Liberal leaders provided ways for their followers to circumvent the sense of entitlement in Ontario that they had engendered from 1870 to 1872. Their evasion of this desire for influence in Ontario allowed Mackenzie’s government to eventually despatch the amnesty question without endangering their government.

The amnesty debate also reveals that the Conservatives were not entirely consistent preponderant federalists. While in Opposition, Macdonald, Bowell, and the *Leader*, occasionally suggested that Ontario rally against Quebec’s demands. The Conservatives, however, only used this interpretation of Ontario’s preponderant potential to cultivate discontentment against the Liberal party and never explicitly urged Ontarians to unite against Quebec during a parliamentary debate. Attempting to unite Ontario MPs against an amnesty would have been politically unwise. Eager to regain power, Macdonald was constrained by the same regional forces as Mackenzie, and could not afford to appear to favour either province’s influence. The Conservative’s limited forays into this confrontational vision of Ontario’s potential preponderant influence nevertheless demonstrate that they were not ideologically bound to advocating compromise. Macdonald and his followers were not above encouraging a sense of grievance and power in Ontario when it suited their purposes. The Conservative susceptibility to this temptation became more apparent in 1885.
The political necessity of curtailing the sense of power and entitlement in Ontario to preponderate in national debates impacted other disputes. During the New Brunswick school question debates of 1872 to 1875, Ontario Conservatives and Liberals dissuaded their constituents from believing that they could use their parliamentary preponderance to shape the Canadian government’s response to the petitions of New Brunswick Catholics by emphasizing provincial rights and deferring to Imperial authorities. By disabusing Ontarians of the belief that they could influence the school question, the leaders from both parties prevented these followers from turning the question into a national political crisis that could have toppled the Macdonald or Mackenzie governments.

By 1872, New Brunswick had enjoyed separate schools for decades. The vague wording of the province’s 1858 Parish Schools Act allowed the Board of Education to fund all schools as denominational institutions. Irish Protestant, Irish Catholic, and Acadian schools all received state funding to purchase different textbooks. In 1871 Premier George E. King’s government passed the New Brunswick Common Schools Act that created a free and compulsory public education system and eliminated public funding for all schools that did not adhere to the state’s new non-denominational curriculum. This last measure outraged New Brunswick Catholics who comprised 34% of the province’s population.\textsuperscript{31}

During the dominion parliamentary session of 1872, several Catholic New Brunswick MPs pressured the government to intervene. John Costigan, the Irish Catholic Conservative MP for the province’s Victoria riding, moved a resolution requesting the Canadian government to disallow King’s anti-Catholic legislation. During the parliamentary debate on Costigan’s motion, most Canadian political leaders used provincial rights to dissuade their followers from believing that their province could influence the debate. Macdonald expressed sympathy for New Brunswick’s Catholic minority. Yet he contended that the province’s school system had never been codified in law, and that it was therefore beyond the

protection of section 93 of the BNA Act. The dominion government, he concluded, had no right to intervene. McDougall echoed his leader’s stance. Cartier convinced the Bleus to hold to this constitutional interpretation by suggesting that ignoring the limitations of section 93 would expose Quebec’s provincial autonomy to parliamentary interference in the future. Like Macdonald, Edward Blake expressed strong sympathy for New Brunswick Catholics but argued that Confederation was a provincial compact and that intervening in such a dispute would endanger local autonomy. The Rouges, including Dorion, were the only group from central Canada to support Costigan’s protest of the “injustice” suffered by the New Brunswick minority. Parliament’s rebuff forced Costigan to allow his resolution to be watered-down to a statement regretting “that the School Act of the Province of New Brunswick is unsatisfactory to a portion of the inhabitants,” and requesting the provincial government to amend its own legislation. Parliament passed this limited expression of sympathy for New Brunswick Catholics and, in an attempt to avoid the divisive issue in the future, asked the Imperial government to determine whether section 93 of the BNA Act applied to the New Brunswick case. A few months later, Imperial lawyers confirmed the validity of the Canadian government’s policy. Section 93 could not be applied to New Brunswick’s 1872 legislation. By emphasizing provincial autonomy, the Liberals, Conservatives, and Bleus, all avoided goading each other into an intrastate confrontation.

Ontario Liberals and Conservatives also avoided making the school question a test of their provincial intrastate influence in 1873. Earlier that year, the government of New Brunswick passed new measures to close loopholes being used by Catholics to avoid contributing to the new public school system. It empowered officials to coerce payment from resisting ratepayers. In Ottawa, Costigan proposed a resolution requesting the dominion government to disallow the legislation until the JCPC ruled on its constitutionality. Despite his preference for a legislative union, Macdonald continued to disabuse his province of any sense of entitlement to influence the debate. There was no need for Ontarians to mobilize

33 Canada, House of Commons, Debates, 29 May 1872, 371.
34 Fay, A History of Canadian Catholics, 128.
against Quebec interference. Section 93 of the BNA Act, he still insisted, did not apply to the New Brunswick case. Disallowance was therefore unconstitutional.\(^{35}\)

This time, however, most Quebec Bleus refused to follow the prime minister. Acadian French-Catholics needed Quebec’s protection. The Catholic Church’s recent publication of the “\textit{Programme Catholique},” which required politicians to closely follow the political vision of the Clergy, convinced many Bleu MPs to support Costigan. Most Rouge MPs also supported Costigan’s resolution because, according to Dorion, the dominion government had the constitutional right to intervene on behalf of the minority. Honoré Mercier, the Liberal MP for Rouville, went even further. As a founding member of the \textit{Parti National}, a movement that was mainly Liberal but aimed to unite moderates from both parties in Quebec, he argued that a “united” Catholic vote “could not fail to obtain justice.”\(^{36}\) Quebec’s mobilization did not, however, spark a confrontational response from Ontario. Instead of reiterating their provincial rights stance, Ontario Liberals tried to topple the government by exploiting the Bleus defection. In a speech defending his position, Mackenzie, like Macdonald, focused on the legalities of the dispute. But the Liberal leader claimed that it was unclear whether section 93 applied to the New Brunswick case. This uncertainty, he claimed, compelled his party to defend New Brunswick’s minority until the JCPC ruled on the constitutionality of the provincial legislation. Even in this moment of Ontario-Quebec agreement, Mackenzie did not suggest that Ontarians needed to throw their political weight behind compromise. The Ontarian Protestants’ distaste for separate schools, in addition to the knowledge that the province’s Conservative MPs would continue to oppose Costigan, made the strategy politically unappealing. Parliament passed Costigan’s resolution by a vote of 98 to 63. When the prime minister refused to disallow the legislation the opposition drafted a non-confidence motion. Macdonald’s promise to fund the minority’s appeal to the JCPC, however, convinced Quebec’s Bishops to reverse their partisan position. The Bleus


refused to support the non-confidence motion and the school question again dropped from national politics. Both Macdonald’s need to salvage his Quebec support and Mackenzie’s desire to profit from rising discontentment in Quebec with the Conservative government’s inaction, precluded setting Ontario MPs against their Quebec counterparts.37

In 1875, Costigan tried to circumvent parliament’s limited jurisdiction on education. On 8 March he moved another resolution requesting the Imperial government amend the BNA Act to give New Brunswick Catholics the same system of separate schools and tax exemptions enjoyed by the religious minorities in Quebec and Ontario. The constitution, he argued, was not “cast iron… which could never be altered.” When the interests of the country were at stake, he contended that parliament had the right to seek change. Parliament had, after all, passed his 1873 resolution. He appealed directly to Ontarian and Quebec MPs to again support his resolution.38

Many Quebecers answered Costigan’s call. Several Quebec newspapers, including *Le Courrier de St.Hyacinthe*, *La Minerve*, and *Le Journal des Trois-Rivières*, urged their province’s MPs to ensure the passage of the resolution. English Canada and especially Ontario, they asserted, sought the destruction of French-Catholic life in Canada. Quebec, as the “principal representative of the Catholics in Confederation,” was the only province with sufficient intrastate strength to protect these minorities. If Quebecers did not defend these minorities, they would eventually be unable to prevent a Protestant onslaught from curtailing their own rights.39

The Quebec agitation could have sparked a reciprocal response in Ontario. It prompted Albert J. Smith, the Liberal MP for Westmorland, New Brunswick to appeal to Ontario MPs to safeguard New Brunswick’s provincial autonomy by voting against Costigan’s resolution. According to Smith, New Brunswickers believed “that the Province of Ontario was great and powerful, and being powerful they felt the utmost assurance that she

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37 *Globe*, 15 May 1873. See also *Globe*, 16 May 1873. During the succeeding year, the JCPC confirmed Macdonald’s interpretation of section 93. The article did not apply to the New Brunswick case because the province’s separate schools were not codified in law prior to Confederation. Waite, *Canada: Arduous Destiny*, 40-42.
38 Canada, House of Commons, Debates, 8 March 1875, 557, 559, 562.
(Ontario) would permit no injustice to be done to them."^40 Despite the threat of a united Quebec vote in favour of Costigan’s resolution, as well as the urgings of politicians like Smith, Mackenzie could not afford to alienate his Catholic followers by resuming his attempts to pit Ontario against other parts of the country. The heated tensions resulting from the amnesty debate as well as the national concern created by the deaths of two individuals during a riot at Caraquet, led Ontarian newspapers and politicians to engage the New Brunswick school question more intensely in 1875. Yet they still avoided rallying Ontario MPs to vote as a bloc against Costigan’s resolution.^41 On 10 March Mackenzie instead responded to Costigan by proposing an amendment which stated that it would be “inexpedient and fraught with danger to the autonomy of each of the provinces” to ask the Imperial government to amend the BNA Act to protect the Catholic minority in New Brunswick. Provincial jurisdiction in education was assured by an “Imperial compact to which all the parties submitted in the Act of Confederation,” and the Canadian parliament had no right to amend it. Joseph Cauchon and Blake then amended Mackenzie’s amendment by requesting that the Imperial government use its moral (as opposed to legislative) influence to urge the New Brunswick government to better accommodate the educational demands of its Catholic population.^42

Other Ontario Liberals also used provincial rights arguments to oppose Costigan’s resolution without fomenting an intrastate contest. David Mills warned that intervention would endanger the autonomy of every province.^43 The *Liberal* also cautioned against setting precedents that would permit parliamentary majorities to seek constitutional amendments: “once give a mere majority in the Dominion Parliament the right to override the free action of Local Legislatures, and to tamper with the Constitution in order to do so, and the rights of at least the smaller Provinces are no longer safe, and especially the rights of

^41 After the 1874 New Brunswick general election, tensions in the province mounted. Officials began to seize the properties of resistors and even arrest priests who refused to contribute to the common school system. In the town of Caraquet, where Acadians who refused to pay the school taxes comprised the vast majority of the village’s population, these confrontations eventually led to riots and the deaths of John Gifford and Louis Mailloux. For a detailed account of the riots consult: Stanley, George F.G. "The Caraquet Riots of 1875." *Acadiensis* (1972): 21-38.
^42 Canada, House of Commons, *Debates*, 10 March 1875, 609-611.
^43 Ibid, 8 March 1875, 575-576.
sectarian minorities in educational matters are left utterly defenceless.” It submitted that Ontario was better equipped than the ‘smaller provinces’ to defend itself from parliamentary majorities but insisted that all provinces needed to oppose a precedent that would endanger provincial autonomy. The Globe adopted a similar tone and, without naming Quebec, warned Costigan’s “co-religionists” against setting a precedent that could be used to deprive Ontario Catholics of their separate school rights.  

The Advertiser was one of the few newspapers to explicitly link Ontario’s parliamentary preponderance to safeguarding provincial autonomy. “The great motive in forming the Confederation was the securing of Ontario’s rights.” It concluded that “there ought to be among Ontario members [of parliament] an anxiety that no example should be set in the way of trespassing upon the functions of the Legislature of any province.” Yet even this editorial avoided describing Quebec’s support for Costigan’s resolution. In fact, the following week the same newspaper urged parliamentarians to avoid further intrastate conflict by endorsing the Cauchon-Blake amendment inviting the Imperial government to exercise its moral influence to convince New Brunswick to change its own legislation.

At the end of the debate, a party vote passed the Mackenzie and Cauchon-Blake amendments. Although the Canadian parliament did petition the Imperial government to urge the New Brunswick legislature to amend its school laws, Great Britain refused to meddle in a province’s local affairs. In the end, such pressure was unnecessary. The upheaval of the Caraquet riots convinced the King government to amend its legislation the following year. By referring to provincial rights and inviting the Imperial government to use its moral authority to intervene in the dispute, both parties tried to move the New Brunswick school question out of parliament’s jurisdiction. In so doing, they disabused

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44 Liberal, 26 February 1875 AO F 2-2-14 D356715. See also Advertiser, 11 March 1875.
45 Globe, 10 March 1875; Ibid, 12 March 1875.
46 Advertiser, 4 March 1875.
48 The revised legislation permitted Catholic children to be grouped in the same schools where they could be taught by Catholic teachers certified by the state. The legislation also allowed the Catholic Church to rent rooms after the completion of classes to administer additional Catholic instruction. The New Brunswick government also agreed to screen the non-denominational textbooks for content that might offend Catholic beliefs. This compromise endured for nearly a century. Stanley, "The Caraquet Riots of 1875," 37; Fay, A History of Canadian Catholics, 130-131.
Ontarians of the belief that they could use their intrastate preponderance to influence the dispute. Their successful curtailment of this impulse in Ontario prevented the debate from alienating both parties’ Quebec supporters. The admittedly high likelihood that the courts would find that section 93 did not apply to the New Brunswick case likely facilitated this constitutional piety, but the tactic nevertheless prevented Ontarians from believing that they needed to contest Quebec support for Costigan’s resolutions. In 1872 and 1873, Ontario Conservatives like Macdonald denied that the Canadian government could disallow the provincial legislation and allowed the Imperial courts to dispel any lingering jurisdictional questions. Ontario Liberals adopted a similar strategy in 1872 but joined Quebecers the following year in an attempt to unseat the government. When the Liberals again encountered the thorny question in 1875, their Ontario supporters almost never suggested the employment of Ontario’s parliamentary preponderance to bloc Costigan’s resolution. Such aggressive rhetoric would have made it extremely difficult for Quebec Liberals to support the government. The Mackenzie government’s focus on provincial rights and Imperial moral (as opposed to legislative) influence made it easier for Quebec Liberals to reverse their longstanding support for Costigan. By dissuading Ontarians from responding to activism in Quebec, the dispute’s consideration in parliament did not spark a contest for intrastate supremacy that could have harmed national unity and toppled governments.

**Better Terms**

Ontario Liberals were more willing to stoke the belief that their province possessed the intrastate power to block initiatives from the rest of Canada during subsequent debates concerning better terms. Blake had been right about one thing during the Nova Scotia better terms debates: Macdonald’s government set precedents that allowed the other provinces to seek their own better terms. After 1869, hardly a year passed without a province requesting the dominion government grant more generous financial arrangements. The debates in 1873 and 1884 were particularly heated. The first debate during the early 1870s concerned better terms for New Brunswick and settlement of the Province of Canada’s debts. In 1884, appeals primarily from Quebec for the Canadian government to issue new railway subsidies and increase the provincial debt allowance generated a second major debate. On both occasions, many Ontario Liberals asserted that their province had the right as well as the
ability to prevent the passage of better terms. As in 1869 and 1870, this sense of power emboldened Ontarians to oppose the better terms and contributed to interprovincial animosity. MPs from different provinces demanded conflicting policies and the Conservatives could not use constitutional precedents or the Imperial government to evade a decision. These debates were not, however, a repeat of 1869. Although the Liberals continued to argue that their province could use its parliamentary preponderance to shape these financial policies, partisan considerations limited their willingness to act on these claims. In these subsequent better terms debates, engaging the belief in Ontario’s ability and right to influence national debates increasingly became a means to embitter Ontarians against the Conservatives, rather than a tool to spur decisive assertions of intrastate unity. This shift reduced the need for Ontario Conservatives to acknowledge their province’s ability to influence dominion policies. The unpopularity of financial terms severely limited the willingness of Conservatives to urge Ontarians to unite behind the government. Instead the Conservatives responded to the Liberal attacks by accusing their opponents of being sectionalists and describing the better terms as nation-building measures. Yet the continuation of assertions that Ontarians could use their intrastate preponderance to block better terms prompted some Ontario Conservative supporters to prevent the erosion of their electoral support by contending that alignment of their province’s preponderant influence behind the better terms was important to maintaining national unity.

Since Confederation, New Brunswick’s provincial government often struggled to balance its budget. To make matters worse, the Treaty of Washington of 1871 terminated the province’s temporary special right to set and collect a duty on timber and lumber. In 1871 the New Brunswick legislature responded to these developments by sending a delegation to Ottawa to negotiate a new financial deal. Little came of these talks but their occurrence sparked the ire of the Globe. According to the Liberal organ, the smaller provinces needed to respect the original provincial compact. In the future, it forecast, Ontario would gain a

49 At the Washington Conference of 1871 the Imperial government settled several outstanding American grievances and concerns including compensation for the destruction wrought by the CSS Alabama and the American desire to resume fishing in Maritime waters. Canada also sought, but failed to secure, compensation for the Fenian raids. For an extensive discussion of Macdonald’s involvement in the conference consult: Gwyn, Nation Maker: chapter 12.

50 Maxwell, Federal Subsidies to the Provincial Governments in Canada, 64-65.
larger portion of the country’s parliamentary ridings. If parliamentary majorities continued to grant better terms, Ontario would soon possess the intrastate influence to overturn any aspect of the Confederation compact. The Globe called upon Ontario’s MPs to oppose any better terms for New Brunswick. “As the most powerful member of the Federation, and the largest contributor by far to its revenue, Ontario is especially bound to insist” that the dominion government desist from using parliamentary majorities to ratify better terms to the provinces. The Globe was not, however, above using the desires of New Brunswickers to support the Liberal bid for power. It argued that “New Brunswick can do better for herself than by waiting hat in hand at the door of a Dominion Minister. She can unite with Ontario in securing a good and honest Government for the whole country; a Government that will not raise taxes with one hand to spend them in jobbery and corruption with the other.” The editorial also admitted that such an alliance might force the New Brunswick government to resort to direct taxation to balance its books. At the time, the concept of direct taxation by provincial governments was very unpopular. The Globe nevertheless argued that preserving provincial autonomy was more valuable than an increase in local taxation.

The Leader, by contrast, accepted the legitimacy of several of New Brunswick’s claims, and applauded its government for seeking better terms “in a loyal and constitutional manner” instead of agitating for secession. Although neither government disclosed the value of New Brunswick’s demands, the Leader dismissed the Globe’s objections as parsimonious drivel. “The fact that the resources of this province are infinitely greater than those of New Brunswick,” the Leader contended, “seems to be altogether lost sight of.” The Conservative organ concluded by assuring New Brunswickers that their “equitable demands… have lost none of their force with the people of Ontario.” New Brunswickers, it suggested, could count on Ontario to use its intrastate preponderance to support the resolution of their grievances.

The following year, the New Brunswick government again sent a delegation to Ottawa and its perseverance paid off. The provincial government could not hope to balance its budget, and it was entitled to compensation for the premature loss of its timber and lumber

52 Ibid, 16 October 1871; Stevenson, Ex Uno Plures, 45.
53 Leader, 30 October 1871.
duties. At the beginning of the 1873 parliamentary session, the Conservative government used this fact to introduce legislation granting New Brunswick’s government a grant of $150,000 per year. Because New Brunswick’s grievance was not part of the provincial subsidies or grants, the dominion government claimed that the legislation did not violate the original terms of union. When the opposition pointed out that the New Brunswick duty only generated $60,000 to $70,000 per year, Sir Leonard Tilley (the new Minister of Finance) claimed that new railways would have dramatically increased the lumber trade in New Brunswick, and that the additional money compensated the provincial government for this additional forecasted loss of revenue.54

At the same parliamentary session, the Canadian government raised the provincial debt allowance at Quebec’s prompting. During the union of the Province of Canada, Upper and Lower Canada accrued a combined debt of $72,900,000 but the BNA Act required Ontario and Quebec to pay 5% interest on the roughly $10.5 million above its $62.5 debt allowance. The Upper and Lower Canadian delegates could not, however, agree on each section’s liability for this remaining debt. The BNA Act declared that three arbitrators would determine the division of the debt but they were also unable to arrive at a consensus. After Confederation, Quebec’s provincial government struggled to pass balanced budgets and was not eager to assume additional liabilities. The Ontario government, by contrast, enjoyed immense surpluses due to its municipal tax system and revenues from renting lands to timber companies. After several meetings, the Quebec arbitrator, Judge C.D. Day, insisted that Ontario fully repay the $5,900,000 debt that Upper Canada brought into the union and that the two provinces split the remaining balance equally. This arrangement would have resulted in Ontario assuming responsibility for $8,245,000 of debt and Quebec a paltry $2,155,000. The dominion arbitrator, Col. J.H. Gray, proposed an alternative plan that allocated the liability for the surplus debt according to the province that benefitted from its expenditure. Based on a complex formula, and inexact accounts of the expenditures, they calculated that Ontario should assume 52.8% of the debt and Quebec the remaining 47.2%. After prolonged debate, Gray and Ontario’s arbitrator, D.L. MacPherson, approved this plan in September 1870. Day resigned from the arbitration board in protest. The following year two Rouge

54 Maxwell, Federal Subsidies to the Provincial Governments in Canada, 64-65; Globe, 19 May 1873.
MPs proposed that the dominion resolve the conflict by assuming liability for the entire debt. During the same session David Mills moved that the government put Gray’s plan into action. Sensing a political landmine, the Canadian government refused to intervene in the dispute.  

By 1873 strong pressure from the Bleus compelled Macdonald to act. Immediately after proposing better terms for New Brunswick, the dominion government announced its intention to assume the additional debt. To maintain provincial equality, the government raised each provincial debt allowance by a value proportionate to their respective populations (see Table 3). The dominion government denied that its decision stemmed from Quebec pressure. Instead, Tilley justified the government’s action by arguing that it had more financial strength than Confederation’s founders had anticipated. Canada, he concluded, could afford to assume this additional debt. After four days of debate, parliament voted to raise the debt allowance by a vote of 110 to 33. Ontario Liberals voted as an almost completely united bloc, comprising 31 of the 33 dissenting votes.  

<table>
<thead>
<tr>
<th>Province</th>
<th>Additional Allowances Granted in 1873 ($)</th>
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<tbody>
<tr>
<td>Ontario and Quebec</td>
<td>10,506,100</td>
</tr>
<tr>
<td>Nova Scotia</td>
<td>1,544,300</td>
</tr>
<tr>
<td>New Brunswick</td>
<td>1,176,700</td>
</tr>
<tr>
<td>British Columbia</td>
<td>280,100</td>
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<tr>
<td>Manitoba</td>
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Chart is from Maxwell, *Federal Subsidies to the Provincial Governments in Canada*, 55.
for roads and other public works. New Brunswick’s lack of a municipal tax system forced the provincial government to assume these additional expenses.\textsuperscript{58} Aside from being an unreasonable increase, the Liberals contended that giving better terms to New Brunswick and raising the debt allowance of all of the provinces further compromised the provincial compact. The financial terms of Confederation were final, and could not be modified without creating provincial jealousy and endangering national unity. By arranging for the dominion to pay the New Brunswick government double its current revenues, the Conservatives were reaffirming the 1869 Nova Scotian precedent. In future years, each province would take a turn at “blood-sucking the Dominion Treasury.”\textsuperscript{59}

The Liberals, however, did not entirely oppose modifying the terms of union. If changes were necessary, they needed to be made in a manner that affirmed the provincial compact. Richard Cartwright told a Kingston audience that he supported better terms if they were on an “equitable” basis and were approved by an interprovincial provincial conference.\textsuperscript{60} Although the \textit{Globe} did not call for a constitutional conference, it agreed that the Canadian government needed to standardize the mode by which the provinces sought modifications to the terms of union. By doling out dominion funds “piece-meal,” the Conservatives were encouraging corrupt backroom deals, inconsistent policy, and disunity across the dominion.\textsuperscript{61}

The Liberals also used the rhetoric of entitlement and power when opposing New Brunswick’s better terms. Before the parliamentary debates, the \textit{Advertiser} alleged that MPs from Quebec only agreed to back the New Brunswick grant after the former promised to support raising the provincial debt allowance. It urged Ontario MPs to be especially vigilant and to expose any government corruption.\textsuperscript{62} When opposing New Brunswick’s better terms in parliament, Mackenzie claimed that the Conservatives maintained their power by turning the rest of Canada against the “more powerful Province.” Despite his confrontational rhetoric, the Liberal leader likely recognized that the government measure would pass, and

\textsuperscript{58} \textit{Globe}, 19 May 1873. See also \textit{Ibid}, 21 May 1873.
\textsuperscript{59} \textit{Ibid}, 21 May 1873; \textit{Ibid}, 19 May 1873.
\textsuperscript{61} \textit{Globe}, 21 May 1873.
\textsuperscript{62} \textit{Advertiser}, 21 March 1873.
that the dissent of Liberal Ontarians would only harm his party’s still fresh and untested alliance with Maritime Liberals. Mackenzie did not, therefore, call for a vote on the measure. To save face with his Ontario caucus, he unequivocally warned that the “greater province” would unite against the government and “swamp both them and their power” in the House of Commons if the government pursued better terms in the future. Even at this early stage of his leadership of the Liberal party, Mackenzie was unwilling to divide his party by stoking the desire in Ontario to preponderate over the Canadian government’s policies. Although he felt the need to pay homage to his Reform roots and tried to turn his province’s voters against the Conservative government, he could no longer afford to match his rhetoric with action.

Ontario Conservatives once again justified these financial adjustments by emphasizing their importance to national unity and territorial expansion. The Leader argued that Confederation was a “colonial alliance,” and praised Macdonald’s government for helping the country to balance the “influence and interests” of each province. Better terms were necessary to correct the “inadequacy” of the original terms of union. Because the Conservatives had a record for satisfying the legitimate needs of each section of the dominion, “colony after colony has so naturally fallen into line in this vast Union, extending… from Atlantic to Pacific.” During the 1874 election campaign, Macdonald continued to defend his government’s willingness to grant better terms to Canada’s provinces. While speaking at an Ottawa banquet on 22 November, he bragged that “Nova Scotia is now tranquil and satisfied,” and described the dominion’s assumption of Upper and Lower Canada’s debts as another example of the dominion resolving interprovincial quarrels and promoting national unity. During the same speech he railed against Ontario Liberals. Had Mackenzie been elected prime minister in 1867, Macdonald speculated, Nova Scotia would have remained discontented, Manitoba and British Columbia would not have joined the union, and Confederation would have dissolved. Upper and Lower Canada would have resumed their status as “insignificant” and deadlocked colonies on the verge of “civil war.”

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63 Globe 19 May 1873.
64 Leader, 9 August 1873.
65 Ibid, 22 November 1873.
Conservative editorialists also joined in the fray. They accused the Liberals of being a badly-led Ontarian party that could only maintain its power by inciting their province against the rest of Canada and thereby fracturing national unity. The Mail claimed that the vote on the debt allowance revealed that “there was nothing national about” the Liberal party, and that it was “sectional in the extreme.” The “average Grit,” the Mail alleged, suffered from “bigotry and jealousy” and felt “enmity to five-sixths of Confederation.”66 The newspaper repeatedly mocked Liberal disunity as well as their inability to oppose the government on the debt allowance vote. Virtually all MPs, save Ontario Liberals, ignored voted with the government despite their respective partisan affiliations. Mackenzie could only tour in Ontario because the rest of Canada would not listen to him. Conservative leaders such as Tupper, by contrast, received warm welcome throughout the dominion, including Ontario.67 This sectionalism, the Leader jeered, “might be expected from such poor, half-educated misanthropic individuals” as Brown and Mackenzie.68

Ontario Conservatives did not justify their support for these measures during the parliamentary debate by suggesting that Ontario use its influence to support better terms. These politicians recognized that most Ontarians did not approve of the Canadian government sending more of their tax dollars to other parts of the country in excess of the original financial terms of union. But Mackenzie’s threat in parliament lacked force and could be safely discarded. The non-parliamentary discussion, however, included limited attempts to address the preponderant federalist assumptions that underlay the opposition’s limited cultivation of a sense of grievance and power in Ontario. Although Macdonald did not explicitly appeal to Ontario’s preponderant influence during his Ottawa banquet speech, he speculated that “the people of Ontario are decidedly in favour of the party of Union and Progress [sic].”69 As usual, the Mail was more direct. It admitted that Ontario was powerful but asserted that its representatives had to consider the needs of the rest of Canada:

Labour is great, but the Dominion is greater. Our people by reason of their wealth and importance ought to have almost a controlling influence in the

66 Mail, 4 June 1873.
68 Leader, 27 May 1873.
69 Ibid, 22 November 1873.
destinies of the country; but there are now five Provinces, and beside us, who
claim a stake in the commonwealth, and of that claim Mr. Brown will take no
account. He would have the sun to rise and set here, while the rest of the
Dominion remained in Arctic darkness.70

National prosperity necessitated unity and left no room for “selfishness and sectionalism.”71
These few examples demonstrate the Conservative’s measured attempts to address the
Liberal’s preponderant federalist attacks during the 1873 debate. It was safer to attack the
Liberals and appeal to nation-building mantras than to ask Ontarians to rally behind an
unpopular policy. Yet this very direct attempt to address the desire in Ontario to
preponderate on financial disputes demonstrated the sense of vulnerability that the agitation
inspired among Conservative leaders.

Liberal pressure also forced the Conservatives to defend their government’s measures
by explaining how they served Ontario’s interests. The New Brunswick subsidy was a
difficult linkage. Although Macdonald did not explain how, he claimed that giving New
Brunswick a special grant “would be to the advantage of the whole Dominion, and especially
to the Provinces of Ontario and Quebec.”72 By attending to national interests, the
government also served Ontario’s interests. The increased debt allowance offered more
obvious linkages. The Mail admitted that the Ontario government’s revenues were growing
while most of the provinces were struggling to balance their budgets, but nevertheless
contended that even Ontario would soon struggle to pay for its share of the state’s
increasingly burdensome load (which at the time included constructing local roads and
railways as well as education). Allowing the dominion government to assume more
provincial debt was therefore “common sense.” This measure would save every province,
including Ontario, hundreds of thousands of dollars each year in interest payments and allow
each provincial government to avoid implementing direct taxation for a few more years.73

Parliament ultimately approved both adjustments. During the following decade
multiple provinces tried to secure better terms. The results were mixed, and generally

70 Mail, 24 May 1873. See also Ibid, 4 June 1873.
71 Ibid, 24 May 1873.
72 Globe, 19 May 1873.
73 Mail, 21 May 1873.
resulted in only modest increases. Ontarian opposition during these debates did not match the intensity of 1873.\textsuperscript{74} Only in 1884 did frustrations with better terms again reach critical mass in Ontario. In January of that year, the Canadian Pacific Railway neared bankruptcy and requested a $22.5 million loan from the dominion government. Macdonald, who regained the prime ministership in 1878, hesitated. The loan would be almost as large as the government’s original outlay, and he worried that securing parliamentary approval would be a “political impossibility.”\textsuperscript{75} The Maritime provinces were unlikely to support the loan. They were struggling to pass balanced budgets and would not be keen to see more Canadian tax dollars spent on a transcontinental railway that they believed served the interests of Ontario and Quebec. Yet support from Quebec was also doubtful. After the 1873 debt settlement, the Quebec government issued a series of railway subsidies and paid outright for the construction of the North Shore Railway linking Quebec City to Montreal as well as the Montreal Colonization Railway linking the Laurentian port to Ottawa (see Figure 3). By 1882, the Quebec government owed $15 million. Its revenues from dominion subsidies and land grants, however, remained static. To get some financial relief, the Quebec government sold these lines for $7.6 million. But it was not enough. The Quebec government required dominion support to help it rebalance its books.\textsuperscript{76}

\textsuperscript{74} For a detailed account of better terms negotiations during this period Maxwell, \textit{Federal Subsidies to the Provincial Governments in Canada}, chapters 4-6.

\textsuperscript{75} Creighton, \textit{John A. Macdonald: The Old Chieftain}, 365.

\textsuperscript{76} Maxwell, \textit{Federal Subsidies to the Provincial Governments in Canada}, 56-7.
Figure 3: Map of Selected Railways in Ontario and Quebec in 1884\textsuperscript{77}

\textsuperscript{77} Map adapted from: Eric Zadro and Paul Delamere, “Southern Ontario Railway Map” \url{http://individual.utoronto.ca/sorailmap/} (accessed 10 January 2014); Sweeny, \textit{George-Etienne Cartier}, 255.
The French province sent a delegation to Ottawa to seek rectification for two financial grievances in February 1884. First, the delegates claimed that the dominion still owed Quebec funds from the 1873 debt settlement. Although the Canadian government had assumed the debt, Quebec politicians claimed that it still owed the provincial government the interest it charged the province for the surplus debt from 1867 to 1873. Second, Quebec politicians complained that the dominion government unfairly supported Ontario railways. The CPR’s eastern terminus was Lake Nipissing and the dominion government had originally assumed that the promise of rail traffic from Ontario and Quebec would induce private companies to link these provinces to the transcontinental line. This hope proved ill founded. North-eastern Ontario’s rough terrain and the lack of sufficient European inhabitants rendered the region unattractive to investors. Without a railway stretching across north-eastern Ontario towards Quebec, the CPR could not serve its nation-building purpose. The Mackenzie government used this fact to justify its financial support for the Canada Central Railway (see Figure 3). In 1874 Mackenzie’s Liberal government approved a $12,000 per mile subsidy for the construction of the Canada Central railway linking the CPR to Pembroke. In 1882 and 1883, the Macdonald government employed the same rationale to subsidize the construction of another line from Callander to Gravenhurst (see Figure 3). By 1884, however, Quebec politicians contended that the Canada Central was a local railway that benefited Ontario, and they requested the dominion to provide comparable financial support for its equally important railways linking the CPR to the ports at Montreal and Quebec City.\(^78\)

The Canadian government heard the provincial government’s delegation but refused to act. Deeply frustrated by this intransigence, the *Bleus* and *Rouges* closed ranks and made their support of the government’s CPR Relief Bill contingent upon the satisfaction of their province’s debt and railway claims. Maritime MPs also jumped on this bandwagon, demanding dominion support for a new line connecting Saint John to Halifax. Macdonald bowed to the pressure.\(^79\) On 9 April, his government obliged the first of these demands by proposing a series of subsidies for existing and proposed railways. The largest allotments, by

\(^78\) Ibid, 57-58.
far, were a $12,000 per mile retroactive subsidy for Colonization Railway, as well as a $6,000 per mile subsidy for the North Shore line. The government would capitalize these funds and pay the Quebec government the interest each year. The resolution also proposed funding for several Maritime railways including a new line connecting Saint John and Halifax. There were also small allotments for railways in eastern Ontario.80

When defending their railway policy, the Conservatives insisted that their measure was constitutional. The BNA Act only allowed the dominion government to subsidize interprovincial railways or lines that served the “general advantage” of two or more provinces or the “general advantage of Canada.”81 Tupper denied that the government’s new subsidies funded local lines. Each of the named railways, he claimed, was in the national interest.82 More often, however, Conservatives claimed that the dominion had unfairly favoured Ontario, and that Quebec deserved “justice.” It was, they claimed, unreasonable for the dominion government to subsidize the Canada Central and Callander to Gravenhurst railways without subsidizing Quebec railways. The new legislation rebalanced government subsidies that had previously favoured Ontario. Macdonald denied that threats from his Quebec caucus forced his government to propose the legislation. In fact, he strained credulity by claiming that he had planned to pass similar legislation since Quebec initiated construction of the railways over a decade before.83 When asked why his government did not propose comparable legislation after the protective tariff gave the government immense surpluses, Macdonald vaguely replied that “the Dominion had weight enough” until 1884, and claimed that this was the government’s first opportunity to address the imbalance.84

Despite their obvious hidden agenda, the Conservatives continued to insist that nation-

80 Gwyn, Nation Maker, 404; Maxwell, Federal Subsidies to the Provincial Governments in Canada, 59-60; Creighton, John A. Macdonald: The Old Chieftain, 374-475; Canada, House of Commons, Debates, 9 April 1884, 1444-1445. According to Tupper, the government’s rationale for providing a half-subsidy for the North Shore railway was that the line could not yet serve as a terminus line to Quebec City, and it therefore offered another $6,000 per mile subsidy to the CPR to ready the line for this purpose. Ibid, 10 April 1884, 1480.
82 Canada, House of Commons, Debates, 10 April 1884, 1485.
83 Ibid, 1479-141482; Ibid, 14 April 1884, 1551, 1565-1566.
84 Ibid, 14 April 1884, 1565.
building and fairness required the dominion government to grant new subsidies for Quebec’s railways.

Ontario Liberals denied that the railways listed in the bill contributed to the “general advantage of Canada.” Instead, they alleged that the lines served local and provincial interests and that the subsidy was better terms in disguise. In an era of transcontinental railway construction Blake wondered aloud how the government could credibly claim that several small railways, including a seven-mile stretch in the Maritimes, served the national interest. The Liberals also denied that the Canada Central was a local work, or that it served Ontario’s interests. Even though the Canada Central was mainly located in Ontario, they claimed that its planners designed the line’s route to service Quebec railways. As evidence, they pointed to the dominion government’s past subsidization of the Callander to Gravenhurst railway and the Macdonald government’s past claim that this second line balanced the Canada Central’s benefits to Quebec. The Liberals also argued that comparing the railway expenditures of the two provinces was misleading because Ontario’s municipalities contributed much more financial resources to railway construction than their Quebec counterparts.

The Liberals claimed that Macdonald perpetuated a system of corruption, waste, and centralization by subsidizing railways on an ad hoc basis. Blake noted that all provincial governments (including Ontario’s) lacked the financial means to construct the additional railways required for continued economic development. By giving the provinces more funds upon request, the dominion government encouraged provincial governments to spend beyond their means. Encouraging the provinces to come to Ottawa with their hats in hand to negotiate their budgets with the dominion government was “a degrading and demoralizing policy.” This bargaining also compromised provincial autonomy. Granting better terms on an ad hoc basis also led the dominion to spend unevenly across Canada, and this

85 Ibid, 12 April 1884, 1539.  
86 Ibid, 1527-1528; Ibid, 14 April 1884, 1568; Globe, 15 April 1884; Ibid, 26 April 1884. Contemporaries generally acknowledged that the Canada Central was primarily designed to link Quebec to the CPR. See for example: Globe, 15 March 1875; Canada, House of Commons, Debates, 15 May 1882, 1522.  
87 Canada, House of Commons, Debates, 12 April 1884, 1523.
inconsistency created interprovincial jealousies. Fostering national unity required a more equal and systematic tax distribution system.

Instead of repeating the 1873 proposals for a new interprovincial conference to renegotiate the terms of union, however, Blake and other Liberals signalled their willingness to support a readjustment of the terms of union if they reflected the symmetry that provincial compact advocates claimed underlay Confederation. If the dominion government planned to continue granting better terms, Blake asserted that it should follow a set principle ratified by both the dominion and provincial legislatures. Towards this end, he proposed an amendment to the government’s railway subsidy resolution regretting that the government did not offer a “proportionate measure of relief” to each province.88 Although his resolution failed, it caught the attention of provincial politicians. The following February, Alexander M. Ross (Ontario’s Treasurer from 1883 to 1890) noted the provincial government’s financial difficulties and insisted that fairness required the dominion government to distribute better terms in proportion to each province’s population.89 Taxing Ontario for the benefit of the rest of Canada without providing its government the same funds was intolerable. Confederation would not last, Ontario Liberals warned, if the dominion did not heed their demands.90 Ontario’s inability to turn its financial contributions into influence remained a sore spot with the province’s Liberal partisans.

Yet the imperative of securing supporters in Quebec, combined with the fact that the Ontarian provincial government ran deficits in 1883 and 1884, made Blake and other Ontario Liberals more amenable to the demands for better terms.91 Throughout the debate, Blake struggled to oppose the Canadian government’s railway policy without appearing prejudicial to Quebec’s interests. He suggested, for example, that careless spending and inadequate municipal taxation contributed to the Quebec government’s deficits. He also attacked Macdonald for bowing to Quebec pressure. Yet in the same speech, Blake recognized that

88 Globe, 15 April 1884; Ibid, 16 April 1884; Ibid, 21 April 1884; Ibid, 26 April 1884; Canada, House of Commons, Debates, 12 April 1884, 1517-1530.
89 Ontario, Legislative Assembly, Scrapbook Hansard, 13 February 1885.
90 Globe 18 April 1884; Ibid, 2 May 1884; Ontario, Legislative Assembly, Scrapbook Hansard, 13 February 1885.
the Colonization railway was “one of the most important that could be constructed in the Province of Quebec,” and re-emphasized his willingness to consider better terms if they were proportionate to population. Laurier tried to heal the intra-party rift by making a lengthy speech highlighting Blake’s sympathy for Quebec and repeating many of his leader’s main arguments. He even concluded his speech by asking his fellow Quebec MPs to “give justice to other Provinces,” by supporting Blake’s amendment. The attempt made little difference. Although he supported Blake’s amendment, the majority of Quebec MPs ultimately supported the government. Even Laurier had to follow-suit. The railway subsidy measure ultimately passed by a vote of 128 to 35. Ontario Liberal MPs comprised all but three of the dissenting votes. Prominent caucus members, including Blake and Mills were not present for the vote.

The Liberal party’s disunity on the railway question likely dissuaded Ontario MPs from urging provincial unity against the rest of Canada’s influence during the parliamentary debate. It was abundantly clear that Quebec and Maritime Liberals were determined to support the railway measure and it would have been futile to oppose them. After the railway bill’s passage, however, some Ontarians tried to encourage voters to believe that their province could exercise preponderant influence in the next national election. As in Confederation’s early years, the Globe continued to remind its readers that the BNA Act provided Ontario with intrastate preponderant potential. It pointed out that “whenever Ontario sends to the House of Commons a decided majority resolved that right must prevail…there will at once be an end to the state of things which excites” the province. If Ontarian voters united in this manner, their province “would be, as she ought to be, the first among her equals.” A few days later, the Globe repeated this theme by claiming that “all the Ontario Tories are not willing that this should go on forever…Ontario, even in her gerrymandered condition, will not always send a majority to the House of Commons to

92 Canada, House of Commons, Debates, 12 April 1884, 1528-1530.
93 Ibid, 1543.
94 Canada, House of Commons, Journals, 14 April 1884, 425-426.
95 Globe, 18 April 1884.
support Sir John Macdonald in his systematic ill treatment of her, and to join in his taunts and sneers.”

A month later Cartwright followed the *Globe*’s line. Although he voted against the railway measure, he did not participate in the parliamentary debate. While giving a speech in Toronto the following month, however, he bitterly complained that “the great Province of Ontario has been deprived of its due weight in the council of the nation.” Cartwright refused to blame Quebec for Ontario’s ‘deprivation’ because its representatives were using the tools available to them. Instead, he declared, “I blame ourselves... I blame the members from Ontario because they will not stand up for the rights of their own province.” He advised Ontarian voters to select representatives who would vote as a bloc against better terms in the House of Commons. Like the *Globe*, Cartwright only attempted to rally Ontarians to oppose the railway deal after the debate’s conclusion. This tactic reduced preponderant federalism from a parliamentary strategy to post-debate rallying cry.

Given the curtailment of preponderant federalist agitations in Ontario against the rest of Canada during the parliamentary debates, there was little need for the province’s government supporters to suggest an alternative application of Ontario’s influence. With the exception of Macdonald, Ontario Conservative MPs voted for the railway subsidy without comment. The unpopularity of the railway subsidy in Ontario ruled out an appeal for an Ontarian bloc vote supporting the government. The *Mail* never explicitly asked Ontarian representatives to support the dominion railway subsidy but in early June it complimented the province’s Conservative MPs for voting in favour the measure and mocked a resolution passed by the Liberals of the riding of East Simcoe which claimed that “Ontario is robbed for the benefit of the smaller and poorer provinces.” Ontario’s Liberals were so fixated on their own interests, the *Mail* jeered, that they probably could not spell the names of the rest of Canada’s provinces. The article went on to thank the “Grit party” of Ontario for disabusing

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97 “A Masterly Effort,” publication unknown, 20 May 1884, QUA, Cartwright Family Fonds, Vol 17, Scrapbook.
the rest of Canada’s Liberals of the impression that they were affiliated with a national party. It concluded by sarcastically warning that “the ‘smaller and poorer Grits’ of the ‘smaller and poorer’ provinces will present their compliments to Mr. Blake” by voting Conservative in the next national election.\textsuperscript{98} The moral was simple: MPs desiring national unity and the inclusion of Ontario in the Canadian government’s decisions needed to support Macdonald. But these comments were exceptional and hardly amounted to a rousing call for Ontarian support of the railway bill. Conservative MPs avoided the railway bill when speaking in public, and the \textit{Mail’s} few additional editorials on the subject claimed that the Liberal’s railway subsidy policies were inconsistent and mocked the party’s division.\textsuperscript{99}

The day after proposing its railway better terms, the Canadian government impressed Quebecers by exceeding their surplus debt demands. Not only did the government offer to reimburse the approximately $3.1 million it charged Quebec and Ontario for carrying their surplus debt from 1867 to 1873, it also paid them 5% interest for holding these fees until 1 July 1884. The dominion proposal thus exceeded Quebec’s expectations by 70%. By adding these obligations to each province’s debt allowance it raised Quebec’s annual subsidy by $130,000 and Ontario’s by $142,400. In addition, the government raised the debt allowances of the other provinces by a proportionate value.\textsuperscript{100}

The government’s proposal to increase the debt allowances of each province allowed the Liberals to demonstrate that they no longer responded to every better terms request by urging united Ontarian opposition. They were willing to consider better financial terms if the adjustments were proportionate. Because the dominion government scaled its proposal to raise the debt allowances of each province by population, and because each provincial government (including Ontario) welcomed the additional revenue, the Liberals did not contest the government proposal. When political expediency required it, Ontario Liberals were willing to bend their demands for provincial ratification of alterations to the financial terms of union. Rather than attacking the debt allowance alteration as a further violation of the finality of the terms of union, Blake filled his speech with an insignificant historical

\textsuperscript{98} \textit{Mail}, 5 June 1884.
\textsuperscript{99} \textit{Ibid}, 16 April 1884; \textit{Ibid}, 29 April 1884.
\textsuperscript{100} Canada, House of Commons, \textit{Debates}, 15 April 1884, 1583. For a more detailed explanation of these adjustments consult: Maxwell, \textit{Federal Subsidies to the Provincial Governments in Canada} 60-63.
overview of the purpose of the 1873 debt allowance adjustment. In fact the Liberals were so uninterested in contesting the measure that they did not arrange for a vote on the government’s resolution. The press likewise took little interest in the debate. Ontarians had few reasons to think about their parliamentary preponderance on a measure that enjoyed such widespread support.

The better terms debates of 1873 and 1884 demonstrated the continued appeal of preponderant federalisms in Ontario. When the Canadian government promised additional subsidies to New Brunswick in 1873 or Quebec and the Maritimes in 1884 without providing commensurate funds to Ontario, Liberals responded with limited attempts to turn Ontarians against the rest of Canada. On both occasions, Liberal supporters claimed that Ontarian representatives needed to use their province’s preponderant influence to safeguard provincial equality. Intrastate preponderance and provincial compact theory remained complimentary ideals.

The Liberal’s decision to avoid pitting Ontario against the rest of Canada during 1873 and 1884 parliamentary debates ensured that these statements did not alienate their supporters from the rest of Canada. The struggle of Ontario Liberals to form a national government reduced the parliamentary and electoral utility of the strategy during these later better terms debates. Even when Ontario Liberals were willing to go it alone during the 1884 railway subsidy debate, they did not antagonize their party’s split by broadcasting their willingness to stand up against the demands of the rest of Canada in parliament. Instead, Blake tried to persuade the rest of Canada to join him by arguing that the government’s policies were unsound. A belief in Ontario’s ability to influence national policies, however, continued to inform the extra-parliamentary debate where it was less likely to create partisan rifts. In the context of better terms debates then, this assessment of Ontario’s preponderant potential became a partisan rallying cry to attract Ontarian voters, rather than a power strategy to influence dominion policy. The softened parliamentary debates in 1873 and 1884

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101 At the outset of the debate, the Conservatives claimed that they adjusted the debt allowance in 1873 to give assistance to the provincial railway programs. Blake corrected this misleading argument by pointing out that the 1873 debt allowance adjustment was the result of settling the Province of Canada’s surplus debt.
102 Canada, House of Commons, Debates, 15 April 1884, 1583-1586; Ibid, 17 April 1884, 1645.
103 For example, consult the limited coverage in: Mail, 19 April 1884; Globe, 21 April 1884.
demonstrate that conflicting provincial interests were not always adequate to spark national crises. A sense of entitlement in Ontario to influence national debates was often necessary.

Without the threat of an Ontarian voting bloc against better terms, it was unnecessary for Conservatives to propose an alternative use of Ontario’s preponderant potential. Ontario politicians almost never discussed this possibility during the parliamentary debates. Instead, Ontario Conservative MPs claimed that their opponents were sectionalists uninterested in nation-building initiatives. This strategy allowed the majority of Canadian MPs, including Ontario Conservatives, to support better terms and placate provincial discontent. Yet the continued assertion that Ontario could block better terms in the extra-parliamentary debate led a few Conservative supporters to also suggest that Ontario’s support for these measures was important to national-unity. The employment of this cooperative preponderant federalism in policy debates continued to follow the ebb and flow of its confrontational counterpart.

The dominion government reduced the temptation to try to rally Ontarians against better terms when it treated each province equally. In 1884 the Liberals did not oppose the dominion government’s decision to raise the provincial debt allowance. All of the provinces, including Ontario, required additional funds. In this rare instance of regional agreement, preponderant federalisms were inapplicable.

Conclusion

The fear of damaging national alliances led Liberal and Conservative Ontarians to discourage the sense of power and entitlement to influence national policy development in their province during many of the controversial national debates from 1872 to 1884. During the debates concerning Riel’s expulsion from parliament, an amnesty for the Red River resistance’s leadership, and the New Brunswick schools question, both parties avoided alienating their Catholic supporters by pitting Canada’s most populous Protestant and Catholic provinces against each other in parliament. By emphasizing provincial rights and deferring to Imperial authority, they denied that Ontarians could use their intrastate preponderance to shape the Canadian government’s responses to these questions. This strategic shift had important political consequences. In 1875, the Conservative’s
unwillingness to embarrass the Mackenzie government by agitating for an Ontarian block vote against an amnesty made it easier for Ontario Liberals to support the bill. Similarly, the inclination of both parties to avoid framing parliament’s 1875 New Brunswick school debate as a test of Ontario’s influence meant that Quebec Liberals could switch their vote from Costigan to Mackenzie without appearing to succumb to Ontario’s demands. Similar hesitation was also apparent during the 1873 and 1884 better terms debates. Although the Liberals hinted that Ontario could block other provinces’ requests for better terms, their suggestions were partisan attempts to disenchant Ontarian voters, and did not constitute attempts to rally Ontario’s MPs to block the government’s proposals. In short, the curtailment of a belief that Ontarians could preponderate in parliament prevented these debates from becoming heated intrastate contests between Ontario and Quebec that might have jeopardized the Macdonald and Mackenzie governments.

Compared to the opening years of Confederation, Ontarians during the subsequent decade were also less inclined to suggest employing their province’s preponderant potential to support compromises. The English-Protestant Ontarian belief that Riel and Lépine were guilty of murder in addition to widespread anti-French and anti-Catholic sentiments made appealing to Ontarians to unite behind Mackenzie’s amnesty proposal an unpromising political strategy. Such tactics were also inapplicable to the New Brunswick school debates. Even in 1873, when Ontario Liberals joined Quebec MPs in supporting Costigan’s resolution, Mackenzie and his followers avoided addressing Ontario’s potential preponderant influence to justify their actions because the implausibility of a pan-Ontarian voting bloc made such comments unnecessary. Yet the limited suggestions that Ontarians could retaliate at the polls in the Liberal press prompted a proportionate Conservative response that asserted the importance of Ontarian support. Both preponderant federalisms still retained some political value.

Despite these limitations, the 1870s and 1880s were not without ardent preponderant federalist contests. The willingness of Oliver Mowat to exploit the desire in Ontario for preponderant influence in Canadian politics during the prolonged debate concerning the province’s northwest boundaries led Ontario Conservatives to once again resort to urging their constituents to avoid antagonizing the rest of Canada with their preponderant potential.
Chapter 5: Ontario’s Northwest Boundary Dispute, 1871-1884

“It doubled our power, our extent, our population, and our importance in every way.”

Oliver Mowat on the disputed territory. Ontario, Legislative Assembly, Scrapbook Hansard, 23 February 1880.

At the time of Confederation, Ontario was much smaller than it is today.¹ On July 1, 1867, the Ontario government assumed responsibility for the territories of Canada West / Upper Canada. That territory’s western and northern boundaries, however, remained unclear. At the time, the question seemed unimportant. Few settlers inhabited the region until after Confederation. When the Canadian government purchased Rupert’s Land from the Hudson’s Bay Company in 1869 and created Manitoba in 1870, Ontarian settlers began to flood west. Determining the territorial reach of Ontario’s jurisdiction took on new importance. In July 1871 the Sandfield and Macdonald governments appointed a commission consisting of William McDougall (who had recently returned from the North-West as a failed Governor) and E.E. Taché to try to determine the boundary. The two men soon deadlocked on different interpretations of what Morrison describes as a “vast maze of somewhat conflicting documentary evidence.”² Taché used the Quebec Act of 1774 to contend that the boundary fell due north from the confluence of the Ohio and Mississippi Rivers until it met the height of land below Hudson Bay. He placed Ontario’s western boundary at approximately 88° West, or just east of Port Arthur (present day Thunder Bay). McDougall disagreed. By using a different set of documents and by noting that many eighteenth century explorers assumed that the Mississippi connected to the Lake of the Woods, McDougall advocated an Ontarian boundary approximately 300 miles further west at the 95° West. He did not propose a northern boundary because he believed that the documentary record did not provide a clear answer.³ In the years that followed, Macdonald’s Conservatives adopted

Taché’s line, while Blake’s Liberals (and subsequently Mowat) used McDougall’s interpretation to legitimize their claims for a more westerly boundary (see Figure 5). Over the next decade the dominion-provincial dispute went through increasingly heated phases and, from 1880 to 1884, became one of the dominant issues of Ontario politics.

Why did the contest for the disputed territory reach such a fever pitch? Ontarians, according to H.V. Nelles, hoped that “New Ontario” would ensure the province’s long-term prosperity. Rural Ontarians believed that much of the disputed territory was potential farmland. Farmers hoped that such vast unexploited lands would ensure the “permanent renewal of the pioneer cycle” by ensuring that it would be generations before rural Ontarians suffered the land shortage that characterized the late 1850s and 1860s. Urban workers also eagerly anticipated Ontario’s expansion because they hoped it would create new markets for their manufactured goods. Industrialists noted the region’s immense mineral and especially timber reserves. The state’s expansion during the 1870s and 1880s required additional revenues. The Mowat government’s new expenditures included an $8,000 per mile railway subsidy, the centralization of initiatives to prevent epidemics, and new facilities for the mentally ill. No provincial politician wanted to support the first government to implement direct taxation. Charging licence fees for timber and mineral companies to exploit publicly owned lands promised large government revenues and the postponement of direct taxation for the foreseeable future.

There was also a link between the boundary dispute and Mowat’s provincial rights campaign. By the late 1870s, the Mowat and Macdonald governments locked horns in a number of jurisdictional disputes that pitted Liberal provincial rights movement against Macdonald’s desire for centralization. They contested questions such as which government possessed the jurisdiction to regulate liquor during a time when temperance was on the rise, as well as the legal constraints to the dominion government’s power to disallow provincial legislation. The boundary dispute became another site of this contest between provincial

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5 Evans, *Sir Oliver Mowat*, 90, 115-117.

rights and an overbearing dominion government. From start to finish, the boundary dispute had a legal character. Politicians and newspapers debated the legal merits of each side’s territorial claim at great length. Margaret Evans describes the dominion-provincial jurisdictional tug-of war as “fundamentally important” to the boundary dispute.7 Paul Romney correctly describes the JCPC 1884 award as a “legal victory.”8 Donald McMurchy’s study of David Mills also focuses on Ontario’s legal claim to the territory when analysing Mowat’s aggressive pursuit of the territory.9 Peter Dembski contends that the centralist convictions of W.R. Meredith (who assumed leadership of the provincial Conservatives in 1879) were “pivotal” to his decision to oppose Mowat’s provincial rights stand during the later stages of the dispute.10 The boundary dispute, according to these authors, was another example of the legal contest between centralist and provincial rights politicians for more control of the Canadian state.

The boundary dispute was also fuelled by personal antipathy and partisanship. Premier Mowat, who as a Conservative youth articled in Macdonald’s Kingston law practice, became a major obstruction to Macdonald’s centralist policies. The prime minister publicly denounced Mowat as a “little tyrant,” and in his private correspondence called the premier a “jackal.” Both parties also actively exploited the contest for partisan purposes. Mowat’s Liberals denounced the Conservatives as “traitors” to Ontario’s interests and found the attacks so useful that they focused their 1883 election campaign on provincial rights. The Conservatives responded in kind by claiming that the Liberals were “anti-confederates.” Aside from its campaigning utility, control of the disputed territory also promised significant patronage power. The party that controlled the region could leverage its patronage at upcoming elections.11 The boundary dispute therefore also had personal and partisan roots.

Historians have acknowledged, but failed to fully explore, the significance of one additional motivation that fuelled the contest. The desire to control the disputed territory, as

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8 Romney, *Getting it Wrong*, 122.
10 Dembski,"Political History From the Opposition Benches,” 201.
S.J.R. Noel points out, “had not sprung purely and perhaps not even mainly, from economic motives; it had sprung also from an abiding and at times almost obsessive concern over status.”12 J.C. Morrison agrees. Ontarians desired the disputed territory to secure “sufficient population and political strength to dominate French-Canada for fear lest she herself be dominated. Fundamentally, therefore, the Boundary Dispute was a political struggle to secure for Ontario preponderating influence in Canadian affairs.”13 Neither Noel nor Morrison, however, explore how this linkage to Ontario’s influence in Confederation impacted the boundary dispute debate over time. For much of the contest, Mowat and his followers equated territorial expansion with increased population and preponderant influence. They expected this population growth to maintain or even increase their province’s proportionate representation in parliament and the cabinet. They also expected it to lead to the election of more prime ministers from Ontario. These Liberals also claimed that Ontarians had to use their existing preponderant potential to overcome French-Quebec’s attempts to ‘rob’ them of this future influence. Their sense of entitlement and power, in short, emboldened them to elevate the dispute from a contest for financial or legal rights to a fight for the very future of Ontario’s status as a ‘first among equal’ provinces.

Centralist historians contend that Ontario Conservatives opposed Mowat because they valued national unity more than their province’s enlargement. Kenneth MacKirdy suggests that Meredith and his followers opposed Mowat because they “subordinated” their provincial loyalties to their “Canadian national consciousness.”14 Donald Creighton and even provincial rights historian Margaret Evans note Macdonald’s concern that Ontario’s enlargement would unnerve the rest of Canada and destabilize Confederation, and conclude that the prime minister privileged national unity at the expense of his own province’s interests.15 Although Ontario Conservative MPPs and newspaper editors offered mixed support for the prime minister’s efforts to limit their province’s expansion, they did not forsake their province’s interests or subordinate their provincial consciousness to Canadian nationalism. Instead, they addressed the sense of power and entitlement that informed the

12 Noel, Patrons, Clients, Brokers, 264.
15 Creighton, John A. Macdonald: The Old Chieftain, 336; Sir Oliver Mowat, 158-159.
agitation while suggesting a different interpretation of their province’s interests. Like the Liberals, most of these Conservatives desired the disputed territory. Yet they recognized that the rest of Canada did not welcome Ontario’s expansion and therefore tried to ameliorate rather than antagonize these concerns. They opposed Mowat’s attempts to seize the territory from 1882 to 1883 by demanding that the courts determine Ontario’s ‘true boundaries,’ and a few even discounted the linkage between the region and Ontario’s intrastate representation. In the 1882 and 1883 dominion and provincial elections, this alternative interpretation of Ontario’s present and future role and influence within Confederation prevented the Conservative’s opposition to Mowat’s boundary dispute tactics from becoming a stumbling bloc for Ontarian voters. By emphasizing their province’s ability to destroy national unity while nevertheless acknowledging the desirability of acquiring the disputed territory, Meredith and his supporters asked voters to reinterpret Ontario’s preponderant potential within Canada. The consequent split of Ontario’s political representatives forced Mowat’s government to submit its claims to the JCPC.

A Dominion-Provincial Dispute

Until early 1879 Ontario politicians and newspapers focused on the merits of various proposed resolution mechanisms and rarely commented on the significance of the disputed territory. Macdonald proposed resolving the dispute by referring it to the JCPC in 1872.16 The Liberals, however, were unprepared for a court case. Although they advocated a more westerly boundary, they were less sure of its precise location. Fearing that they might lose a legal dispute, Blake and Mowat insisted on continued negotiations between the two governments.17 To strengthen the Liberal claim for a more westerly boundary, Mowat hired David Mills to review the archival evidence. His 1873 report propounded a western boundary line drawn due north from the headwaters of the Mississippi river, and a northern boundary near 53° North. The report also asserted that various treaties proved that Imperial authorities of the late eighteenth century intended Upper Canada to extend westward to the

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16 See for example: Mail, 15 July 1872, AO, F 2-2-14, Vol D356714.
fork of the Saskatchewan River and as far north as the Nelson River. Mills recognized that Ontario’s failure to oppose the establishment of Manitoba and various territorial districts made this claim unachievable. Yet he still believed that it was worth asserting. In a private letter to Mowat, he suggested that the Liberal leader use the claim for political and negotiating leverage by claiming that the failure of Cameron and Sandfield supporters to oppose these developments made it impossible for the Liberals to secure “all that belonged to the Province.” Mowat could claim compensation for the alleged loss of territory in the North-West while diminishing the appeal of the Conservatives at the polls.

Mowat caught a break when Mackenzie won the 1874 dominion election. With the Liberals controlling both legislatures, political observers expected the dominion and provincial governments to quickly resolve the dispute. The two governments soon agreed to the formation of an arbitration board consisting of Ontario Chief Justice William B. Richards and Lemuel A. Wilmot of New Brunswick. The board achieved little. Richards became the first Chief Justice of the Canadian Supreme Court in 1875 and Wilmot died in May 1878. During the interim, the provincial and federal governments corresponded and canvased Canadian and European documents pertaining to the western and northern boundaries. Despite Mackenzie’s sympathy for Ontario’s interests, he penned a letter to Mowat in September 1876 rejecting Mills’ extravagant claim for territory beyond the Lake of the Woods as a “suppositious claim… that cannot under any circumstances be even spoken of by us.” Mackenzie also abided by Macdonald’s stance on the northern boundary. The Hudson Bay’s watershed was part of the former Company’s territory, and therefore belonged to the dominion. With this impasse, both governments allowed negotiations to lag. Mowat refused to relinquish his province’s claim to compensation, and Mackenzie, as Armstrong points out, “could not make such concessions without arousing protests in other provinces.”

19 Mills to Mowat, 6 October 1876, AO, F 1027, Package 37C, Correspondence Regarding Ontario/Manitoba Boundary Dispute.
By November 1877 Mowat worried that the upcoming dominion election might unseat the friendly Mackenzie Liberals, so he expressed his desire to rejuvenate the arbitration process. The prime minister obliged, and the two governments appointed a replacement arbitration board. Ontario selected Robert Harrison (who had assumed Richard’s position as Chief Justice) as its representative, the dominion government selected Sir Francis Hincks, and both governments approved the appointment of Sir Edward Thornton (Britain’s ambassador to Washington) as the third member. Each government also promised to accept the board’s decision as “final and conclusive.” The board heard evidence during the first three days of August 1878. When Mowat appeared before the arbitration board, he heeded Mackenzie’s warning and focused on Ontario’s claims to the Lake of the Woods. Although he alluded to Ontario’s more westerly claim, he did not pursue it. He also argued that Ontario extended to James Bay, but claimed a northern boundary south of Mills’ suggestion.\(^{23}\) In the end, the board unanimously decided in favour of the Ontario government. Ontario’s western border would lie at the Lake of the Woods, and its northern border would follow the English and Albany Rivers. The award nearly doubled Ontario’s size by adding 110,000 square miles to its jurisdiction (see Figure 5). The board did not substantiate its decision with evidence, but most Ontarians were too busy celebrating the award to care.\(^{24}\)

From 1871 to 1878 few Ontarians openly discussed the linkages between the province’s size, population, and potential preponderant influence. Ontario’s press and politicians were generally content to allow the dominion and provincial governments to continue to negotiate behind closed doors. When they discussed the dispute, several Liberal MPPs echoed Mills’ speculations that Ontario had a right to expand to the forks of the Saskatchewan River or even the Rocky Mountains.\(^{25}\) In 1877 John Clarke, the Liberal MPP for Norfolk South, even alluded to the 1840s British-American dispute for the Oregon Territory by declaring that the provincial government’s rallying cry should be “to the Rocky

\(^{23}\) *Globe*, 3 August 1878.


Mountains or fight.”26 Such an immense province would have possessed dominant intrastate power but the Liberals did not describe this eventuality. Instead they emphasized the provincial government’s legal case, the region’s resources, and alleged that the dominion government was trying to “despoil” Ontario by advocating a smaller expansion.27

Simon James Dawson was one of the only Ontario Conservative politicians to explicitly evaluate the relationship between Ontario’s territorial expansion and preponderant potential. Raised in the Ottawa valley, Dawson joined the Hind expedition as a surveyor and ventured to the region between Lake Superior and Red River during the late 1850s. During the next two decades he supervised the construction of a road linking these two provinces and became involved in the growth of Port Arthur. Dawson ran as an independent Liberal during the 1875 provincial election and won the expansive northern Ontario riding of Algoma (which encompassed the territory between Quebec, Hudson’s Bay and Ontario’s western boundary).28 When reacting against John Clarke’s provocative cry in the Legislative Assembly, Dawson strongly denounced the expansion of Ontario:

Supposing… that Ontario had all that the strongest advocates for western extension could desire, would it be to her advantage? The policy which was the best for the Dominion at large would be the best also for Ontario as a Province. Would it be to the advantage of the Dominion that Ontario should extend over the plains of the Saskatchewan and Assiniboine? – that there would be one Province of over-powering wealth, influence, and extent as compared to the others? What would Quebec say? What would the other Provinces say, and how would Confederation work under such circumstances? Ontario would gain most by such a policy as would lead the soonest to the development of those Western Territories. If their development would be more readily promoted by forming them into separate provinces, with separate governments, then that policy would be the best for Ontario.29

Dawson was less than altruistic. As an outspoken advocate of converting the disputed region into a separate territory that would eventually become its own province, he had a strong

26 Ibid, 5 January 1877.
29 Ontario, Legislative Assembly, Scrapbook Hansard, 5 January 1877.
interest in preventing Ontario from absorbing the region. There was little sympathy for Dawson’s separatism in the rest of Ontario. As time passed, however, Mowat’s increasingly aggressive agitation drove Ontario Conservatives to adopt Dawson’s alternative preponderant federalist interpretation.³⁰

In the meantime, most Ontario Conservatives repeated Macdonald’s suggestion to submit the boundary dispute to the JCPC. Although most Conservatives avoided supporting Macdonald’s easterly boundary, they repeated his contention that arbitration boards were illegitimate and unsafe ways of pursuing Ontario’s territorial claims. McDougall, for example, alleged that Wilmot’s New Brunswick connection predisposed him to ignore the law and embrace Maritime prejudices against Ontario’s enlargement. Like other Ontario Conservatives, McDougall constructed the boundary question as a legal dispute. Ontario lacked the constitutional jurisdiction to change its boundaries, even if it was only by empowering an arbitration board. Arbitration boards, moreover, generally favoured compromise solutions. Conservative MPs and newspapers consistently warned that the process could force Ontario to accept less than its full territorial entitlement. Only the JCPC could provide a degree of finality and determine Ontario’s “true” boundary.³¹

The arbitration ruling, however, came too late in the year for ratification by Mackenzie’s Liberals. Mowat’s worst fears were realized when Canadian electors returned Macdonald to power. Despite the prime minister’s well-established hostility to the arbitration board, the provincial government initially focused on solidifying Ontarian opinion behind the award. It admitted that the award was not as large as originally desired but did not mourn the loss. Preparing the North-West for European settlers would be extremely expensive, and the dominion was better suited to administer this long-term investment.³² Mowat went so far as to concede that the award was “a great deal less than the old Province

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³¹ Morrison, “Oliver Mowat and the Development of Provincial Rights in Ontario,” 121; Ontario, Legislative Assembly, Scrapbook Hansard, 30 November 1875; Ibid, 4 February 1876; Ibid 4 January 1877; Ibid 15 January 1878; Leader, 1 May 1875; Ibid 30 June 1875; Mail 2 December 1875; Ibid, 6 August 1878; Globe, 6 August 1878.
³²
of Canada, and the Dominion after Confederation, used to claim.”33 Yet he and his supporters contended that the award ensured their province’s continued preponderance because it effectively doubled the province’s size. With the disputed territory, the premier pointed out to the Assembly, Ontario was “as large as France” and larger than the United Kingdom. He forecast that Ontario would someday “sustain as large a population as either of these countries.”34 Like France in Europe, Ontario would continue to wield great influence within Confederation.

Macdonald, however, had other plans. His government refused to ratify the award. To support its patron party, the Mail noted that only one of the three arbiters was a lawyer, and emphasized the provincial government’s admissions that the award was less than Ontario might have secured.35 In 1880, Macdonald attacked the award outright. The BNA Act gave Ontario the territories of Upper Canada but the arbitration award was a compromise line. He therefore disallowed Ontario’s legislation for the disputed region because he claimed it pertained to territory that was not within the province’s jurisdiction. Mowat, he repeated, needed to transfer the dispute to the JCPC if he desired the confirmation of Ontario’s “true” legal boundary.36 Macdonald also allowed Dawson, who became Algoma’s MP in 1878, to form a parliamentary committee to investigate the boundary’s location.

When proposing the establishment of this committee, Dawson elaborated on his well-established concerns about Ontario’s expansion. Ontario could not, he claimed, afford to develop the territory. “In this territory she [Ontario] would have a white elephant which might amuse the people at first, but the older districts would soon become weary of so costly a pet.”37 The dominion could more rapidly develop the territory, and he argued that development, rather than their province’s territorial enlargement, was in the best interests of Ontario and the dominion. Dawson also repeated his claim that Ontario’s assumption of the

33 Ontario, Legislative Assembly, Scrapbook Hansard, 4 March 1879.
34 Ibid. The government reprinted some of these facts in North Western Ontario: Its Boundaries, Resources and Communications (Toronto: Hunter Rose & Co, 1879). 3. For additional sources asserting the significance of the award to Ontario’s preponderant intrastate influence consult: Globe, 17 May 1879; Advertiser, 28 May 1879.
35 Mail, 6 August 1878; Armstrong, The Politics of Federalism, 19.
36 Evans, Sir Oliver Mowat, 153-154; Canada, House of Commons, Debates, 19 February 1880, 73-76.
37 Canada, House of Commons, Debates, 19 February 1880, 61.
disputed territory would destabilize Confederation. The award, he noted, would create “something like a continent in one constituency;” it would create a single province that was larger than the Maritime provinces, Newfoundland, and the Gaspé combined. He opined that the inhabitants of the rest of Canada’s provinces accepted Confederation in 1867 on the basis that Ontario would span to the edge of the height of land south of Hudson Bay:

Had it then been suggested that its area would, in the near future, be more than doubled by the addition of the fairest portion of the vast territories at that time claimed by, and afterwards purchased from, the Hudson’s Bay Company, would the other Provinces have consented to an arrangement which they must have believed would ultimately give to Ontario a vastly preponderating influence in the Confederacy.

It was not in Ontario’s interest to antagonize the rest of Canada and endanger national unity by seeking its own illegitimate and unreasonable enlargement.

In the early 1880 Ontario’s Conservative politicians and newspapers still did not echo Dawson’s arguments. Instead, the Intelligencer repeated Macdonald’s claim that the boundary could only be satisfactorily determined by the JCPC. It also reversed the Liberal allegation that Conservatives were acting against Ontario’s interests. Ontario’s Liberals, it alleged, were “hostile to the interest of the province” because they settled for an award that was less than what they claimed to be Ontario’s true boundary. This continued divergence between Dawson and Ontario Conservatives did not last.

Ontario Liberals reacted harshly to Macdonald’s inaction and began to reveal the preponderant federalist aspirations that underlay their quest for disputed territory. The Globe alleged that “the Tories of Quebec are compelling Sir John Macdonald to withhold her rights from his native Province for fear that Ontario should become powerful enough in the Confederation to outvote the Conservative Party.” The Grip used a political cartoon to make similar accusations (see Figure 4). The Advertiser also alleged that Ontario Conservatives believed voters from the disputed territory would support Liberal candidates.

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38 Ibid, 59-60.
39 Canada, House of Commons, Debates, 19 February 1880, 62.
40 Intelligencer, 26 February 1880.
41 Globe, 18 February 1880.
Macdonald, it claimed, wanted to keep the region’s patronage and votes to himself. The same newspaper also argued that the disputed territory was a natural extension of Ontario, and insisted that the province had the resources to support its economic development. On 3 March Mowat moved a series of thirteen resolutions in the provincial Assembly that reaffirmed the validity of the arbitration board as well as the binding nature of its decision, regretted the dominion government’s unwillingness to ratify the award, and requested the provincial government to ensure the continued administration of justice in the territory.

As Evans notes, “Meredith and the Conservative opposition had little choice but to join the government in passing the resolutions” given the widespread desire to acquire the disputed territory in Ontario. Yet neither Evans, nor Noel, explore what the latter calls the “somewhat grudging” way Meredith approved the measure. The provincial Conservative leader cautioned against Mowat’s aggressive rallying call. Although he supported Ontario’s acquisition of the disputed territory Meredith began to adopt Dawson’s interpretation of Ontario’s present and future role with Confederation. Meredith noted that Ontario’s status as the “premier Province of Canada… caused the smaller and weaker Provinces to look upon us with jealousy.” He therefore advised Mowat to desist from rousing “sectional feeling” in the rest of Canada with his aggression. Despite these concerns regarding Mowat’s tactics, Meredith justified his party's support of the government by claiming that the resolutions were constitutional, and by noting that acquisition of the territory was in Ontario’s interests. With the sole exception of John Miller (who, like Dawson, was a representative for Northern Ontario and favoured the creation of a separate province in the disputed territory), the Assembly unanimously passed the government’s resolutions.

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42 Advertiser, 20 February 1880.
43 Ibid, 13 March 1880.
44 Ontario, Legislative Assembly, Journals, 3 March 1880, 158-159.
45 Evans, Sir Oliver Mowat, 154.
46 Noel, Patrons, Clients, Brokers, 253.
47 Ontario, Legislative Assembly, Scrapbook Hansard, 3 March 1880.
Figure 4: 'French Influence' shackling Ontario. *Grip*, 28 February 1880
The *Mail* continued to support Macdonald. It rejected Meredith’s assessment of the disputed territory, and instead discounted the region’s value. Macdonald’s Toronto organ estimated the disputed region to be almost as large as “the German Empire” and predicted that it would be extremely expensive to prepare the region for European settlement. Why, it asked, was it necessary to “make haste to pay through the nose for governing a region of rock and water, where even the Indian has a hard struggle for existence?” Possibly desperate for additional reasons to oppose Mowat, the *Mail* also justified the Canadian government’s continued delay by echoing Dawson’s and Meredith’s concerns regarding the proportionality of Ontario compared to the other provinces. Ontario was already a “large and populous province.” It did not require the disputed territory to maintain intrastate influence.

The same patterns persisted into 1881. On the anniversary of the passage of the previous year’s boundary dispute resolutions, Mowat proposed a shorter list of three resolutions that reaffirmed the Assembly’s commitment to the award and again urged the dominion government to ratify the award. The Liberal leader again requested non-partisan support for his resolutions. Christopher Fraser, the Commissioner for Public Works, accused the Canadian government of harbouring “some special hostility” against the Ontario government that stemmed from the “increased representation at Ottawa” the additional territory would furnish. Again Meredith and his followers justified their support of the government’s resolutions by maintaining that Ontario’s Legislative Assembly could send a strong message of consensus to Parliament Hill that would pressure the dominion government to ratify the arbitrator’s award. In response, Meredith again expressed his dismay at the Mowat government’s tactics. “There were many difficulties surrounding the question at Ottawa because of the prejudices of the other Provinces,” he noted, “and the government was entitled to consideration at the hands of Ontario. The Government had endeavoured to place this side of the House at a disadvantage regarding the question. They also endeavoured to excite a prejudice against the Dominion Government, and to excite the jealousies of the other Provinces.” Ontario, in short, had to respect the concerns of the other provinces if it expected to acquire the disputed territory. Meredith went on to note the lack

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of dominion-provincial correspondence during the past year and accused Mowat of trying to avoid resolving the dispute so that he could use it as a rallying cry during a general election. Using the boundary dispute to boost partisan appeal at the expense of Canadian unity was shameful and contrary to Ontario’s interests. Despite these reservations, Meredith’s party supported the resolutions, which passed 75 to 1.51

Contesting Ontario’s Preponderance

Only two weeks later, Macdonald complicated the dispute. On the last day of the parliamentary session, when many Liberals had already begun to return to their ridings, the prime minister informed parliament that his government would ask the Senate to move Manitoba’s eastern boundary all the way to Port Arthur. Like previous years, he argued that the boundary award was not Ontario’s true boundary and could not “be supported in any Court or tribunal in the world.” Macdonald noted that Manitoba’s constitution gave the dominion control of natural resources; Ontario’s did not. He admitted that this difference made Manitoban control of the territory more attractive to his government because it would gain additional revenues that would otherwise go into the Ontario government’s coffers.52 Macdonald had one additional motive for bringing Manitoba into the dispute. “It is important, “ he told Alexander Campbell in a letter during May 1881, “that the Dominion should be rid of the Boundary question, and that Manitoba and Ontario should be left to fight it out.”53 By this triangulation scheme, Macdonald hoped Ontarians would stop blaming him for the boundary dispute. Parliament ultimately affirmed the government’s legislation by a vote of 84 to 17. With the exception of McDougall, Ontario Conservatives voted with the government. Only eleven Ontario Liberals (the rest were absent) and a handful of Liberals from the other provinces compromised the dissenting votes.54

51 The lone dissenter was Patrick Baskerville. As the Conservative MPP for Ottawa, he advocated deference to the dominion government and speculated that residents in the disputed territory requested the delay. Ontario, Legislative Assembly, Scrapbook Hansard, 3 March 1881. During the debate on the address John Waters, the Liberal MP for Middlesex North, gave a speech that was very similar to Meredith’s. Ibid, 18 January 1881.
52 Macdonald as quoted in: Armstrong, The Politics of Federalism, 20. See also: Evans, Sir Oliver Mowat, 158.
53 JAM to Campbell, 20 May 1881, AO, F 23-1.
54 Canada, House of Commons, Debates, 18 March 1881, 1458-1459.
The scheme backfired. Macdonald’s expansion of Manitoba’s borders to encompass the western portion of the disputed territory demonstrated that he was not merely delaying the award, but actively working against it. This shift rejuvenated Liberal allegations that the Prime Minster was “hostile,” or even a “traitor,” to Ontario. They blamed Bleu jealousy and conspiracy for the miscarriage of “justice.” A growing number of Ontarians alleged that the Maritimes supported their province’s claim to the disputed territory. Macdonald put party before province and country by catering to Bleu pressure. By pitting Manitoba against Ontario, moreover, the prime minister promoted sectionalism at the expense of national unity.

Macdonald’s 1881 actions also encouraged Ontario Liberals to frame the dispute as a test of their province’s preponderant influence. The prime minister’s use of parliament, the very institution where Ontario’s intrastate representation was supposed to ensure that it could protect its rights, enraged many Ontarians. Liberal newspaper editors and politicians began to mobilize their Ontario followers against pressures allegedly emanating from Quebec. McDougall, who returned to parliament as the Conservative MP for Halton in the 1878 election, wrote to Macdonald warning him that he and other national Liberals who had joined the Conservative fold would reunite with Blake and “fight once more the old battle against French domination” if the prime minister did not ratify the arbitrators’ award. While speaking at Cobourg on 12 July 1881, Cartwright tried to rally Ontarians to pressure their MPs to overturn Macdonald’s opposition. Although he recognized that Ontario was already “the largest and most powerful of all the provinces” he called upon Ontarian voters to fight for their rights. He linked Macdonald’s refusal to ratify the award to the violations of the principle of representation by population during the admissions of Manitoba and British Columbia into Confederation. The prime minister was, in short, systematically depriving Ontario “of the weight we ought probably to have in the councils of the Confederation.” On 5 January 1882 the Globe also urged Ontarians to use their parliamentary preponderance to

56 Irish Canadian, 12 May 1881; Canada, House of Commons, Debates, 18 March 1881, 1445.
57 McDougall to JAM, 11 April 1881, LAC, MG26-A, Vol 35.
58 Globe, 12 July 1881.
secure the boundary award. “If the representatives of Ontario had walked out of the House,” it claimed, “the members from other Provinces would have been in honour bound to ratify the award.”\textsuperscript{59} Ontarians needed to pressure their MPs to unite and overturn Macdonald’s Manitoban legislation.

Political tensions continued to rise during the remainder of the year. John Norquay, the premier of Manitoba, passed legislation to send officers to administer and police the disputed territory. He also passed an Act incorporating Rat Portage (Kenora) despite the fact that Ontario had administered the town since 1871.\textsuperscript{60} The prime minister also increased his pressure on the Mowat administration by convincing Meredith to cease supporting the premier’s demands for the Canadian government to ratify the boundary award. Macdonald likely encouraged this shift by offering Meredith much needed political support as well as access to the national party’s “bottomless barrel of political patronage.”\textsuperscript{61} Meredith’s willingness to concede the dominion’s right to delay the boundary award left the provincial Conservatives open to allegations of corruption and treachery to Ontario. Historians have not adequately questioned these allegations.\textsuperscript{62} Meredith never supported the premier’s aggression and the shift brought him closer to his own bias favouring a strong and centralized federal government. Since assuming the leadership of his party, Meredith preferred close and amicable dominion-provincial relations, and was unlikely to support measures that ignored the dominion’s jurisdiction in the disputed territory.\textsuperscript{63} Moreover, during the next two years Meredith continued to favour Ontarian ownership of the disputed territory.

In the opening months of 1882, both parties looked ahead to a spring federal and a winter provincial election. The Liberals welcomed the boundary dispute as an issue that would give them an edge with the Ontario electorate. Meredith’s decision to cease opposing Macdonald on the boundary dispute made the province’s territorial claims an especially appealing Liberal campaign cry. Many, including David Mills, believed Mowat’s stand on

\textsuperscript{59} Ibid, 5 January 1882.
\textsuperscript{60} Morton, Manitoba, 218; Armstrong, The Politics of Federalism, 21.
\textsuperscript{61} Noel, Patrons, Clients, Brokers, 255.
\textsuperscript{63} Dembski,"Political History From the Opposition Benches," 199-205.
the boundary dispute was so popular among the province’s voters that he advised Blake to “make it the issue” of his upcoming campaign. If Mowat provoked a crisis, by appointing surveyors and police officers to Rat Portage, he predicted that “Ontario will be won as she never has before.” Mowat appears to have taken Mills’ advice. In March his government tried to trap the Conservatives by raising the political stakes. In the Assembly, the premier pledged to only consider an appeal to the JCPC if it was immediate, if it was based upon the evidence examined by the arbitration board, and if the Canadian government granted Ontario the provisional right to administer the territory. Since it was obvious that Macdonald would reject these terms, the Ontario government announced its intention to take the territory by force. The imposition of conflicting Manitoban and Ontarian legal codes in the territory harmed the disputed region’s development. Settlers did not know which set of laws to obey. “Peace and order” required the establishment of a single legal judicial system. Mowat’s government despatched magistrates and other officials to the disputed territory to assert Ontarian control and jurisdiction throughout the region. Ontario, moreover, could no longer idly wait while the dominion government continued to profit from granting timber and mining licences. Although the government expressed the hope that dominion or Manitoban officials in the region would not oppose their Ontarian counterparts, it refused to be bullied.

64 Mills to Blake, 2 January 1882, AO, F 2-2-4.
65 Ontario, Legislative Assembly, Journals, 9 March 1882, 154-156.
For the next year and a half, preponderant federalisms were a fundamental part of the boundary debate in Ontario. Liberals emphasized the importance of the disputed territory to their province’s future intrastate influence. If Ontario acquired the disputed territory, it would have jurisdiction of roughly 200,000 square miles. By comparison Quebec controlled over 200,000 square miles and British Columbia controlled 350,000 square miles. Both the *Globe* and the *Advertiser* repeatedly printed a map of the disputed territory accompanied by a

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*Ibid., Scrapbook Hansard, 27 January 1882.*
chart showing the “comparative sizes” of the provinces (see Figure 5). Timothy Pardee, the Commissioner of Crown Lands and the MPP for Lambton West, echoed his premier by arguing that Ontario would become a “third-rate power in the Confederation. Quebec, Manitoba, and British Columbia would have a larger territory, and would take precedence of us in this respect.” Mowat’s supporters insisted that their province’s territorial enlargement would increase its population and representation in parliament. Liberal newspapers agreed with the Commissioner of Crown Lands. Quebec, the Globe complained, could not be allowed to be twice as large as Ontario because this would give it a “preponderating influence” in parliament. Ontario’s enlargement was therefore essential to Confederation’s balance of power. If Ontario did not secure the award, the Advertiser forecast, it would “cease to grow in population to any extent. Manitoba would fill up and Quebec would fill up. This later province especially would have a greater population and more representatives in Parliament than we would have.”

Becoming a ‘third rate’ province would also diminish Ontario’s representation and weight in other national institutions. During the dominion election campaign, Liberal newspapers reprinted a fictitious discussion of the boundary dispute between a Liberal named Mr. Thornbury and an undecided voter named Mr. Sherwood. When Sherwood doubted the importance of the territory to Ontario, Thornbury pounced. “How long do you suppose we could hold our position as the keystone Province of the Dominion,” he asked rhetorically. “So soon as all the territory left us was settled Quebec would rapidly gain on us, and in a few years the positions of the Provinces would be reversed. Quebec would have more population, more wealth, a greater number of representatives in the Cabinet and the House at Ottawa.” Even Ontario’s influence in the Prime Minister’s Office was at stake. Although

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68 Noel, Patrons, Clients, Brokers, 264; Evans, Sir Oliver Mowat, 160; Ontario, Legislative Assembly, Scrapbook Hansard, 19 January 1882. Not to be outdone, John Cascaden (the backbench Liberal MPP for Elgin West) accused Ottawa of trying to limit Ontario’s resources and population to render it a “third or fourth rate Province.” Ontario, Legislative Assembly, Scrapbook Hansard, 24 January 1882.
69 Globe, 26 October 1882.
Thornbury admitted that the Maritimes produced men of great political ability, Ontario’s immense patronage and caucus afforded its representatives the power to lead national parties. Thus if Ontario became a “third or fourth rate province,” its ability to produce party leaders would also diminish. The disputed territory was therefore integral to maintaining the prominence of Ontarian politicians in national politics. Without the additional territory, Ontario’s leading MPs would have “about as much influence in the Dominion as Vermont or New Hampshire have in American politics.”\(^7^1\)

Mowat repeatedly denied that the disputed territory would give Ontario an “overpowering influence.” The territory merely made Ontario the same size as other sections of the country like Quebec. British Columbia, Liberals frequently noted, would still be several times larger than Ontario. Only Quebec Bleus opposed Ontario’s acquisition of the disputed territory. The Maritimes, Ontario Liberals continued to vaguely claim, were not jealous of the award. The rest of Canada had little to fear from Ontario’s enlargement because their combined parliamentary representatives still outnumbered Ontario’s.\(^7^2\)

Situating the boundary dispute within provincial rights allowed Ontario Liberals to claim that their province’s enlargement was in the rest of Canada’s interest. If properly interpreted, the BNA Act gave every province the autonomy necessary to preserve national unity. But if remaining a part of Confederation required Ontario to surrender half of its territory then, as Mowat famously declared, “Confederation must go.”\(^7^3\) Romney and Evans point out that the Liberals claimed the dominion would deal a mighty blow to provincial rights if Ontario, the largest and most powerful province, was ‘robbed’ of half of its territory. At the 1883 Liberal provincial convention, the boundary dispute was situated among a long list of provincial grievances. Over six thousand delegates heard speaker after speaker rail against the Conservative government’s disallowance of the province’s Rivers and Streams Bill, its gerrymandering of Ontario ridings, as well its attempt to ‘rob’ Ontario of half of its territory. They claimed that pursing the boundary award was not sectionalist; it was pursuing

\(^7^1\) *Globe* 15 May 1882. See reprinting in: *Reformer*, 25 May 1882. For similar statements regarding cabinet representation, see also: *Globe*, 26 October 1882.


\(^7^3\) Ontario, Legislative Assembly, *Scrapbook Hansard*, 26 January 1882.
and protecting the same rights and autonomy enjoyed by all of the provinces. Yet Mowat contended that Confederation was sound, and merely had to be saved from the clutches of the corrupt and centralizing Conservatives.

When appealing to voters during the national election campaign the Liberals connected Ontario’s preponderant potential to the boundary dispute. Mowat told a London audience that Ontarian voters controlled the fate of the award. By voting Liberal, “they could overturn the Government and place in power men who could deal fairly by Ontario, and give her what she was justly entitled to.” Macdonald, the Advertiser agreed, sought to dispossess Ontario of the timber and mineral resources of the disputed territory “by the right of the strongest.” Ontario, however, had the strength to overcome the Conservative-Bleu alliance, and the London newspaper warned that “it will be the fault of the men of Ontario if they lose the disputed territory.” J.W. Bengough, the editor of the Grip, composed an election song entitled “Ontario Ontario” calling upon the province’s voters to rise against Quebec’s opposition. Part of the first verse, which could be sung to the tune of “O Christmas Tree,” read:

But how her foe, with ruthless hand,  
Would take away her border land.  
Ontario, Ontario,  
Arise and lay the traitors low.

According to the Globe, it was Ontario’s duty, “as the premier Province” of the dominion to “set an example” for Canada’s other provinces, by standing upon the constitution and opposing precedents that would endanger provincial autonomy. The newspaper even appealed to the representatives from the rest of Canada to support Ontario’s claim. Yet again, the Liberals described seeking intrastate preponderance and provincial rights as mutually reinforcing and good for Confederation. Ontarians had to exercise their province’s preponderant power to simultaneously secure the disputed territory and fortify the provincial

74 Romney, Getting It Wrong, 117-119; Evans, Sir Oliver Mowat, 161-165.  
75 Advertiser, 12 June 1882.  
76 Ibid. See also: Canada, House of Commons, Debates, 4 April 1882, 755.  
78 Globe, 4 February 1882. See also: Ibid, 20 December 1882.  
79 Ibid, 14 February 1882.
rights by overwhelmingly electing Liberal MPs to eject Macdonald and the \textit{Bleus} from power.

Not all Ontario Liberals appreciated these intense assertions of their province’s entitlement to influence. Crowds first sang the “Ontario Ontario” song as a surprise for Blake during a June election rally in Toronto. Upon hearing the lyrics, Blake became agitated. “These smart gentlemen have cost us the province of Quebec,” he told his fellow stage members. Blake, who refused to extensively campaign on the boundary question because the other provinces did not relish Ontario’s territorial enlargement, almost left the Toronto stage in disgust. Cooler heads prevailed, however, and Blake devoted part of his speech to praising Quebec. Although P.B. Waite doubts that the song significantly impacted the Liberal’s electoral prospects in Quebec, Blake’s hesitancy to campaign on the boundary dispute once again demonstrates his desire to curtail the desire among many Ontarians to use their preponderant influence to block initiatives from the rest of Canada.\footnote{Hector Charlesworth, \textit{Candid Chronicles: Leaves From the Note Book of a Canadian Journalist} (Toronto: Macmillan, 1925), 196-197; Waite, \textit{Canada: Arduous Destiny}, 119. See also: Blake to Edgar, 20 February 1882, AO, F 65, Vol MU 960, File 1-0-4.}

Ontario Conservatives struck back against the provincial Liberal barrage. The Canadian government, they claimed, was not bound to the arbitrators’ award. When the Mowat and Mackenzie governments submitted the dispute to arbitration in 1874, they agreed that both legislatures would ratify the award. Mackenzie’s failure to secure parliament’s ratification of this agreement, Meredith argued, gave the Macdonald government the right to evaluate and even discard the arbitrators’ award. As Dembski points out, however, Meredith continued to contend that the award (or a proximate line) was Ontario’s true boundary. He deferred to the dominion’s jurisdiction to ratify the award; he did not accept Macdonald’s boundary.\footnote{Dembski,”Political History From the Opposition Benches,” 209. Noel, \textit{Patrons, Clients, Brokers}, 256 claims that Meredith’s advocacy of the a JCPC ruling was political smoke screen and that Meredith would have ratified the dominion line without an appeal to the JCPC if he had become premier.}

Ontarians, the Conservatives insisted, would get no more, and no less, than its full territorial entitlement by submitting their claim to the JCPC.\footnote{\textit{Mail}, 17 January 1882; \textit{Ibid}, 20 May 1882.} Macdonald did not, and could
not, they alleged, ‘rob’ Ontario. His 1881 legislation merely placed Manitoba’s eastern border at Ontario’s western edge. No one, including the dominion government, knew the western and northern boundaries of Ontario. An appeal to the JCPC would not ‘rob’ Ontario; it would give the province its true territory. In May 1882 Mackenzie Bowell told his riding that, “all that was wanted by the Dominion Government was, that right and justice be done” by the definition of Ontario’s “legal boundary.” The Canadian government, Ontario Conservatives pointed out, lacked the power to change provincial boundaries without the consent of the effected provinces. Meredith repeatedly emphasized these points while delivering the opening speech of his provincial campaign the following February.

In fact, many Conservatives speculated that the JCPC would give Ontario more territory than the arbitration board. The Conservatives tempted Ontarian voters by repeating Liberal admissions that the arbitrators’ award was less than Ontario’s full entitlement. In February 1882, Hincks provided further fodder for this argument. While defending the arbitrators’ award in a series of public letters, he admitted that the archival evidence for the northern and western boundaries was so “vague” that it was “simply impossible to find any line positively laid down by authority.” He also admitted that the arbitrators believed Ontario was technically entitled to more territory. Conservative newspapers regularly cited these admissions to legitimize their claim that Ontario might get more territory by submitting their claim to the JCPC. The London Free Press even speculated that the JCPC might award Ontario “several millions of acres” beyond the arbitrators’ award. By refusing to seek Ontario’s “true legal boundary” Mowat, rather than Macdonald, was “robbing” the province of its territory.

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83 Intelligencer, 6 June 1882.
84 Mail, 29 May 1882.
85 Ibid, 8 February 1883.
86 Canada, House of Commons, Debates, 4 April 1882, 760; Intelligencer, 6 June 1882.
87 Globe, 3 February, Ibid, 28 February 1882.
88 Niagara Evening Review, 14 October 1882 in LAC MG26-E Vol 122; Mail, 15 February 1883; Ibid, 16 February 1883; Ibid, 21 February 1883; Intelligencer, 24 February 1883. See also: Canada, House of Commons, Debates, 4 April 1882, 757.
89 Free Press, 13 September 1882.
90 Mail, 5 February 1883. See also: Kingston News, 15 February 1883.
Ontario Conservatives also claimed that Mowat prolonged the dispute for partisan gain. Macdonald had advocated the dispute’s submission to the JCPC since 1872; Mowat was the intransigent leader. The premier, Conservatives vehemently asserted, had partisan rather than patriotic interests at heart when he refused to submit the dispute to the JCPC. Meredith, for example, alleged that his rival needlessly prolonged the dispute so that it could misrepresent the Conservatives during the election.91 While speaking at Lennox, Macdonald made a similar point. Had the Ontario government heeded Conservative advice, “the question would have been settled long ago.”92

Ontarians could not allow their boundary dispute frustrations to lead them to endanger national unity. Representatives from other provinces warned of this danger. During the 1882 parliamentary debate MPs from Quebec and Manitoba openly admitted that they were concerned that Ontario would take advantage of its “preponderance” and “assume an over-important role” if it acquired the disputed territory.93 Laurier even urged Quebec MPs to support the arbitrators’ award in case the JCPC awarded Ontario an even larger territory that would further increase its population and parliamentary preponderance.94 Mowat, the Conservatives claimed, was willing to destroy Confederation to secure the disputed territory. From the very outset of the 1882 debate Meredith supported Ontario’s territorial enlargement but rejected tactics that jeopardized national unity and claimed that it was not in the dominion’s or Ontario’s interests for the province to set itself against the rest of Canada.95 In March 1882, the Liberal-Conservative Association of West Peterborough described this argument in more detail. It passed a resolution regretting that the Mowat government’s language during the past session “was intended to force the Province of Ontario into a position of hostility to her sister provinces, to sap the foundation of Confederation, and to place this province in a state of isolation utterly at variance with its true interests.”96 The Irish Canadian agreed, and was particularly incensed by the

91 Ontario, Legislative Assembly, Scrapbook Hansard, 9 March 1882; See also: Ontario, Legislative Assembly, Journals, 9 March 1882, 158; Intelligencer, 13 May 1882; Mail, 3 July 1882; Free Press, 13 September 1882.
92 Mail, 29 May 1882.
93 Canada, House of Commons, Debates, 4 April 1882, 743; Ibid, 31 March 1882, 672.
94 Ibid, 4 April 1882, 746.
95 Ontario, Legislative Assembly, Scrapbook Hansard, 16 January 1882.
96 Intelligencer, 24 March 1882.
willingness of Ontario Liberals to sing the “Ontario Ontario” song’s anti-Quebec message at
the expense of national unity.97 The province’s interests, these Ontarians insisted, lay in
interprovincial harmony.

The sectionalism of the Mowat government, Ontario Conservatives repeatedly
cautions, could even lead to civil war. “It was through a similar attempt to set the North
against the South in the United States” the Mail warned, that “the ruin and bloodshed of the
civil war [sic] had been caused.”98 A month later, the same publication declared that “he who
threatens the Dominion, under whatever pretence, is an enemy of his province as well as to
the country at large.”99 Macdonald took the Conservative stance against sectionalism to the
extreme. While speaking in Cornwall a few weeks after the national election, he claimed that
even Ontario’s Legislative Assembly could not raise sectional cries without risking civil war.
Canadian voters had to “return true patriots. You must not return Ontarians in Ontario, or
Quebeers in Quebec, or Nova Scotians in Nova Scotia,” the prime minister warned, “but
men who think first of the whole Dominion before they think of these little wretched
sectional cries.”100

Meredith and his supporters did not accept Macdonald’s disparagement of provincial
consciousness as some historians assume.101 Despite Conservative assertions that the JCPC
would award Ontario more territory than the arbitrators, Meredith and his followers denied
that their province required the additional territory to preserve its intrastate preponderant
potential. While speaking in Chatham during the national election, the provincial
Conservative leader reassured his audience that “the representative strength of Ontario was
quite sufficient in the Dominion Parliament to protect the interests of this great province.”102
The Mail was even more blunt. The Liberal attempts to conflate territory and population
were ridiculous. “Area has nothing to do with” intrastate preponderance, it complained.
Ontario had always controlled a smaller territory than Quebec, yet its climate and soil
allowed it to rival Quebec’s influence. Comparisons of Ontario and British Columbia were

97 Irish Canadian, 21 June 1883.
98 Mail, 2 June 1882.
99 Ibid, 3 July 1882.
100 Ibid.
101 Dembski,”Political History From the Opposition Benches,” 210; Noel, Patrons, Clients, Brokers, 256.
102 Mail, 12 June 1882.
“still more absurd.” The Mail assured its readers that “Ontario will remain the keystone province so long as she retains superiority in wealth and population, and it is utterly out of the power of anybody to degrade it to the position of a fifth-rate province.”

This desire to maintain Ontario’s preponderant potential worried Macdonald. He privately confessed his concern that Ontario’s territorial enlargement would increase its influence. His leadership style was based on regional brokerage and, according to Creighton, Macdonald worried that “the preponderance of Ontario endangered the economic and political equilibrium of the whole Dominion.” The prime minister explained this rationale most fully in an oft-reprinted letter he wrote to Alexander Campbell in December 1887.

Quebec’s political leaders, Macdonald noted, would never accept Ontario’s expansion unless the dominion granted a similar territory to the French province:

…but if you will look at the map and see the enormous extent of country proposed to be added to the two Provinces, you will see what a vast preponderance it gives to them over the other Provinces of the Dominion. History will repeat itself and posterity will find out that the evils that existed in other federations from the preponderance of one or more members will again happen. It is our duty as founders of a nation to look far into the future. I know it will be said that the additional territory desired by Ontario and Quebec is inhospitable in climate and ill adapted for settlement, but we used to hear the same thing of the Red River country and the North West. I have little doubt that a great portion of the vast region asked for by the two Provinces will be capable of receiving, and will receive, a large population.

Macdonald tried to prevent the expansion of Ontario and Quebec because he feared that their preponderance would endanger brokerage politics and national unity.

The Conservatives also acknowledged Ontario’s preponderant potential by insisting that it was necessary for their province to resist the urge to seize the region without the dominion’s consent. As the wealthiest and most powerful province of the dominion, Meredith claimed, Ontario could easily rouse interprovincial jealousy and disturb national unity.

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103 Ibid, 23 May 1882.
104 Creighton, John A. Macdonald: The Old Chieftain, 336.
unity. It therefore had to act with prudence, rather than rashness. "Is there any question" Meredith asked his Hamilton audience, "which can possibly arise [that is] more likely to create heartburnings [sic] throughout the Dominion than if it was ever felt by any of the smaller provinces that Ontario, this great and wealthy Province of Ontario, had got more than she was entitled to, and which was taken away from the interests of those provinces?"106 "Statesmen," Meredith claimed, recognized that Ontario could not force the rest of the country to accept their demands. The only way to definitively resolve the boundary dispute was to seek what Conservatives consistently described as the "true legal boundary." By rushing into the disputed territory, the Mowat government annexed land that it might not own. Until a court determined the boundary, it was premature and possibly illegal for Mowat’s government to annex the disputed territory.107

D’Alton McCarthy expanded on this position. As a well-known lawyer and anti-Catholic from Simcoe, McCarthy was a rising star who many believed would eventually replace Macdonald as party leader. Although he never joined the Orange Order because he did not believe in importing European conflicts to North America, his father was a former Grand Master, and he maintained strong ties to the organization.108 While campaigning in Toronto for the provincial Conservatives a few days before the election, McCarthy decried Ontario’s annexation of the disputed territory:

Were they [Ontarians] to swallow the award, gobble it down whether right or wrong? They knew the people of the other provinces were dissatisfied, and it was natural enough that they should be dissatisfied. They said: ‘When we entered Confederation we knew Ontario was rich, we believed she was destined to grow, but we had no idea that she extended in the North-West beyond that part of the country which was then settled by the people of the province, and practically controlled by her Government. Rightly or wrongly, we understood it in that way, and if Ontario goes to the Rocky mountains, if she is to absorb Manitoba, if she really is such an enormous province, then we have to submit; but before we can submit in the interests of our own provinces we must be satisfied as a matter of law, as a matter of right, and as a matter of justice that these are the limits of that province.’109

106 Mail, 8 February 1883.
109 Mail, 20 February 1883.
Rhetorical excess aside, McCarthy recognized that preserving national unity required Ontario’s government to be especially considerate of the rest of Canada’s concerns because their province already possessed preponderant influence. The rest of Canada required the reassurance of the impartial JCPC before it consented to the enlargement of an already preponderant province. Flouting these concerns and going-it-alone, McCarthy warned, was not in Ontario’s interests:

Will they not feel that Ontario, because she is powerful in this Confederation, is not willing to give justice to the weaker provinces, but will grab and take what is not justly hers? He said with full conviction that no province was so much interested in doing justice and right, in doing no more than justice and right, than the great province of Ontario. (Cheers.) We stand nearly two millions out of something like four and a half millions of people in the whole Dominion. Demands are being continually made upon the Federal Government by the smaller provinces for ‘better terms’ than those granted by the Confederation Act, and there is therefore no province more interested in a pecuniary and material sense in doing what is just and right, though no more, than the province of Ontario. Once she goes up there and takes what does not belong to her merely because she is stronger than the other provinces, did they not suppose the others would be asking for and wanting compensation?110

It was not in Ontario’s interests to set a precedent of ‘might makes right’ because its MPs did not control the parliamentary majority. Ontario could secure its legal boundaries, but its government had to work with, rather than against, the other provinces if it wanted to secure its interests and get the most out of Confederation. By putting national unity first, Ontarians could more rapidly and decisively secure their territory.

Despite this elaborate justification of their position, the Conservatives remained vulnerable. Many were uncomfortable with their party’s stance. As Evans points out, Meredith doubted the popularity of the Conservative’s boundary policies. In his private correspondence with Macdonald during 1882 Meredith twice urged the prime minister to either find a common ground with Mowat for an appeal to the JCPC, or ratify the disputed territory before the elections so it would not become a campaign issue.111 Because Macdonald refused to heed this advice, Meredith and his followers awkwardly supported the

110 Ibid.
111 Evans, Sir Oliver Mowat, 162; Meredith to JAM, 20 January 1882, LAC, MG26-A, Vol 35; Meredith to JAM, 5 July 1882, LAC, MG26-A, Vol 229.
dominion government’s right to reject the arbitrators’ award while agreeing with its substance.

In the end, the national and provincial elections reinforced the existing political power dynamics. The electors returned both governments with identical or reduced Ontarian majorities. The popular votes remained close (see Appendix 2 and Appendix 3). Although the boundary dispute figured prominently in the national and provincial campaigns, the electoral results were not a referendum on the issue. The tariff and Macdonald’s gerrymandering of Ontario were also prominent topics during the national campaign. Provincial campaigners asked Ontarian voters to choose between provincial autonomy and a more centralized federation. In this contest newspapers and candidates debated the boundary dispute alongside other dominion-provincial relations questions, including the equally controversial Rivers and Streams debate. Many Ontarian voters, according to Evans, found Mowat’s confrontational stance against the Canadian government and his flirtation with secession to be distasteful. His platform of provincial rights thus failed to furnish the desired electoral breakthrough. The Mowat-Meredith consensus regarding the boundary’s location, however, indicates a fairly unified Ontarian desire to expand to the Lake of the Woods. Expressing distinct preponderant federalist interpretations allowed the two provincial leaders to differentiate themselves without flouting voter preferences. The Conservative platform allowed its voters to believe that they were voting for a larger Ontario. When voting in dominion elections, the same voters likely privileged other platforms including the tariff, or Conservative patronage, above their desire for the disputed territory.

The boundary dispute took a new direction in 1883, and preponderant federalisms receded from the Ontarian debate. By the summer of that year, Manitoban and Ontarian constables at Rat Portage raised the territorial dispute to a near conflict by arresting each other. During this “battle,” the town’s residents began to take sides and the heated atmosphere raised public fears that violence or even civil war was possible. Norquay decided that the territory was not worth the fuss. Most of the land was unsuitable for wheat farming, and even if Manitoba ultimately prevailed the dominion government would continue to

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112 Beck, Pendulum of Power, 38-44; Evans, Sir Oliver Mowat, 166-168.
113 Evans, Sir Oliver Mowat, 168-169.
control and collect revenues from the region’s natural resource revenues. After meeting that fall, Mowat and Norquay agreed to submit the dispute to the JCPC. The two provincial governments requested the JCPC to determine whether the 1878 arbitration award was binding, if the award was correct, and whether imperial legislation was necessary to redraw the provincial boundaries. Although Macdonald’s government initially agreed to participate in the case, he withdrew its cooperation at the last minute because he overestimated Manitoba’s chances of success.114

The JCPC heard the case in the spring of 1884. Mowat was senior counsel for Ontario, and presented a detailed case using maps, legislation, and other details amassed since the Sandfield era. The Manitoban counsel including McCarthy, was much less prepared, and provided a weaker argument. In July, the JCPC ruled that the 1878 arbitration was not binding but nevertheless “substantially correct.”115 “Empire Ontario” as Evans notes, was finally secured.116 The award, moreover, came at the end of a long series of victories at the JCPC for Mowat. During the past eight months, the same court upheld his government’s right to regulate liquor in *Hodge v. The Queen* and curtailed the dominion government’s powers of disallowance in *McLaren v. Caldwell*. Provincial rights were triumphant. “What luck Mowat has had with the P.C!” Macdonald moped.117

A few months later, the premier sailed from Britain to New York City in triumph. Immense crowds greeted his carriage when he crossed the border at Niagara Falls. A torchlight procession led Mowat to his hotel where he addressed the enthusiastic gathering. The following day a special train brought him through south-eastern Ontario’s towns, including Welland, St. Catherines, and Hamilton. At each town the train stopped so that the premier could address the huge crowds. These were, of course, orchestrated events, but the enthusiasm was “genuine” according to one scholar. The most extravagant celebrations were

in the normally pro-Conservative Toronto. Here, thousands gathered to watch Mowat pass in an open carriage, followed by a three-mile long procession of fifteen bands and twelve thousand men representing over fifty provincial constituencies. A few days later the Liberals continued the spectacle in Woodstock (the largest city in Mowat’s riding of North Oxford). Liberal newspapers hailed the premier as the defender of provincial autonomy and the hero of the boundary dispute. All of the provinces benefited from his government’s courage. The Conservative press, as Evans notes, tried to claim that the victory belonged to their party. Ontario only secured this victory once it accepted his advice. These claims were not as contrived as Evans and others claim. Meredith had always favoured the arbitrators’ award and its validation by the JCPC. The political victory belonged to Mowat but the ruling also ratified the demands of Meredith and his followers.

Given the vociferous four-year debate that so heavily utilized preponderant federalisms, it is surprising how infrequently Ontarians used these frameworks when celebrating the JCPC’s ruling. Mowat only once referred to Ontario’s future intrastate preponderance in his Toronto victory speech:

Now, why is it that we are so anxious that the limits of our province shall not be curtailed? First and foremost, the reason is because we love Ontario; that we believe in Ontario; that we know from our past experience that it is for the interest of the Dominion as well as of the provinces that the limits of Ontario should not be restricted. Ontario, in fact, is the backbone of the Dominion, and the more we are interested in the success of Confederation the more anxious we are that Ontario’s extent should not be contracted. (Hear, hear.) Hitherto that has been the position of our Province. We desire that that should continue to be the position of our Province for all time; that it should not be brought down to be one of the least of all the great Provinces (loud cheers); that there should be [an] extent of country enough to admit of development, so that as the other Provinces develop so should Ontario develop (loud cheers).

This was an exceptional statement. At subsequent and separate events David Mills and Mowat suggested that Ontario’s northern expansion set a precedent that entitled Quebec to a

120 *Mail*, 8 September 1884; *Ibid*, 19 September 1884; *Intelligencer*, 18 September 1884. *Irish Canadian*, 7 August 1884.
121 *Globe*, 17 September 1884.
similar swath of territory. “The two were,” Mowat told a crowd in Chateauguay, Quebec in October 1884, “the great provinces of the dominion.”122 With the victory secure, fomenting jealousy in the other provinces was counterproductive to Liberal attempts to unseat Macdonald’s government.

The boundary dispute did not end until 1889. The Canadian government claimed that the Indian Titles Act gave it the right to retain ownership of the disputed region’s resources. The Mowat government insisted that it had the right to replace the dominion as the agent of the Crown, and the dispute was not resolved until the provincial government took the case to the JCPC in 1888. The court again found in Ontario’s favour and the following year the Imperial government passed legislation ratifying both JCPC rulings. Ontario now extended west to the Lake of the Woods and North to the Albany and English rivers.123 This final dispute, however, concerned government revenues from the disputed territory, and therefore had little or no bearing on population growth and intrastate preponderance. Dominion-provincial negotiations and then judicial appeal were the preferred means of resolution. Exerting parliamentary influence was never seriously considered. Preponderant federalisms therefore did not inform this final stage of the boundary dispute.

Conclusion

Provincial autonomy, access to natural resources, and partisanship, were not the only reasons Ontarians desired the disputed territory. They also believed that Ontarian ownership of the region would safeguard their province’s potential preponderant influence. Macdonald’s refusal to concede the territory to Ontario elicited strong responses from Ontarians who not only believed that the territory was integral to their political influence, but who also believed that their province possessed the power to secure it. If their quest failed, Ontario would become a ‘third rate province’ that could not compete with the influence of Manitoba, British Columbia, or Quebec, in the House of Commons or cabinet. Ontario’s provincial Liberals were therefore much bolder than rivals such as Norquay, who were ultimately unwilling to risk their political reputations to gain the territory. By capitalizing on

122 Sentinel Review, 26 September 1884 in AO, F 2-2-15, Vol B225595; Daily Star, 6 October 1884, Ibid.
this sense of entitlement to present and future influence, Mowat’s Liberals elevated a
dominion-provincial dispute into a massive campaign that ignited the premier’s supporters
and alarmed the rest of Canada.

Ontario Conservatives opposed this assault with a variety of arguments. Macdonald
emphasized national interests and dismissed the movement to expand Ontario’s borders as
unjust and sectionalist. The Mail’s editorials often echoed this stand. Yet the Conservative
organ also supported Meredith and his followers who generally valued the disputed territory
and did not slavishly follow the prime minister’s lead. An alternative preponderant federalist
interpretation helped Meredith and his followers to fracture Ontarian support for annexing
the territory. Ontario, he and his followers insisted, endangered national unity and provincial
autonomy by seizing the disputed territory. The province’s large intrastate representation
made such action too alarming to Canada’s other provinces. He therefore urged Ontarians to
abandon the idea that Ontario could profit by ignoring the concerns of the rest of Canada. An
appeal to the JCPC was the only means to resolve the dispute in a way that the rest of Canada
would accept. This alternative interpretation allowed Meredith and his followers to oppose
Mowat’s tactics without rejecting the widespread Ontarian desire to preserve their province’s
preponderance. The political acceptability of this position helped the Conservatives to
deprive Mowat of the electoral support he required to continue holding the disputed territory
without dominion ratification. This contribution, when combined with Norquay’s willingness
to resolve the dispute at the JCPC, led Mowat to abandon further escalation and instead
submit the dispute to judicial review.

During the boundary dispute, Ontario’s national and provincial Conservative
caucuses did not suffer from the defections that characterized the Coalition period. Unlike
the Red River amnesty or New Brunswick School questions of 1874 to 1875, Macdonald’s
government retained power throughout much of the boundary dispute, and the prime minister
regularly asked his Ontario Conservatives to support unpopular policies. In 1881, for
example, Macdonald’s Ontario MPs supported Manitoba’s expansion into the disputed
region. Although Meredith did not echo all of Macdonald’s arguments, he also managed to
keep his followers aligned against Mowat beginning in 1882. This partisan unity was integral
to limiting the impact of Mowat’s preponderant federalist campaign. Party discipline,
however, would soon experience new strains. An increasingly strong and widespread belief that Ontario possessed the preponderant influence to block demands from the rest of Canada during the succeeding decade once again eroded partisan unity and turned racial and religious conflicts into national political crises.
Chapter 6: Creed and Culture, 1885-1889

“It will certainly not be ended by Ontario until the people of Quebec understand, once and for all, that whilst they are entitled equally with Ontario to share in the government of the Dominion, they must equally with us bow to the law of the land and suffer like us for its violation.”

Toronto Mail, 4 September 1886.

Beginning in 1885, a series of racial and religious disputes racked Canadian politics. The public debates surrounding Louis Riel’s execution and the Jesuits’ Estates Act pitted English-Protestant Ontarians against French-Catholic Quebeckers. Historians focus on racial and religious antagonisms to explain why these debates sparked passionate responses in both provinces. Emphasizing the attempts of Ontarian political leaders and editorialists to avoid or stoke these prejudices, however, leads historians away from analysing how the sense of power and entitlement shaped the Ontarian and Canadian debates. Many of the Ontarian agitators imagined that they could harness their province’s preponderant influence to determine Canada’s responses to Riel’s execution and the Jesuits’ Estates Act. This sense of power and entitlement was so strong that it overcame partisan loyalties during the Jesuits’ Estates Act debate and attracted followers from both parties. The longstanding belief that Ontario possessed the preponderant power to influence national debates, in short, inspired bold, intransigent, and offensive attitudes that helped to turn these questions into national political crises.

Not all Ontarians, however, supported these agitations. In fact, many combatted attempts to rally their province against the dominion government’s policies by denying that Ontario had the right to influence the debate. They contended that parliament was not obligated to pronounce on the justice of Riel’s execution and that the Jesuits’ Estates Act could not be disallowed because it was within provincial jurisdiction. But these evasive legal arguments were not the only way these Ontarians justified their opposition to the agitations. Historians overlook the willingness of a minority of Ontarians to advocate an alternative application of Ontario’s preponderant influence. Those opposing the agitations conceded
that Ontario had the power to ‘smash Confederation.’ They contended that Canadian unity
could not withstand Ontarians celebrating Riel’s execution or endure the interference of a
powerful province like Ontario in Quebec’s settlement of the Jesuits’ Estates question. These
politicians and newspaper editors therefore urged Ontarians to desist from harming national
unity by supporting the agitations. The English-Protestant Ontarian belief that the Riel and
Jesuits’ Estates agitations had legal or constitutional merit, however, deterred all but the most
determined from advocating the use of their province’s preponderant power to support
compromises that most Ontario-Protestants found distasteful. Yet these alternative
constructions of Ontario’s role in the two disputes made it easier for some Ontarian
politicians and newspaper editorialists to oppose the agitations in their province. In so doing,
they demonstrated that Ontarians recognized the concerns emanating from Quebec but did
not subordinate their provincial culture to maintaining national unity. Instead they
acknowledged the preponderant federalist aspect of Ontario’s political culture and attempted
to use this provincial consciousness to challenge the agitations and contribute to the
restoration of national unity.

The North-West Rebellion and the Execution of Louis Riel

The North-West rebellion revived racial tensions between Ontario and Quebec that
simmered beneath the national political surface since the 1875 amnesty. Historians focus on
Riel’s trial and psychological evaluations. They also generalize about Ontarian opposition to
clemency and its frustration with Quebec post-execution protests.¹ Two historians question
this approach. In 1969 Donald Kubesh claimed that Ontario and Quebec had nothing to gain
or lose by Riel’s execution. The Riel debate, he concluded, was not really a racial contest.
At its heart, the crisis was instead a “brilliant propaganda programme… behind which
contending factions in Canadian life struggled for power.”² Arthur Silver agrees that
Ontarian newspapers focused on Riel’s “actions rather than his origin,” and also concludes

¹ Stanley, The Birth of Western Canada; Thomas Flanagan, Louis ‘David’ Riel: ‘Prophet of the New World’
(Toronto: University of Toronto press, 1996); Hartwell Bowsfield, ed. Louis Riel: Selected Readings
(Toronto: Copp Clark Pitman, 1988); Schull, Laurier, 178; Gwyn, Nation Maker, 457-457-474, 483-484.
² Donald Arthur Kubesh, “Ontario Press Reaction to the Northwest Rebellion of 1885,” in Documentary
Problems in Canadian History: Post-Confederation, ed. J.M. Bumsted (Georgetown, Ont.: Irwin-Dorsey
that the Ontarian desire for ‘justice’ was not the product of racial “fanaticism.” Despite these observations, he still admits that the public debate produced “real ethnic hostility” that both parties were unable to contain.³

Ontario’s sense of entitlement to influence the post-execution debate led some newspapers and MPPs to heighten political tensions by suggesting that their province could prevent Quebec from censuring the Canadian government. Yet questions about Riel’s sanity that jeopardized the legality of his execution as well as the necessity of maintaining national parties, led some Ontarian politicians and newspaper editors to deny Ontario’s right to influence the debate. A few even confronted the agitation by suggesting that Ontario use its influence to restore national unity. Examining the Ontario Assembly’s debate concerning Riel’s execution, as well as the provincial and dominion election campaigns of 1886 and early 1887, demonstrate both parties’ continued use of preponderant federalisms to stoke and abate political tensions. Ontarians were not as unified as historians claim.

During the winter of 1874 to 1875 Riel visited Washington D.C. and had a series of visions. God, he claimed, appointed him to be a “prophet of the New World.” During the mid-1870s his increasingly unusual and outspoken behaviour led his family to commit him to several Quebec asylums. He was released in 1878 and moved to Montana to join an emerging Métis settlement. He subsequently married Marguerite Monet dit Bellehumeur, became a father, and worked at the St. Peter’s mission as a teacher educating the nearby native population.⁴

Discontentment, meanwhile, grew on the Canadian Prairies. The region’s aboriginal inhabitants were frustrated by the state’s neglect. The dominion government had negotiated a series of Numbered Treaties with the native population to prepare the territory for western settlement. Discontentment with the treaty terms, the government’s willingness to withhold rations from bands that refused to sign the treaties, and the dominion government’s failure to meet their limited obligations led the Cree Chief Big Bear to push for their renegotiation to

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⁴ For more information on the development of Riel’s religious convictions during this period consult: Flanagan, Louis ‘David’ Riel, chapters 2-5.
afford greater Native territory and autonomy. The Métis were also upset. Many came to the districts of Saskatchewan and Assiniboia after the Red River resistance but found that their lives did not substantially improve. These districts lacked responsible government during the 1880s. Not only did a Lieutenant Governor appointed by the dominion government control the local government but the territories’ inhabitants also lacked representation in the House of Commons and the Senate. The lack of French-speaking land agents and surveyors to resolve ambiguous or conflicting land claims also made the Métis uneasy. A “chronic lack of federal financial support” also contributed to regional discontent. The absence of political representation or a road map to provincial status, as well as the relocation of the CPR to a southern route, made White farmers and businessmen from Prince Albert to Edmonton “more vitriolic in their attacks on Ottawa than even the natives and the metis.” Without access to an institution where they could express their grievances, and emboldened by the widespread dissatisfaction in the North-West, the Métis began to organize a protest movement. But they lacked a leader. A delegation went to Montana and convinced Riel to lead their protest. The former exile returned to Canada during the summer and fall of 1884 and began urging the formation of an alliance that would command Ottawa’s attention at peaceful and well-attended English, French, and Native gatherings.5

By March 1885, however, the Macdonald government’s refusal to address these grievances as well as the NWMP’s decision to reinforce a local detachment led Riel to initiate a rebellion. Under Gabriel Dumont’s command, the Métis seized arms, supplies and hostages at Batoche and formed a Provisional Government with Riel as its leader. Their subsequent victory against Canadian forces at Duck Lake convinced Ottawa to send Frederick Middleton’s North-West Field Force of 800 men to combat the approximately 350 Métis and Indian rebels. After a series of clashes, the government forces crushed the rebellion at Batoche and captured Riel. Since Riel’s leadership of the rebellion was beyond question, his subsequent trial at Regina in July and August 1885 focused on his sanity. According to the McNaughten Rules of British criminal law, the defence had to prove that Riel was unable to comprehend the nature and quality of his actions, or if he was aware of

these facts, the defence had to demonstrate that he did not understand that his actions were “wrong.” During the court’s proceedings, Riel obstructed his defence team’s insanity plea, and compromised its case by speaking eloquently about the Métis’ cause. The jury found Riel guilty but requested mercy. The judge, however, had little choice. The penalty for treason was death.6

The sentence offended Quebecers. Although Silver notes how the Métis’ resort to armed rebellion initially made Quebecers “ambivalent” about the rebellion, they could not accept Riel’s death sentence. They doubted Riel’s sanity, and believed that the legitimacy of the Métis’ grievances entitled him to clemency. The only reason the government would persevere with the execution was to placate anti-French and anti-Catholic bigotry in Ontario. The public outcry was so strong that newspapers across the province demanded clemency and urged their readers to sign petitions supporting the same cause.7

Throughout the fall of 1885 Ontarians anxiously watched to see whether Macdonald’s government would commute Riel’s sentence. Recalling Quebec’s support for the 1875 amnesty, many Ontarians worried that the current demands for clemency emanating from the same province arose from racial and religious sympathy and therefore violated the principle of equality before the law.8 Although many Ontarians admitted that the Métis had legitimate grievances against the dominion government, they noted that Riel had not suffered their plight while living in Montana and suggested that he came from the United States to stir up trouble. They did not doubt Riel’s sanity and claimed that he was a “recidivistic” rebel who had not shown mercy to Thomas Scott, and who even urged Native Canadians to join his campaign. The rule of law, rather than Quebec pressure, had to determine Riel’s fate. Ontarian newspapers were confident that the course of justice would result in Riel’s execution.9

6 Friesen, _The Canadian Prairies_, 229-235. For representative studies on the debates concerning Riel’s trial and mental state consult: Bowsfield, ed. _Louis Riel: Selected Readings_.
7 Silver, _The French-Canadian Idea of Confederation_, 153-161.
Macdonald’s Conservatives were in a precarious position. Infighting among Hector-Louis Langevin, Joseph Chapleau, and Joseph Caron for leadership of the Bleus compromised their party’s ability to manage public opinion in Quebec. Laurier’s efforts to convert the traditionally anti-clerical Rouges into British liberals were also beginning to pay dividends and made the Conservatives more vulnerable at the polls. In the short term Honoré Mercier, the new provincial Rouge leader, was even more dangerous because he was willing to work with the Castors (ultramontane Conservatives) to create a Parti National. If it gained electoral support this Catholic nationaliste party would demand heavy concessions from Macdonald (as a similar but brief alliance secured in 1884), or support the Liberals. To avoid further weakening his party’s popularity in Quebec, the Canadian government discouraged its Ontario supporters from trying to influence the dominion government or making provocative statements that would raise racial tensions. Despite their expressed desire to see Thomas Scott’s killers avenged, for example, Ontario’s Orange Lodges avoided commenting on the sentence. In the House of Commons on 12 March 1886, N. Clarke Wallace estimated that only six of over two thousand lodges across Canada discussed petitioning for Riel’s execution. As the Order’s future Grand Master (1887 to 1902), Wallace’s desire to avoid antagonizing French-Catholics carried considerable weight. One week later, the Secretary of State confirmed that the dominion government only received three petitions (two from Prairie lodges and one from a Toronto lodge) requesting Riel’s execution. The Mail also avoided commenting on Riel’s fate during the fall. When rival newspapers noted the Mail’s silence, the government organ defended its reticence by asserting that it was “no part of a newspaper’s business to attempt to influence Executive action one way or the other.” The state could only use the facts of the case and the law to determine Riel’s fate. The relative silence of the Orange Order and the Mail demonstrates

10 Linteau et all, Quebec: A History, 233-234; Creighton, John A. Macdonald: The Old Chieftain, 442-443.
11 Canada, House of Commons, Debates, 12 March 1886, 100; Ibid, 18 March 1886, 191. According to Silver, "Ontario's Alleged Fanaticism in the Riel Affair," 43n161, almost no evidence exists contradicting the Orange Orders’ alleged non-interference. Careful trolling of additional newspapers, however, yields limited evidence that the Conservatives were less successful at limiting the Sentinel. Although a proper analysis of the Sentinel’s editorials on Riel’s execution is not possible because the pertinent issues were not preserved, the Tribune 18 November 1885 reprinted a large section of one its more fanatical editorials. If "Quebec rule in the Dominion Parliament" led to mercy for Riel, the Sentinel forecast that "the day may not be far distant when the call to arms will again resound throughout the Dominion" and "complete a work throughout the whole land only begun in the North-West.”
12 Mail, 7 October 1885. See also: Ibid, 3 August 1885.
more than the curtailment of racial outbursts, Conservatives also avoided stoking the belief that Ontarians could influence the carriage of justice.

These efforts to subdue the sense of entitlement in Ontario to influence the Canadian government’s decision were only partially successful. Although Ontarian newspapers did not explicitly advocate the use of their province’s parliamentary preponderance to affect Riel’s fate, the province’s political leaders nevertheless recognized that clemency would generate a strong reaction in Ontario against Macdonald’s government and Quebec influence during the next election. Alexander Campbell, for example, counselled Macdonald that “there are other Provinces than Quebec,” and urged him to consider the “deep feeling” in English Canada to hang Riel.13 James Edgar, the Liberal MP for Ontario West and the party’s political manager in Ontario, similarly warned Laurier that “not only Orangeman, but many other conservatives, and a good many reformers, are very decided in favour of hanging.”14 Such warnings indicated that these leaders believed that their constituents would interpret a decision to grant clemency as the product of Quebec pressure. Ontario voters, they warned, could punish governments that supported clemency.

The Canadian government, searching for a means to escape responsibility for the politically divisive question, repeatedly postponed the execution and despatched three medical examiners to reassess Riel’s sanity. If Riel could not be held responsible for his actions, the law precluded his execution. The first two examiners confirmed his sanity, but the third reported that Riel was “unable to distinguish between wrong and right on political and religious subjects.”15 After debating these reports in cabinet, the Conservative government decided against intervention and Riel climbed the scaffold on 16 November.

Riel’s execution intensified the national debate. In Quebec, his death spurred a series of demonstrations against the Canadian government. According to Silver, each of these rallies denounced the execution as “an act of aggression by English Canadians against French

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14 Edgar to Laurier, 5 October 1885, LAC, MG26-G. Silver, "Ontario's Alleged Fanaticism in the Riel Affair,” 41, 49 notes additional warnings.
15 As quoted in Reid, Louis Riel and the Creation of Modern Canada, 29.
Canada.”16 The most famous gathering was at the Champ de Mars in Montreal where forty thousand people, including thirty-seven French-Canadian politicians from both sides of the parliamentary aisle, protested the execution. During the proceedings Macdonald was burned in effigy. On the rally’s platform, Mercier cried out: “Riel is dead” and blamed Ontarian “fanaticism and hatred against everything French.”17 Laurier also denounced the execution as unjust. “Had I been born on the banks of the Saskatchewan,” he famously exclaimed, “I would myself have shouldered a musket to fight against the neglect of government and the shameless greed of speculators.”18 The only prominent MPs to avoid the rally were Macdonald’s three French-Canadian Quebec cabinet ministers: Langevin, Chapleau, and Caron. The formation of the Parti National now seemed likely.19

Ontarian newspapers exploited the demonstrations in Quebec to serve their own purposes. Liberal organs, for example, tried to use the demonstrations in Quebec to break Macdonald’s grip on the province and unseat his government. Within days of Riel’s execution, the leading Liberal newspapers accused Macdonald of executing Riel to improve his party’s popularity in Ontario. The Globe now doubted Riel’s sanity and implied that his sentence should have been commuted.20 The Advertiser noted that the British and American governments no longer executed rebels such as Jefferson Davis, and therefore opined that French-Canadians had a right to seek “justice” against Macdonald’s government. The state should have instead tried Riel for murder.21 Macdonald’s government, more than Riel, was “responsible for the shedding of French blood and English alike.”22

18 As quoted in Schull, Laurier, 178.
20 Globe, 19 November 1885.
21 Advertiser, 17 November 1885; Ibid 26 November 1885.
22 Globe, 21 November 1885. See also: Ibid, 27 November 1885; Ibid 5 December 1885; Advertiser, 18 November 1885; Ibid, 14 December 1885. The Irish Catholic press in Ontario took a similar tack. The Irish Canadian, believed that commuting Riel’s sentence would have been the better course, and blamed the Orange Order, but did not berate Macdonald’s government. The Tribune, however, allied itself closely with the Liberals by denouncing Riel’s execution as a “political murder” designed to improve the Conservative party’s popularity with Orangemen in Ontario. Tribute, 21 November 1885; Ibid, 25 November 1885; Ibid, 28 November 1885; Ibid, 30 December 1885; Ibid, 6 January 1886. For further analysis regarding the Tribune’s partisanship consult: Storz, “The Irish Catholic Press in Toronto, 1874-1887,” 46-47.
The *Mail* initially responded by claiming that the Liberal organs supported the protests in Quebec to unseat Macdonald. This privileging of party at the expense of national unity, it opined, was unpatriotic.\(^{23}\) The Liberals had, in fact, become the “Rielite party.”\(^{24}\) But the *Mail’s* management soon tired of these pat attacks against the Liberals. The convalescence, and subsequent death of *Mail* co-owner John Riordon in 1884, left his brother Charles in charge. The latter was, according to Paul Rutherford, “more interested in making money than in advancing the Conservative cause.”\(^{25}\) He made several important changes to the *Mail’s* staff including hiring Christopher Bunting as Managing Director. When his Conservative editor Martin Griffin resigned, Charles rehired Edward Farrer. Farrer worked on and off at the *Mail* from 1872 to 1882, moved to New York to become a foreign editor, and then to Winnipeg to edit the Winnipeg *Times* and later the *Sun* before returning to the *Mail* in 1884. Although he was an Irish republican with strong annexationist and anti-clerical feelings, Farrer’s editorials had not heretofore strayed far from the party line.\(^{26}\)

The Conservative organ now pivoted and suggested Ontarians confront Quebec’s influence head-on. The day after the Champ de Mars demonstration, the *Mail* alleged that the *Bleus, Rouges*, and Blake Liberals, expected their combined influence to convince the courts to “suspend the operation of the law” when it threatened the wellbeing of a French-Canadian. Ontario and the Maritimes, “by virtue of numbers,” had the ability to overcome this attempt to violate the separation of powers and equality before the law. If this opposition failed, “Ontario would smash Confederation into its original fragments, preferring that the dream of a united Canada should be shattered forever, than that unity should be purchased at the expense of equality.”\(^{27}\) Two days later, the *Mail* pushed this assertion to its absolute limit. If Quebecers did not cease pressing for a government that would support “injustice,” then “Britons” would unite and refight the “conquest.” If this transpired, the *Mail* warned, there would be “no Treaty of 1763,” French-Canadians would “lose everything.”\(^{28}\) Ontario, with

\(^{23}\) *Mail*, 19 November 1885.
\(^{24}\) Ibid, 9 December 1885; *Victoria Warder*, 11 December 1885.
\(^{25}\) Rutherford, *A Victorian Authority*, 60.
\(^{27}\) *Mail*, 23 November 1885.
\(^{28}\) Ibid, 25 November 1885.
some support from the rest of English Canada, the Mail concluded, could control Confederation’s fate.

The Mail’s new editorial stance was extremely popular in Ontario but partisan considerations prevented the majority of Ontarian politicians and newspapers from adopting it. Blake continued to straddle the demands emanating from both provinces. Despite private appeals from Mercier for Blake to position the Liberal party behind the growing movement against Riel’s execution in Quebec, the Liberal leader refused to move his party decisively behind the Quebec or Ontarian majority. He recognized that his caucus was deeply divided, and refused to “make a platform out of a scaffold.” In his public speeches Blake therefore repeated the doubts expressed by the Globe and the Advertiser but admitted that no consensus was possible on Riel’s execution. He therefore promised that he would allow his MPs to vote freely on the question when it came before parliament. 29 Macdonald was equally unsure of how to prevent the crisis from toppling his government. His Bleu cabinet ministers advocated delay and the prime minister concurred. “Old tomorrow” postponed the next parliamentary session for a month. 30

In the interim, however, many Ontarians accepted the Mail’s claim that their province could influence the post-execution debate. At Ontario’s provincial Assembly in February 1886, Solomon White (the Conservative MPP for Essex North) moved an amendment that approved of the Crown’s attempts to subdue the rebellion and punish its “principal participants” but also asked it to be “merciful” when trying the remaining rebels. White’s amendment was a blatant attempt to capitalize on Riel’s execution before the upcoming provincial and national elections. The request for mercy for the remaining rebels was in line with public opinion in Ontario, but Quebec Bleus could also use it to assuage concerns about alleged Ontarian anti-Catholic ‘fanaticism.’ Meredith rejected Liberal assertions that the Assembly lacked the constitutional jurisdiction to comment on the punishment of the rebels. The question, he retorted, “affected Confederation itself.” Meredith insisted that the “demagogues [who] claimed that the law should be turned aside simply because the offender

30 Creighton, John A. Macdonald: The Old Chieftain, 443, 447
was a Frenchman,” had to be stopped. “Under such circumstances was it to be said that the people of Ontario were not entitled to say they protested against any such position[?]” Like Blake in the early 1870s, Meredith also claimed that “the people of the North West were composed largely of persons who had gone from Ontario.” The Assembly, he opined, had the “right” to protect Ontarians across the country by affirming the rule of law. On this occasion, the provincial Conservatives concluded that encouraging rather than discouraging a sense of power and entitlement in Ontario was the best means to improve their party’s political standing. 31

Mowat was in a difficult position. Meredith was capitalizing on the widespread anger in Ontario concerning the Quebec demonstrations. Yet the provincial Liberals were also aware of Blake’s desire to make inroads in Quebec and could not support White’s amendment. The Liberals therefore attacked White’s resolution as a partisan ploy. The premier and Christopher Fraser, the cabinet’s Catholic representative, also used provincial rights to oppose White’s amendment. The Assembly, they argued, was not an appropriate venue for campaigning for the upcoming elections. Fraser, in fact, moved his own amendment asserting that it “would be an unwise and unwarranted intrusion upon the proper domain… of the Dominion Parliament” to pronounce on its decision to execute Riel. Yet Mowat’s government could not resist using the occasion to boost Blake’s Quebec prospects. Despite its warning against interfering in dominion affairs, Fraser’s resolution also asked the Crown to be merciful when trying the remaining rebels. When the Conservatives pointed out the inherent contradiction in Fraser’s resolution and reminded him that Blake had previously used the Assembly to interfere in dominion affairs, Fraser appealed to Ontario’s unique ability to lead Confederation. He warned the Assembly against alienating the inhabitants of the North-West or Quebec. The cabinet minister also noted that George Cartier, who had once rebelled against the Crown, was presently commemorated in statuary on parliament hill. One day, Fraser suggested, Riel’s admirers in the North-West might erect a similar monument. He therefore urged the Assembly to seize the opportunity to salvage Canadian unity from the rebellion. “This province,” which was “the foremost in the Dominion for wealth and influence, and which represents the largest Protestant population in the

31 Mail, 2 and 3 February 1886.
Dominion” could contribute to the restoration of national harmony by requesting mercy for the remaining rebels and by avoiding the controversial topic of Riel’s execution. This argument did not explain how asking the Crown to be merciful respected the separation of powers or provincial rights. Instead, it asserted that Ontario was uniquely suited to help heal the sectional animosity generated by Riel’s execution. In the end, the Assembly adopted Fraser’s resolution by a party vote of 47 to 31. Despite the Assembly’s lack of constitutional jurisdiction, preponderant federalisms led both parties in the Ontario legislature to claim that they had the ‘right’ to influence the debate concerning Riel’s execution and the punishment of the remaining North-West rebels. Partisan calculations as well as different beliefs about how Ontario could best support Confederation, however, led to the continued division of its MPPs.32

When parliament eventually considered Riel’s execution internal party divisions and political considerations precluded Ontarians from espousing preponderant federalisms. On 12 March A.G.P.R. Landry, the MP for Montmagny and President of the Quebec Conservative Association, moved a resolution regretting the Canadian government’s decision to allow Riel’s execution. Although Blake allowed Laurier to lead the debate, he asked parliament to support Landry’s resolution. The government, he alleged, had ignored evidence that Riel was not responsible for his actions and executed the rebel leader to shore up its support in Ontario. As promised, the Liberal leader allowed his party to vote freely. James Edgar and David Mills joined Blake in supporting Landry’s resolution. Most Ontario Liberals, including Richard Cartwright, John Charlton, and Alexander Mackenzie, however, voted with the government.33 The latter found Blake’s willingness to ignore much of his Ontarian caucus and to instead cater to Quebec tastes in order to attain office to be “most humiliating.”34 Ontario Conservatives responded to Blake’s allegations by claiming that he and his Ontarian followers were hypocrites. They repeatedly pointed out the incongruities between Blake’s demands for Riel’s capture from 1870 to 1872 and his present denunciations

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32 Globe, 2 and 3 February 1886.
33 Schull, Edward Blake: Leader and Exile, 69-72, Waite, Canada: Arduous Destiny, 172. A few Liberal Ontario MPs boldly supported Blake’s position during the debate. See for example Malcolm Colin Cameron (Huron) in Canada, House of Commons, Debates, 12 March 1886, 104-118 as well as George Casey (Elgin West) in Ibid, 23 March 1885, 315-323.
34 Mackenzie to Mary Thompson, 25 March 1886, LAC MG26-B.
of the Macdonald government. How could the Liberal Leader, they wondered, support a man like Laurier who claimed that he would have joined Riel’s forces and shot Ontarian volunteers? A party that performed such political “somersaults” to woo Quebecers did not deserve electoral support. Several Ontario MPs, including Clarke Wallace denied that the Orange Order had lobbied for Riel’s execution. They insisted that the rebel leader’s demise was the result of the carriage of justice, not racial prejudice.

After a week-and-a-half’s debate, the Conservatives prevailed. Approximately two-thirds of Ontario Liberals supported the government. Only seventeen French-speaking Conservatives sided with Landry. A concerted campaign by leading Bleus newspapers sufficiently ameliorated public angst to permit the majority of its membership to vote against Landry’s resolution. Although Bleu party discipline never entirely recovered from the rupture, the government survived the crisis. In this chaotic and divisive environment, neither preponderant federalism was an attractive strategy. The imperative of preserving partisan support in Quebec made rallying Ontarians to oppose Landry’s motion unthinkable for Liberal and Conservative leaders. The sense of justice that reinforced the popularity of Riel’s execution in Ontario rendered suggesting the alignment of Ontarian parliamentary representation behind Landry’s motion political suicide.

Preponderant federalisms, however, resurged during the provincial and national election campaigns. The fall provincial campaign emphasized racial and religious disputes. The Mowat government’s concessions to Ontario separate schools and the so-called “Ross Bible” both figured prominently. Yet Meredith’s Conservatives also tried to associate their

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36 Ibid, 12 March 1885, 99-105. By “moving the previous question,” Hector-Louis Langevin, the Bleu MP for Three Rivers and the Minister of Public Works, used parliamentary procedure to prevent the Ontario Liberal and Rouge representatives from proposing amendments regarding the maladministration of the North-West that would have allowed Ontario Liberals and Quebec MPs to unite against the government. This procedural move confined the debate to determining whether parliament regretted Riel’s execution.
37 This campaign included blaming English Canadian power for Riel’s execution, arguing that Riel was not a true French-Canadian, and warning that Quebec could not afford to isolate itself from the rest of Canada. Silver, The French-Canadian Idea of Confederation, 163-166; Creighton, John A. Macdonald: The Old Chieftain, 448-450.
38 In 1877, for example, the Mowat government required municipal assessors to record whether each household was Protestant or Catholic and whether they wanted their taxes to support the public or private education systems. Prior to this revision, Ontario Catholics had to apply for exemption from the public education
party with Riel’s execution. According to Evans, they were disappointed by the Mail’s hesitancy to emphasize anti-Riel positions during the campaign.\(^{39}\) The Mail’s reticence likely stemmed from Macdonald’s warning against anti-Catholic stances. In a private letter that May, he reminded William Bunting that each province contained significant Catholic populations. He also warned that readers across the country considered the Mail to be “the organ of the government.”\(^{40}\) This admonishment appears to have tempered the Mail’s editorials during the elections. The Mail was not yet, as Paul Rutherford and Carman Cumming contend, beyond Macdonald’s influence.\(^ {41}\) Yet the Riel issue allowed the Mail to rail against Quebec and affirm Ontario’s ability to block its intrastate influence. The Mail therefore limited its indulgence of this linkage to six editorials during the remainder of the year. In these editorials, the Mail encouraged Ontarian voters to support the provincial Conservatives by alleging that Mowat and his followers were “Rielites.” Ontarians needed to reject a premier that allowed Mercier’s “race and revenge” movement to prevent the provincial Assembly from expressing its approval for Riel’s execution.\(^{42}\) In case readers missed its point, in the closing days of the campaign the Mail declared that “all Ontario should speak decisively upon” Riel’s execution by supporting the provincial Conservatives at the polls.\(^{43}\) This same sense of power and entitlement also occasionally informed the national Conservative campaign during the winter of 1886 to 1887. While speaking at Barrie, D’Alton McCarthy criticized Blake’s attempts to use Quebec support to gain power. “Do you suppose,” he asked rhetorically, “that the men of Ontario are willing to submit for a long period to a condition of subjection to one race.” Ontario and the other English-Canadian provinces, he insisted, had the power to overcome Quebec’s racial animosity.\(^ {44}\)

\(^{39}\) Evans, Sir Oliver Mowat, 238, 395n35.
\(^{40}\) JAM to Bunting, 25 May 1886, in Confederation Documents Hitherto Unpublished, 380.
\(^{41}\) Rutherford, A Victorian Authority, 60; Cumming, Secret Craft, 81-83.
\(^{42}\) Mail, 19 October 1886; Ibid, 20 October 1886; Ibid, 19 November 1886; 25 December 1886; Ibid, 30 December 1886.
\(^{43}\) Ibid, 22 December 1886.
\(^{44}\) Kingston Daily Standard, 8 February 1887.
Other politicians acknowledged Ontario’s preponderant potential but nevertheless cautioned against antagonizing national unity when discussing Riel’s execution. While campaigning for the provincial and dominion Conservatives in Perth on 25 November, John Thompson, a Catholic convert, Minister of Justice, and MP for Antigonish, told his Listowel audience that

he believed the loyal men of that constituency would stand by law and order, and would enter an emphatic protest against the Reform party, which was seeking to set people against people and creed against creed. (Loud Cheers.) The very front of the battle, where the battle was to be fought and won, was the Province of Ontario. As coming from one of the smaller provinces he could say that the honest inhabitants of Nova Scotia watched with keen interest the step Ontario was taking.45

Such statements encouraged Ontarian voters to support the Conservatives because they would keep the country united. Ontario was unique. Its provincial election had national significance.

The Liberals, on the other hand, sensed the popularity of the Riel cry in Ontario, and therefore avoided preponderant federalisms during the elections. On the day after the provincial polls closed, however, the Globe celebrated Mowat’s success as a Canadian victory:

Not Ontario only, but all of Canada may thankfully rejoice in yesterday’s magnificent victory for the Mowat Administration… Had the Conservative attempt to gain power by the ‘No Popery’ cry succeeded, the Roman Catholics all over Canada would have justly conceived their liberties to be imperilled. With so large an element in anxious alarm, with the ‘No Popery’ men insolently triumphant, the materials for riot would have been provided, and any riot in the circumstances might have extended to the dimensions of civil war.46

Ontario’s provincial government had the power to destabilize Confederation and even precipitate civil war. Yet it also had the power to unify the country. Mowat’s re-election, the Globe concluded, “united Ontario and Quebec as they never were united before, and Canadians may look forward with confidence to a long period of happy co-operation between

45 Mail, 26 November 1886.
46 Globe, 29 December 1886.
the two races… the safety of the nation is assured.” At least some Ontarians asserted that their province could contribute to national unity by electing a government that respected Catholic rights.

The elections did not change the political status quo. Macdonald’s share of Ontario’s seats remained unchanged, and Mowat returned with an increased majority. The popular vote remained close (see Appendix 2 and Appendix 3). The high political tensions in Ontario and Quebec that followed Riel’s execution arose from more than prejudice and political opportunism. They were also the result of an Ontarian sense of entitlement to influence the national debate concerning his fate. In an attempt to bolster their popularity, the Mail and Conservative MPPs upset national unity after 16 November by encouraging Ontarians to believe that their province could oppose Quebec’s influence and decisively shape Canadian memory of Riel. On the other hand, the widespread belief in Ontario that Riel’s execution was just limited the willingness of its politicians and newspaper editorialists to confront these agitations by proposing alternative roles for Ontario. There were, however, a few notable exceptions. Fraser’s bold assertion that Ontario could harm national unity by overextending its influence helped Mowat’s government avoid antagonizing Quebec. Similar suggestions during and immediately following the provincial election also demonstrated that the linkage of Ontario’s preponderant influence to national unity made it easier for Protestant Ontarians to support Mowat despite Meredith’s anti-Catholic appeals.

The partisan motivations that often underlay the use of preponderant federalisms during the post-execution debate in Ontario do not prove that they were insincere ‘propaganda’ as Kubesh contends. Fraser, for example, allowed his personal sympathies for Catholics across Canada to lead him to doubt that the country would always remember Riel as a traitor and could not resist suggesting that Ontario was uniquely capable of contributing to the restoration of Canadian unity. Although Evans does not note Meredith’s assertions of Ontario’s influence, she contends that his willingness to campaign against concessions to Catholics in Ontario stemmed from a combination of political intrigue and genuine

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47 Ibid.
conviction.49 Partisan considerations influenced the use of preponderant federalisms but the leaders and newspapers of both parties also believed in Ontario’s ability to influence national debates and tried to co-opt it to facilitate their vision of Canada.

The Jesuits’ Estates Controversy

After the Champ de Mars rally, Honoré Mercier continued to build his Parti National. His continued protest of Riel’s execution at public meetings increased the movement’s popularity. His close ties with the Catholic Church convinced many Quebecers that the Parti National was not the old anti-clerical Rouge. In the fall of 1886 Mercier’s new party narrowly won the provincial election. Upon taking office the following year, he formed a government composed mainly of former Rouges and a significant number of Castors. At first, the Mowat and Mercier governments cooperated to pursue common goals. The Quebec premier’s willingness to use provincial rights to frame his nationalist appeals to preserve Quebec as a French-Catholic homeland made him a tantalizing ally in Mowat’s fight against Macdonald’s centralizing designs.50 In his government’s first throne speech, Mercier proposed the convening of an interprovincial conference to renegotiate the terms of union. He invited Macdonald and all of Canada’s premiers, but Macdonald and the Conservative premiers of British Columbia and Prince Edward Island refused to attend. Although this gave the conference a strong Liberal flavour (Norquay was the only nominal Conservative), the conference was still an unprecedented gathering. When the Conference convened in October of that year at Quebec City, Mowat and Mercier worked with the other provincial delegations to compose and unanimously adopt twenty-two resolutions that affirmed provincial compact theory. The first resolution, for example, requested the abolition of the dominion government’s power of disallowance. The sixteenth resolution requested the ratification of Ontario’s western and northern boundaries. The seventeenth resolution requested a rearrangement of the financial terms of Confederation. To make better terms palatable in Ontario, the conference pinned the new subsidies to each province’s population

49 Evans, Sir Oliver Mowat, 231, 238.
50 Linteau et all, Quebec: A History, 237, 249-250.
and declared that these new terms would be “final and unalterable.” Although Macdonald’s refusal to consider the resolutions prevented their realization in the short term, the conference nevertheless popularized provincial compact theory.

The political feasibility of interprovincial cooperation between Ontario and Quebec, however, was short-lived. To maintain the Parti National, Mercier looked for new ways to solidify ultramontane support. He found an answer in the Jesuits’ Estates question. Before the Conquest in 1763, the Jesuit Order held vast tracts of land donated by devout seigneurs in New France. Some of the revenues from the lands funded an education system. A few dozen

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51 Minutes of the Proceedings in Conference of the Representatives of the Provinces in the Years 1887, 1902, 1906, 1910, 1913, 1918, 1927 (1926), 34.

52 Cook, Provincial Autonomy, Minority Rights, and the Compact Theory, 43. Ontarian newspapers and politicians almost exclusively framed the 1887 interprovincial conference as a contest between centralization and provincial compact theory. The premiers and Liberal newspapers in Ontario claimed that “the Provinces made the constitution, the Provinces alone have the right to alter it” Advertiser, 14 January 1888. By contrast the Empire and Intelligencer doubted the right of premiers to debate the terms of Confederation. Empire, 29 December 1887; Ibid, 30 January 1888; Ibid, 16 February 1888; Ibid, 3 March 1888; Intelligencer, 11 November 1887; Ibid, 12 November 1887.

Ontario’s participation in the conference was, in many ways, an admission of the limits of its preponderant influence. The premiers, for example, convened as equals. This arrangement alarmed the Mail. When discussing the possibility of adjusting the financial terms of union before the conference, it noted that Ontario’s delegation would be “in the minority” at the conference and “will certainly be outvoted” if it opposed their demands for better financial terms. Mail, 11 April 1887. See also: Ibid, 21 October 1887; Ibid, 11 November 1887. This context, combined with Mowat’s desire to gain the rest of Canada’s support for a variety of his constitutional revisions, led him to accept compromises that went against Ontarian preferences. Most significantly, Mowat agreed to the provincial demands for better terms. Although the majority of the funds would come from Ontarian taxpayers, his provincial government’s revenue from subsidies would have increased by approximately one third. Armstrong, The Politics of Federalism, 30.

Despite the equal status afforded to each premier at the conference, Ontarians still occasionally interpreted the gathering with preponderant federalisms. At the outset of the conference, for example, the Globe could not resist claiming that Mowat’s successful campaign against Macdonald’s centralization as well as his “administration of the affairs of the premier Province of the Dominion” led the conference’s delegates to elect him chairman. Globe, 20 October 1887. Indeed Morrison, “Oliver Mowat and the Development of Provincial Rights in Ontario,” 276 claims that Mowat composed or heavily influenced nearly all of the constitutional (as opposed to financial) resolutions.

Ontarians also analysed the conference’s demand for an elected Senate through a preponderant federalist lens. To increase the Senate’s power, the conference agreed that Senators should have limited terms and that provincial governments appoint half of the Senate’s membership. Flush with their parliamentary preponderance and convinced that the conference’s resolutions adequately protected all of the provinces from further interference from the dominion government, Ontario Liberals repeatedly expressed their desire to abolish rather than reform the Senate. Stringent demands from the “smaller provinces” for the Senate’s preservation, however, led them to accept a reform platform. Globe, 10 November 1887; Ontario, Legislative Assembly, Scrapbook Hansard, 6 March 1888; Advertiser 10 March 1888. For an analysis of the significance of pre-1939 interprovincial and dominion-provincial conferences consult Christopher Armstrong, "Ceremonial Politics: Federal-Provincial Meetings Before the Second World War," in National Politics and Community in Canada, ed. W. Peter Ward and R. Kenneth Carty (Vancouver: University of British Columbia Press, 1986), 112-150.
priests, brothers, and scholars instructed French and especially Native pupils in Acadia, New France, the Great Lakes region, and Illinois. The centre of these activities was the Jesuit college in Quebec City. During the 1750s and 1760s, political rivalries led several Imperial Courts, including those of France and Portugal, to suppress or expel the Order. Even the Pope acceded to secular pressure and suppressed the order in 1773. Without European support, Lower Canadian Jesuits lingered. The British closed their educational institutions in 1763 and converted the Quebec City college into a military barracks in 1776. The Imperial authorities did not, however, seize the Order’s lands until its final member died in 1800. A lengthy legal and political battle ensued to control the Estates. Imperial authorities claimed that they could use the revenues from the Jesuits’ Estates for any purpose. The Lower Canadian Assembly asserted that it had the sole right to use the Estates to finance French-Catholic education. By 1831 the Imperial government granted the Assembly exclusive power to administer the Estates to fund the colony’s educational institutions. After the Napoleonic Wars, the Papacy reversed its suppression of the Jesuits, and the Order’s influence in Lower Canada rebounded. During the 1870s and 1880s, Bishop Bourget supported its desire to reclaim the Estates funds and use them to establish a university in Montreal to rival the allegedly liberal Laval University. Quebec’s Archbishop E.A. Taschereau, however, was a Gallician. This body of Catholic clergy were more tolerant of dissent as well as the civil state, and he opposed the expansion of the Jesuit Order in Quebec. He and his followers advocated the continued use of the Estates to support Laval University’s monopoly of the province’s post-secondary education system.

Mercier, who had been educated by the Jesuits and appreciated their political support during the Riel debates, used their claim to prove that the Parti National forsook its anti-clerical Rouge roots and solidify his ties with Quebec’s religious authorities. In 1887 his government incorporated the Jesuits and gave them degree-granting powers. After hearing petitions from both sections of Quebec’s clerical hierarchy, the Pope assumed Taschereau’s authority to represent the Catholic Church’s claims in the negotiations with Mercier’s

54 For a fuller account of this battle consult: Dalton, The Jesuits’ Estates Question, chapters 2-6.
55 Miller, Equal Rights, 11-12.
government regarding the Jesuits’ Estates. After a few months of negotiating, the Papacy agreed to relinquish all claims to the Estates upon receipt of four hundred thousand dollars compensation. Because Quebec’s Protestant secondary schools also received funds from the Estates, Mercier’s government promised to give their system a proportionate grant of sixty thousand dollars. The government’s subsequent Jesuits’ Estates Act fulfilled these commitments.  

The bill’s preamble, however, contained the correspondence between the Mercier government and the Papacy. This correspondence included phrases such as “the Holy Father reserved for himself the right of settling the [Estates] question” and “any agreement… will be binding only in so far as it shall be ratified by the Pope and the Legislature of this Province.” Historians do not agree why Mercier took the unusual step of including the government’s Papal correspondence in the preamble. J.R. Miller accepts Mercier’s claims that its inclusion was necessary to bypass the authority of Taschereau and his allies. He also suggests that the Quebec premier did “his best to prevent misinterpretation of the preamble.” Although Waite accepts this sort of argument, he also asserts that the lengthy preamble was “almost certainly, a deliberate tease at Ontario Protestants who had made such a row against Riel three years before.” Regardless of Mercier’s intentions, Quebec Protestants barely opposed the legislation. The Assembly unanimously approved the bill which became law later that July. By late January 1889, an Ontario-dominated movement against the Jesuits’ Estates Act emerged that soon led to an intense parliamentary debate to disallow the legislation. When that failed, the Equal Rights Association (ERA), a primarily Ontarian movement, organized a powerful disallowance agitation that elevated the dispute to a national political crisis which severely rattled the Conservative and Liberal parties throughout the following year.

Several developments contributed to this intense response in Ontario. In the mid-1880s, English-Protestants living in Ontario increasingly believed that nation-building required more than transcontinental railways and common political institutions. They interpreted Social Darwinism to require the dominance of a single race in each country.

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59 Waite, Macdonald: His Life and World, 197.
Canada’s future economic, political and cultural strength, these nationalists believed, lay with the dominance of the Protestant Anglo-Saxons. Other ‘races’ would eventually assimilate into this majority. These Ontarians believed that Catholicism remained a “medieval religion that blocked the advancement of its adherents by discouraging education, individualism and the pursuit of material progress.” The rise of ultramontanism in Quebec during the 1870s and 1880s, combined with the movement’s insistence that the Church be a vehicle for the strengthening of Quebec Catholicism and nationalism, made the Jesuits a target for these English-Protestant nationalists. According to Christopher Pennington, many Ontarian Protestants “regarded the Jesuits as the Pope’s fanatical foot soldiers, priests who were loyal to no country or sovereign and who would resort to any means necessary to exterminate the Protestant faith.” The Parti National benefited from ultramontanism, and its ascension to power was partly due to its objections to Riel’s execution. Now Mercier’s party had, according to its Ontarian detractors, recognized the Papacy’s right to claim British territory. ‘Jesuitism,’ according to these Ontarians, could not be allowed to enter Canada. From Quebec it would spread its influence across the country. If Canada was to remain a progressive and Protestant country where the separation of church and state was sacrosanct, it could not tolerate the Jesuit Order. According to most historians, this “bellicose and intractable English-Canadian nationalism” was largely responsible for intense agitation in Ontario against the Jesuits’ Estates Act.

The political importance of these beliefs was compounded by several additional factors. First, the province’s provincial culture included a well-established fear of ‘French domination.’ Ontarians contested real and imagined French-Catholic influence since the 1840s. After Confederation, they repeatedly opposed legislation for expensive railway deals and better terms that emanated from Quebec. Second, French-Catholicism’s expansion into...

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60 Miller, *Equal Rights*, 27.
Ontario alarmed many of its Protestant inhabitants. In 1871 Franco-Ontarians comprised only 4% of the province’s population. The scarcity of cultivable land in Quebec, however, led tens of thousands of Quebecers to move to Eastern Ontario during the 1870s and 1880s. By 1901, 7% of Ontarians were of French descent. As Miller notes, “many [Protestant] Ontarians tended to view the migration of Francophones not as the edge of a moving agricultural frontier but as the entering wedge of a nationaliste drive to take over Ontario for the French Canadians.” In addition to this population growth, geographies of religion may have also contributed to anti-Catholic sentiment in Ontario. Waite believes that the distribution of this population significantly increased the Ontarian susceptibility to anti-Catholic prejudice. Unlike Nova Scotia, for example, where the Catholic populations existed throughout the province, Ontarian Catholics tended to live in ethnic groupings. In much of Ontario Protestants rarely confronted Catholics and this lack of familiarity facilitated misunderstanding and sensationalization.

Some Ontario Conservatives also agitated for the disallowance of the Jesuits’ Estates Act because they believed that Macdonald needed their province’s support to form his next government. After Riel’s execution McCarthy, and to a lesser extent Wallace, recognized that the Conservative party’s hold on Quebec was slipping and that the party needed to make inroads in other provinces. Many Ontario Conservatives were also frustrated by the prime minister’s willingness to satisfy Bleu demands. Since Sandfield’s 1871 loss to Blake, Macdonald also neglected the Ontarian wing of the provincial Conservative party. For example, he gave little patronage to Meredith’s followers and his attempt to prevent the boundary dispute from arousing Quebec jealousies made the provincial Conservatives appear to be traitors to Ontario’s interests. From 1886 to 1889 McCarthy therefore repeatedly told

Macdonald that stirring anti-Protestant sentiment in Ontario would relieve the prime minister of his reliance on \textit{Bleu} support.\textsuperscript{69}

These religious and partisan motivations were fundamental to the disallowance campaign in Ontario. But another conviction reinforced the agitation. In the conclusion of his study of the ERA, J.R. Miller describes a sense of power and entitlement that contributed to the “confident and aggressive” nature of the movement:

The reason for the positive tone of the Ontario movement was that Ontarians viewed their province as the key-stone, the leader, the fulcrum of Confederation. Naturally, they had responsibilities to their weaker relatives, such as the Quebec Protestants or the transplanted Ontario farmers on the plains, but on the whole they thought it fair to say what was good for Ontario would benefit the whole country. Ontario defined the causes of national ills and prescribed remedies which were not regional but national, for Canada was but Ontario writ large. This attitude in Ontario accounted for its patronizing tone toward the west and its assertiveness in meddling in Quebec’s internal affairs.\textsuperscript{70}

Miller’s study does not, however, document this important observation with evidence. He instead equates the leading role Ontarians played in the movement with this sense of entitlement. His decision to treat the ERA as a national movement leads him away from interrogating the development and significance of this peculiarly Ontarian attitude. Miller does not, for example, describe the parliamentary and financial understandings that informed the disallowance agitation in Ontario. He also does not explain how this sense of entitlement contributed to the ERA’s adoption of policies that limited its pan-Canadian support.

Historians’ focus on the Protestant-Catholic tensions that informed the Jesuits’ Estates dispute also leads them to overlook how Ontarians occasionally opposed the disallowance campaign by exploiting this same sense of entitlement to influence. Some Ontarians opposing the disallowance and ERA movements argued that their province could preserve national unity by withholding its support from the agitations. The increasingly widespread belief in Ontario that the Jesuits’ Estates Act was unconstitutional in addition to

\textsuperscript{69} McCarthy to JAM, 16 October 1886 and 17 April 1889, LAC, MG26-A, Vol 228; McCarthy to Hughes, 12 October 1889, LAC, MG27, IID23, Vol 1, File 6.

\textsuperscript{70} Miller, \textit{Equal Rights}, 199.
anti-French and anti-Catholic prejudice, however, limited the willingness of politicians and newspaper editors to combat the disallowance campaign by asking the province’s population to support politicians who respected Quebec’s provincial autonomy. Nevertheless, the limited assertion of an alternative assessment of Ontario’s right and ability to influence the dispute demonstrates that its politicians and newspapers remained aware that opposing the agitation necessitated more than demands for religious tolerance. It also required addressing the preponderant federalism that contributed to the agitation’s widespread popularity.

The mobilization in Ontario concerning the Jesuits’ Estates question did not immediately follow the Act’s passage. Montreal’s major dailies debated the merits of the Act along partisan lines without rousing any sectional tension until the autumn of 1888 when Montreal Presbyterians formed the Evangelical Alliance and requested the Act’s disallowance.71 Aware of the necessity of preserving partisan unity on a potentially sensitive subject, Ontario Conservatives treaded lightly. Edward F. Clarke, who was the editor of the Orange Lodge’s Sentinel, the former mayor of Toronto, and the MPP for West Toronto, allowed the newspaper to suggest that Canadian Protestants would support disallowance. The Orange organ did not yet advocate the Canadian government’s intervention. Clarke Wallace also successfully opposed the passage of a resolution for disallowance at the Grand Lodge meeting in Winnipeg later that August.72 Despite these efforts, tensions slowly rose in Ontario and Quebec throughout the remainder of the year. By January 1889, the Orange Order’s Ottawa district held a mass meeting and sent petitions requesting the Governor-General to refuse his assent to every Orange Lodge and Protestant congregation in Canada.73 Shortly thereafter Macdonald’s government tried to counter this pressure by announcing that it would not exercise its power of disallowance because the Jesuits’ Estates Act was intraviros.74

The campaign against the Act, however, continued to grow. A few Ontarians began to suggest that their province had a special role to play in securing disallowance. Often the sense of entitlement was implied in appeals for Protestant unity. The Sentinel advocated non-

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71 Ibid, 36-43.
73 O'Sullivan, "D'Alton McCarthy and the Conservative Party 1876-1896," 46.
74 Ibid, 48.
partisan support for disallowance. “Let Protestant members on both sides of the House unite and compel the present administration to disallow them,” it encouraged. The Mail also frequently called for Protestant MPs to force the government to disallow the legislation. Ontario was the largest and most populous province; any pan-Canadian Protestant initiative would derive most of its support from its MPs. If these men overcame partisan divisions they could strengthen the disallowance movement.

On other occasions the rallying cries were more explicit. The Mail complained that Ontarian voters were tired of Conservative and Liberal leaders ignoring their province’s demands. It warned that “such members as shirk their obvious duty on this occasion will be held to strict account.” The Victoria Warder called upon “Ontario’s warriors” to stand up to “Romish” interference. Two weeks later it repeated this call. “Let Ontario set the example and sweep Jesuitical influence out of the arena of politics.” On the day before parliament took up the disallowance question, the Toronto Pavilion hosted a meeting of three thousand Protestants. The gathering was an important step in the development of the disallowance agitation in Ontario. It was non-partisan by design, and this increased the movement’s support across the province. It also established the Toronto Citizens’ Committee to coordinate the region’s opposition of “Jesuitism.” As Miller notes, this meeting was the final shift from a largely Orange and Ministerial campaign to a “truly public” and “nondenominational” movement with widespread appeal. But the meeting produced other important developments. Its speakers popularized the movement by espousing Ontario’s unique right and ability to secure the bill’s disallowance against the wishes of the majority of Quebecers. In his opening address, the chairman of the meeting emphasized the province’s power. “The citizens of Ontario,” he brashly announced, “had made up their minds to put a stop to the encroachments of the Order of Jesus.” The keynote speaker for the evening was William Caven. As a Presbyterian minister and the Principal of Knox College, he was one of the movement’s most powerful and respected leaders. When concluding his speech, Caven

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75 Sentinel, 14 February 1889; Ibid, 21 March 1889.
76 Mail, 8 March 1889; Ibid, 14 March 1889.
77 Ibid, 20 March 1889.
78 Victoria Warder, 15 February 1889.
79 Ibid, 8 March 1889.
80 Miller, Equal Rights, 65.
81 Empire, 26 March 1889.
warned that Ontario MPs who disregarded the widespread desire for disallowance would be punished at the next election.\textsuperscript{82} The message was clear. Disgruntled Ontarians had a right to expect disallowance of the Jesuits’ Estates Act because their province possessed the parliamentary muscle to force the dominion government’s hand. Religious prejudice does not entirely explain the aggressive reaction in Ontario to the Jesuits’ Estates Act. A belief in their province’s power and entitlement emboldened these Ontarians to believe that they could turn their prejudices into government policy.

Aside from Ontario’s intrastate influence, a few agitators also claimed that Ontario was entitled to push for disallowance because it would indirectly pay for the Jesuits’ Estates Act. In late January 1889 the \textit{Mail} noted the financial struggles of Quebec’s provincial government. By giving up the Estates, it alleged, the government would have even more difficulty providing grants to its education system, and would soon ask Ottawa for another round of ‘better terms.’ “Ontario,” it concluded, “has been freely bled in the past in order that the demands of Quebec might be satisfied; she may well protest, therefore, against a continuation of the process for the purpose of restoring life to an institution which is a deadly enemy not only to herself but of the whole dominion.”\textsuperscript{83} At the March Pavilion meeting Caven also claimed that “the Dominion, and consequently Ontario” had a “financial interest” in the Estates dispute. No newspaper printed his elaboration, but he presumably also contended that Quebec’s recent receipt of better terms entitled Ontario to influence Quebec’s expenditures.\textsuperscript{84} Like the better terms debates, Ontario’s self-imposed right to influence dominion policy was based on more than its parliamentary preponderance, it was also rooted in the province’s contributions to dominion revenues.

In February, the leading newspaper organs of both parties combated the preponderant federalist aspect of the disallowance campaign. Although they did not ask Ontarians to use their preponderant influence to approve of Quebec’s actions, they recognized that Ontario’s restraint would help to preserve national unity. On 7 February the \textit{Globe} used this argument to justify its stand against disallowance. Although it found the Papacy’s involvement in the

\begin{itemize}
\item \textsuperscript{82} \textit{Ibid.}
\item \textsuperscript{83} \textit{Mail}, 28 January 1889.
\item \textsuperscript{84} \textit{Ibid}, 26 March 1889.
\end{itemize}
Estates question to be distasteful, the *Globe* claimed that opposing the Act would foment racial tensions, civil war, and “the smashing of Confederation into its original fragments.” This allusion to the *Mail’s* 1885 threat proved popular with those attempting to provide an alternative preponderant federalist interpretation of the dispute. Quebec was becoming “more thoroughly Roman Catholic,” and the Act was very popular in the province. Ontarians were at a “crossroads.” They had to either accept that Confederation afforded the Quebec Assembly the right to pass the legislation, or support a dissolution movement that would ultimately undermine Confederation. On 11 February the Conservative’s new Toronto organ, the *Empire*, concurred with its Liberal rival in a rare moment of partisan alignment by also encouraging Ontarians to reject the temptation of using their parliamentary preponderance to challenge the Quebec government’s Act. “It cannot be concealed that what the people of Ontario are being asked to do is to get up a war of creeds that would... ‘smash confederation into its original fragments.’” Two days later it again advised the “Protestant majority of Ontario” to avoid endangering provincial rights by interfering with legislation that was within the Quebec Assembly’s jurisdiction. The *Mail’s* Riel agitation, and its continued support for commercial union demonstrated its unreliability as a party organ. Macdonald pushed for the establishment of a new newspaper, and with McCarthy’s assistance, raised the necessary funds to establish the *Empire* in 1887 under the editorship of David Creighton, an established Conservative editor from Owen Sound and former Ontario MPP for Grey North. Although demonstrations against the Jesuits’ Estates Act continued, Creighton believed that his newspaper’s editorials “stiffened” many Ontario Conservatives who were beginning to succumb to the mounting pressure for disallowance by giving them the “key note for their replies to the agitation.” Ontario, according to these newspapers, had the power to destroy or foster national-unity, and its citizenry had to support the dominion government by withholding their support from the agitation.

This stand, however, was difficult to maintain. The *Globe’s* management judged that the popularity of the disallowance movement was too strong for the newspaper to withstand.

85 *Globe*, 7 February 1889.
The Mail’s anti-French and anti-Catholic editorials stole too many of the Globe’s subscribers. To salvage its popularity, the Globe reversed its disallowance position on 16 March 1886. Using two recent articles from Canadian law journals to justify its about-face, the Globe claimed that its editorialists had not realized that the law imported “a foreign jurisdiction into the civil government of a Canadian province.” The newspaper also pandered to the growing sense of power and entitlement in Ontario to pressure for the Act’s disallowance. Regardless of “whatever the majority in Quebec may wish, the majority in Canada must not be made to appear to adopt and assent to an Act of such liberty-destroying and wholly impossible admissions” of allowing a foreign government to determine the validity of provincial legislation. Although the Advertiser did not immediately join the Globe’s call for disallowance, it also reversed its position by asking Mercier’s government to repeal the Estates Act and re-pass it without the preface. If Mercier refused to heed this advice, the London newspaper warned that “the Protestants of Canada” would not hesitate to prevent “Jesuitical encroachment.” These editorial reversals were resignations to anti-Catholic and anti-ultramontane sentiments in Ontario as J.R. Miller notes. They were also the product of a faith in Ontario’s ability to preponderate in national debates. Ontarians, the Liberal organs agreed, possessed the influence to ensure the disallowance of the Jesuits’ Estates Act.

The agitators predictably denied that their actions harmed national unity. In fact, they claimed that disallowing the Jesuits’ Estates Act would unite the country. For example, Globe writer E.W. Thomson denied that the newspaper’s reversal would harm the Liberal party. In a letter he encouraged Laurier to use disallowance to supplant Macdonald and unite the country. If Laurier supported disallowance, Thomson claimed, the Liberal leader “could do anything in Ontario and the Protestant Provinces.” He doubted that “any reasonable

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90 Globe, 16 March 1889.
91 Advertiser, 20 March 1889. Few of the Conservative or Independent newspapers accepted this explanation of the Globe’s reversal. They recognized that it was, in fact, a resignation to popular opinion. Intelligencer, 19 March 1889; Irish Canadian, 21 March 1889. They were right. John S. Willison, who wrote for the Globe and assumed the position of co-editor at the paper the following year, later admitted that “the Globe had first opposed disallowance of the Act, discovered later that public opinion was overwhelmingly in favour of disallowance, and finally argued that the Act should be disallowed because the Pope was mentioned in the preamble.” John Willison, Reminiscences: Political and Personal (Toronto: McClelland & Stewart, 1919), 171.
92 Miller, Equal Rights, 63-64.
Roman Catholic or French Canadian” would object to the argument that the Jesuits’ Estates Act surrendered important functions to the Papacy, and also recommended that Mercier re-pass the legislation without the preface. Such a course, he claimed, would have the added bonus of bringing Quebec’s provincial and national Liberals into alignment on the Jesuits’ Estates question.93

Some agitators even claimed that Quebec’s Protestant minority required Ontario’s parliamentary muscle to save them from the Act. According to the Warder, Quebec Protestants required the “backing of their Ontario friends” to overturn the Estates Act.94 One of its editorials also claimed that if Ontarians made clear that they were pushing against Papal rather than French influence in Canada, “a phalanx from Quebec, of French-Canadians will be found to stand firmly for the old Gallician church.”95 Quebec Protestants, a Dr. Hunter alleged during a meeting of religious leaders in Toronto, were “hopelessly overmatched” during the passage of the Estates Act and “are looking to us in Ontario to stand by them.” By protecting Quebec Protestants, Ontarians would save rather than ‘smash’ Confederation.96

Parliamentarians had the opportunity to debate the Jesuit Estates question in late March when Colonel William Edward O’Brien, the Conservative MP for Muskoka, moved a lengthy resolution advocating disallowance. During the ensuing debate, few Ontarians utilized preponderant federalisms to justify their position on disallowance. Most of the disallowance advocates used anti-Jesuit or constitutional arguments to justify their opposition. O’Brien, for example, argued that the Jesuit Order was an “alien, secret and politico-religious body” that most European states had expelled and which remained a dangerous threat to the people of Canada. The Act, he claimed, also demonstrated the interference of the Catholic Church in provincial governance and therefore violated the principle of the separation of church and state.97 McCarthy contended that the Act diminished the sovereignty of the Crown by recognizing a foreign power. But even if the

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93 E.W. Thomson to Blake, 18 March 1889, AO, F 2-2-5. See also: E.W. Thomson to Laurier, 24 March 1889, LAC, MG26-G.
94 Victoria Warder, 22 February 1889.
95 Ibid, 15 February 1889.
96 Globe, 5 March 1889.
97 Canada, House of Commons, Debates, 26 March 1889, 811.
Act was *intra vires*, he nevertheless advocated disallowance because he claimed that it harmed national unity. The rest of Canada, he insisted, would not tolerate the growth of the Jesuit Order in Quebec. 98 A few speakers, such as Alexander McNeil (the Conservative MP for Bruce North), built on McCarthy’s argument by hinting at Ontario’s parliamentary preponderance. Canada, he claimed was a Protestant country, and while he wanted every citizen to enjoy the “fullest rights and liberty” on religious matters, he nevertheless asserted that Ontario MPs “have a right to remember that the Protestant majority in this country have some few rights and privileges.” 99 Disallowance’s advocates, however, knew that O’Brien’s resolution was doomed. John Charlton believed that his decision to support O’Brien and break with the Liberals would end his political career. 100 With such limited support, most of O’Brien’s supporters tried to minimize their self-alienation. It was difficult enough for Ontario MPs to vote against O’Brien’s resolution without being embarrassed by appeals by their provincial peers to unite behind a measure that enjoyed considerable popular support among their constituents.

Instead, most Ontario MPs supported the government’s stand against disallowance. The Estates Act, the government claimed, was *intra vires*. John Thompson, the Minister of Justice, responded to O’Brien and McCarthy by using this argument. The provincial government owned the Estates and had the right to settle disputes with the Catholic Church. McCarthy, O’Brien, and other Ontarians misrepresented the preamble when they claimed that it surrendered provincial sovereignty to a foreign power. The Act’s preamble allowed the Pope to divide the funds between the different Catholic education projects. He was, after all, the only religious authority recognized by Bourget and Taschereau. Thompson was widely congratulated for his speech from members of both sides of the aisle, including Blake. But Thompson’s Catholicism, as well as his desire to avoid driving off a section of the Conservative’s Ontario caucus, limited his response. 101 David Mills said the rest. As one of the Ontario’s leading Liberals, and a well-respected constitutional expert, he affirmed

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Thompson’s interpretation and also suggested that the disallowance movement was designed to arouse religious animosity. He therefore applauded the government’s handling of the divisive question and asked parliament to end the dispute by decisively voting against O’Brien’s resolution. Canadians, he said, had to “continue to be one people, or at all events a people of one country.” It was therefore inadvisable to create sectional grievances by interfering in provincial affairs. When the time to vote finally arrived at two o’clock in the morning of 28 March, 188 MPs voted against disallowance. Only 5 Liberals, including John Charlton, and 8 Conservatives, including McCarthy, Wallace, and O’Brien, supported the resolution. All but one of the so-called ‘noble thirteen’ or ‘devil’s dozen’ came from Ontario.

The close of the parliamentary debate on disallowance did not dampen the belief that Ontario could still affect disallowance. The agitators may have lost the parliamentary battle but they now looked to public opinion in Ontario to reverse their defeat. Dissent for the 188 government supporters was widespread, and the agitators were emboldened by the belief that their province could still successfully pressure the government to disallow the legislation. The Governor General, Lord Stanley, could disallow the Act anytime before the first anniversary of its passage on 8 August. Toward this end, disallowance advocates initiated a petition campaign that stretched across Canada but centred in Ontario. Rallies were held throughout the province. Thousands congregated to hear members of the ‘noble thirteen,’ the Toronto Citizens’ Committee, Caven, and other leaders of the movement speak against the Jesuits’ Estates Act. The petition’s proponents actively fostered the sense that Ontarians could influence the Governor General’s decision. At a meeting protesting the Jesuits’ Estates Act in Harriston, for example, the leading speaker appealed to Ontarians to “take their stand” and sign the petition. The Globe urged the citizens of all of the provinces, but especially

103 Julius Scriver, the Liberal MP for Huntingdon, was the lone non-Ontarian supporter of O’Brien’s resolution. Miller, Equal Rights, 75.
104 Ibid, 93-94. Although the letter has not been preserved, it appears that Caven alleged that the Quebec and Ontario MPs who voted against O’Brien’s resolution were “traitors and slaves to Rome” in his correspondence with George Munro Grant (the principal at Queen’s college in Kingston). Grant to “Principal” [Caven], 3 April 1889, QUA, George Munro Grant Fonds.
105 Mail, 28 May 1889. See also Ibid, 28 June 1889.
Ontario, to convene and sign petitions requesting disallowance. The Advertiser also supported the petition campaign. “Let this work be done with courage and energy throughout Ontario and the other Provinces,” it encouraged.

The agitators also continued to claim that Ontario’s parliamentary preponderance could be salvaged and utilized to combat ‘French domination’ in future parliamentary sessions. They used the frustration in Ontario with the Jesuits’ Estates question to spur the election of a new bloc of Ontario MPs who would join together as a bulwark against ‘French domination.’ This power, however, was only possible if Ontarians ceased supporting parties that worked with the Bleus. Beginning the day after the parliamentary vote, the Mail claimed that “it is for the Province of Ontario to say whether this extraordinary condition of things is to continue or not.” Ontarians had the power to “put an end to the campaign of clerical usurpation in the name of religious liberty” but they had to demonstrate their willingness to abandon their ties to the Liberals and Conservatives by filling parliament “with men who are neither invertebrate nor corrupt.”

While speaking at a rally honouring the ‘noble thirteen’ at the Granite Rink in Toronto in late April, McCarthy claimed that he was “ashamed to say that both parties, instead of appealing to the broad Province of Ontario and other English provinces” succumbed to the pressure exerted by “organized” Quebec MPs. At the same meeting Charlton, the Liberal MP for Norfolk North, noted that “Quebec has always been solid although Ontario might be divided.” So long as Ontarians elected politicians who sought Quebec support, Canada would suffer from the subordination of Ontario’s Anglo-Saxon and Protestant demands.

At another protest meeting in Peterborough in May, J. Carnegie “considered that the electorate of this province and of the Dominion were very much to blame,” for the weak parliamentary support for disallowance because they refused to punish the Liberal and Conservative parties for courting support from Quebec MPs. On 9 August, the day after the first anniversary of the Jesuits’ Estates Act’s passage into law, the Victoria Warder also appealed to Ontarian voters to act. “Electors of Ontario, of Canada,” it

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106 Globe, 11 April 1889.
107 Advertiser, 24 April 1889.
108 Mail, 29 March 1889.
109 Sentinel, 25 April 1889.
110 Ibid.
111 Mail, 24 May 1889.
asked “what is your answer?” Ontarians, in short, did not have to accept ‘French domination.’ Their province’s parliamentary preponderance would allow the disallowance agitators to fight for intrastate influence at the next general election.

The agitation entered a new phase after the Equal Rights convention at the Toronto Pavilion on 11 and 12 June. Eight hundred delegates, the majority of which were elected from across Ontario at the urging of the Citizen’s Committee, attended the proceedings. During the two-day event, the conventionists founded the Equal Rights Association. The ERA adopted the Orange Order’s hierarchical institutional structure with local branches, district and provincial councils, as well as an executive committee. The convention also settled on six resolutions that defined its mission. The first four emphasized the need to maintain the separation of church and state across the country, and the imperative of securing the disallowance of the Jesuits’ Estates Act. The fifth and sixth extended the convention’s campaign beyond the Estates question by committing the Association to lobbying for the elimination of French as a language of instruction in Ontario as well as the elimination of its separate school system. These additional resolutions turned the campaign against the Jesuits’ Estates Act into a more generalized anti-French and anti-Catholic agitation.

Several speakers at the convention suggested that Ontario’s preponderant influence was critical to saving English-Protestant Quebecers from French-Catholic domination. On the first day of the convention, for example, George Stephens of Montreal declared that “Ontario had to act, thinking of the unfortunate people who reside in Quebec. It depended upon Ontario and the other provinces to help Quebec.” Rev. Dr. Douglas of Montreal claimed that “the Protestant, Anglo-Saxon, British citizens of Quebec stretch out their hands to the two millions in the great Province of Ontario, and united we stand… in spite of Jesuitry and the devil.” The Ontarian audience internalized and responded to these appeals. When delivering his own speech to the convention John Carnegie, an ex-MPP for Peterborough-West, agreed that Ontario needed to protect the Protestants in Quebec. “They

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112 Victoria Warder, 9 August 1889.
113 Miller, Equal Rights, 86, 96-102.
114 Mail, 13 June 1889.
115 Ibid. Major Bond of Montreal made similar statements during his speech to the convention.
had to show that Ontario was firm as a Protestant province in this Dominion,” he declared, by sending “determined” men to parliament to oppose “political Jesuits.”

Despite these expressed desires for interprovincial cooperation, however, the ERA remained an Ontarian movement. The Quebec representatives objected to the convention’s 5th and 6th resolutions because they jeopardized the reciprocal separate school rights of minorities in Ontario and Quebec. If the Ontario government acted on these resolutions, the Quebec delegates feared, its Quebec counterpart would respond in kind. A strong belief in Ontario’s preponderant influence, however, made it easier for the conventionists to alienate their Quebec supporters. Fulfilling the 5th and 6th resolutions would have required an amendment to section 93 of the BNA Act. Several delegates, including Carnegie and a Dr. Wild argued that Ontario possessed the influence to secure such action. The latter contended that “there was no constitution in the world which was finally determined” and urged the “majority of Protestants” to use their votes to ensure the election of politicians that would enact the convention’s resolutions. The ERA, they implied, did not have to honour a bicultural pact between Ontario and Quebec in order to impact Canadian policy. These agitators believed that their province’s parliamentary preponderance gave it the power to force the Canadian government to disallow the Jesuits’ Estates Act, disband the separate school system in Ontario, and preserve Protestant rights in Quebec. This hubris made it easier for the majority of the Ontarian delegates to ignore the objections of their Quebec counterparts and pursue an uncompromisingly anti-Catholic platform. It also ensured that the Association lacked the support of Quebec Protestants. A belief that Ontario did not require support from the other provinces to shape national policies, in short, inspired an overconfidence that limited the Association’s appeal outside of Ontario.

This hubris did not, however, readily translate into power. The formation of an Ontarian voting bloc suffered from partisan complications. Many ERA members recognized that the Liberal and Conservative parties were unwilling to abandon their Quebec supporters and therefore advocated the creation of a third party that would enjoy the support of Protestants from across the country and especially Ontario. This party, they hoped would

116 Ibid.
117 Ibid.
win enough seats to form the government, or at least control the balance of power in parliament. Some of the delegates at the ERA convention believed that their new Association would serve this purpose. Liberal and Conservative politicians like Charlton and McCarthy as well as newspapers like the *Sentinel* and the *Mail*, however, recognized that a separate party would falter at the polls because it would not overcome well-established partisan allegiances. McCarthy and Charlton demonstrated the intensity of these allegiances by attacking each other’s parties during the Granite Rink rally. Developing a full third platform would also be problematic. Although the potential members of an Equal Rights party agreed on religious questions, Liberal and Conservative members remained far apart on a variety of other issues including the tariff as well as Canada’s imperial and continental relations. Finding a middle ground that could form a credible party platform on these issues was extremely unlikely. An Equal Rights party would also scare Quebecers, increase sectional alarm, and possibly lead to Confederation’s dissolution. Third party detractors therefore urged Ontarians to unite by utilizing the existing two-party system.\(^\text{118}\) By supporting Conservative and Liberal parliamentary candidates committed to the ERA’s resolutions, Ontarians could best ensure the exertion of their parliamentary preponderance. These disagreements over partisan arrangements led to divisions and infighting within the movement that eventually contributed to the institution’s downfall.

The leading politicians from both parties spent the rest of the spring and summer debating how to manage the rise of the ERA. Almost none were willing to directly challenge the sense of power and entitlement that informed the campaign. Even as ERA branches sprang up across the province, national Conservative leaders knew that they could not maintain their government by ‘mounting the Protestant horse.’ Instead they emphasized the need to preserve national unity by avoiding further intrastate contests. In mid-April Macdonald led a caucus meeting with his Ontario MPs and told them that the Catholic vote in Ontario was too important to alienate. Playing to Protestant prejudices would only drive Catholic voters to support Liberal candidates. He used Meredith’s failed attempt to unseat Mowat with this strategy during the 1886 election campaign to illustrate his point.

MPs, he claimed, would only weaken or destroy the Conservative government by supporting the agitation against the Jesuits’ Estates Act. Similarly, the Empire denied that the government’s refusal to disallow the Act was tantamount to an endorsement. It continued to find the Act distasteful but insisted that it was within Quebec’s jurisdiction and therefore impossible to disallow. The Orange Order’s leadership also tried to steer the Lodge away from supporting the agitation by suggesting that it instead support an appeal to the JCPC to rule on the constitutionality of the Act. The Sentinel, however, prepared its readers for the likely ruling that the Act was intra vires and it discouraged Ontarians from resorting to other constraints – including constitutional amendments - that would reduce the freedom of provincial governments to work with churches to assist the needy. Resorting to coercion, the Sentinel warned, would destroy national unity, ‘smash confederation,’ and likely result in the annexation of the Canadian provinces to the United States. Instead of relying upon “force or intolerance,” it advised its readers to depend upon “the rapid advance of education and enlightenment.” At the Grand Lodge meeting in May 1889, Bowell and Wallace utilized the same arguments to prevent the Estate question from splitting the Order as well as Ontario Conservatives. After a stormy debate Wallace prevented the majority of delegates from censuring the government by successfully channelling their frustration into a resolution committing the Grand Lodge to contribute $1,000 towards a JCPC submission.

That May, at Lord Stanley’s prompting, Macdonald ordered Thompson to compose a “semi-official paper” exploring the constitutionality of the Jesuits’ Estates Act. This would be forwarded to Tupper who was the Canadian High Commissioner in London. Macdonald asked Tupper to then meet with British legal advisors as well as the Law Officers of the Crown and try to use the brief to get the Imperial authorities to state that there was no need for the JCPC to review the Act. In the meantime, however, Macdonald did not want to

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120 Empire, 22 June 1889; Ibid, 27 June 1889.
121 No copies of the Sentinel from this period exist. This editorial was reprinted in the Empire, 5 April 1889.
122 Buell, “The Political Career of N. Clarke Wallace,” 67-70. According to O’Sullivan, “D’Alton McCarthy and the Conservative Party 1876-1896,” 76-78, newspaper reports of the meeting are not consistent. Some accounts of the meeting include the passage of a resolution censuring the Orange MPs who voted against disallowance but “it was clear… that the vast majority of delegates were not prepared to abandon their Conservative Party affiliation by forcing new party lines or by forcing Orangemen among the ‘188’ out of the order.”
alienate McCarthy and his followers because he still desired their support in parliament and on the hustings. He therefore spent the summer quietly and anxiously awaiting a reply from London that would excuse his refusal to disallow the Jesuits’ Estates Act.123

The Liberals also struggled with how to respond to the ERA. John Willison, who would become the Globe’s co-editor the following year, assured Laurier that he and the Globe remained committed to serving the Liberal party.124 E.W. Thomson, another editorialist for the Globe, also reassured the Liberal leader. Although he contended that the newspaper had to continue supporting the disallowance campaign, he also promised to allay tensions by refocusing the newspaper’s editorials on unrestricted reciprocity at the expense of the Jesuits’ Estates question. Refocusing public debate to a secular subject, he hoped, would erode the ERA’s popularity.125 Most Ontario Liberals were willing to let the Globe try.

Cartwright, for example, recognized the benefits of evasion. The Liberals, he suggested to Laurier, could not confront the agitators for the time being without becoming a “welcome target to Sir John A’s Orange friends.” The Liberals would eventually have to confront the ERA, but the time was not yet fortuitous.126

By the second half of June, however, Ontario’s Liberal leaders concluded that it was time to confront the ERA. Yet they still avoided challenging the sense of power and entitlement in Ontario to influence the disallowance question by blaming the Conservatives for O’Brien’s failure. Despite Willison’s denial of ‘collusion,’ three leading Toronto Liberals wrote Laurier on 17 June advocating a more aggressive defence of the party’s opposition to disallowance. Cartwright now promised to give Ontario Liberals a “safe line” that would “direct the wrath of the agitators against Macdonald.”127 Thomson also suggested that the Liberals actively defend their vote.128 Willison went the furthest by inviting Laurier to join the Ontario Liberal picnic campaign and directly confront the Jesuits’ Estates question. “If the Liberal parliamentarians voted right, as they believed they ought to have voted, they need not fear to go to any hustings.” Only by taking a bold stand, Willison

123 Miller, Equal Rights, 104-105, 114-115.
124 Willison to Laurier, 26 April 1889, LAC, MG26-G.
125 E.W. Thomson to Laurier, 12 May 1889, LAC, MG26-G.
126 Cartwright to Laurier, 31 May 1889, LAC, MG26-G.
127 Cartwright to Laurier, 17 June 1889, LAC, MG26-G.
128 E.W. Thomson to Laurier, 17 June 1889, LAC, MG26-G.
believed, could the Liberals convince Ontarians to blame the government for the disallowance vote. On 3 July, Mills made a similar appeal. Macdonald’s government, he claimed, used the vote on O’Brien’s motion to try to shift the blame for rejecting disallowance from the government to parliament so that it could share the political fallout with the Liberals. He advocated attacking the Conservatives for allowing the subject to come before parliament.

Laurier eventually conceded the point and both parties spent June, July and August blaming each other for parliament’s unwillingness to disallow the Jesuits’ Estates Act. On 1 July Cartwright gave a lengthy speech before a Liberal “Speaking and Sporting” event in Toronto. He alleged that Macdonald had a double standard on disallowance. Cartwright noted the prime minister’s repeated disallowance of Ontarian and Manitoban legislation during the 1880s and asserted that this precedent obligated him to do the same in Quebec. The Liberals, by contrast, had a long track record of advocating provincial rights, and thus had no choice but to vote against O’Brien’s motion. He therefore urged Ontarians to blame the Conservatives for parliament’s unwillingness to disallow the Act. Instead of justifying the Conservative’s vote, the Empire responded to these attacks by pointing out Cartwright’s support for disallowance during the Mackenzie administration. The Liberals, they concluded, were not bound to reject disallowance. By engaging in this sort of blame game throughout the summer both parties attempted to avoid accountability for their disallowance votes. The debate also avoided the preponderant federalist aspect of the disallowance agitation.

129 Willison to Laurier, 17 June 1889, LAC, MG26-G.
130 Mills to Laurier, 3 July 1889, LAC, MG26-G.
131 Globe, 1 July 1889. For a repetition of Cartwright’s attack consult: Globe, 6 August 1889.
132 Empire, 4 July 1889.
133 The Conservative newspapers also accused Ontario Liberals of catering to the Catholic vote as well as hypocrisy for using disallowance during the Mackenzie government and then rejecting it when in opposition (Empire, 4 July 1889; Intelligencer, 4 July 1889). They also linked Mercier’s Liberal heritage to the provincial and national Liberal party (Empire, 30 May 1889; 3 June 1889; 2 October 1889; Intelligencer 17 July 1889). Liberal newspapers often suggested that O’Brien’s resolution was not designed to attract non-partisan support. For example, the first section of his resolution stated that the power of disallowance was “essential to the national existence of the dominion.” Few Liberals would support such a statement. Advertiser, 30 March 1889; Globe, 5 June 1889; Ibid, 18 July 1889.
The disallowance contest came to a head on 2 August when an ERA delegation met with Lord Stanley. They presented him with a 160 yard-long petition from Ontario containing 156,000 signatures of individuals requesting the disallowance of the Jesuits’ Estates Act. In some cities the response had been astounding. In Toronto, for example, just over half of the city’s ratepayers signed the petition. Approximately one-third of voters in the Ottawa district, London, and Kingston, also recorded their names. The delegation also list similar petitions from Quebec containing nine thousand signatures, as well as a petition from the June ERA convention containing a further 860 names. The Governor General, however, did not heed these impressive petitions. Instead he rebuked their cause. He admitted that the Act’s references to the Papacy were unusual but denied that they compromised the Crown’s sovereignty. The Act was *intra vires*. Moreover, the petitions were misplaced. The Governor General could only act on the advice of parliament and his Ministers. Since parliament had so decisively rejected disallowance and the cabinet remained steadfast, he had no choice but to allow the anniversary of the Act to pass. He also denied that the Jesuits of the 19th century were a threat to Canada, and argued that members of their Order were just as “law abiding” and “loyal” as other citizens. The meeting’s closure marked the final defeat of the disallowance movement.

The sense of power and entitlement in Ontario, however, persisted. The week following the ERA’s meeting with Lord Stanley David Mills directly confronted the belief that Ontario had the right and ability to secure disallowance of the Jesuits’ Estates Act despite general support for the measure in Quebec. In a speech to his constituents at Highgate, the ‘philosopher from Bothwell’ acknowledged the widespread disapproval of the Jesuits’ Estates Act in Ontario and admitted that he found the Act to be distasteful. He also noted that the constitution afforded Ontario “a voice in the affairs of Canada” and did not question Ontario’s parliamentary preponderance. When defending the Liberal’s parliamentary vote, however, Mills used provincial rights arguments to explicitly disavow Ontario’s right to lobby for disallowance. He repeatedly told the crowds that the Act was within provincial jurisdiction and therefore concluded that “neither the people of Ontario, nor

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134 Miller, “‘Equal Rights for All;’” 218-219; Miller, *Equal Rights*, 115-117.
135 *Empire*, 3 August 1889.
the parliament of Canada, nor the Governor General upon the advice of his ministers, has any right to interfere. If they do, they are constitutional trespassers.” In case the audience missed his point, he insisted “you have no voice in the matter.” Although the Bothwell MP did not explicitly urge Ontarians to use their parliamentary preponderance to safeguard national unity or provincial autonomy, his speech intimated this message. Canada, like Britain, contained two “races.” French-Catholics, like Britain’s Scots, would not hinder Canada’s development. Ontarians, therefore, had no right to interfere in the cultural and religious traditions or policies of French-Canadians and needed to instead support politicians who preserved national unity. Although Mills’ speech came after the decisive defeat of the disallowance movement, its content reveals that even this pioneer of provincial compact theory understood that challenging the agitation necessitated more than appeals to constitutional jurisdictions. It also required arguing that the movement misapplied Ontario’s right to a ‘voice’ in national debates.

Mills’ speech was surprisingly well received in Ontario but other Liberals lacked the courage to repeat his performance. In fact, when Mills sent a copy of the speech to the Globe for publication, Thomson begged Laurier to delay its release until after the Liberal leader spoke in Toronto. Thomson admitted that the speech was “strong” but worried that its circulation throughout Ontario would drive wavering Orangemen to return to Macdonald’s fold. Laurier’s status as leader, combined with his plans to speak on additional issues such as the tariff, Thomson hoped, would cushion the blow to the Liberal party’s popularity in Ontario. The editorialist did not get his wish. The Globe published the speech on 13 August along with an unenthusiastic editorial that described it as “erudite” but “superfluous.”

Despite Lord Stanley’s decision and Mills’ speech, however, frustration with the outcome of the Jesuits’ Estates Act continued to linger. The ERA shifted its lobbying to the

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136 The account of the speech in the Globe, 13 August 1889 uses slightly different wording, but may have been abbreviated. The draft of the speech at Western’s Archives is quoted here because it best discloses Mills’ thoughts. David Mills, "Speech in Defence of the Vote with Majority Against Mr. O'Brien's Motion for a Disallowance of the Jesuits' Estates Act of the Province of Quebec," 13 August 1889, UWO, David Mills Papers, Vol B4281, File 175.
137 E.W. Thomson to Laurier, 9 August 1889, LAC, MG26-G.
138 Globe, 13 August 1889.
provincial sphere, and ran its own candidates in the 1890 provincial election. Laurier toyed with coming to Toronto during the summer of 1889 but Ontarian leaders like Cartwright and Edgar cautioned against it because they feared it would create riots and violence that would humiliate the leader and his party. Willison, however, eventually convinced Laurier to ignore this advice and on 30 September, the latter arrived at the Toronto Pavilion to convince Ontarians that they could support the Liberals and their French-Canadian leader. After some initial interruptions, the crowd listened to Laurier’s plea to overcome the distrust that underlay sectional disputes like the Jesuits’ Estates question. Canadians descended from two races, he admitted, but he proudly declared that they were all British citizens. Neither he, nor any Canadian could tolerate Papal interference in their country’s political affairs. As the crowd began to cheer these remarks, Laurier moved to the non-religious subject of reciprocity.

Not all, however, were immediately convinced that the crowd accepted Laurier’s emotive stand. Even Mowat, who closed the meeting, had his doubts. Although the crowd gave the premier a much warmer welcome than Laurier, Mowat was afraid to support Laurier’s speech. He discarded his prepared text that echoed the French-Canadian leader, and instead delivered a brief and lacklustre speech that focused on reciprocity and admitted that Ontarians likely disagreed with Laurier’s assessment of the Jesuits’ Estates Act. The premier, moreover, disavowed any involvement in the dispute. “It is one [subject] that has no reference whatever to the Ontario government, nor has it come within the jurisdiction of the Ontario Legislature,” he declared. Several Liberal newspapers supported this stance. The Advertiser, for example, asked “why should a question of that kind be dragged before a tribunal that has no more to do with it than the man in the moon?” On the other hand, the

139 For further analysis of the ERA’s post-Jesuits’ Estates activities and significance consult: Miller, Equal Rights, chapters 6 and 7; Miller, “‘Equal Rights for All,’” Evans, Sir Oliver Mowat, 274-276.
140 Schull, Laurier, 229-235.
141 Globe, 1 October 1889. The question of a debate on the Jesuits’ Estates at the Legislative Assembly was not new. In February, François-Eugène-Alfred Evanturel (the French-Canadian Liberal MPP for Prescott) used a similar strategy to dismiss appeals for a debate. “If the representatives of the people have not the right of disposing of the public funds of their respective Provinces... without being vetoed,” Evanturel declared, “then responsible and constitutional government was a sham. Should Quebec ever attempt to question that right in Ontario, our whole press and legislators would properly answer ‘Mind your own business, and let us manage our own.’” Ontario, Legislative Assembly, Scrapbook Hansard, 21 February 1889.
142 Advertiser, 2 October 1889.
Empire contended that it was “cowardly” for Mowat to hide behind provincial rights on the Jesuits’ Estates question when he was willing to discuss other dominion policies, such as trade.\textsuperscript{143} As it turned out, Mowat’s hesitancy was unnecessary. Laurier’s widely circulated speech proved to be much more popular in Ontario than Liberal strategists had feared. The following morning at a luncheon at the Reform Club, Mowat incensed Laurier by praising the leader’s speech. “Why didn’t he say that last night?” Laurier angrily whispered to Willison.\textsuperscript{144} Although Laurier’s stand won him considerable respect in Ontario, the Jesuits’ Estates question remained a sore spot in the province’s politics. Mowat continued to disavow his government’s potential influence of the question throughout the rest of the year.\textsuperscript{145}

The agitation to disallow the Jesuits’ Estates Act in Ontario was the result of more than anti-French and anti-Catholic attitudes. The movement’s agitators were emboldened to lobby for disallowance by a sense of power and entitlement to influence Canadian politics. When these efforts failed, the ERA claimed that Ontario’s parliamentary prowess could be restored by the election of MPs who would resist French or ultramontane policies. Although it was extra-parliamentary, the petition campaign spurred from the same belief that Ontarians possessed the influence to secure disallowance. Several newspapers tried to arrest the agitation in February by conceding Ontario’s ability ‘smash Confederation’ while cautioning against harming national unity and provincial autonomy by using that influence to pressure for disallowance. Yet the Ontarian distaste for the Jesuits’ Estates Act soon rendered this stand untenable. Thereafter, only a handful of individuals like Mills were willing to dispute the agitators’ belief that Ontario had the ability and right to secure the Act’s disallowance. Yet Mills waited until after Lord Stanley’s meeting with the ERA to state this alternative assessment of Ontario’s role in the dispute. Even then, he focused on provincial rights and only hinted at Ontario’s ability to preserve national unity.

By going beyond Ontarian demands and examining why the province’s agitators expected to influence the debate, the obtuseness of the movement becomes more intelligible.

\textsuperscript{143} Empire, 3 October 1889.
\textsuperscript{144} Schull, Laurier, 234.
\textsuperscript{145} Miller, “‘Equal Rights for All,’” 222.
The province’s agitators were not only upset by the Jesuits’ Estates Act, they also believed that they had the right and the power to contest the bill. The widespread anti-Catholic and anti-French prejudice in Ontario in addition to the belief that it was ultra vires, made this campaign difficult for politicians and newspapers to oppose. Situating the disallowance movement within a longstanding tradition of Ontarian entitlement gave the movement a political heritage that dramatically increased its allure. With the notable exception of Mills, Ontarian politicians and newspapers preferred attacking each other to redirecting this sense of entitlement. A long established (though rarely realized) belief in Ontario’s ability and right to use its preponderant influence to shape national policies over the demands of other provinces encouraged overconfidence among the movement’s Ontarian membership. For all of its pan-Canadian rhetoric, many of the ERA’s Ontarian members believed that they did not require the support of the other provinces. The willingness of the June convention’s delegates to marginalize the non-Ontarian delegates, as well as the disallowance movement’s consistent references to Ontario’s parliamentary preponderance demonstrated that the agitators looked first and foremost to their own province to provide the parliamentary and electoral muscle when formulating and pursuing their goals.

Conclusion

The agitations in Ontario concerning Riel’s execution and the disallowance of the Jesuits’ Estates Act were the result of more than mounting racial and religious tensions in Canada. In both the post-execution and Jesuits’ Estates Act debates, Ontarian agitators were emboldened by the belief that they could use their province’s preponderant influence to affect national debates. This sense of power and entitlement was strong enough to overcome partisan constraints. After Riel’s execution, the Mail broke with the Conservatives and increased its circulation by encouraging Ontarians to believe that their province could decisively influence both debates. The strategy was so effective that the Globe reversed its editorial position and joined the campaign for disallowance of the Jesuits’ Estates Act. After loosely aligning himself with Macdonald during the final stages of the Ontario boundary dispute, Meredith’s party ‘mounted the Protestant horse’ and appealed to the Ontario electorate to lend him its preponderant influence during the 1886 election campaign. In 1889, individuals such as McCarthy and Charlton broke with their respective parties and
attempted to rally all Ontarians to support their cause. These assertions of Ontarian influence alarmed French-Catholic Quebecers and damaged national unity.

The ability of Ontarians to challenge these agitations continued to suffer from a significant flaw. From 1885 to 1889 an unusual degree of consensus developed among Ontarians. The province’s inhabitants generally believed that Riel’s execution was just and legal. The Jesuits’ Estates Act was also widely purported to be unconstitutional. Few politicians or editorialists were willing to suggest that Ontario use its preponderant influence to support Quebecers when Ontarians believed that the policies in question violated Canadian law or the constitution. Instead, they relied heavily on legal and jurisdictional arguments to excuse themselves from supporting these movements.

Only a few Ontarians, therefore, suggested alternative ways of employing Ontario’s influence. Fraser used it to encourage his fellow MPPs to avoid further antagonizing national unity. Although Liberals did not repeat his suggestion that Riel might be memorialized in statuary, other newspapers and editorialists agreed that Ontario could use its preponderant influence to restore national unity. During and after the 1886 campaigns, both the Liberals and Conservatives urged Ontarians to cease antagonizing Quebec and the West by misusing their province’s preponderant influence. Providing an alternative purpose for Ontario’s influence made it easier for the Liberals to accommodate Ontarian prejudices without alienating their Quebec supporters. Most Ontario Liberal and Conservative also affirmed their province’s preponderant potential during the Jesuits’ Estates debate while arguing that withholding its support would reduce political tensions. The agitation, however, became so popular that only David Mills had the courage to even intimate that Ontarians use their parliamentary preponderance to restore national unity. Yet even this modest assertion demonstrated the continued political utility of an alternative interpretation of Ontario’s preponderant role in Confederation.

Despite the ultimate success of Macdonald and Mowat at blocking these agitations in parliament and the Ontario Assembly, their decision to generally evade rather than directly confront the use of Ontario’s preponderant influence against the initiatives of other parts of Canada allowed the sense of power and entitlement to influence these questions to expand at the expense of Canadian unity. Conservative and Liberal leaders had to do a better job of
managing this sentiment if they expected to maintain national unity as well as their support in Quebec and Ontario.
Chapter 7: Language and Education on the Prairies, 1889-1896

“Manitoba and the North-West Territory have been organized and given responsible governments, and the English language is everywhere spoken... The people of Ontario will not allow either of the two political parties to prevent these young Provinces [from] enjoying their full measure of provincial rights and responsible government.”

Toronto Sentinel, 10 August 1893.

Even in the midst of the Jesuits’ Estates agitation, the North-West and Manitoba offered fertile ground for new calls for Ontarians to rally against the dominion government’s policies. Beginning in 1888, the North-West territorial government requested the elimination of its dual language obligations. In 1890, Manitoba’s government eliminated state support for its separate school system. During the ensuing years of national debates, Quebec and Ontario MPs repeatedly clashed over these disputes and an increasing number of Ontarians supported the Prairie governments’ policies. When exploring the agitations, historians overlook preponderant federalisms’ contributions to the debates. Instead, they focus on anti-French and anti-Catholic sentiment in Ontario to explain the province’s strong support for these policies. Paul Crunican, for example, describes the Manitoba school question as the “culmination” of “a series of racial and religious crises” that began in 1885. This understanding leads him to focus on the Catholic Church’s role in shaping the Manitoba school debate and partisan jockeying to satisfy the demands of both sections of the country.1 Joseph Schull, Lovell Clark, Christopher Pennington, and Susan Mann, also focus on how the Liberals and Conservative tried to balance the competing demands of French-Catholic Quebec and English-Protestant Ontario.2 Other historians, such as Kenneth McLaughlin and Carman Cumming, treat the racial and religious debate as an outlet for class tensions or as a

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means to encourage Canadian disunity and annexation to the United States. None of these scholars interrogate the significance of the sense of power and entitlement that pervaded the Ontarian responses to these debates.

An increasing number of Ontarians not only wanted the inhabitants of the Prairies to be English-speaking and Protestant, they were emboldened by the belief that their province could use its preponderance to safeguard the Prairie's local autonomy from Quebec's 'interference.' This sense of power inspired an activism and intransigence in Ontario that offended French-Catholics, elevated both questions into tense political crises, and strained the unity of both political parties. Laurier managed to contain these tensions and his Ontario partisans exploited this desire for their province to preponderate on the question without endangering their support in Quebec. The agitators’ claims that they were protecting Manitoba’s provincial autonomy also demonstrated that strong intrastate influence and provincial rights could be mutually reinforcing ideas. The Conservatives, on the other hand, were less successful at bridling the belief that Ontario possessed the preponderant influence to safeguard the Manitoban legislation and the resulting disunity ultimately contributed to their defeat in the 1896 Canadian election.

The development of a preponderant federalist critique of this agitation ebbed and flowed with its counterpart. The ambiguous existence of a bicultural compact combined with the need to prevent a sectional impasse in parliament elicited limited attempts to link Ontario’s preponderant influence to compromise resolutions during the North-West language debate. The Canadian government’s deference to the courts postponed its decision to intervene in the Manitoba school question and consequently also relieved its Ontario supporters from needing to suggest alternative uses for Ontario’s influence until 1894. After the JCPC’s second ruling on the dispute, however, the Canadian government’s claim that it was constitutionally obligated to pass remedial legislation, in addition to the increasingly pervasive anti-remedial agitation in Ontario, necessitated trying to link the sense of power and entitlement that informed the movement to remedial action. When discussing the Conservative government’s handling of the Manitoba school question after its July 1895

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remedial announcement, historians emphasize the Conservative’s tendency to defend their policy by appealing to a sense of ‘justice’ and by claiming that the JCPC’s ruling required it to take remedial action. This analysis creates the impression that the Conservatives convinced their Ontarian supporters to set aside their prejudices and vote according to national, instead of provincial, political cultures. Although the Conservative platform often included this message, many remedialists asked Ontarians to use their province’s preponderant influence to restore national unity. According to these appeals, Ontarians did not have to choose between their provincial and national preferences. They did not have to forsake their provincial political culture in order to support the remedial bill because Conservatives fused the desire in Ontario for national unity and preponderant influence. This linkage helped to preserve some support for remedial action in Ontario by allowing its Conservatives to defend the unpopular measure in a way that appealed to Ontarian political culture.

The North-West Language Question

The defeat of the ERA during the Jesuits’ Estates debate did not dampen the belief that Ontario had the ability and right to challenge the demands of other provinces. Before that debate concluded, Ontarians reapplied this sense of power to the North-West language question and strained the unity of both political parties. The North-West Territories Act of 1875 established a separate government for the territories as well as public support for separate schools in the region. Two years later, parliament amended the Act by making French and English official languages of the state. Both measures recognized the territory’s large French-Catholic Métis population. During the next few years, and especially after the Canadian Pacific Railway began transcontinental operations in 1886, English-Protestant settlers overwhelmed the French-Catholic population. By 1888, the territory’s population

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5 Manoly R. Lupul, The Roman Catholic Church and the North-West School Question: A Study in Church-state Relations in Western Canada, 1875-1905 (Toronto: University of Toronto Press, 1974), 3. Separate schools were not in the government’s original draft bill. It was added in committee at the suggestion of Edward Blake. For the significance of these developments to the Canadian bicultural debate consult: Donald Creighton, "John A. Macdonald, Confederation, and the Canadian West," Manitoba Historical Society 3,
was adequate to justify the election of representatives to a new Legislative Assembly. When it first convened that October, the Assembly lacked the jurisdiction to change the territory’s school system. Instead, it impeded the expansion of the school system by declining to change laws governing the establishment of school districts. During the next eight months, newspapers like the *Regina Journal* demanded the establishment a “national school” system. The term came from the United States where a single school system spread across much of the country. Nativists believed that the system assimilated children to the country’s cultural norms.  

D’Alton McCarthy capitalized on this agitation. He was a follower of the theories of Oxford Professors Edward A. Freeman and Max Miller who claimed that unilingualism was essential to the creation of national unity. He believed that the development of unilingual European states demonstrated that Canada needed to discard its bicultural heritage. Although McCarthy did not oppose the preservation of French-Canadian rights in Quebec, he vehemently resisted the extension of French into other parts of the country. While the disallowance campaign was still in its closing month, McCarthy exploited these prejudices when speaking at Stayner, Ontario. French Canada, he decried, was a “bastard nationality” that was “antagonistic” to the development of a strong English-Canadian identity because its peoples refused to assimilate into Anglo-Saxon society. He alleged that Quebecers threw down the “gauntlet” when *Bleu* and *Rouge* MPs combined their influence in parliament to block the disallowance of the Jesuits’ Estates Act. McCarthy now urged English-Canadian MPs from both parties to unite and form a “majority in parliament” that could stop the extension of the French language and influence into the North-West. The rogue Conservative pledged to move resolutions at the next parliamentary session that would make English the sole official language of the North-West. He hoped that English-Canada’s parliamentary majority, which largely comprised of Ontario MPs, would support his attempt to unify the

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7 Miller, "As a Politician He Is a Great Enigma,"412-413.
North-West with a single tongue. In the fall of 1889, the North-West territorial government obliged McCarthy’s offer by approving a memorandum requesting the repeal of the separate school and French language guarantees in the North-West Territories Act.

McCarthy fulfilled his promise during the 1890 parliamentary session by tabling a bill expunging the dual language provisions of the North-West Territories Act. The most controversial aspect of the bill was the preamble stating that it was “expedient in the interest of national unity in the Dominion that there should be community of language among the people of Canada.” Linguistic “dualism,” McCarthy repeatedly claimed while defending his bill, hindered the development of national identity in the West. Canadian unity, therefore, depended upon the eventual predominance of the English language. His direct assault on biculturalism in Canada sparked an intense debate that threatened to split the country and both political parties.

Although McCarthy’s parliamentary speech lacked a forthright appeal for unified Ontarian support, his desire for English-Protestant dominance combined with his Stayner remarks made his intent abundantly clear. Liberal MPs repeatedly attacked his attempts to raise an Ontarian voting bloc during the debate. Laurier accused McCarthy of using the North-West language question to create “an English Protestant united Ontario… for party purposes.” Cartwright claimed that McCarthy wanted to “play the part of an Ontario Parnell, and to return to this House with twenty or thirty stout Protestant Home Rulers” and “hold the balance of power and to dictate terms” to the Canadian government. McCarthy’s actions were informed by the belief that Ontarian support could be decisive.

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8 Empire, 15 July 1889.
9 Lupul, The Roman Catholic Church and the North-West School Question, 53-54.
12 Canada, House of Commons, Debates, 17 February 1890, col 728.
Additional Ontario MPs analysed the dispute as an intrastate question. Charlton did not explicitly urge Ontarians to use their parliamentary preponderance to ensure the bill’s passage, yet concerns about of English-Protestantism’s future influence in Canada informed his analysis of the North-West language question:

The North-West is like to become the seat of power in this Dominion; it is likely to have the great majority of the people of this Dominion; it is likely to become the most productive part of the Dominion, and therefore it is of the utmost importance, at this time, that this change should be made, when it can be done without any great trouble. When that country is young and in a formative state, we should put it on the right track.14

Charlton’s support for McCarthy’s proposal came from more than English-Protestant nationalism. He recognized that encouraging English settlement in the North-West would bolster English-Protestant parliamentary preponderance. Alexander McNeill, the Conservative MP for Bruce North, directly appealed for Ontarian support. He suggested that “forbearance” in the recent bicultural disputes had “been pretty much all on one side” and he urged Ontario MPs to back McCarthy’s assimilationist proposal.15 The Mail also concurred. If the Catholic Church used its influence with French-Canadian MPs to shape the North-West language question, it warned that “the British portion of Canada will know how to avenge it.”16 ‘French domination’ these Ontarians insisted, could not be allowed to spread westward and they urged Ontarian representatives to use their aggregate influence to preserve English-Protestant rule in Canada. Ontarians, as the dominant section of this demographic, needed to unite to ensure the realization of this vision.

Although few MPs adopted the rhetoric of McCarthy, Charlton, and McNeill, Ontarian support for the bill remained strong. It was also abundantly clear that Quebec MPs wanted to protect the North-West’s French-Catholic minority. The resulting linguistic split alarmed Conservative and Liberal leaders. When confronting these rising tensions, they focused on bicultural tolerance. Neither race, Macdonald insisted, could dominate Canada. Ontario and Quebec, he pointed out, had a long history of accommodating English and

14 Canada, House of Commons, Debates, 14 February 1890, cols 657.
15 Ibid, cols 693-894.
16 Mail, 26 February 1890.
French demands. Laurier made a similar argument. Canada, he asserted, could never survive by “the humiliation of one race, one class, or one creed.” He instructed Ontarians and Quebeckers to stop interfering with matters beyond their borders. Both leaders sought a means to postpone the territorial government’s request and allow the region to determine its own linguistic future.

To some Ontarians, however, these appeals for tolerance seemed inadequate. Two prominent Ontario Liberals suggested that their province’s representatives needed to instead use their parliamentary preponderance to support the passage of a compromise amendment that would sustain national unity. Blake found the preamble to be particularly destructive to national unity and argued that the dual language and separate schools “covenants” in the North-West were integral to the rapid settlement of the North-West. The territory’s laws had to be acceptable to settlers from Ontario and Quebec if Canada expected to rapidly populate the region. He therefore urged parliament to defer the language and schools questions until each section of the territory achieved province-hood. The former Liberal leader challenged “the representatives of Ontario constituencies” to follow his example despite the dissenting hearing many MPs would receive when they returned to their constituencies. James Edgar also asserted that “Confederation… is a compromise” and encouraged Ontario MPs to join his opposition to McCarthy. He suggested that the “liberal English-speaking inhabitants” in his riding and across Ontario would support his opposition to McCarthy’s bill. Appealing for tolerance was not an adequate strategy to check the belief that Ontario could ram through legislation affecting other parts of Canada. Blake and Edgar recognized that they had to address the sense of power that partly underlay McCarthy’s cause. Suggesting an alternative application of Ontario’s preponderant potential allowed them to appeal for tolerance while acknowledging the desire in Ontario to exert decisive influence in national policy debates. This recognition of Ontario’s preponderant federalist culture, Blake and Edgar hoped, would make it easier for the province’s MPs to oppose McCarthy’s bill.

17 Creighton, John A. Macdonald: The Old Chieftain, 537.
18 Canada, House of Commons, Debates, 17 February 1890, col 733.
19 Schull, Laurier, 240.
20 Canada, House of Commons, Debates, 14 February 1890, cols, 684-688.
21 Ibid, 20 February 1890, cols 900-902.
At first the attempts to salvage national unity failed. An amendment by Cléophas Beausolei, the Liberal MP for Berthier, affirming the existing dual language system in the North-West attracted the support of almost every French-speaking MP and a handful of Irish MPs. The remaining 117 English-speaking MPs (excluding Macdonald and Blake who were conspicuously absent) opposed the measure. McCarthy, it seemed, had split the country. An amendment by Thompson, however, giving the territorial Assembly the right to regulate the language of its own proceedings after its next election allowed parliament to escape the impasse. Neither linguistic group was enthused by the compromise. McCarthy won the substance of his bill but he and his followers were frustrated by the additional delay that the proposal entailed. Quebeckers were embittered by the knowledge that the North-West territorial government would repeal French as an official language at its first opportunity. The compromise nevertheless attracted support from both English and French members and passed by a vote of 149 to 50.

The 1890 debate demonstrated the continued political currency of preponderant federalisms. McCarthy and his most ardent supporters were emboldened by the belief that they could wield Ontario’s parliamentary votes to shape the Prairie’s future. The vote on Beausolei’s amendment demonstrated that this expectation was not unrealistic. The unity of Ontario MPs helped to force the Canadian government to accept the substance of McCarthy’s

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23 Lupul, The Roman Catholic Church and the North-West School Question, 61-64; Canada, House of Commons, Debates, 21 February 1890, cols 1017-1018. This outcome did not deter McCarthy. From 1891 to 1894 he continued to request the repeal of language as well as separate school clauses from the North-West Territories Act. The dominion government dodged these subsequent attempts by deferring the final settlement of the questions until the territories achieved provincial status. The belief that Ontario had the right and ability to pass legislation against the wishes of other provinces receded during the 1891 to 1893 debates concerning the North-West. Only extreme anti-Catholics like O’Brien and McNeill were willing to link Ontario’s parliamentary preponderance to parliament’s decision on the North-West language and separate schools questions during the 1891 debate. O’Brien, for example, claimed that he was “very certain” that he would be supported by “a great majority of those who are represented in this House – at any rate, by the members from the Province of Ontario.” Canada, House of Commons, Debates, 14 August 1891, col 3909; for McNeill see Ibid, col 3914. Most Ontario MPs and newspapers instead interpreted the question as an issue of provincial rights. Globe, 21 March 1892; Ibid, 26 March 1892; Ibid, 19 July 1894; Ibid, 29 December 1894; Sentinel, 24 March 1892; Empire, 16 February 1891; Ibid, 26 January 1893; Advertiser, 2 March 1893; Mail, 13 May 1892; Ibid, 22 February 1893; Ibid, 21 September 1894; Victoria Warder; 8 February 1893. There is some evidence for a fleeting and inconsequential return of this sentiment in 1894 when parliament considered the North-West school and language questions. This rise was likely due to the debate’s association with the increasingly divisive Manitoba schools question. Mail, 5 February 1894; Sentinel, 29 March 1894; Globe, 20 August 1894.
It is difficult to determine the effectiveness of Blake and Edgar’s attempts to rally Ontarian to oppose McCarthy. The formulation of an alternative use of Ontario’s intrastate preponderance in parliamentary debates, however, is noteworthy. Again, expressions of an Ontarian entitlement to influence national policies over the objections of other provinces usually elicited an alternative preponderant federalist response. The fear that Ontarians would use their parliamentary preponderance to overpower the desire of Quebecers to protect French-Catholic rights in the rest of Canada was fundamental to how both parties handled the Manitoba school question.

**The Manitoba Schools Question**

In 1889, a second agitation began in Manitoba that prompted a more concerted and long-term agitation against Quebec’s influence in Ontario. The belief that Ontarians could affect the Canadian government’s response to the question emboldened many Ontario Protestants to abjectly oppose the Canadian government’s intervention in the education question. The intransigence that arose from this sense of power helped to elevate the Manitoba school question into a national political crisis.

Since 1870, Manitoba had a dual school system with public and Catholic schools. Both systems received provincial grants, and the parents of Catholic students were exempt from paying taxes that supported the public system. The separate schools enjoyed some protection via section 22 of the Manitoba Act. Section 22(1) barred the provincial Assembly from passing any law that “prejudicially affect any right or privilege with respect to Denominational Schools which any class of persons have by Law or practice in the Province at the Union.” Section 22(2) gave Catholics and Protestants the right to appeal to the Governor General if any educational “right or privilege of the Protestant or Roman Catholic minority” were violated. Section 22(3) repeated the gist of the BNA Act’s section 93(4) giving the Canadian government the power to pass remedial legislation to correct any violation of minority education rights if the provincial government refused to rectify the
minority’s grievance.\textsuperscript{24} Manitoba’s dual education system functioned with relatively little protest from its Protestant population for decades.

This general acceptance declined in the 1880s. Manitoba Catholics’ proportion of the provincial population shrank from approximately one-half in 1870 to one-eighth in 1886. This decline reduced their political importance and made it easier for Protestants to imagine Manitoba as an English province.\textsuperscript{25} By the mid-1880s there was also mounting public support for the abolition of separate schools and the official use of French in government. Discussions of the ERA agitation against the Jesuits’ Estates controversy spurred ascriptions of Anglo-Saxon racial superiority, and contributed to the growth of the Orange Order in the province. The dispute also had financial roots. Manitoba’s school system was governed by a Board of Education with separate Protestant and Catholic sections. The provincial government’s financial difficulties, however, limited its ability to provide financial support for needed expansions of the school system. As the decade drew to a close, Manitoba’s Protestant population grew increasingly tired of the economic inefficiencies of this system. Cutting spending to separate schools was also a logical extension of Manitoban Premier Thomas Greenway’s campaign for reduced government expenditures. In addition, Greenway was eager to redirect the public’s attention away from the Northern Pacific Railway scandal. The line had not produced the expected reductions in freight rates and had implicated his government in a bribery scandal. Reforming the school system distracted Manitobans from these developments. As James Mochoruk notes, all of these developments made the curtailment of separate school rights “good politics” in Manitoba.\textsuperscript{26}

By the spring of 1889, Greenway’s Liberal caucus agreed to support the replacement of the Board of Education with a distinct department. Whether separate schools would persist under the supervision of this department (as they did in Ontario) remained undetermined. The Brandon Sun, which had close ties with Joseph Martin, the Attorney General and Commissioner of Railways, began to test public opinion by calling for the introduction of a

\textsuperscript{24} “The Manitoba Act, 1870,” \textit{The Solon Law Archive},
\textsuperscript{25} Friesen, \textit{The Canadian Prairies}, 202.
‘national school’ system. That summer, ten additional newspapers from Winnipeg and Western Manitoba also disparaged the separate school system as inefficient, expensive, and a barrier to the development a united community.\textsuperscript{27}

While on vacation, McCarthy agreed at the last moment to give a speech at Portage La Prairie on 5 August. He repeated his frustration with the Jesuits’ Estates Act and railed against French-Canadian nationalism. Separate schools and dual official languages, he opined, created “fratricidal strife” that prevented Canada from becoming “a British country in fact as it is in name.” McCarthy repeated his vision of an English-Protestant Western Canada and urged Manitobans to join other provinces in opposing the spread of French and ultramontane influence beyond Quebec. After McCarthy sat down, Joseph Martin rose to speak. He described French as a “foreign language” that had no place in an “English country,” and also claimed that the separate school system received three times as much financial support from the government as its “public” counterpart. The “British constitution,” he also asserted, established the principle of the separation of church and state. He therefore promised to “stand or fall” in the Assembly on this platform for a national and secular school system in Manitoba.\textsuperscript{28}

Although Martin’s speech went beyond the government’s plans and initially infuriated Greenway, the Attorney General eventually managed to convince the government to abolish separate schools. On 12 February 1890 the Attorney General introduced legislation that established a Department of Education and eliminated public funding for separate schools in Manitoba. Separate schools could still exist but the parents of enrolled students were no longer exempt from taxation for the ‘national schools.’ Although Catholic Manitobans opposed the bill, it passed and received royal assent on 31 March.\textsuperscript{29} Archbishop Alexandre-Antonin Taché petitioned Manitoba’s Lieutenant Governor to reserve the legislation, and when that failed, he turned to Ottawa’s power of disallowance to defeat the measure. The Greenway government’s legislation, he protested, violated the Manitoba Act

\textsuperscript{28} Clark, ed., \textit{The Manitoba School Question}, 36-38.
\textsuperscript{29} Crunican, \textit{Priests and Politicians}, 7-8.
and was *ultra vires*. Yet neither the Conservative nor the Liberal leaders wanted to take sides in the Manitoban dispute. Disallowance or non-interference would harm their popularity in Ontario or Quebec. During the 1890 parliamentary session, both parties therefore rallied behind a resolution by Edward Blake suggesting that it was “expedient” for judicial tribunals to evaluate questions of disallowance or the appellate powers of section 93 of the BNA Act for the executive branch of the government. Although Blake and Macdonald did not bind the government to the court’s verdict, their support for the resolution afforded both parties time to manage discontentment in their caucuses and among the electorate. The resolution was also useful because its execution would contextualize any parliamentary debate that followed the verdict with a highly legal, as opposed to political, flavour that both parties had traditionally used to absolve themselves from supporting unpopular policies. Blake’s amendment passed and Thompson codified the measure into law the following year. After some protest, Quebec Bishops accepted this judicial path.\(^{30}\)

In October 1890 John K. Barrett, a Catholic resident of Winnipeg filed suit against the city’s government for discontinuing its funding of separate schools. The resulting *Barrett vs. City of Winnipeg* tested the protective power of section 22(1) of the Manitoba Act and section 93 of the BNA Act. Barrett’s lawyers included John Ewart and his partner Gerald Brophy. Ewart was Oliver Mowat’s nephew, and supported the Liberal party. A capable and respected Manitoba lawyer, Ewart sympathized with the Manitoban minority and partnered with the less talented and Catholic Conservative Brophy to oversee the minority’s legal case.\(^{31}\) They argued that this section assured the perpetual public support of denominational schools because they existed prior to 1870. An affidavit from Taché also pointed out that all of Manitoba’s schools were denominational and concluded that the new “national” schools were in fact “Protestant” and therefore “unfit” for Catholic children.\(^{32}\) Before joining Confederation, however, Manitoba had no publicly supported school system, and the city of Winnipeg used this to argue that publicly supported separate schools did not exist “by Law or


practice” at the time of union. Their lawyers also argued that section 93 of the BNA Act only applied to Canada’s original provinces. Even if it did apply to new provinces, the Manitoba Schools Act of 1890 abolished public funding for separate schools but it did not preclude their continuation via private funding. By November 1890 Justice Albert Clements Killam of the Court of Queen’s Bench of Manitoba upheld the Manitoba Schools Act and denied that the Governor General could intervene because the Greenway government’s legislation did not preclude the continued existence of separate schools. Over the next two years the case wound its way through the court system.33

This judicial strategy limited Ontarian debate concerning the Manitoba school question. So long as parliament remained uninvolved, political pressure would be ineffective. The Canadian government’s decision to proceed with a second case that took the form of *Brophy vs the City of Winnipeg* in 1893 and its subsequent decision to proceed with remedial action, however, brought the Manitoba school question back into the political arena and eventually culminated in a national debate that damaged national unity. Racial and religious antipathies do not adequately explain the heightened political tensions. The anti-remedialist agitation in Ontario also arose from the belief that their province’s representatives could exercise their parliamentary preponderance to force the Canadian government to accept an English-Protestant vision for the Canadian Prairies. The Liberals and Conservatives used different strategies to cope with this agitation. Despite internal disagreements regarding when and how to exploit the anti-remedial movement in Ontario, the Liberals cultivated this sense of power and entitlement without endangering their support in Quebec. This delicate balance helped them to achieve power in the 1896 Canadian election. The Conservative party was less successful at adapting to the agitation and ultimately resorted to a combination of downplaying the importance of the Manitoba school question and recognizing Ontario’s preponderant federalist culture by trying to co-opt it to support their remedial bill. This strategy helped government supporters to believe that they could survive the political crisis and limited defections to the anti-remedialist camp.

33 For a detailed account of *Barrett vs. the City of Winnipeg* consult: Shaw, "The Role of John S. Ewart in the Manitoba School Question," 114-262.
The Manitoba school dispute could have become a major political problem during the 1891 Canadian election but the leaders of both parties recognized that a racially charged campaign would destabilize their electoral prospects. Laurier was particularly aware of his vulnerability as a French-Catholic leader. His party’s campaign therefore focused on its unrestricted reciprocity platform. The Conservatives obliged this strategy by construing the Liberals as annexationists and campaigning on the National Policy and Canada’s imperial connection. 34 Despite Taché’s continued petitions, the Conservatives even convinced Quebec’s clergy to resist the urge to agitate for Manitoba Catholics before the election. The likelihood of a ruling from the Supreme Court favouring the minority in addition to assurances from Chapleau that he would resign from the cabinet if he could not restore the rights of Manitoba Catholics, facilitated this clerical cooperation. Quebec editorialists consequently gave Ontarians little cause for alarm during the 1891 election campaign. 35

The Manitoba school question was not, however entirely absent from the Ontarian political debate during the early 1890s. When the province’s Liberal and Conservative organs discussed the dispute from 1890 to 1893, they contended that provincial autonomy precluded dominion intervention. The Manitoba Schools Act was, according to the Toronto World, “the tit for the Jesuit Estates tat.” If the Protestants of Ontario were not permitted to interfere in the Jesuits’ Estates question, then Quebec Catholics had to accept the same limitations regarding the Manitoba school question. 36 The Globe adopted a more extreme position by using provincial rights to explicitly disavow Ontario’s ability to influence the Canadian government’s response to the dispute. As early as August 1889, the Globe anticipated the sense of entitlement in Ontario and tried to diminish it by telling readers that there was no need for parliament to intervene in the provincial dispute. “Manitoba,” it insisted, “will decide.”

Ontario is not charged with the government of that Province. Attempts to regulate its affairs from this Province will be met with a sharper ‘mind your

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34 For the latest academic analysis of the 1891 Canadian election consult: Pennington, The Destiny of Canada.
35 The day after the election, however, Taché circulated a petition to restore Catholic schools in Manitoba.
36 World, 10 October 1892. The following editorials applied provincial compact theory to the dispute: Ibid, 10 October 1892; Empire, 7 April 1891; Ibid, 29 October 1891; Ibid, 8 October 1892; Mail, 22 June 1891; Ibid, 4 March 1892.
own business’ than ever came from much-lectured Quebec. There are, indeed, those who seem to presume that Ontario – nay, a very small portion of Ontario – is entitled to play Mentor and Bully [sic] to the other Provinces. Fortunately the people of our excellent Province have better sense than to approve the impudence that courts the mob.37

In August 1892 the Globe still communicated the same message. It denounced Quebecers who wanted to use their province’s intrastate influence to push the dominion government to table remedial legislation and also criticized those who shouted that the “voice of Ontario must be heard” in reply. The “agitators” of both sides, it suggested, would create religious strife across the country. “What is to be gained,” it asked, “by re-opening the healing wound? It is Manitoba’s business, not ours.”38 Both parties, therefore, minimized political tensions by denying Ontario’s ability to influence the Manitoba school question with its parliamentary preponderance and deferring to the courts.

The judicial strategy did not entirely deter Ontarians from suggesting that they could use their preponderant influence to impact dominion policy regarding the Manitoba school question. During the lead up to the 1891 election McCarthy asked “Ontario [to] give the freest expression of its will” on the Manitoban dispute.39 Similarly, the Globe responded to a provocative speech by Chapleau in Hochelega in October 1892. The Minister of Customs reportedly told his audience that “it would be better to discuss the terms of union anew” if the Canadian government refused to intervene in Manitoba.40 The Globe replied by declaring that “the people of this Province know what it is to struggle for their rights against Federal aggression, and to win them; and unless we very much mistake their temper they will be prepared to stand by a weaker member of Confederation engaged in the like defence.”41 These statements suggesting Ontario’s ability to protect Manitoba’s autonomy, however, were rare and did not impact the policies or fortunes of either political party in Ontario. For the time being, the courts kept Ontario’s sense of entitlement in abeyance.

37 Globe, 16 August 1889.
38 Ibid, 2 August 1892.
39 Mail, 3 June 1890.
40 Chapleau as quoted in Kenneth James Munro, ”The Political Career of Sir Joseph-Adolphe Chapleau,” PhD diss., University of Ottawa, 1973, 355. Munro notes that this statement “infuriated several English-speaking cabinet members who were not prepared to guarantee justice to the minority in Manitoba by political means if the courts failed to perform that task,” but he does not explore the response of the Ontarian press.
This respite ended on 30 July 1892 when the JCPC confirmed the Manitoban Court’s initial decision: the Manitoba Schools Act was *intra vires*. The ruling also discounted the allegation that the new school system used Protestant curriculum. The Schools Act, the JCPC pointed out, promised that the schools would be “entirely unsectarian.” As Crunican notes, the ruling “placed the presumption of the law… on the side of the Manitoba government.” The province’s French-Catholic population had to find other legislative guarantees to continue its fight and also demonstrate that they superseded the JCPC’s interpretation of Section 22(1). For a great many Protestant Manitobans and Ontarians, the *Barrett* verdict resolved the question of dominion interference. The British Empire’s highest court ruled that the Manitoban minority had no grievance.

Despite the JCPC’s ruling, however, the pressure for dominion intervention increased. In January 1893, Sir John Thompson, who assumed the prime ministership after John A. Macdonald’s death in 1891 and Sir John Abbott’s resignation due to ill health in late 1892, tried to contain the politically volatile dispute. The new prime minister arranged for both sides to appear before the Conservative cabinet for what Larry Kulinik describes as a “quasi-judicial” hearing. Thompson hoped that the proceedings would foster the belief that justice, rather than political influence, drove the government’s policy. Ewart appeared on behalf of the Manitoban minority, but the Greenway government heeded McCarthy’s legal counsel and refused to appoint a representative. It insisted that the JCPC’s decision was final. There could be no further debate. Without a politically satisfactory means to settle the dispute, the Thompson government decided to submit a series of questions to the Canadian Supreme Court that would further probe the rights of Manitoban Catholics.

The Canadian government’s decision to pursue additional legal action displeased impatient MPs from Quebec and Ontario. It led Joseph Israel Tarte to initiate a four-day parliamentary debate on 6 March 1893. Tarte, an ambitious former Conservative Quebec

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42 As quoted in Crunican, *Priests and Politicians*, 35.
43 According to *Ibid*, 33-35, the defeat of the Manitoban Catholics at the JCPC was due to a variety of factors including the absence of Blake and Ewart, “ambiguities in the ruling of Justice Patterson of the Canadian Supreme Court, and the lack of familiarity of the Privy Council with Canadian conditions.”
46 Ibid, 323.
MP who ran as an independent in a January 1893 by-election due to his lack of influence among Quebec’s fractured Conservative leadership, moved a resolution disapproving the government’s actions including its assumption of “judicial functions.” In 1890, Tarte recalled, Macdonald had stipulated that the JCPC decision was advisory rather than compulsory, and he also noted that Conservative ministers had repeatedly promised to restore the public funding of separate schools in Manitoba. The Canadian government, he concluded, should have disallowed the Manitoba Schools Act or passed remedial legislation instead of continuing to use the courts as an excuse for inaction. Tarte’s speech was emblematic of the emerging frustration in Quebec with the Conservative government over the Manitoba schools question. As Silver explains, Quebecers had come to believe that Confederation was based on a bicultural compact rooted in dualistic respect for English and French, Catholic and Protestant. The very nature of Confederation, therefore, compelled the government to intervene in Manitoba.

The most novel aspect of the debate, however, was McCarthy’s support for Tarte’s motion. McCarthy, who broke all party ties in January over his desire to see the protective tariff replaced by an Imperial preference, used Tarte’s resolution to criticize the government’s willingness to keep the Manitoba school question alive with cabinet hearings. He repeated his belief that the JCPC’s ruling on the Barrett case negated any requirement for further discussion. Macdonald had decisively rejected interference during the New Brunswick Schools question, and McCarthy criticized Thompson for not following the late prime minister’s example. McCarthy and his small band of followers therefore expressed their dissent by also supporting Tarte’s resolution. The government ultimately defeated Tarte’s motion by a vote of 120 to 71. The support of McCarthyites increased the profile of the dispute in Ontario and alerted its voters to the possibility of parliamentary action on the question.

The Thompson government proceeded with its exploration of Catholic rights in Manitoba. The six questions that it eventually submitted to the courts became Brophy vs. the

City of Winnipeg. According to Crunican, these six questions centred on three points. First, did a legitimate grievance exist according to section 22(2) of the Manitoba Act as well as section 93(3) of the BNA Act? Second, did the Barrett case negate any possibility of further appeals? Lastly, did the Canadian government have the executive or legislative power to take remedial action? Either a positive or a negative verdict, the members of the dominion government hoped, would resolve the politically thorny question.⁴⁸ Negative responses would terminate the minority agitation. If the JCPC responded positively, then the government could claim that it was merely following the ruling of the empire’s highest court. Despite these hopes, Shaw points out that the Thompson government “dissociated” itself from the proceedings by allowing Brophy to file suit as part of its continued effort to avoid being entangled in the divisive dispute during the summer of 1893. In early October, the Supreme Court began hearing the case.⁴⁹

The parliamentary debate on Tarte’s resolution and the Supreme Court’s hearings demonstrated that the cabinet and parliament, rather than the courts, could influence the fate of Manitoba’s separate schools. From March 1893 to the fall of 1894, politicians and newspapers in Ontario began to cultivate a sense of entitlement to protect Manitoba’s provincial autonomy via their province’s parliamentary preponderance. “Under no circumstances,” McCarthy told a Toronto audience in mid-April 1893, “would the people of Ontario tolerate interference.”⁵⁰ Six months later the Globe issued a similar threat. “The people of Ontario,” it warned, did not have “the slightest intention of countenancing Federal interference with the educational law of Manitoba.”⁵¹ The following year, the Mail also opined that Ontario had an “interest” in preserving provincial autonomy if the dominion government ever proposed remedial legislation.⁵² Although these editorials and speeches were more vehement, they remained infrequent. Most Ontarians accepted that their province’s parliamentary power was in abeyance until the JCPC ruled on the Brophy case.

⁴⁸ Clark, ed., The Manitoba School Question, 100; Crunican, Priests and Politicians, 41.
⁵⁰ Sentinel, 20 April 1893. See also McCarthy at Listowel as recounted in: Globe, 13 October 1893.
⁵¹ Globe, 9 October 1893. See also Ibid, 27 October 1892.
⁵² Mail, 17 June 1894. See also: Ibid, 5 February 1894.
The exception to this rule was the *Sentinel*, which was one of the first newspapers to consistently assert Ontario’s right and ability to block remedial action. On 4 May 1893 it claimed that Ontarians “sympathized” with the Manitoban desire for ‘normal’ schools and promised that “any government that attempts to thwart the will of this Province and of the West will most assuredly come to grief.”\(^53\) It repeated this message during the summer and early fall. Ontarians, it “emphatically” declared in October, “will never consent to allow a Conservative or Liberal government at Ottawa to force on Manitoba the evils of separate schools.”\(^54\) Time only emboldened the Orange organ, and by August 1894 it was even more aggressive. “Quebec no longer rules Canada,” it boasted. “There is now a solid Ontario as an offset to it, and Ontario will see that no man attains or holds power in this country at the command of the priesthood.”\(^55\) The *Sentinel* encapsulated this sense of power and entitlement with its oft-repeated cry: “hands off Manitoba.”\(^56\) In 1893 and 1894, suggestions that Ontarians would need to rally against remedial action remained a largely Orange preserve.

The limited calls for obstructive Ontarian mobilization against remedialism, combined with the dominion government’s refusal to act, created little impetus for appeals to Ontarians to support dominion intervention. The Conservative press instead responded to the sabre-rattling in Ontario by attacking Laurier. Several Conservative newspapers speculated that Laurier would support separate schools in Manitoba because his Catholicism would lead him to sympathise with allegations that the public schools taught Protestant curriculum.\(^57\) Laurier provided limited evidence for this contention. The Liberal leader consistently warned that he would support remedial legislation if the minority’s allegations proved to be accurate and if Greenway refused to amend the School Act. Until the character of the curriculum was determined, however, he refused to take a firm stand for or against dominion intervention.\(^58\) The Conservative newspapers mocked this political hedging and demanded the Liberal leader come down decisively for or against remedial action.\(^59\) By criticizing their opponents, the

\(^{53}\) *Sentinel*, 4 May 1893.


\(^{55}\) *Ibid*, 30 August 1894.


\(^{57}\) *World*, 11 March 1893; *Sentinel*, 16 March 1893; *Mail*, 19 October 1893.


\(^{59}\) *Intelligencer*, 8 September 1893; *Empire*, 17 September 1894; *Mail*, 21 September 1894; *Sentinel*, 23 August 1894.
Conservatives tried to draw attention away from their own inability to satisfy political frustrations in Ontario.

The JCPC’s verdict on the Canadian government’s six questions did not provide the Canadian government with a politically expedient solution to the Manitoba school question. The court’s ruling, published on 29 January 1895, concluded that Manitoban Catholics had a grievance that met the requirements for an appeal for remedial action. Unlike the Barrett ruling, which focused on section 22(1) of the Manitoba Act, the JCPC case used section 22(2, 3) of the Manitoba Act to conclude that the Manitoban minority could demand the restoration of the education rights that they had enjoyed since Confederation. It also found that these same articles furnished the dominion government with the jurisdiction to pass remedial legislation. The JCPC did not, however, assert that remedial action or the restoration of separate schools was necessary to rectify the minority’s grievance. After the announcement of this ruling, as Crunican notes, “the day of political reckoning could no longer be postponed.”

Both parties were unsure of how to proceed, and they initially avoided taking a stand on remedial legislation. Throughout February and most of March, the cabinet wavered. Sir Charles Hibbert Tupper, the Minister of Justice and son of father of Confederation Sir Charles Tupper, advocated announcing remedial legislation and then dissolving parliament to solicit a new mandate for action. French-Canada’s cabinet ministers as well as Arthur Dickey (the Secretary of State and MP for Cumberland, Nova Scotia) supported this policy. Bowell, who assumed the prime ministership after Thompson’s death in December 1894, worried that this proposal would destroy the government’s support in Ontario. Instead, the cabinet asked the Manitoban government and the Catholic minority to send representatives to present their grievances to the cabinet. By assuming the role of a tribunal, the cabinet again hoped to garner an aura of impartiality that would diminish the belief that Quebec or Ontario intrastate influence could impact its response to the dispute. Ewart and McCarthy presented

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60 Crunican, Priests and Politicians, 42-43.
the respective cases of the Catholic minority and Manitoban government but the meeting did not alleviate the sense of entitlement in either Ontario or Quebec.\textsuperscript{61}

After tumultuous debate, Bowell’s government finally issued a remedial threat on 21 March. Manitoban Catholics, according to the minute-of-council, had the right to their own schools, to proportionate public funding, and to exemption from contributing taxes to the public school system. The JCPC’s ruling, the order stressed, required the Canadian government to reintroduce separate schools to Manitoba.\textsuperscript{62} Rather than committing itself to immediately tabling a remedial bill, however, the Bowell government asked Greenway to reinstate these rights and only promised to table a bill if he ignored their appeal.\textsuperscript{63} By offering Greenway a chance to act, Bowell hoped to avoid backing divisive legislation. In an attempt to quell further agitation in Ontario and Quebec, Bowell also postponed the dissolution of parliament. He believed that going to the polls in Ontario during the current agitation was “political folly.”\textsuperscript{64} The government, he promised, would not propose remedial legislation during the 1895 session. Instead, he called for a special sixth session at the beginning of 1896 that would act on the Manitoba government’s response.\textsuperscript{65} In the meantime, he and his followers continued to hope that Greenway’s government would amend its own legislation.\textsuperscript{66}

The Liberals struggled with how to respond to the simmering sense of power in Ontario. In late February George Ross, Mowat’s Minister of Education, expressed his concern about the emerging agitation in Ontario and urged Laurier in a private letter to evaluate the contest “as a judicial question.” The JCPC ruling, he believed, required the dominion government to restore the Manitoban Catholics’ “constitutional right” to separate

\textsuperscript{62} The JCPC ruling explicitly stated that the restoration of separate schools was not required to remedy the grievance. Clark, ed., The Manitoba School Question, 117.
\textsuperscript{63} Reprinted in the Advertiser, 22 March 1895.
\textsuperscript{64} Bowell to Sir Tupper, 23 March 1895, LAC, MG26-F.
\textsuperscript{65} Crunican, Priests and Politicians, 52.
\textsuperscript{66} Mail and Empire, 9 February 1895; Ibid, 27 February 1895; Ibid, 5 March 1895; Ibid, 14 March 1895; World, 9 February 1895; Ibid, February 21, 1895; Ibid, 6 April 1895; Catholic Register, 7 March 1895; Intelligencer, 16 February 1895; Ibid, 23 March 1895; Victoria Warder; 1 February 1895; Ibid, 12 April 1895.
schools. Laurier concurred with Ross’ assessment but worried that Ontario Liberals would not support it. By early March, Ross began to doubt the viability of this strategy. Public clamouring led him to believe that Ontario MPs had to oppose remedial legislation until “all other means of settlement are exhausted.” The party’s president, as well as Ross and Willison, met and agreed that the Globe had to take a stand on remedial action. In a lengthy editorial published in its 4 March edition, the Globe again discounted the wisdom of remedial legislation. “The people of Manitoba,” the editorial opined, could be counted on to adopt a “generous” stance and to correct any legitimate grievances aired by Manitoban Catholics. What could be gained, it questioned, “by turning the question over to the Protestant of Ontario and the Catholic of Quebec? For this is what is involved in Federal interference. Are we in either Province fit guides for our brethren in Manitoba?” Despite this attempt to check the belief that Ontario had the right and ability to influence the dispute, the Globe warned that if the Canadian government proposed remedial legislation, “each member [of parliament] will be free to vote yea or nay, and will probably be swayed quite as much by the opinions of his constituents as by the judgement of the Privy Council.” The majority of Ontario MPs, it predicted, would heed their constituents’ obstructionist desires. Although the Globe continued to emphasize provincial rights when opposing remedial action, by March 1895 it also began to expand its opposition by arguing that few Ontarians would support remedial action.

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67 Ross to Laurier, 27 February 1895, LAC, MG30, D29, Vol 54, File Additional Correspondence pp 39826-39999.
68 Laurier to Ross, 2 March 1895, LAC, MG30, D29, Vol 54, File Additional Correspondence pp 39826-9999.
69 Ross to Laurier, 8 March 1895, LAC, MG26-G.
70 Ibid.
71 Globe, 4 March 1895. Willison felt the need to justify this comparatively moderate editorial. In a form letter that he sent to leading Liberals, Willison noted that the Globe had always stood against remedial legislation and was bound to eventually reiterate this stance if it was to maintain any credibility with its readers. Although he recognized the importance of the Catholic vote in Ontario, he also entreated his correspondents to remember “that there is a Protestant vote in Ontario.” Willison, 5 March 1895, LAC, MG30, D29, Vol 54, File Additional Correspondence pp 39826-39999. In his reply, Laurier admitted that the editorial would create problems in Quebec but he also recognized that the editorials were necessary in Ontario and that its “broad” and “generous” tone made it useful to the party in Quebec. He nevertheless urged Willison to avoid unequivocally denouncing remedial legislation. To do so challenged the purpose of Section 93 of the BNA Act and he urged the Globe’s editor to allow for instances when remedial legislation might still be justified. Laurier to Willison, 7 March 1895, LAC, MG30, D29, Vol 54, File Additional Correspondence pp 39826-39999.
The Conservatives and Liberals, however, were not able to entirely stall the agitation in Ontario. In February the Sentinel continued to predict that Ontario MPs would not allow the dominion government to pass remedial legislation. “Protestant Ontario” it pledged, “will see that this little Province is not crushed by weight of numbers” in parliament. In March, Stapleton Caldecott, the 1895 President of the Toronto Board of Trade, also submitted a letter to the editor of the Globe arguing that the Canadian government’s refusal to intervene in the Jesuits’ Estates question set a precedent that prevented it from interfering in the Manitoban schools question. “What is sauce for the goose is sauce for the gander,” he declared. Caldecott went on to claim that “the temper of the people of Ontario will not permit Manitoba to be treated unjustly, or allow her Provincial rights to be trifled with.” In April, McCarthy and Clifford Sifton, who became Manitoba’s Attorney General after Martin’s departure for national politics, encouraged Ontarians to believe that their province was uniquely capable of impacting the Canadian government’s school policy. Historians such as David Hall, Larry Kulisek, and Paul Crunican, note the willingness of Sifton to come to Ontario to help McCarthy popularize the Greenway government’s policy but they do not note both men’s attempts to invigorate their supporters with preponderant federalism. At a reception at Toronto’s Massey Hall in late April Sifton explained that “he had not come down to Ontario solely to get their approval.” If the Canadian government ever tabled its remedial bill, he hoped that his “brethren of Ontario would stand by” the Manitoban government. McCarthy, who spoke shortly after Sifton, was glad to oblige his guest. He claimed that the majority of Manitoba’s MPs would support the Canadian government at the expense of their province’s autonomy, and that the Prairie province’s inhabitants had to look to “Ontario, and Ontario alone” for protection from the dominion government. Although action was not yet required, the anti-remedialist assertion that Ontario could use its preponderant influence to impact the outcome of the dispute was gaining momentum.

72 Sentinel, 7 February 1895; Ibid, 14 February 1895.
74 Hall, Clifford Sifton: Young Napoleon, 95; Crunican, Priests and Politicians, 83. Kulisek, "D'Alton McCarthy and the True Nationalization of Canada," 404 mentions Sifton’s appeal for Ontarian support in passing but his account gives the speech an impassioned, rather than targeted and significant, flavour.
75 Globe, 25 April 1895.
The Manitoban government published its response to the dominion’s threat on 15 June. It completely rejected the Canadian government’s appeal for corrective action. Catholic schools, Greenway’s government contended, were “inefficient” and their administration was “defective.” Their reply also denied that there was any evidence proving that Manitoban Catholics required separate schools, and concluded that the Canadian government needed to further investigate the claims of both parties before it could table effective legislation.\(^{76}\) Bowell had little choice but to carry out his threat. On 8 July his Minister of Finance, George Foster, informed parliament that the Canadian government would table remedial legislation to a special session of parliament in January of 1896 if the Manitoban government continued to refuse to amend its Schools Act. Without a remedial bill, the 1895 parliamentary discussion of the Manitoba Schools question was brief and was not informed by preponderant federalisms. Parliamentarians instead questioned the likelihood that Greenway would still amend his government’s legislation, noted the unease of both political parties with the question, and explored the merits of remedial legislation for minority rights as well as its implications for provincial autonomy.\(^{77}\)

Despite this postponement, the belief that Ontario could block remedial action continued to spread. The World, which had with rare exception cautiously supported the Canadian government’s handling of the Manitoba schools question until 8 July, declared that “Ontario Ministers have surrendered everything, and the French wing of the Conservative party have obtained everything they sought. Ontario is to be humiliated, and Quebec is to be triumphant over the coercion of Manitoba.”\(^{78}\) A few days later, it warned that Ontario, the North-West, and Maritime MPs would combine their votes to prevent the passage of the government’s legislation.\(^{79}\) The Orange Order was especially bold when demanding that Ontario use its parliamentary preponderance to protect provincial autonomy. E.F. Clarke told the Orange Lodge in Toronto that “the people of Ontario must insist that the Province of Quebec shall not interfere” with another province’s administration of civil and religious

\(^{76}\) As quoted in: Crunican, Priests and Politicians, 86, 94.


\(^{78}\) World, 9 July 1895; Ibid, 10 July 1895.

\(^{79}\) Ibid, 13 July 1895.
liberties. The Sentinel echoed its editor’s stand. “Ontario,” it repeatedly warned, was “on guard.” The dominion government needed to keep its “hands off Manitoba” if it expected to be re-elected. This slogan achieved widespread popularity. For example, William Fitzgerald, the Grand Master of the youth-based Loyal True Blue Association of the Orange Order, repeated the slogan during his speech in London. This opposition continued into November when the Sentinel encouraged “the whole might of this great Protestant Province” to defend “the child of Ontario” from “the insolent hierarchy of Quebec.”

The Liberals struggled to cope with the burgeoning belief that Ontario could block remedial action. On 16 July they held a key caucus meeting. Laurier advised the party to take advantage of its opposition status, continue to wait for the government’s policy to unfold, and to avoid making any commitments in the interim. John Charlton disagreed. He claimed that the party had to either affirm or reject remedial legislation. “There was no middle course,” he argued. In his estimation parliament was not obligated to pass remedial legislation and he contended that Manitobans had to settle the matter themselves. If Laurier publicly rejected remedial legislation, the party would gain “the confidence of the Protestant Liberal electorate.” According to his memoirs, the caucus listened silently to his proposal, but no one, including Charlton’s sympathizers, rose to support this position. Undaunted, Charlton continued to pressure Laurier. He composed a letter to Willison the following day that repeated the substance of his proposal and confessed that he desired the formation of a Liberal government that could survive without the assistance of “a single Quebec vote.” Forming such a government would have required the Liberal party to sweep Ontario. Charlton’s belief that Ontario was entitled to such immense influence at Quebec’s expense contributed to his political alienation.

Willison, however, sympathized with Charlton’s desire to make gains in Ontario by swinging the party behind anti-remedialism. The Globe’s editor and Cartwright had repeatedly advised Laurier during the preceding months to come out against remedial action

80 Globe, 15 July 1895. See also similar speech in: Globe, 13 December 1895.
81 Sentinel, 8 August 1895. See also: Ibid, 20 June 1895; Ibid, 15 August 1895.
82 Advertiser, 13 July 1895.
83 Sentinel, 14 November 1895.
84 Charlton, “My Autobiography and Recollections,” 738-739.
85 Charlton to Willison, 17 July 1895, LAC, MG30, D29, Vol 8, File 63.
by arguing that it violated provincial rights. These Ontario advisers believed that it was the only platform that could carry the province. Willison, for example, insisted that “this province will destroy any party that attempts arbitrary interference with Manitoba.”

Believing that the *Globe* could no longer wait for the Liberal leader to come out for or against remedial action without losing readers, the organ published an editorial entitled “No Coercion” that declared remedial legislation to be “out of the question.” But this editorial did far more than cater to the disgust in Ontario against remedial action. It also threatened the use of Ontario’s parliamentary preponderance to veto any remedial bill. “Let the matter be really forced to an issue,” the *Globe* taunted, “and the Province which has done so much to maintain Provincial rights and to magnify Provincial powers will speak out for Manitoba in such a way that there will be no excuse for mistaking its meaning.” Ontario’s voters, it concluded, would ensure that a remedialist government would not stand.

Laurier was furious. He immediately wrote Willison complaining that “the *Globe* seems to be of the opinion that the whole of Canada is composed of one province.” He lectured the editor against encouraging Ontarians to believe that they could dictate the Canadian government’s policy. The Liberal leader, however, recognized that he needed to placate the Ontarian wing of his party. A few days later Laurier and Tarte met with Charlton and gave him the impression that they would oppose remedial legislation. The following week Laurier also reconciled with Willison, admitting that the *Globe* had little choice but to oppose dominion action. He nevertheless urged the editor to recognize that remedial action could be constitutional and to avoid taking an unequivocal stand against it. Balancing the policy preferences of Ontario and Quebec was not the only reason Laurier continued to hedge on the remedial bill. The knowledge that he would offend the sense of entitlement in Ontario to veto dominion interference also tempered his action.

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87 Willison to Laurier, 7 July 1895, LAC, MG26-G.
88 *Globe*, 17 July 1895.
90 Charlton, “My Autobiography and Recollections,” 739.
Laurier therefore refused to take a firm stand for or against remedial action. Since 1893 he challenged the Canadian government to demonstrate the need for remedial legislation by proving the veracity of the Catholic minority’s claims of Protestant curriculum in Manitoba’s public schools. When George Munro Grant, a Presbyterian minister and the principal of Queen’s University, composed a series of letters to the editor of the *Globe* in September 1895 sympathizing with Manitoba’s Roman Catholics and suggesting that the dominion government form an inquiry, Laurier seized the Ontario opinion leader’s proposal. At Morrisburg in early October, the Liberal leader used this policy to differentiate himself from the Conservatives. Remedial threats, he pointed out, spurred resistance. Laurier blamed the Conservative government for the current policy impasse and rising tensions across the country. He famously borrowed from Aesop’s fable by suggesting that he had found the ‘sunny way’ to resolve the crisis. The Liberal leader suggested the dominion government form an investigative commission, and promised that if it found that the public schools contained Protestant curriculum, he would appeal to the Manitoban’s sense of justice to reform their own legislation. Ontario’s parliamentary influence, Laurier implied, would be unnecessary. Investigation and dominion-provincial negotiation, rather than remedial legislation, would address Catholic and Protestant concerns. Laurier repeated this message in fifty-six stump speeches across Ontario during the next two months.92

After Laurier’s ‘sunny ways’ speech, the *Globe* sea-sawed on whether Ontario had the right and ability to influence the dispute. Despite its July editorial, the Liberal organ dropped its appeals for Ontarians to use their power to oppose remedial legislation. Throughout the remainder of the year it generally repeated Laurier’s policy and focused on discrediting the government’s remedial bill. It submitted that the bill would only make the provincial government more intransigent and delve the entire country into “racial and sectarian conflict.” Manitoban Catholics were better off seeking adjustments through the provincial legislature. The province’s Protestants, the *Globe* unconvincingly reassured its readers, would “do no great or permanent injustice to the Catholic minority.” A dominion commission that would uncover existing grievances and offer them to the Manitoban and

dominion governments for ‘conciliation’ was the best way to resolve the dispute. In late October, the Globe even published an editorial noting the slight decline of French-Canadians in Ontario and Quebec as a percentage of each province’s population. Ontarians did not have to worry about “French-Canadian preponderance.” Manitoba and the North-West, which would enjoy Canada’s greatest population growth in the coming decades, were “overwhelmingly English and Protestant.” The Liberal organ concluded that “there is, therefore, really no necessity for any Canadian to lose sleep in dreaming of French domination.”

French-Canadian influence, the Globe at least temporarily encouraged its readers to believe, did not endanger Ontario’s parliamentary preponderance or English-Protestant rights in Canada.

As Richard Clippingdale notes, however, the Globe often attacked Conservative MPs like Wallace for their continued support of Bowell’s government. How could the Orange Grand Master remain a member of a government that so blatantly contravened the Lodge’s position? These attacks, however, did more than discredit the Conservatives. They also hinted at the possibility of Ontario’s parliamentary power. On 31 July, the Globe urged Wallace to “contribute influentially” to the defeat of the remedial bill by resigning from the government. It also reprinted anti-remedial speeches and resolutions from across Ontario. Although the Globe rarely explicitly urged Ontario Liberal MPs to use their parliamentary preponderance to defeat the remedial legislation during the latter half of 1895, it faulted their Conservative counterparts for compromising their province’s ability to block remedial action. Attacking the Conservatives for not joining an Ontarian voting bloc continued to be a means for opposition parties to discredit government supporters.

Bowell’s endless stalling, lack of leadership, and cautious commitment to remedial legislation from July to December 1895, allowed divisions in his party to fester. According to historian Lovell Clark, four cabinet members, including Ontario’s John Haggart (the Minister of Railways and Canals and MP for Lanark South since 1872), vehemently opposed remedial

94 Ibid, 29 October 1895.
96 Globe, 31 July 1895.
action. It was also rumoured that Haggart had the support of forty Ontario MPs who signed a petition threatening to abandon the cabinet if it proposed a remedial bill. Immediately following Foster’s announcement, the Minister of Agriculture and Castor cabinet representative, Senator Auguste-Réal Angers, resigned. He did not believe that Bowell would follow through on his threat to restore separate schools. Joseph Caron and Joseph-Aldric Ouimet, the other two French cabinet ministers, soon followed, but were quickly convinced to rescind their resignations.98

Clarke Wallace also found the party’s commitment difficult to accept. He refrained from commenting on the government’s threat to Manitoba during May and June but found Foster’s announcement too much to swallow. The Grand Master approached the prime minister and informed him that he planned to support anti-remedialism during his 12th of July address to the Orange Order. Since these comments conflicted with the government’s position he offered his resignation. Bowell, however, refused to accept. The prime minister still hoped that Greenway would succumb to the Canadian government’s pressure and amend his provincial legislation. He therefore hoped that Wallace would not have to vote on a remedial bill and urged the Controller of Customs to remain in the government. The prime minister gave Wallace permission to distance himself from remedial legislation in a “moderate way.”99 When speaking at the Order’s 12th of July celebrations in Toronto, however, Wallace did more than express his support for the anti-remedial movement; he encouraged the agitators to link their cause with Ontario’s preponderant influence. Wallace alluded to Ontario’s power by repeatedly predicting that “the great majority of the citizens of Canada will answer no when called upon to render their verdict” on the government’s remedial pledge.100 While speaking to a Toronto Conservative Association crowd three-and-a-half months later, he encouraged Ontarians to provide “guidance” for their MPs by voting for anti-remedial candidates during the three upcoming by-elections in Ontario North, Cardwell, and Huron West.101 To maintain his status in the Orange Order, Wallace violated cabinet solidarity by affirming the anti-Catholicism and sense of provincial power and

100 Sentinel, 12 July 1895.
101 Victoria Warder, 15 November 1895.
entitlement that informed the anti-remedial movement in Ontario. Although this decision exposed Wallace and the government to considerable Liberal ridicule, it allowed the Conservatives to maintain a semblance of unity.

Conservative newspapers also struggled to counter the belief that Ontario’s preponderance could be used to block remedial action. In Toronto, towing the party line did not prove to be profitable. The Empire’s slavish support of the Conservative party limited its circulation and led to its gradual financial ruin. The oversaturated Toronto market caused the Mail considerable financial hardship and Christopher Bunting wanted to bring it back into the Conservative fold. It was not until January 1895, however, that he convinced the Conservatives to allow him to purchase the Empire. The Mail and Empire contended that Bowell, rather than Laurier, was for ‘conciliation,’ and that remedial legislation was only a last resort. Although both the Mail and Empire as well as the Intelligencer continued to encourage Greenway’s government to resolve the Catholics’ grievances or to reach some sort of compromise with the dominion government, they claimed that the continued provincial intransigence forced Bowell to proceed with remedial action.

In general, however, government newspapers preferred attacking Laurier to defending their own party’s platform. For example, they lambasted Laurier for his continued refusal to come down decisively for or against remedial legislation. There was no need for a commission, they insisted. The JCPC and Principal Grant confirmed the existence of a grievance. In their public utterances and private correspondence, Ontario Conservatives dismissed Laurier’s demands for a commission as nothing more than a delaying tactic designed to postpone the announcement of a Liberal policy until after a general election. His ‘sunny ways’ were unrealistic and misleading. If “the minority in Manitoba have a grievance which ought to be remedied and if Mr. Greenway refuses to yield,” the Intelligencer wondered, “how can Mr. Laurier secure justice without coercing Mr. Greenway?”

The truth, both newspapers alleged, was that Laurier was posing as the hero of the extremists in both Ontario and Quebec. He upheld

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102 Cumming, Secret Craft, 245.
103 For the Mail and Empire consult the discussion in: Clark, "A History of the Conservative Administrations," 405-407; Intelligencer, 18 July 1895; Ibid, 2 October 1895; Ibid, 15 November 1895.
104 Intelligencer, 1 November 1895; Mail and Empire, 24 December 1895; Bowell to Tupper, 22 November 1895, LAC, MG26-F. See also Catholic Register, 17 October 1895.
105 Intelligencer, 29 October 1895.
provincial rights when speaking in Ontario but then pledged to support remedial legislation when addressing Quebeckers. The Conservatives even suggested that Laurier was behind the entire dispute. Although these editorials implied that Ontarians should support the government’s remedial policy, newspapers and politicians almost never explicitly asked the province to lend its influence to the passage of the government’s bill.

There were a few exceptions to this trend. On 15 July, the Intelligencer urged Ontarians to support the government by comparing the complaints of Manitoban Catholics to Quebec Protestants. “Suppose that the Quebec Government tomorrow was to impair the system of [separate] Protestant schools,” it hypothesized,

would the Ontario people abstain from intervention because of their devotion to provincial rights? Would they cry out so enthusiastically that the question was one solely for Quebec itself? Would they not, on the contrary, thunder at the doors of Parliament for redress? And, if that would be their undoubted attitude in the supposed case, why do not justice and equality demand that they shall observe the same attitude in Manitoba?

Similarly, at a rally in Orangeville in December 1895, Thomas Daly, the Minister of the Interior and MP for the riding of Selkirk, speculated that Mercier would have curtailed the rights of Protestant schools in Quebec if had he not died in 1894. Daly encouraged “the people of Ontario” to recognize that McCarthy would not have defended Quebec’s provincial rights in such circumstances and therefore urged them to support the “even-handed justice” of the Bowell government. As the sense of power and entitlement in Ontario strengthened, the need to discount this sentiment also mounted. The Canadian government’s supporters from Ontario were uncomfortable defending their actions with appeals for compromise. Yet they recognized that maintaining support for the government also necessitated addressing Ontario’s preponderant influence. At this stage this alternative vision of Ontario’s potential impact on the school question were expressed too infrequently to significantly impact public debate in Ontario during the last half of 1895. The most intense anti-remedial pressures, however, still lay ahead.

106 Ibid, 18 July 1895; Ibid, 19 July 1895; Ibid, 10 October 1895; Mail and Empire, 4 October 1895; Ibid, 9 October 1895; Ibid, 28 November 1895.
107 Mail and Empire, 5 September 1895; Intelligencer, 3 October 1895; Ibid, 8 October 1895.
108 Intelligencer, 15 July 1895. See also a similar but less explicit appeal in: Ibid, 15 November 1895.
109 Mail and Empire, 23 December 1895.
The agitators’ claim that Ontario could decisively impact the school debate continued to win adherents. Manitoba’s intransigence put Clarke Wallace in an untenable position. On 14 December 1895 he succumbed to the mounting public pressure in Ontario and resigned as Controller of Customs. In his resignation speech, Wallace repeated his desire for national and non-sectarian schools, but also warned the government that “the sentiments of the Province of Ontario” and the “majority of the people of Canada” opposed remedial action.\footnote{Globe, 12 December 1895.} Wallace’s resignation, as Buell points out, was a hard blow to the Conservative party in Ontario. So long as the Grand Master remained in the cabinet, most of the anti-Catholic wing of the Conservative caucus refused to follow the example of McCarthy and O’Brien. His decision to oppose remedial legislation and encourage his province’s voters to believe that they could block the remedial bill, however, made it politically feasible for many other Ontarians to join the movement.\footnote{Buell, "The Political Career of N. Clarke Wallace, 1872-1896," 229; Hereward Senior, "Orangeism in Ontario Politics, 1872-1896," in Oliver Mowat’s Ontario, 150.} Wallace’s resignation, in short, made concerted Ontarian opposition to the remedial legislation much more plausible.

Behind the scenes, the Conservative government’s chance of re-election continued to decline. Ontario’s anti-remedial power became even more impressive in December. The recent by-elections demonstrated the futility of splitting the popular vote between Liberal, McCarthyite, and Patrons of Industry candidates in Ontario. The Patrons of Industry was an agrarian movement imported from the United States. It attracted individuals who were concerned about the falling prices of farm products, rural depopulation, costly freight rates, as well as the high cost of living that resulted from protective tariffs. Their platform therefore included a revenue tariff and reciprocal trade relations. Most Patron candidates were also anti-remedialists. The overlapping consensus against protective tariffs and the remedial bill provided the basis for an alliance between the three parties. McCarthy had formed a relationship with the Patrons in 1893 by presenting their ideas in parliament. He also enjoyed the support of the Protestant Protective Association (PPA). On 25 December Liberal President Alexander Smith and Edward Farrer met with Patron President C.A. Mallory. By the end of the meeting, the representatives agreed to withdraw candidates from key ridings in order to improve the electoral chances of a single anti-remedial candidate. The
desire among Patron leaders to appear non-partisan, as well as the damaging effect that the alliance with McCarthyites would have on the Liberal campaign in Quebec, however, led the latter two parties to deny the alliance’s existence.¹¹²

Parliament should have resumed its consideration of remedial legislation in January, but it was delayed by a cabinet crisis. Seven Protestant ministers, including C.H. Tupper as well as Ontarian ministers John Haggart and John Wood (the MP for Brockville and Controller of Customs) resigned on 4 January. This so-called ‘nest of traitors,’ as Bowell later dubbed them, ostensibly resigned over the prime minister’s failure to fill Angers’ seat in the cabinet. The front was a thinly veiled attempt to hide their discontent with Bowell’s leadership and desire for a new cabinet that could salvage the party’s electoral prospects. After a week of negotiations, Bowell managed to convince most of his former ministers to return to a new reconstructed cabinet. In return, he acknowledged the returned parliamentary leadership of Sir Charles Tupper (senior), and promised to resign as leader of the Conservative party after the election. Tupper remained an unequivocal supporter of remedial legislation, and this limited his popularity among the party’s Ontario caucus. Although the government survived the crisis, it still lacked the unity it required to ensure the passage of its remedial bill.¹¹³

¹¹² S.E.D. Shortt, “Social Change and Political Crisis in Rural Ontario: The Patrons of Industry, 1889-1896,” in Oliver Mowat’s Ontario, 211-235. Evans, Sir Oliver Mowat, 298-299; McLaughlin, "Race, Religion and Politics,” 351; E.J. Noble, "D'Alton McCarthy and the Election of 1896," MA thesis, University of Guelph, 1969, 56-57; Cumming, Secret Craft, 241-243; Kulisek, "D'Alton McCarthy and the True Nationalization of Canada," 423. The Protestant Protective Association (PPA) also contributed to the electoral campaign. The PPA came to Ontario as the ERA faltered in 1891, and borrowed heavily from the American Protective Association. Although it shared the ERA’s opposition to state support for separate schools, many ERA leaders, including Caven, refused to endorse its more extreme anti-Catholicism. Where the ERA was a pressure group, the PPAs secret and oath-bound fraternity structure more closely resembled the Orange Lodge. The willingness of its leadership to engage in personal discrimination or boycotts of Catholic establishments made it similar to the Ku Klux Klan. In the 1894 Ontario provincial election, PPA candidates often ran under joint banners (ex. Conservative-PPA). Meredith did not embrace their platform but his inability to adequately differentiate his anti-Catholic platform from the PPA’s resulted in a split vote. By 1896, the PPA was largely a spent political force. Most of its former members moved their support to the Orange Order and supported McCarthyite candidates. Miller, Equal Rights, 171-172, 176; Evans, Sir Oliver Mowat, 295-298, 312-319; Noble, "D'Alton McCarthy and the Election of 1896," 52-56; McLaughlin, "Race, Religion and Politics,” 353-355; Hereward Senior, "Orangeism in Ontario Politics, 1872-1896," 148-150. When the alliance became public knowledge during the campaign, the Liberals and McCarthyites continued to deny its existence. Noble, "D'Alton McCarthy and the Election of 1896," 59.

After Sir Charles Tupper won a by-election and assumed his seat in parliament, the government finally tabled its remedial bill on 11 February 1896. The bill restored French-Catholic rights in Manitoba by creating a separate school board of nine Trustees that could levy taxes on all ratepayers who did not wish to support the public system. The board was also entitled to grants from the provincial government. Schoolteachers were subject to two inspection systems. The board conducted regular inspections but the provincial government could also conduct occasional inspections to ensure that students received instruction consistent with the public system’s standards.114

For the next three months, the possibility of Ontario’s political representatives uniting to effectively veto the bill emboldened anti-remedialists. During a rally at Massey Hall in Toronto a week into the debate, McCarthy, Wallace, and other anti-remedialists encouraged Ontarians of all political persuasions to unite and oppose “French influence.”115 In parliament, McCarthy also claimed that the Canadian government would use its patronage to silence Ontario’s voice. Ontario’s Conservative MPs, he charged, would “eat dirt… for a consideration.”116 Orangemen predictably continued to urge Ontarians to unite against the influence of Catholic-pressure emanating from Quebec.117 The World also encouraged Ontarians unite against the bill. It admitted the value of Maritime, Prairie, and even British Columbian opposition to the government’s policy, but contended that “a united Ontario” was integral to the defeat of the remedial bill.118 During the parliamentary debate William MacLean, who was the co-founder and owner of the World as well as the Conservative MP for York South, claimed that Ontarians had a unique right to influence the Manitoba schools question. “The province of Ontario,” he suggested, “regards her relations to the province of Manitoba in the light of the ancient Greek idea. Ontario regards herself as the metropolis, the mother city, the mother state, and Manitoba as her child, her offspring, and her colony. And, Sir, the province of Ontario will resent…such interference as is proposed under this Bill and

114 Crunican, Priests and Politicians, 170-171.
115 Globe, 24 February 1896.
117 Globe, 4 March 1896.
118 World, 24 February 1896; Ibid, 16 March 1896. See also: Globe, 28 February 1896.
under existing circumstances." Several additional MPs, including Wallace, claimed that Ontarian representatives would prevent the passage of the remedial bill.

From an Ontarian perspective, however, the most notable development of the February to April debates was the new voices that joined the political choir asserting Ontario’s ability and right to block remedial action. As the World’s political cartoons depicted (see Figure 6), Clarke Wallace could legitimately claim that “more’n me an D’Alton McCarthy” led the anti-remedialist movement. The agitation enjoyed the support of other provincial leaders including Manitoba’s Joseph Martin (who moved from provincial to national politics in 1893), William Mulock (a leading Ontario Liberal and the MP for York North) as well as Richard Weldon of New Brunswick. The World’s political cartoon actually understated the growth of the sense of power and entitlement in Ontario to decisively impact the Manitoba school question. An increasingly wide variety of Ontarians believed that their province could stop the remedial bill in its tracks. James Young, a former Liberal MP and MPP for Galt, did not have an anti-Catholic or anti-French record. After his retirement from political office in 1886, he maintained his political relevance by publicly advocating an independent Canada with expanded trade relations with the United States. On 26 February, however, Young broke with this strategy by composing a lengthy letter to the editor of the Globe concerning the Manitoba school question. Most of the editorial echoed Laurier’s policy but it also urged Ontario Conservative and Liberals MPs to unite against the remedial bill. He alleged that Ontario MPs who supported the bill were guilty of submitting to “badgering” or “bribery” and warned that the electorate would not return them at the next election. Cartwright, who anticipated the agitation would be heightened by a belief that Ontario could preponderate as early as August 1889, and whose concern with the Orange and Catholic vote in Ontario and Quebec led him away from exploiting this belief to frame his response to the Manitoba school question, now urged its MPs to defeat the bill.

121 World, 15 February 1896; Ibid, 23 February 1896.
123 Globe, 7 March 1896.
124 Cartwright to Laurier, 9 August 1889, 25 March 1895, and 16 September 1895, LAC, MG26-G.
government, he charged, was “endeavouring to delude their supporters from Ontario, whom they are leading like sheep to the shambles.” Ontario Conservative MPs, he implied, could block the bill’s passage by voting against the government. Anti-Catholic and anti-French prejudices in Ontario as well as the belief that its preponderant influence could be used to defeat the bill made it increasingly difficult for government MPs to support remedial action.

The belief that Ontario’s preponderant influence could be used to derail the Canadian government’s bill even pulled Sir Oliver Mowat’s government (he was knighted in 1892) into the dominion-Manitoban dispute. Ramsay Cook notes the inconsistency of Mowat’s determination to stop the Assembly from debating the Jesuits’ Estates question and his consequent willingness to consider the Manitoba schools question in early March. He blames partisan posturing for this exceptional reversal. “Not even so strict a provincialist as Oliver Mowat,” Cook points out, “could resist the temptation to reach out beyond the province when party advantage was to be gained.” Margaret Evans’ brief discussion of the debate sidesteps the jurisdictional question and instead frames Mowat’s actions as another example of his longstanding support for provincial rights. Charles Humphries provides more analysis of the debate in his study of James Pliny Whitney, who became the provincial Conservative’s new leader the following month. His analysis, however, focuses on Whitney’s use of jurisdictional arguments to coax his party towards “dismounting from ‘the Protestant Horse’” that they rode during the previous three provincial election campaigns. All of these historians overlook the longstanding sense of power and entitlement that contributed to the debate’s initiation as well as its subsequent impact on national politics.

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125 Canada, House of Commons, Debates, 11 March 1896, col 3275.
126 Evans, Sir Oliver Mowat, 328; Cook, Provincial Autonomy, Minority Rights, and the Compact Theory, 56; Humphries, ‘Honest Enough to Be Bold,’ 34-37.
Figure 6: The World on the ‘snowballing’ movement against remedial legislation.
On 4 March Thomas Crawford, a former Toronto Alderman, well-known anti-Catholic, and current Conservative MPP for Toronto West, moved a resolution stating that the provincial Assembly had “a deep interest in all that concerns the well-being of every part of the Dominion of Canada” and consequently “cannot but look upon the legislation which is being promoted at Ottawa as an attack upon the Legislative rights of a sister Province, and as a measure fraught with grave danger to the peace and prosperity of Confederation.”

Rather than opposing the resolution because it ignored the JCPC’s ruling as well as the Assembly’s lack of jurisdiction in the dispute, Mowat responded with his own lengthy amendment that did not explicitly declare the right of the Assembly to pronounce on the Manitoba school question but, by its very existence, affirmed the belief that Ontario had the ability and right to influence a school dispute from another province. “In the judgement of his House,” the amendment asserted, “remedial legislation by the Dominion is only to be thought of, if at all, as a last resort.” Another part of the amendment declared that the Canadian government’s “hasty” decision to pass a remedial bill was “in the judgement of this House, fraught with great danger to the best interests of the Dominion as a whole, including the interests of the Roman Catholic minority.”

Like Crawford, the premier, famous for his steadfast defence of provincial autonomy, asserted Ontario’s right to influence the national debate by suggesting his own lengthy draft amendment (which he did not move) stating that the dominion government was constitutionally obligated to propose remedial legislation and that it deserved non-partisan support. Whitney was a more consistent provincial autonomist. “The people of Ontario,” he pointed out, “had not elected the present Legislature to pronounce upon that question.” He charged Mowat with pursuing the question to harm the Conservatives in the upcoming election and moved an amendment stating that “any

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128 *Globe*, 5 March 1896.
expression of opinion of this House” concerning the remedial debate constituted “an unwise
and unwarrantable intrusion upon the proper domain of the Parliament of Canada.”129 In so
doing, Whitney repeated the Conservative habit of using the Assembly’s limited jurisdiction
to rebuff the sense of entitlement and power that spurred the debate.

Only fourteen MPPs supported Whitney’s amendment. Except for one Independent
MPP, all of the supporters were Conservatives. Seventy-two MPPs, including six
Conservatives and all of the Liberal and Patrons of Industry representatives were unwilling to
disavow influencing the parliamentary debate. They did not agree, however, on what policy
to endorse. A much less decisive fifty-one of the eighty-eight present representatives
supported the Mowat and Crawford resolutions. It was largely a party vote. Liberals
supported the resolutions; the Conservatives opposed them. Three-quarters of the PPA MPPs
sided with the Conservatives.130

The outcome of the Assembly’s debate alarmed the remedial bill’s supporters and
emboldened its detractors. The Catholic Register, which adhered to the opinions of the
Toronto Catholic hierarchy (and became the sole Catholic Toronto weekly after it merged the
Irish Canadian and the short-lived Catholic Review in January 1893131), was deeply troubled
by the results. It criticized the willingness of prominent Catholic Liberals like William
Harty132 and François Evanturel to put partisan ties before alleged Catholic interests. The
Assembly’s votes verified the organ’s doubts regarding the generosity and tolerance of
“Protestant majorities.” It used the vote to justify an appeal for Quebec MPs to protect the
rights of Manitoban Catholics. “The eyes of the Catholic world are upon the French-
Canadian public men…If the minority of their race is to remain down-trodden they will be
responsible.”133 Once again, an agitation based on the belief that Ontario could oppose

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129 Ibid.
130 Ontario, Legislative Assembly, Journals, 4 March 1896, 55-57; Globe, 5 March 1896. Not all Liberals
agreed with Mowat’s decision to engage the Manitoba school question. George Ross favoured proposing a
resolution that was nearly identical to Whitney’s. He was notably absent during the vote. Ross to Mills, 21
132 Harty replaced Christopher Fraser as the Catholic representative and Commissioner of Public Works in the
133 Catholic Register, 12 March 1896.
demands from other parts of Canada gave the province’s Catholic inhabitants reason to believe that their elected officials did not represent their religious interests.

Mowat’s success alarmed the dominion cabinet enough for it to allow William Ives, the Conservative MP for Sherbroke and the Minister of Trade and Commerce, to comment on the resolution during the parliamentary debate. Ives avoided offending Ontarians by denouncing the premier’s resolution. Instead, he emphasized Mowat’s acknowledgment of the grievances of Manitoban Catholics, as well as his desire that remedial legislation be a last resort. In fact, aside from the allegation that the dominion government acted ‘hastily,’ he praised the premier’s resolutions and claimed that it was “surprising… how near the two parties are together at the present moment.” Almost two weeks later, Sir Charles Tupper echoed this interpretation of Mowat’s stand. The dominion government’s message was clear. Canadian, and especially Ontario MPs, did not have to fear the Assembly’s effort to influence popular opinion in Ontario on the remedial question. The Liberals challenged this sentiment. In parliament Cartwright used the Assembly’s vote to bolster the anti-remedial cause. Mowat’s opinion, he contended, “ought to have very considerable weight with this House.” By referring to the Assembly’s debate, as one Nova Scotian MP subsequently charged, Cartwright “threatened the Government with the hostility and opposition of the Protestant majority of Ontario.” The pressure emanating from Queen’s Park (the Legislative Assembly moved to the new facilities in 1893) therefore impacted the national debate. It emboldened Liberals like Cartwright to confidently assert their anti-remedial platform. The same pressure also led Ives and Tupper to defend their Ontario MPs from allegations of ignoring the will of their constituents. This damage control had little effect. Few Ontarians gave speeches supporting the bill.

The Globe also stoked the belief that Ontario could use its intrastate preponderant potential to defeat the government’s bill. For example, it reprinted the letters and speeches of

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134 Canada, House of Commons, Debates, 5 March 1896, cols 2901-2902.
135 Ibid, 17 March 1896; cols 3695-3696.
137 The MP was Thomas Kenny, the Conservative MP for Halifax. Canada, House of Commons, Debates, 12 March 1896, col 3407.
138 Several Ontarian anti-remedialists noted the silence of their province’s Conservative MPs: Globe, 13 March 1896; Ibid, 19 March 1896; Ibid 8 April 1896.
individuals who demanded the assertion of Ontario’s power. Its own editorials also urged Ontarians to unite against the remedial bill. On 22 February it encouraged Ontarians to lobby their MPs to oppose the government’s legislation. “If public opinion in Ontario is plainly expressed… the Government’s uncertain mind will be convinced that their bargain with the Quebec Bishops is too expensive to keep.” That same month, the Globe hinted at Ontario’s potential influence. It expected Tupper to “force” many Ontario Conservative MPs to “stultify their record in regard to education questions” in order to secure the bill’s passage. On 10 March it again urged Ontario Conservatives to defeat the remedial bill. Ontario had the power to defeat the government’s legislation but the Globe doubted that Conservative MPs would support this aspiration. Partisanship, it insisted, was the only barrier to exercising Ontario’s parliamentary preponderance.

Ontario Conservatives adopted several strategies to combat these attempts to encourage Ontarian unity against the government’s bill. Attacking Laurier remained one of their most popular tactics. On the one hand, they insisted that the Liberal leader orchestrated Manitoba’s intransigence to overthrow the government. He “pulled wires” and “intrigued” with Greenway to prevent a resolution to the dispute. The Liberals would continue to antagonize prejudices across the country until they toppled the Conservative government. Parties that adopted such divisive and destructive strategies, they concluded, did not deserve electoral support. On the other hand, Conservative newspapers speculated that Laurier would propose even harsher remedial legislation if Greenway did not respond to his ‘sunny ways.’ To redeem himself with the clerical right, the Mail and Empire asserted, the Liberal leader would go “bishop baiting” by denouncing the bill as inadequate but then draft his own remedial bill that exceeded the provisions of the Conservative government’s legislation. Laurier, it continued would assert that these additional provisions were constitutional obligations. Such a bill would not be based on any “principle acceptable in Ontario.” Yet the Mail and Empire asserted that Ontario Liberal MPs would ‘swallow’ the measure to maintain

140 Ibid, 22 February 1896.
141 Ibid, 12 February 1896.
142 Ibid, 10 March 1896.
143 Mail and Empire, 8 April 1896; Ibid, 7 March 1896; World, 11 March 1896.
their grip on power (see Figure 7). Ontarian voters, these Conservative newspapers concluded, could not trust Liberal candidates or their party leader to heed their province’s voice. Only the Conservative’s remedial bill, which they insisted fulfilled the dominion government’s minimum constitutional obligations, deserved Ontario’s support.

**Figure 7: "Laurier the Mesmerist." Mail and Empire, 2 March 1896**

During the parliamentary debate, however, the Conservatives did more than attack the Liberals and discount Ontario’s voice in Liberal policy development. The strong assertions of Ontario’s preponderant potential in parliament, Queen’s Park, public rallies, and the press, sparked more consistent attempts to reposition this sense of power and entitlement behind the

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144 Mail and Empire, 5 March 1896; Ibid, 4 March 1896; Ibid, 7 March 1896; Intelligencer, 9 March 1896.
remedial bill. The *Mail and Empire* offered only one timid linkage. “A great many among us object” it admitted,

> on either religious or provincial grounds, to [remedial] legislation of any kind. Such objection challenges respect. But, assuming that the action proposed is of a moderate and conciliatory nature, the objection, while still held to by those entertaining it, will certainly not be of such a character as to necessitate the abandonment of our national and material interests.\(^{146}\)

The Liberal platform, the *Mail and Empire* concluded, was “scarcely deep enough for an intelligent electorate such as that of Ontario.”\(^{147}\) John Haggart, despite his private misgivings about the remedial bill, was more direct. He defended his decision to remain a government minister by characterizing the anti-remedialist campaign as an agitation stirred by the petty jealousies of individuals like McCarthy to secure more influence within the Conservative party. He claimed that “the Protestant electors of Ontario” desired the continuation of religious teaching in Manitoban schools and wondered aloud “what interest is it to them to refuse religious training” in a “few” Roman Catholic schools. When the Conservatives had a chance to present their case to the electorate, Haggart claimed that “the people of my province will… give a practically unanimous verdict in favour of the Government and of the policy they have adopted of giving this moiety of justice to the minority of Manitoba.”\(^{148}\) The boldest attempt to co-opt the Ontarian desire to preponderate during the parliamentary debates, however, came from James Grant, who returned to politics in 1893 as the Conservative MP for Ottawa after losing his seat during the Pacific scandal. Grant characterized the “great province of Ontario” as a place that produced “great men” of “integrity” who were not afraid to do their “duty” by defying their anti-remedialist constituents. He repeatedly urged his Ontarian peers to join a “phalanx” of MPs who would foster “peace and goodwill” across Canada by supporting the government’s bill.\(^{149}\) The arrival of concerted attempts to redirect preponderant federalist energies from Ontario during the remedial debate demonstrates the Conservatives’ desperation to survive the agitation. Government supporters from Ontario did not believe that the constitutional arguments

\(^{146}\) *Mail and Empire*, 10 February 1896.

\(^{147}\) Ibid.


\(^{149}\) Ibid, 19 March 1896, cols 4075-4077.
provided by Tupper and his supporters adequately justified their support of the bill. They therefore specifically addressed the Ontarian sense of entitlement to influence the Manitoba schools debate and claimed that ‘justice’ could only be secured with the assistance of Ontario’s parliamentary preponderance. This unique justification made it easier for Conservative MPs from Ontario to support remedial action.

In the end, Tupper was unable to secure the remedial bill’s passage. During the second reading, Laurier continued to insist that the government needed to appoint a commission to investigate the claims of the Manitoban minority before it entertained remedial action. The Liberal leader moved an amendment for a six months’ hoist of the remedial bill. This brilliant move allowed him to attract the support of dissatisfied Ontarians from both sides of the aisle who refused to support any remedial legislation, as well as dissatisfied Quebecers who believed that the bill was inadequate. The bill, however, passed its second reading on 20 March by a vote of 112 to 94. Seventeen Ontario Conservatives, as well as McCarthy and the Independent Conservative William Stubbs voted against the government. Many more Ontarians only supported the measure with the understanding that it would undergo substantial moderation in Committee. In the following weeks, the parliamentary contest continued to a third and final reading. Anti-remedialists mounted a lengthy filibuster that Tupper often forced to persist through the night. Time, however, was on the side of the anti-remedialists. The session had to end by the 26th and the government still had to pass important legislation unrelated to the Manitoba schools question. By 16 April the government admitted defeat and withdrew its remedial bill. Bowell resigned as party leader on the 27th. Canada’s voters would decide whether Tupper or Laurier would oversee the resolution of the Manitoba separate school question.150

During the election campaign, anti-remedial candidates actively justified their position by insisting that Ontarian opposition was integral to defeating the remedial movement. The dozen McCarthyite candidates even signed pledges to oppose any government that proposed remedial legislation. By taking this extreme stand, McCarthy

150 The government still had to pass legislation to pay its expenses, debate the militia’s budget and resolve the case of Valentine Shortis (an Irish immigrant whose death sentence was commuted). Crunican, Priests and Politicians, 152n60, 203, 208-209, 237.
hoped that his third party would hold the balance of power in parliament. In fact, despite his willingness to endorse Liberal and Patron candidates in other ridings, McCarthy warned a Brockville audience that Laurier might still resort to remedial legislation if Greenway did not respond to his ‘sunny ways.’ McCarthy therefore exhorted Ontarian voters to give him “twenty followers” to “keep Mr. Laurier straight.”

Ontario, in McCarthy’s estimation, could exert important influence against remedialists. The intransigence that this sense of power and entitlement inspired was particularly well documented in the riding of Toronto East. On 7 May the riding’s Liberal-Conservative Association held a convention to select its candidate. The incumbent, Emerson Coatsworth, voted for the remedial bill. Several individuals contested Coatsworth’s candidacy. One of the other nominees was Dr. Beattie Nesbitt. Nesbitt, who would later represent Toronto North in the Legislative Assembly, informed the convention of his opposition to ‘coercion.’ “Had the Conservative members in Ontario only stood up and told the Government their honest opinions,” he declared during the nomination meeting, “this difficulty would never have occurred.” Because the majority of the association desired a remedialist candidate, Nesbitt asked for his name to be withdrawn from the convention. On two occasions, John Hewitt, who was treasurer for the Provincial Grand Lodge of Ontario West, tried to pass a resolution denouncing the government’s remedial legislation and committing its nominee to support non-interference. When the convention refused to vote on the resolution, Hewitt and “fifty or sixty” other MPs left the meeting “amidst considerable uproar.” The disgruntled Hewitt subsequently took a leading role in the campaign of John Ross Robertson who ran against Coatsworth as an anti-remedialist Conservative. As the editor of the Toronto Telegraph and supporter of the Orange Order, Robertson proved to be a strong and outspoken opponent. Near the end of his campaign, Robertson claimed that Ontario had a right to protect Manitoba from dominion interference.

151 McCarthy as quoted in Kulisek, "D'Alton McCarthy and the True Nationalization of Canada," 451, see also 449.
152 Mail and Empire, 8 May 1896.
Our sons and daughters in the west are fighting against great odds for the freedom which is the birthright [sic] of the children of the empire. Shall we of Ontario desert them, or shall we in this crisis stand by them and scatter to the winds the forces of coercion? Yes, surely we shall be with them, for, as certain as the waters roll over the brink of Niagara, as surely as the St. Lawrence sweeps its mighty current to the sea, so surely will Ontario send to Parliament at Ottawa a cohort who shall sweep away the last vestige of remedial legislation.\(^{154}\)

The Manitoba school question was the only major point of contention between the two Toronto East candidates because they both supported the National Policy. On election day Robertson won the riding with 61% of the popular vote.\(^{155}\)

Other Ontarians insisted that their province’s opposition was indispensible to their fight against ‘French domination’ and separate schools in Manitoba. The *World* claimed that the majority of Quebec MPs pledged to support remedial action but argued that this support was inadequate. “No government” it obstinately declared, “can carry it through Parliament if Ontario and Manitoba are against it.”\(^{156}\) McCarthy similarly claimed that the government “was depending upon Ontario for its majority.” He continued to argue that separate schools provided “inadequate” education and urged Ontarians to support anti-remedial candidates.\(^{157}\)

The agitators in Ontario also specifically argued that their province had to use their parliamentary preponderance to protect provincial rights. The *World*, which supported anti-remedialist Conservatives and continued to criticize Laurier’s conciliatory platform throughout the campaign, pushed Ontarian voters to “side with the Province of Manitoba in its determination to maintain national schools as against the dual system.” Ontario, it claimed, was entitled to this influence.

If the people of Quebec and their bishops have the right to say that Parliament must impose a dual system on Manitoba, then it surely follows that the people of Ontario through their representatives, and the people of Manitoba and the Northwest Territories, and for that matter all the other provinces outside of

\(^{154}\) *Globe*, 19 June 1896.


\(^{157}\) *Globe*, 22 June 1896.
Quebec, have also the right to say that Parliament must not interfere with Manitoba in the matter of education.  

“What is sauce for the goose” the World repeated, “is sauce for the gander.” While speaking in Welland, Sir Richard Cartwright also encouraged Ontarians to protect “the rights of a sister Province” from being “trampled.” He therefore encouraged his province’s voters to support Laurier’s “amicable” solution to the impasse.  

Similarly, on the last day of the campaign, Edmund Osler, the anti-remedialist Conservative candidate for Toronto West, boasted that “the question should be left to the people of Manitoba alone to settle, and Ontario is going to see that this is done.”

In the last month of the election campaign, even Laurier encouraged Ontarian voters to believe that they could decisively impact the fate of the remedial legislation. To avoid playing into the hands of his opponents in Quebec, however, Laurier skillfully counselled Ontarians and Quebecers to combine their electoral influence against Tupper. While speaking at Glencoe, for example, the Liberal leader suggested that if Ontario and Quebec voters “did their duties the result would be that the present Conservative Administration would be wiped off the face of the earth.” On the closing day of his campaign at Lachine, Quebec Laurier expressed similar hopes. Remedial legislation, he claimed, would only further antagonize the Manitoban government, and its passage was thus contrary to the interest of Manitoban Catholics. He therefore urged Quebecers to support his policy of “conciliation.” Although he assured Quebecers that their province would “not take second place to her sister Province,” he nevertheless asserted that they “look[ed] to the Province of Ontario for assistance” to defeat remedialism. The utility of exploiting the belief that Ontario possessed the preponderant influence to stop the passage of remedial legislation was too tempting for even a French-Catholic leader to ignore.

Yet the Liberals risked jeopardizing their Catholic support in Ontario and Quebec if they catered too strongly to the Anglo-Saxon prejudices in Ontario. The Globe, for example,

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158 World, 18 May 1896.
159 Ibid.
160 Globe, 30 May 1896.
161 Mail and Empire, 22 June 1896.
162 Advertiser, 5 June 1896.
163 Globe, 22 June 1896.
tried to curtail Ontario’s sense of entitlement to influence the school debate. In its estimation, the election results in Manitoba would be “of more importance than that of Ontario or Quebec.”164 Ontario, it acknowledged, “will give a great majority” against remedial legislation, but that majority would lack the authority to protect Manitoba if its electors supported “Tupperism.”165 The Advertiser also generally avoided discussing Ontario’s ability to influence the remedial policy of a Canadian Liberal government.166 Mowat also avoided discussing the preponderant federalism that inspired his government’s March anti-remedial resolutions.167 The threat of turning Quebec voters off of the Liberal party by too loudly trumpeting Ontario’s parliamentary power appears to have kept its leaders from capitalizing on the preponderant federalist impulse as strongly as Liberals like Blake had done in the late 1860s. They carefully managed the belief in Ontario’s power to improve their electoral prospects without damaging their chances in Quebec. This skilful manipulation made them a potent electoral force.

The Liberals used additional strategies to attack remedialist candidates in Ontario that did not endanger their Quebec support. According to Lovell Clark, they emphasized the divisions between the Conservative’s Quebec “coercionists” and Ontarian “anti-coercionists” and wondered aloud how such a divided party could possibly resolve the dispute. They also railed against “coercion” and claimed that they were the only party that could arrange “conciliation.” Violating Manitoba’s autonomy, they insisted, would only heighten national disunity. Liberal candidates regularly expressed sympathy for Manitoba’s Catholic minority while disavowing remedial action. They emphasized the “very narrow differences” that separated the Manitoban and Canadian governments and insisted that the Manitoban government would accommodate the JCPC’s ruling if the Canadian government ceased issuing threats and instead negotiated in good faith. Although many Ontario Liberals were against separate schools in principle, they did not join partners like McCarthy and anti-remedialist Conservatives in attacking these institutions and denying that Manitoban French-Catholics had a legitimate grievance. This avoidance allowed the Liberals to differentiate

165 Ibid, 3 June 1896. See also Ibid, 16 May 1896.
167 Globe, 4 May 1896.
themselves from their anti-remedialist Conservative rivals. It also allowed the Liberal party
to benefit from stoked anti-Catholic and anti-French attitudes in Ontario without alienating
their French and Catholic supporters across the country with similar statements. These tactics
were not new, but their combination facilitated a façade of unity between Quebec and
Ontario Liberals. They also ensured that 'provincial autonomy, rather than the
(un)desirability of separate schools, remained the focal point of their Manitoba platform.  

The Liberal’s recruitment of Oliver Mowat also facilitated English-Protestant and
French-Catholic alignment while giving additional credence to the belief that Ontario was
entitled to special influence. Beginning in April, Laurier worked through John Smart, the
premier’s nephew, to recruit Mowat. Although Mowat’s infirmity made him hesitant to
commit to the stresses of travelling to Ottawa and occupying a cabinet post, Laurier
eventually persuaded him to contribute his prestige to the campaign. At the beginning of
May 1896, the premier announced that he would accept a seat in Laurier’s cabinet.

Mowat, as Kenneth McLaughlin notes, embodied the political balance sought by Laurier.
The premier was a warrior of provincial rights and also had a long and proven track record of
tolerance and generosity when dealing with Ontario’s Catholic separate schools. His
commitment to chair a Commission of Inquiry on the Manitoba school question ensured that
Ontario’s Protestant provincial rights advocates could trust a French-Catholic prime minister
to not overstep Manitoba’s constitutional rights; it also ensured that Ontario and Quebec
Catholics could support a government that included Ontario Liberals. Yet Mowat’s
recruitment was more than a nod to Ontario’s provincial autonomists. The promise of his
inclusion in Laurier’s cabinet was also a subtle way of affirming that Ontario could influence
the Manitoba school question. Without acknowledging a special entitlement to leadership,
the promise of Mowat’s chairmanship of the Commission encouraged Ontarian agitators to
believe that their province’s values would impact the outcome of the dispute.

Conservative party leaders downplayed the Manitoba school question during the
election campaign. As one historian notes, “the Manitoba school question was cited as

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171 Globe, 22 May 1896.
merely one in a series of major proposals put forth by the party.\textsuperscript{172} Party loyalists focused on the protective tariff and its alleged benefits to the Canadian economy. On the hustings, the prime minister often gave lengthy speeches that proclaimed the necessity of the tariff to Canadian prosperity and gave comparatively brief attention to the school dispute. Over the last two decades Ontario Liberals had swung between commercial union, unrestricted reciprocity, and a revenue tariff. As McLaughlin explains, these policies appeared to be “inconsistent” when compared to the Conservative’s unfluctuating support for the National Policy. The only commonality among the Liberal platforms was closer ties to the United States and the Conservatives tried to construe this as annexationism.\textsuperscript{173} The Manitoban school question, Tupper supporters insisted, was therefore “a subsidiary question and not of anything like the importance” of the tariff.\textsuperscript{174}

Tupper also avoided alienating anti-remedialist Conservatives. Although their appearance as Conservative candidates hurt the party’s credibility in Quebec, the prime minister recognized that he lacked the power to oppose their nomination and he also accepted that alienating them would only widen the party breach. His government, moreover, required these renegades’ support to maintain power. Tupper therefore limited himself to discouraging the intensification of anti-remedialism among Conservative candidates. For example, when Edmund Osler refused to sign McCarthy’s anti-remedial pledge, Tupper sent a letter applauding his unwillingness to allow his anti-remedial stand to hinder his support for the rest of the Conservative party’s platform.\textsuperscript{175}

When Tupper Conservatives addressed the Manitoba school question in Ontario, however, they boldly defended the government’s remedial legislation. In May, John Haggart, George Foster, as well as James Whitney repeatedly told Ontarians that the government was constitutionally bound to honour the French and English “compact” that formed the basis of Confederation.\textsuperscript{176} Tupper repeated this argument during his own gruelling tour through Ontario. From 9 to 22 June the seventy-six year-old prime minister

\textsuperscript{172} McLaughlin, "Race, Religion and Politics," 292.
\textsuperscript{173} Ibid, 292-294; Beck, Pendulum of Power, 77.
\textsuperscript{174} Mail and Empire, 22 May 1896.
\textsuperscript{175} Clark, "The Conservative Party in the 1890s," 72; Crunican, Priests and Politicians, 297.
gave thirty-nine speeches across the province. The Manitoba school question, he insisted, was not a referendum on separate schools or a religious question; remedial action was a constitutional obligation. He claimed that the same constitutional guarantees protected Quebec Protestants and Manitoban Catholics. Failure to honour these bicultural safeguards violated the ruling of the JCPC and threatened to destabilize Confederation. The Conservatives were not, however, above taking advantage of anti-Catholicism in Ontario. Tupper repeatedly referred to Laurier’s campaign speech in St. Roche, Quebec, the only occasion when the Liberal leader made the mistake of suggesting that his government would support remedial legislation if it could not reach an agreement with the Greenway government. Laurier, according to the prime minister and the *Mail and Empire*, could not be trusted to stand up to Quebec’s Catholic Bishops. They warned that the French-Canadian Roman Catholic’s remedial legislation might go well beyond the dominion government’s constitutional obligations and fully restore the separate school system in Manitoba. By contrast, Tupper described his own remedial bill as moderate and measured. The Conservative bill, he concluded, best suited Ontarian Protestant preferences.

Although Tupper and his followers most often limited their defence of the government’s policy to restating the dominion’s alleged constitutional obligation, a few government supporters found this tactic to be unsatisfactory and therefore tried to encourage Ontarians to instead unite behind government. The unpopularity of the government’s remedial bill led the *Mail and Empire* to link it to the tariff. The Liberals, it deviously suggested, stoked the anti-remedial movement to garner support when their real agenda was free trade and even annexation with the United States. Ontario’s support, the Conservative organ decried, was critical to saving Canada from annexation. The tariff always figured more prominently in these linkages. Editorialists sometimes managed to entirely avoid the words “remedial bill.” On 20 May, for example, the Toronto organ denied that the government had “done wrong in Manitoba” and claimed that “Ontario must reject Sir Richard, it must also, in the interests of public morality and as a protest and a protection against theft, oppose vigorously and patriotically the advance of Mr. Laurier and his men.”

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177 McLaughlin, "Race, Religion and Politics," 290-300; Crunican, *Priests and Politicians*, 297-299.
178 *Mail and Empire*, 20 May 1896.
same newspaper issued a similar warning and claimed that Cartwright used “religious feelings” to bring the Liberals and his trade policies into ascendancy. “Ontario” had to “thwart the attempt to hand her [Canada] over bound to the boodlers” Laurier and Cartwright. 179 Tupper’s Conservatives, therefore, did not have to ask Ontarians to set aside their provincial identities when they were campaigning on their party’s platform. Instead they framed their remedial pitch in a way that appealed to the Ontarian sense of entitlement to shape Canadian policy. The government’s Ontarian supporters retained a provincial consciousness and did not simply defer to national imperatives.

Occasionally the Mail and Empire entirely avoided any allusion to the Manitoba school question and simply linked Ontario’s parliamentary preponderance to the tariff. On 28 May it alleged that “the farmers of Ontario have, in the present election, a duty to perform to themselves, and, indeed, to the whole country” by supporting the Conservative’s National Policy. 180 Tupper also hinted at similar themes when he opened his campaign in Winnipeg.

the biggest surprise that is going to come to the Liberal party is going to come from Ontario. The Province of Ontario has too much at stake to sacrifice the interests of that Great Province and all the rest of Canada by doing the behests of Mr. Laurier. I says this, I am not prophesying, but I am speaking that which I know: That the Maritime Provinces will stand by me, and the majority of the present Administration will be greater in the new House than in the old. 181

Again, Tupper and his followers encouraged Ontarians to believe that they could shape national debates. Ontarians had to exercise their intrastate influence to safeguard Canadian prosperity by supporting the protective tariff at the polls.

In the final days of the campaign, the Mail and Empire found another reason for Ontarian voters to support the Conservatives. It claimed that Laurier promised to grant better terms to Quebec in return for Mercier’s support during the 1891 national election. Although Mercier had died in 1894, his supporters continued to support the Liberals. “Ontario,” the Mail and Empire warned, “has much to fear from these men. We pay a reasonably fair

180 Ibid, 27 May 1896.
181 Globe, 11 May 1896.
proportion of the taxes; and whatever they gobble up will be taken out of our pockets. This province must keep them where they can do no harm, or we shall find them exceedingly rich and ourselves unpleasantly poor.”182 By exploiting Ontarian memories of Mercier and better terms, the Mail and Empire urged Ontarians to oppose Quebec’s empowerment. Addressing Ontario’s sense of power, the editors of the Mail and Empire clearly hoped, would bolster the party’s electoral prospects.

On 23 June 1896, Canadian voters elected the first Liberal government in nearly two decades (see Appendix 2). The Liberal gains were most impressive in Quebec, where the party captured 49 of the province’s 65 seats. In Ontario, the results were less decisive. The Liberals and the Conservatives each took 43 of the province’s seats with 45% versus 47% of the popular vote. But Ontario gave additional support to the Liberal government. The Patrons and McCarthyites each secured an additional 3 seats and promised to support most government measures. On the Manitoba school question, the new government could also count on 15 anti-remedial Conservatives to support its conciliation policy. As Paul Stevens notes, Ontarian voters were “clearly opposed to remedial legislation.”183 Yet the election also demonstrated that a significant minority of Ontarians remained willing to accept remedial legislation if it ensured the perpetuation of the National Policy.

Conclusion

After 1889, Ontarians persevered in the pursuit of a voting bloc that could successfully pressure the Canadian government to adopt its policies. The emerging appetite in Ontario to use the province’s preponderance to protect local autonomy concerning language and separate schools on the Prairies emboldened a wide variety of political leaders and editorialists to demand policies that alarmed French and Catholic Canadians. In 1890 Ontario MPs voted as a solid bloc against Beausolei’s resolution and only a compromise amendment by Thompson that embodied the substance of McCarthy’s bill prevented further division. The Manitoba school question allowed Ontarians to decisively link provincial rights with their province’s preponderance influence. At first, pressure that partly arose from

182 Mail and Empire, 20 June 1896.
the belief in Ontario’s preponderant potential in newspapers like the *Sentinel*, *Mail*, and the *Globe*, as well as from politicians like McCarthy, contributed to the impetus that led Prime Ministers Macdonald, Abbott, and Thompson, to keep the Manitoba school question away from parliament by sending it to the courts. The same pressure contributed to Laurier’s decision to evade a decisive stand on the dispute. After parliament briefly considered the question in 1893 and especially after the *Brophy* ruling in early 1895, the plausibility of an Ontarian voting bloc energized the campaign against the Canadian government’s remedial bill. This widespread intransigence alarmed the dominion government’s Ontarian supporters, and helped to convert the dispute into a national political crisis.

This sense of entitlement and power to overcome pressure from Quebec had a profound effect on the 1895 and 1896 debates. It was, for example, a major impetus for the Queen’s Park debate. Even Mowat, a leader of the provincial rights movement, could not resist ignoring the precedent he set during the Jesuits’ Estates controversy. His government passed resolutions at Queen’s park endorsing Laurier’s ‘sunny ways’ and instructed the dominion government to desist from remedial action. The passage of the provincial government’s resolutions emboldened politicians like Cartwright to raise political tensions by threatening the Bowell government with Ontario’s disapproval. During the national election, the longstanding dream of a non-partisan anti-remedial power bloc seemed achievable, and this sense of empowerment contributed to the willingness of Ontario Liberals, McCarthyites and Patrons to endorse each other’s candidates. The intensity of this belief in Ontario’s right and ability to influence the Canadian government’s response to the dispute, however, varied. McCarthyites hoped for an Ontarian power-bloc that was large enough to defeat any party that considered remedial action. Liberals like Charlton shared this desire. Other Liberals, including Willison and Laurier, recognized that such an absolutist application Ontarian influence would fracture the country. Instead, they stoked the belief in Ontario’s right and ability to stop remedial action when they believed that it would not harm their party’s electoral prospects in the rest of Canada. These tactics contributed to the intransigence in Ontario that made it increasingly difficult for the province’s Conservatives to support remedial action.
At various times, both parties tried to dissuade Ontarians from believing that they could use their preponderant potential to overcome Quebec’s pressure. In 1890, Thompson managed to end the parliamentary impasse by allowing the territories to resolve the question. Most Liberals supported this policy, yet the disturbing sectional splits led Blake and Edgar to try to rally Ontario MPs against McCarthy. At the outset of the Manitoba school question, Blake, Macdonald, and Thompson, temporarily defused the sense of power and entitlement by referring the dispute to the courts. This deference allowed both national parties to avoid taking a stand on intervention and largely quieted attempts to rouse Ontarians to defeat remedial action. Inaction also negated the possibility of defending a remedial policy with suggestions that Ontarian support was key to maintaining national unity.

Beginning in 1895, however, the Conservative government began to address Ontarian concerns about the remedial bill. Provincial rights, anti-Catholicism, and anti-French attitudes, and the increasingly widespread belief that their province’s intrastate influence could be used to defeat remedial action, combined to make the remedial bill a hard pill for most Ontario voters to swallow. Tupper Conservatives recognized that referencing minority rights and constitutional obligations was not compelling to the majority of Ontarians. They therefore argued that Ontarian support for remedial action was integral to the preservation of national unity. By suggesting that Ontarians use their province’s parliamentary preponderance to foster national unity, these candidates appealed to the long-standing provincial sense of power and entitlement. They hoped that linking this political culture to the tariff and the remedial bill would create an Ontarian reason to support their candidates. The prospect of Ontarian voters splitting their influence between remedial and anti-remedial candidates also likely helped to convince individuals like Haggart that it was in their best political interests to remain loyal to Tupper. This hope, however, proved to be ill-founded. A largely Ontarian-led filibuster blocked the bill’s passage through parliament and Tupper’s Ontario nominees failed to even win a near majority of the province’s seats. By electing an absolute majority of anti-remedialist candidates, Ontarian voters expressed a clear desire to use their province’s parliamentary preponderance to safeguard Manitoba’s autonomy. The belief that an Ontarian voting bloc could block remedial action helped to seal the fate of French-Catholic rights in Manitoba.
Ontario: ‘First Among Equals’

The Upper Canadian, and subsequently Ontarian, expectation that their province would preponderate in Confederation was integral to their federalism and Canada’s political development. Support for the federal principle in Upper Canada remained superficial and fleeting until a sufficient portion of the population recognized that representation by population in a federation could give their colony local autonomy and the potential to exert preponderant intrastate influence. Prior to the 1850s, Upper Canadians frequently considered the federal principle but they almost always treated it as a means to secure a British North American Union and either avoided the question of intrastate representation or feared that Lower Canadians would use their larger population to compromise Upper Canadian autonomy. The revelation that Upper Canadians outnumbered Lower Canadians by the early 1850s led Reformers to reject federal proposals and to instead embrace representation by population. They believed that federations were expensive and complicated structures of government that would impede the Upper Canadian preponderance that ‘rep by pop’ would facilitate. Even the linkage of ‘rep by pop’ and the federal principle at the 1859 Reform convention failed to overcome this preference for unencumbered ‘rep by pop.’ After Lower Canadian representatives refused to support Brown’s interpretation of the convention’s platform during the Assembly’s 1860 session, he and his followers resumed advocating ‘rep by pop’ alone. The combination of ‘rep by pop’ and federation only garnered lasting support after the formation of the Great Coalition. Upper Canadian Reformers at the Charlottetown and Quebec conferences jealously guarded the principle of ‘rep by pop’ to ensure their colony’s potential intrastate preponderance. Even then, the need to assuage Lower Canadian and Maritime concerns about Upper Canada’s potential influence led them to either avoid discussing their colony’s potential influence, or to describe it as a defensive power. It was only after the conclusion of the 1866 London Conference that Brownites openly expressed their aspirations to preponderate and even dominate Confederation. These espousals prompted the Conservatives to develop of an alternative assessment of Upper Canada’s place in Confederation that acknowledged its preponderant potential but denied that Upper Canada could dominate the dominion government’s policies. Aggravating the rest of Canada with their province’s influence would only harm national unity. These Conservatives instead
suggested that Upper Canada could better secure its interests by using its intrastate influence to facilitate the passage of compromise policies that fostered national unity.

Governing Canada after 1867 necessitated more than juggling the demands of each province or region. It also required engaging preponderant federalisms. Ontario Liberals and a few Independent MPs expected ‘rep by pop’ and their province’s wealth to give them preponderant, or even dominant, influence in Canadian policy debates. They hoped that Ontarians would unite during parliamentary debates and only require a handful of votes from the rest of Canada’s MPs to impose their vision of Canada upon the country. Not even Quebec possessed the votes to oppose this combination. When national elections and parliamentary votes disappointed these expectations, the same sense of power and entitlement unexpectedly led Ontario MPPs to protest the dominion government’s policies. Unlike these MPs, the province’s MPPs did not have to maintain a caucus comprised of representatives from across the country to form the government. The absence of this constraint often led to the Legislative Assembly hosting some of the boldest assertions of Ontarian entitlement. When this sentiment peaked following events such as the Red River resistance or the passage of the Jesuits’ Estates and Manitoba School Acts, its adherents harmed national unity by demanding that the rest of Canada adopt their policy preferences.

Preventing these agitations from harming national unity required more than formulating compromise policies. Conservatives and Liberal-Coalitionists also contested the assertion that their province possessed the right to impose its will upon other parts of the country. Sometimes this opposition looked to the constitution, nation-building, or Imperial authorities, to justify their support of unpopular policies. When these tactics failed to stop the onslaught, those opposing the agitations directly addressed the preponderant federalists’ contentions. They acknowledged Ontario’s potential intrastate influence but contended that it was insufficient to assure its dominance of Confederation. Ontarians, they insisted, had to desist from alienating Canada’s smaller provinces. Sometimes they adopted a more positive approach by admitting that the policies of the dominion and provincial governments did not always please Ontarians but nevertheless argued that their province would ultimately benefit from the growth of national unity and prosperity across the country. Ontario, they concluded, had to use its preponderant influence to support compromises that facilitated
these goals. These alternative interpretations of Ontario’s role in Confederation generally attracted enough support to prevent the agitations from forming a provincial power bloc and consequently limited their ability to secure their demands at the expense of rest of Canada’s objections.

Yet the willingness of Ontarians to propose this alternative use of Ontario’s potential influence had its limits. The strategy was politically unwise when Ontarians believed that another province’s request was illegal. A widespread belief that Louis Riel would be found guilty of murder made it difficult for Ontarians to advocate using their province’s preponderant influence to deter prosecution. Similarly, the Globe and the Empire only rejected calls for the disallowance of the Jesuits’ Estates Act while the constitutionality of the Jesuits’ Estates Act remained an open question with the majority of Ontarians. After March 1889, David Mills only dared to question the disallowance’s movement’s attempts to assert Ontarian influence after delivering a lengthy and compelling speech that confirmed Lord Stanley’s assessment of the Act’s constitutionality. The hesitancy of Ontarians to urge their province to use its preponderance to facilitate compromise and national unity often hampered their attempts to counter such agitations and limited their ability to assuage rising alarm in other parts of the country.

This dissertation’s analysis of preponderant federalisms challenges several well-established scholarly assertions. It calls into question the political scientists’ tendency to focus on senates when analysing intrastate influence in federations. Although further research is necessary to determine whether the voters, newspaper editors, and political leaders of other asymmetrically populated provinces and states such as New South Wales and Victoria in Australia made similar assumptions, it is clear that Upper Canadians / Ontarians regularly imagined the House of Commons as an intrastate institution. Political scientists also generally assume that preponderant provinces, states, and cantons, of federations will behave as power blocs. They have not considered the possibility of divisions within these units, or how such divisions impact a federation’s politics and policy development. Despite aspirations for Ontarian preponderance or even dominance during national debates, the province’s political representatives rarely formed a provincial ‘phalanx’ that repelled or
affirmed initiatives from the rest of Canada. The division of Ontario’s voice generally ensured that the province exercised less influence than these scholars impart.

This dissertation also challenges the analysis of provincial rights scholarship by demonstrating that many Ontarians desired provincial autonomy and preponderant influence. In 1859, a few Reformers understood that they could use ‘rep by pop’ to safeguard Upper Canadian autonomy in a federation and to also shape British North America’s development. This dual expectation persisted after 1867. Ontario Liberals regularly urged their province’s political representatives to unite and assert preponderant influence to safeguard provincial rights. The linkage was especially important to the better terms, boundary dispute, and Manitoba school debates. This sense of power and entitlement to use Ontario’s preponderant influence to protect provincial rights also took on a more dubious form in the Legislative Assembly where MPPs tried to exert their province’s ‘moral’ influence to persuade the Canadian or other provincial governments to conform to Ontario’s preferences during their many debates concerning Louis Riel. Even Oliver Mowat, a champion of provincial rights, used these arguments to frame his party’s response to the boundary dispute and the Manitoba school question. Although these initiatives in the Assembly often violated the spirit of jurisdictional autonomy inherent to provincial rights, evaluating them in the context of preponderant federalist debates affords the agitations a greater degree of consistency than existing scholarship appreciates.

Ontarians who supported nation-building compromises did not have to forsake their provincial consciousness as centralist scholars often contend or imply. Affirming the sense of power and entitlement that often pervaded agitations against dominion or other provincial policies gave many Conservatives and some Liberals an alternative strategy. In 1867, for example, the provincial and national Coalition supporters contended that the success of Confederation depended on Ontarians electing a strong contingent of their candidates to work with the rest of Canada to create a national community. This idea ebbed and flowed throughout the following decades, and even allowed Conservative supporters to appeal to the preponderant federalist impulse in Ontario during the 1896 election. Ontarian support for the Canadian government’s nation-building policies did not require, in short, the abandonment or
subordination of provincial consciousness. Their actions were often rooted in their province’s preponderant federalist culture.

Lastly, this dissertation challenges regional alienation scholars who claim that Ontarians were unconcerned with the policy demands of the rest of Canada. Although the belief that Ontario had preponderant potential emboldened many agitators to ignore demands from other parts of Canada, their support for Greenway’s Manitoba government was essential to the defeat of the Conservative’s remedial bill. Regional alienation scholarship also overlooks the existence of preponderant federalists who urged Ontarians to use their influence to support appeals from other parts of the country. In the years immediately following Confederation, the Canadian government benefited from the political flexibility that this idea afforded Ontario’s government supporters when it proposed better terms for Nova Scotia or incorporated Manitoba and British Columbia into Confederation. In subsequent decades the same strategies were less useful for maintaining national unity. Yet attempting to co-opt the sense of power and entitlement to influence dominion policy remained one of the few ways to oppose the agitations and this utility ensured the strategy’s continued political currency. During the latter stages of the boundary dispute, for example, the provincial Conservatives’ ability to maintain electoral support for their anti-annexation platform contributed to Mowat’s decision to go to the JCPC to resolve the Ontario-Manitoba boundary dispute. The Conservatives also tried to use the same strategies to salvage their electoral prospects in 1896. This appeal admittedly failed to capture the imagination of a majority of Ontarians but a significant minority of voters continued to accept that their province needed to use its preponderant influence to support Quebecers at the expense of their own preferences.

The dissertation, moreover, demonstrates that Ontarians did not feel as influential as regional alienation scholars lead their readers to believe. Visions of Ontarian preponderance or even dominance were rarely achieved in practice. Ontario Liberal aspirations to determine the route of the Intercolonial Railway, derail better financial terms for Nova Scotia, or revise the terms of union for Manitoba and British Columbia came to naught. The Nova Scotian debate, in fact, shook Blake’s preponderant federalism. Similar frustrations are evident during subsequent better terms debates and the disallowance agitation that followed the
passage of the Jesuits’ Estates Act. Ontarian support for dominion policy initiatives was important to the political calculations of the Liberal and Conservative parties but Ontarians often expressed frustration with their inability to shape policy development.

Neither type of preponderant federalism was inherently more meritorious than the other. Many agitations in Ontario against initiatives from other parts of Canada were often informed by English-Protestant intolerance. During the repeated contests concerning Louis Riel as well as the Jesuits’ Estates dispute, the North-West language question, and the Manitoba school debate, Ontario agitators were emboldened by the belief that their province possessed the influence to force the Canadian government to implement their anti-Catholic and anti-French demands. Yet this sense of power and entitlement was not always used to pursue such distasteful policies. The same aspiration for preponderant influence emboldened Ontarians to oppose better financial terms in 1869-1870, 1873, and 1884. It also led them to pursue the disputed territory. The attempts to rally Ontario’s preponderant potential behind compromises that satisfied demands from the rest of Canada also had a mixed record. The Conservative’s attempts to redirect Ontario’s preponderant potential away from obstructing compromise policies led them to oppose bigoted debates. The better terms debates, however, demonstrated their willingness to support incorrect recollections of past government action and dubious constitutional interpretations to preserve national unity or their party’s empowerment. Neither preponderant federalism was beyond reproach.

Partisan considerations heavily influenced the ebb and flow of both preponderant federalisms. From 1867 to 1896 Ontario Liberal-Coalitionists and Conservatives regularly justified their support of compromise solutions to maintain their electoral prospects. They justified these positions by claiming that Ontarian opposition to demands from other parts of the country would harm national unity. At the outset of his political career, Edward Blake pitted Ontario against the rest of Canada to advance himself and his party in Ontario. Yet the realization that Ontario Liberals could not win sufficient seats to form a Canadian government on their own led them to drop this strategy. By 1872 Blake began to refocus on building a political party with national appeal and evaded the agitations emanating from his province. When discussing Louis Riel in 1874 to 1875 and again in 1885 to 1886, for example, he refused to antagonize national unity and jeopardize his party’s electoral
prospects by rallying Ontarians to unite against Quebec. He also avoided commenting on the Ontario-Manitoba boundary dispute and was upset when Liberal partisans surprised him with the song “Ontario Ontario.” In 1890, Blake even gently urged Ontario MPs to unite against McCarthy’s North-West language bill. The preponderant federalism of Mackenzie Bowell, an independent and later Conservative MP and prime minister, underwent a similar transformation. The shifts by these men and many of their supporters helped to prevent the amnesty debate, New Brunswick school question, the 1884 better terms debate, and the North-West school question, from jeopardizing the survivability of Liberal and Conservative Canadian governments. Although the threat of Ontarians uniting to oppose demands from other parts of the country continued to threaten these debates, the curtailment of this impulse in parliament made it easier for the Liberals and Conservatives to maintain their unity, avoid divisive issues, and support compromise policies.

The incentive to forge national parties was weaker outside of parliament. Ontario’s Legislative Assembly remained a hotbed for preponderant federalist debate. In the years immediately following Confederation, Edward Blake was much more willing to criticize the government’s handling of Thomas Scott’s killers in the Assembly than in parliament. Despite Blake’s subsequent attempts to curtail this sense of entitlement and power, Oliver Mowat used the same assumptions to frame his response to Ontario’s boundary dispute and the Manitoba school question. William Meredith also ignored the implications to national unity when his party tried to use Riel’s execution to boost its electoral prospects in 1886. The willingness of these politicians to incite prejudice and sectional jealousies made it more difficult for their national counterparts to preserve Canadian unity. On a few occasions, the Legislative Assembly’s debates even emboldened the province’s MPs to urge Ontarians to unite and oppose initiatives backed by other parts of Canada in parliament. Yet the Assembly could also be a force for unity. John Sandfield Macdonald, Matthew Crooks Cameron, and William Meredith, all used preponderant federalist arguments to challenge Blake and Mowat’s attempts to pit Ontario against the rest of Canada. Conversely, Mowat’s government urged Ontarians to avoid antagonizing Catholic Canadians and to instead use their province’s influence help restore Canadian unity in 1886. These strategies often prevented the passage of inflammatory resolutions that could have harmed national unity.
Ontario’s newspaper editorialists were also often bolder preponderant federalists than most of the province’s Members of Parliament. The *Globe*, which supported the national and provincial Liberal parties, frequently expressed blunt but inconsistent preponderant federalist positions. Prior to and immediately following Confederation, the *Globe* regularly urged Ontarians to unite against initiatives supported by other parts of the country. After 1872, it supported Blake’s stand on the amnesty and New Brunswick school questions but also promoted Mowat’s boundary dispute platform. During the Jesuits’ Estates Act and Manitoba school debates, it flip-flopped between stoking and discouraging the belief that Ontario could impact the Canadian government’s policies. The *Mail*’s editorialists also utilized both preponderant federalisms. Until 1885, the Conservative organ discouraged Ontarians from uniting against the rest of Canada. After the execution of Louis Riel, it famously reversed its position and championed the sense of entitlement and power that it had previously opposed. After the *Mail* purchased the *Empire*, however, its publications generally returned to encouraging Ontarians to avoid antagonizing the rest of Canada with their preponderant potential. Like the debates in Ontario’s Legislative Assembly, these editorial divisions in Ontario’s press ensured the popularization of preponderant federalist-based agitations but frequently prevented their supporters from achieving the prerequisite provincial unity that they sought.

All of these shifts and reversals could be used to conclude that preponderant federalisms were simply a partisan ploy. A sense of grievance and a desire for reform are enticing rallying calls for any politician or newspaper editor. At various times George Brown, Edward Blake, Alexander Mackenzie, D’Alton McCarthy, William Meredith, Richard Cartwright, and Oliver Mowat tried to pit Ontario against other parts of the country to bolster their personal or party’s electoral prospects. Newspapers such as the *Globe*, *Advertiser*, *Sentinel*, and *Mail*, also appealed to Ontario’s sense of power and entitlement to improve their circulation. Conversely, those desiring the formation of national parties recognized the political utility of co-opting these sentiments. The aforementioned national and provincial Conservative leaders as well as newspapers including the *Leader*, *Intelligencer*, *Mail*, and *Mail and Empire*, used this same belief in Ontario’s preponderant potential to help maintain their popularity after supporting policies that many their constituents and readers perceived to be undesirable. The preponderant federalist
transformations of politicians like Blake are also subject to this criticism. Ontarian politicians and newspaper editors, in short, had strong incentives to use preponderant federalisms to frame their responses to Canadian politics. At times, they even switched between the two ideals in order to embarrass their opponents and gain the largest public following.

Neither party strictly adhered to a single preponderant federalism. Liberals generally encouraged Ontarians to oppose other parts of the country while Conservatives mainly urged their province to desist from antagonizing the rest of Canada or to even use their influence to support compromise policies. Yet each party utilized both federalisms between 1867 and 1896. Macdonald and his supporters hinted that Ontarians should punish the Mackenzie government for partially satisfying Quebec demands for an amnesty in 1875. The allure of an Ontarian power bloc dictating national policies according to its own vision of Canada produced a host of partisan defections. On various occasions, Conservative supporters including Mackenzie Bowell, D’Alton McCarthy, William O’Brien, Clarke Wallace, and the Mail refused to tow the party line and instead tried to rally Ontarians to oppose compromise. This impulse was also too strong for individuals like John Charlton and the Globe to resist. Wilfrid Laurier even tickled the dragon’s tail in 1896 by cautiously urging Ontarians to use their parliamentary preponderance to elect Liberal candidates. Canadian politics sometimes produced strange bedfellows. Although this dissertation uncovers partisan preponderant federalist predispositions, neither party was ideologically constrained to either interpretation of Ontario’s role in Canadian politics.

Yet the use of preponderant federalisms usually spurred from more than the desire to create a sense of grievance or superiority that could be channelled against political adversaries. From the 1850s to the 1890s, Ontario’s politicians and newspaper editors recognized that their province’s population and wealth afforded it real preponderant potential. Ontarians usually divided their influence but their representatives occasionally rallied behind policies. Ontario’s MPs, for example, united to expel Louis Riel from parliament. They also safeguarded the Manitoba School Act. Such events demonstrated that Ontarians could virtually dictate Canadian politics when they acted in concert. United action against the demands of the rest of Canada also seemed possible during the debates.
concerning the Intercolonial railway’s route, the Nova Scotian better terms debate, and the disallowance of the Jesuits’ Estates Act. During these debates, detractors tried to disabuse Ontarians of the belief that they could impact Canadian policy with a combination of jurisdictional arguments as well as suggestions that Ontario desist from antagonizing other parts of the country or use its influence to support compromise policies. Ontario’s sheer importance, they argued, required it to either mind its own business, or to use its influence to foster national unity. Preponderant federalisms were more than crowd-pleasing rhetorical flourish; they were plausible means to align Ontario’s potential intrastate influence with or against proposals from other parts of the country and affect Canadian politics.

During the first three decades following Confederation, Ontario had the largest share of parliamentary seats and contributed the largest portion of the dominion government’s revenues. These attributes gave the province a unique opportunity to shape Canadian politics. Conservative and Liberal leaders could not afford to propose policies without knowing that they would garner the support of at least a significant minority of Ontarian representatives. Yet analysing what Ontarians wanted only reveals a portion of their agency in Canadian politics. A fuller understanding of Ontario’s significance to Canada’s political development also requires an understanding of when and why Ontarians expected to be influential. Despite its limited success as a power strategy, a belief in Ontario’s preponderant potential inspired an intransigence that prolonged Canadian debates and often antagonized the rest of Canada. Such agitations usually failed because other Ontarians contested these assertions of entitlement and power and consequently split Ontario’s vote. This bisection often allowed the rest of Canada to shape the country’s political development. Most Ontarians believed that their province was a first among equals, but the bark of preponderant federalist agitations against policy initiatives from other parts of the country was usually more consequential than its bite.
Appendices

Appendix 1: Redistribution of Ontario's Parliamentary Seats Compared to Other Regions, 1867-1903

<table>
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<th>Quebec</th>
<th>Maritimes</th>
<th>West</th>
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### Appendix 2: Ontario in Canadian Elections, 1867-1900

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<th>Liberal Seats</th>
<th>Liberal % of Popular Vote</th>
<th>Other Seats</th>
<th>Other % of Popular Vote</th>
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<td>1900</td>
<td>55</td>
<td>49.7</td>
<td>37</td>
<td>48.5</td>
<td>0</td>
<td>1.8</td>
<td>1.2</td>
<td>Lib</td>
</tr>
</tbody>
</table>

%s are rounded to nearest tenth. Coalition, Conservative, Liberal Conservative, Conservative Independent, Conservative Patron are combined. Liberal, Liberal Independent, Liberal Patron are also combined.

Ontario in Canadian Elections

Percentage of Dominion Government Seats from Ontario Compared to Other Regions

### Appendix 3: Ontario Provincial Elections, 1867-1898

<table>
<thead>
<tr>
<th>Year</th>
<th>Conservative Seats</th>
<th>Conservative % of Popular Vote</th>
<th>Liberal Seats</th>
<th>Liberal % of Popular Vote</th>
<th>Other Seats</th>
<th>Other % of Popular Vote</th>
<th>Ontario Conservative and Liberal Popular Vote Variance in Provincial Elections</th>
<th>Governing Party</th>
</tr>
</thead>
<tbody>
<tr>
<td>1867*</td>
<td>41</td>
<td>50.3</td>
<td>41</td>
<td>48.8</td>
<td>0</td>
<td>0.9</td>
<td>1.5</td>
<td>Con</td>
</tr>
<tr>
<td>1871**</td>
<td>39</td>
<td>46.7</td>
<td>43</td>
<td>52.3</td>
<td>0</td>
<td>1</td>
<td>5.6</td>
<td>Lib</td>
</tr>
<tr>
<td>1875</td>
<td>36</td>
<td>47.1</td>
<td>52</td>
<td>49.0</td>
<td>0</td>
<td>3.9</td>
<td>1.9</td>
<td>Lib</td>
</tr>
<tr>
<td>1879</td>
<td>31</td>
<td>48.7</td>
<td>57</td>
<td>48.0</td>
<td>0</td>
<td>3.3</td>
<td>0.7</td>
<td>Lib</td>
</tr>
<tr>
<td>1883</td>
<td>37</td>
<td>47.5</td>
<td>50</td>
<td>49.4</td>
<td>1</td>
<td>3.1</td>
<td>1.9</td>
<td>Lib</td>
</tr>
<tr>
<td>1886</td>
<td>32</td>
<td>47.1</td>
<td>57</td>
<td>48.4</td>
<td>1</td>
<td>4.5</td>
<td>1.3</td>
<td>Lib</td>
</tr>
<tr>
<td>1890 ***</td>
<td>36</td>
<td>47.9</td>
<td>55</td>
<td>51.1</td>
<td>0</td>
<td>1.0</td>
<td>3.2</td>
<td>Lib</td>
</tr>
<tr>
<td>1894 ****</td>
<td>30</td>
<td>37.4</td>
<td>58</td>
<td>52.9</td>
<td>6</td>
<td>9.7</td>
<td>15.5</td>
<td>Lib</td>
</tr>
<tr>
<td>1898</td>
<td>43</td>
<td>48.1</td>
<td>51</td>
<td>47.3</td>
<td>0</td>
<td>4.6</td>
<td>0.8</td>
<td>Lib</td>
</tr>
</tbody>
</table>

* Margaret Small contends that the Sandfield government had closer to 50 seats.
** J.D. Livermore contends that the working Liberal majority after Blake assumed the premiership was closer to 50 seats.
*** ‘Other’ columns includes Independent Equal Rights candidates.
**** ‘Other’ columns Includes Independent and PPA candidates.

%s are rounded to nearest tenth. Coalition, Conservative, Liberal Conservative, Conservative Independent, Conservative Patron are combined. Liberal, Liberal Independent, Liberal Patron are also combined.


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Appendix 4: Ontario Conservative and Liberal Popular Vote Variance in Provincial and Canadian Elections, 1867-1903

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