THESIS SUBMITTED FOR THE DEGREE OF DOCTOR OF PHILOSOPHY

IN THE UNIVERSITY OF OXFORD

A b s t r a c t

of

ELECTIONS AND POLITICS IN CANADA WEST UNDER RESPONSIBLE GOVERNMENT, 1847-1863

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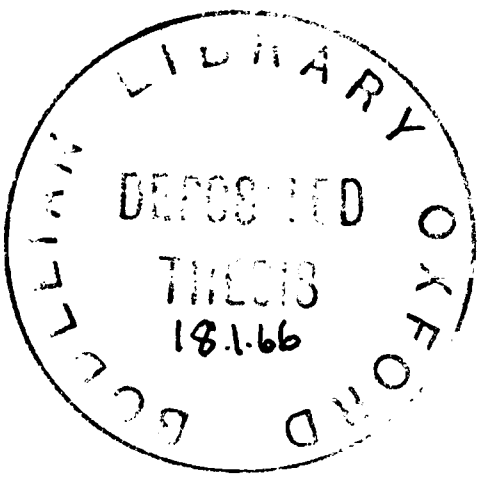

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ABSTRACT

The aspects of mid-nineteenth-century Canadian history which have received the fullest examination are the Rebellions of 1837, the Union of Upper and Lower Canada in 1841, the winning of Responsible Government in 1847-48, and Confederation in 1864-67. To a large extent these have been studies in imperial relations and the character of internal politics has received less attention. The purpose of this thesis is to examine the political system which evolved in Upper Canada after 1848 and from the vantage point of the six general elections between 1848 and 1863. (The Legislative Council was made elective in 1856, but there was little interest taken in it or its elections and this study is concerned only with elections to the Legislative Assembly.) The thesis attempts to discover the internal workings of politics in Upper Canada: the issues which aroused the most interest in the elections, the parties and their organizations, the electorate and the system of representation, and the various forces, both legitimate and corrupt which were used to influence the voters. In some instances there has been an attempt to arrive at quantitative or definitive conclusions, but in most cases this was neither desirable or possible. Instead, specific examples have been used to give a general picture of how the political and electoral systems operated.

Modern psephology has developed various techniques

such as panel interviews which naturally could not be used in an historical study such as this. However, an examination of older elections does have one advantage in that the personal papers of many of the political figures are available. In this case, they often provided candid and revealing information. The other principal sources were some of the leading newspapers, particularly those published in Toronto, and the parliamentary debates. The newspapers, though given to exaggeration and histrionics, provided colourful comments and tended to corroborate the evidence found in the personal papers. Except for a few sessions, the only reports of parliamentary debates were those in the newspapers; they were usually, though not always, reasonably full accounts.

Upper Canadian politics were reasonably democratic by nineteenth-century standards. The franchise was fairly wide, though not as wide as it is sometimes believed to have been; moreover, there were moves to restrict it and make it even more of a farmers' franchise than it was already. The system of representation within Upper Canada was fair, compared with the English constituencies; but Upper and Lower Canada had equal representation in the Assembly and, when Upper Canada's population surpassed Lower Canada's, Upper Canada began to agitate for representation according to population.

Representation by Population was one of the three main election issues and a new radical Reform party, the Clear Grits or Liberals, used it to become the largest party in

Upper Canada. The other two leading questions were intimately connected with the fortunes of the other two parties in Upper Canada. The land endowment of the Protestant clergy, the Clergy Reserves, aroused considerable controversy and the eventual solution was secularization. This was first proposed by the old Reform party, but they were not able to carry a secularization measure and this led to the breakup of the party. The Conservative party monopolized government in the years before Responsible Government, and after 1848 it looked as if they would be confined to the opposition for an indefinite period while the Reform party governed the Province. The issue of Roman Catholic separate schools, however, provided them with the opportunity to form an alliance with the majority party in Lower Canada in 1854. As a result, the Conservatives were the governing party for most of the remaining years of the Union, even though they were usually the minority party in the constituencies.

Party organizations at the constituency level were active, at least at election time, and reasonably democratic. The party leaderships were attempting to exert some central control over the constituency parties by means of provincial conventions and committees, newspapers, and government patronage. The Conservatives were less concerned in building a central organization and relied more on secondary organizations like the churches and the Orange Order. Because the leading issues in the elections involved conflicts among the various religious denominations and nationalities (English,

Irish, Scottish, and French) and between Upper Canada and Lower Canada, it was almost inevitable that the churches and the Order would intervene actively in politics. The additional issue of government aid to railways also brought the railway companies into the political arena. In some ways, the churches, the Order, and the railways behaved like modern pressure groups. They lobbied the government and the legislature and they tried to wield the votes of their adherents so as to reward or punish those who had helped or hindered them. In other ways, these groups were like eighteenth-century influences or political machines. The four most active were the Roman Catholic Church, the Wesleyans, the Orange Order, and the Grand Trunk Railway and, after 1854, they were generally the willing electoral allies of the Conservative party. The other important influence was that of government officials and the party forming the government endeavoured through them to control their own party and the votes of the electors.

Lastly, there were sometimes attempts to affect the outcome of elections by illegal and corrupt means. Violence, bribery, and fraud were the commonest devices. Outbreaks of violence involving bloodshed or loss of life gradually became less frequent, but more subtle tactics were often used. Fraud was largely eliminated when a system of registration was introduced, but bribery was more widespread than ever by the 1860s. Apart from registration, attempts to combat corruption had very limited success. The elimination of

corrupt practices would not come until the ballot was adopted and until there was a genuine determination on the part of the politicians to end corruption at elections.

It is hoped that this thesis on electoral politics in Ontario in the middle of the nineteenth century will contribute not only to an understanding of the general history of that period, but also to an appreciation of politics in present-day Canada.

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PREFACE

Although, technically, Upper Canada became Canada West in 1841, the older term remained in common usage and has been adopted for this thesis.

Contents

Chapter	I.	Election Procedures	1.
	II.	Voters, Candidates, and Constituencies	37.
	III.	Issues and Parties: the Clergy Reserves and the Breakup of the Reform Party	68.
	IV.	Education and the Resurgence of the Conservative Party	96.
	V.	Representation, Railways, Retrenchment and the Rise of the Clear Grits	131.
	VI.	Party Organizations	159.
	VII.	Religious Pressure and Influence	188.
	VIII.	Other Influences	236.
	IX.	Corruption	253.
	X.	Conclusion	289.
		Bibliography	302.

ABBREVIATIONS

C.H.A.	Canadian Historical Association.
C.H.R.	Canadian Historical Review.
C.J.E.P.S.	Canadian Journal of Economics and Political Science.
C.O.	Colonial Office Papers.

Chapter I

ELECTION PROCEDURES

Upper Canada's first experience with elective institutions began in 1791 when representative government was given to Upper and Lower Canada by the Constitutional Act.[1] In each province a legislative assembly was elected by the people and an upper house, the legislative council, was appointed by the governor (in the case of Lower Canada) or the lieutenant-governor (in Upper Canada). In addition, the governor appointed his executive officers who were members of the executive council. The first decades of representative government were frustrating for Canadians because the assembly's power was severely restricted. Its legislation often failed to receive the approval of the upper house and its suggestions and criticisms were often ignored by the governor and his executive council. Under this form of autocratic government, Upper Canada collected a long list of grievances on land policy, education, patronage, the legal system, and the Assembly's control over revenue. Finally in 1837, a group of radicals in both Upper and Lower Canada became so frustrated that they took to arms and attempted to stage a rebellion.

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1. 31 Geo. III, c.31 (Imperial Statute).

During the 1820's and 1830's, two of the leading members of the popular Reform party, William Baldwin and his son, Robert, expounded their plan for settling Upper Canada's grievances. They called it Responsible Government. This term was widely used, but to most of the other Reformers, it simply meant that the government should not be unpopular or irresponsible.[2] The Baldwins gave it a more specific meaning. William Baldwin described it as "a provincial ministry responsible to the provincial parliament and removable from office by His Majesty's representative at his pleasure and especially when they lost the confidence of the people as expressed by their representatives in the assembly".[3] Robert Baldwin defined Responsible Government to Lord Glenelg, the Colonial Secretary, and to Lord Durham, as:

> consist[ing] of nothing more than having the provincial Government as far as regards the internal affairs of the Province, conducted by the Lieutenant Governor (as Representative of the paramount Authority of the Mother Country) with the advice and assistance of the Executive Council, acting as a Provincial Cabinet, and composed of Men possessed of the public confidence, whose opinions and policy would be in harmony with the opinions and policy of the Representatives of the People. . . . The King's Representative would not retain Men in his Councils who have forfeited their confidence.[4]

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2. C.W. New, Lord Durham, Oxford, 1929, pp. 335-339.

3. Ibid., pp. 337-338.

4. W.P.M. Kennedy, ed., Statutes, Treaties and Documents of the Canadian Constitution, 2nd ed., Toronto, 1930, Baldwin to Glenelg, 13 July 1836, pp. 338-339.

If the Executive Council did not pay sufficient attention to the "rights, feelings, and prejudices" of the people, they "have only to return to the next Parliament, men who would not give them parliamentary support, and they would necessarily have to resign; and the Lieutenant Governor to appoint others who possessed the confidence of the Representatives of the People".[5]

When Lord Durham made his Report on the Affairs of British North America, he was evidently impressed with Baldwin's argument and he recommended that "the government of the Colony should henceforth be carried on in conformity with the views of the majority in the Assembly".[6] "Every purpose of popular control might be combined with every advantage of vesting the immediate choice of advisers in the Crown, were the Colonial Governor to be instructed to secure the co-operation of the Assembly in his policy, by entrusting its administration to such men as could command a majority."[7]

There is a danger that, when the term Responsible Government is used in the 1830's, we may give it the meaning which it has acquired today. The essential features of

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5. Ibid., p. 339.

6. C.P. Lucas, ed., Lord Durham's Report, Oxford, 1912, II, 285.

7. Ibid., pp. 279-280.

Responsible Government in Canada in the second half of the twentieth century are that, in normal circumstances after an election, the Governor General calls on the leader of the largest party in the House of Commons to form a government; that the Governor General must always act on the advice of his ministers; that his ministers are responsible for his actions to the House of Commons; and that, when the government is defeated on a motion of non-confidence or any other important vote, the prime minister must either resign or ask for a dissolution.

In early nineteenth-century Canada, Responsible Government was at first not interpreted so strictly even by Baldwin. There was an obvious difficulty in regard to the position of the Governor General, because he was not only the representative of the Crown, but a servant of the British Government. Baldwin, writing in the late 1830's, recognized that a collision might occur. "The Lieutenant Governor may disapprove of the measures recommended by his Council and find it impossible to form an Executive Council which would secure parliamentary support upon any other terms than concession."[8] At this point Baldwin's thinking becomes somewhat unclear. He said that at least the collision could be postponed by a change in the executive council and a dissolution and that the Home Government would be able to ascertain "the exact

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8. Kennedy, p. 339.

point where the question of Concession would become one merely of expediency". In the last resort, he concluded, the power of the Home Government could be applied.[9] This is not Responsible Government as we understand it today.

Durham would have avoided a collision by drawing a line between matters of Imperial concern and those which affected Canada alone. The former would include the constitution, foreign relations and trade, and the disposal of public land and these would still be controlled by the Home Government.[10] On every other matter, Durham proposed to "place the internal government of the colony in the hands of the colonists themselves".[11]

Lord John Russell, the new Colonial Secretary, did not think the line could be so easily drawn in cases where "the honour of the Crown or the faith of Parliament, or the safety of the state, are . . . seriously involved".[12] The Governor General could not act on the advice of his executive councillors if this conflicted with his advice from England, because the latter has a "superior authority".[13] Therefore the analogy of constitutional responsibility as it applied in England was impossible in a colony. Russell accordingly instructed the new Governor General, Poulett Thomson (later

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9. Ibid. 10. Lucas, II, 282.

11. Ibid., p. 281.

12. Kennedy, Russell to Thomson, 14 October 1839, p. 422.

13. Ibid., p. 421.

Lord Sydenham) to avoid any explanation of Responsible Government which implied a diminution of Imperial authority. Instead, Russell advised Thomson to adopt what he called "the practical views of colonial government recommended by Lord Durham".[14] He should co-operate with the assembly in its plans for reform and improvement, distribute patronage to local men and, in general, maintain "the harmony of the executive with the legislative authorities".[15]

Sydenham was quite successful in carrying out these instructions. Privately, in a letter to a friend, he rejected the view "that the council shall be responsible to the assembly, and that the governor shall take their advice, and be bound by it. . . . I have told the people plainly that, as I cannot get rid of my responsibility to the home government, I will place no responsibility on the council; that they are a council for the governor to consult, but no more".[16]

Baldwin was anxious to determine whether Sydenham had accepted Durham's views on Responsible Government. He joined Sydenham's Union Executive Council but objected to the Conservatives in it. When Sydenham refused to alter the Council,

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14. Ibid., p. 422.

15. Ibid.

16. Kennedy, Thomson to a friend, 12 December 1839, p. 430.

Baldwin resigned.[17] Later, during the first session of the new Union Parliament, Baldwin moved that the Assembly accept a proposal on Responsible Government:

> That . . . advisers of the representative of the Sovereign, and constituting as such the Provincial administration under him as the head of the Provincial Government, ought always to be men possessed of the public confidence, whose opinions and policy harmonizing with those of the representatives of the people, would afford a guarantee that the well understood wishes and interests of the people, which Our Gracious Sovereign has declared shall be the rule of the Provincial Government, will at all times be faithfully represented to the head of that Government, and through him to the Sovereign and Imperial Parliament.
>
> That . . . this House has the constitutional right of holding such advisers politically responsible for every act of the Provincial Government of a local character, sanctioned by such Government while such advisers continue in office.[18]

Sydenham would not let himself be cornered on this issue and he had his own resolutions substituted for those of Baldwin's:

> That . . . the chief advisers of the representative of the Sovereign, constituting a Provincial administration under him, ought to be men possessed of the confidence of the representatives of the people, thus affording a guarantee that the well understood wishes and interests of the people, which our Gracious Sovereign has declared shall be the rule of the Provincial Government, will, on all occasions, be faithfully represented and advocated.[19]

Sydenham's proposals omitted the provision that the executive councillors should be held responsible for every act of the government, but most Reformers accepted his vague definition as reasonable for a colony.

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17. R.W. Langstone, Responsible Government in Canada, London, 1931, p. 108.

18. Kennedy, Resolutions of the Legislative Assembly, 1841, p. 458.

19. Ibid.

Sydenham's method for avoiding a collision with the Assembly was to dampen and prevent party conflict. He formed an Executive Council of moderate Reformers and moderate Conservatives and was able to detach enough Upper Canadian Reformers from Baldwin's leadership to ensure a majority for his Council. He kept the Assembly busy with a popular programme of Reform and handled it so skilfully that his Executive Council did not lose its support. In fact, he acted more like a chief executive than a constitutional viceroy.[20]

In the first session of the new Parliament, party lines were at first indistinct;[21] but Reformers gradually became disillusioned with Sydenham[22] and, when the second session opened, a majority had hardened against his Executive Council. In the meantime Sydenham had died and his successor, Sir Charles Bagot, tried to continue his non-partisan style of government.[23] He soon calculated, however, that his Council would be defeated in the Assembly[24] and his councillors

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20. C.O. 537/140, E.G. Wakefield to Lord Eliot, 8 August 1842; C.O. 42/495, Bagot to Stanley, 26 September 1842.

21. P.G. Cornell, The Alignment of Political Groups in Canada, Toronto, 1962, pp. 7-9.

22. C.O. 42/495, Bagot to Stanley, 26 September 1842.

23. Kennedy, Bagot to Stanley, 23 February 1842, p. 461.

24. Ibid., 28 July 1842, p. 470.

advised him that, if this happened, they would prefer to resign.[25] After he had tried everything else, Bagot concluded that majority support for his Council could be found only if Lafontaine and some of his French followers were brought into the Council.[26] Lafontaine refused to come without Baldwin[27] and it looked as if Responsible Government would have to be granted according to Baldwin's terms.

Bagot offered Lafontaine four Council positions, but Lafontaine refused them because pensions were to be given to outgoing councillors.[28] Bagot, however, made the brilliant move of having his letter to Lafontaine read to the Assembly and the French, who did not know of the negotiations, were so delighted that they pressed Lafontaine into accepting the offer.[29] The first Lafontaine-Baldwin Ministry was therefore not really formed according to the principles of Responsible Government even as Baldwin and Lafontaine understood them. Lafontaine was not able to choose all of the members of the Council and the Governor General would not accept his advice on the matter of pensions.

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25. Ibid., 11 July 1842, p. 466; 16 July 1842, pp. 468-469.

26. Kennedy, Bagot to Stanley, 28 July 1842, pp. 470-471; 13 September, pp. 473-474; 26 September, pp. 475, 477-480.

27. Ibid., 28 July 1842, p. 470; 26 September 1842, p. 480.

28. Ibid., 13 September 1842, pp. 474-475; 26 September 1842, pp. 475-476, 481.

29. Ibid., 26 September 1842, pp. 476, 481.

There were no subsequent disagreements between the Governor General and the Council; but this may have been due to the fact that, within a short time, Bagot had to return to England because of ill health.

The question of whether the Governor General would always act on the advice of his councillors came up again with Bagot's successor, Sir Charles Metcalfe. Patronage was the cause of the disagreement. According to Lord Stanley, the Conservative Colonial Secretary, the Reformers' claim that no favours or rewards should be granted by the Crown "without the previous assent of a popular assembly . . . is a principle wholly at variance with the practice of this country".[30] Lafontaine and Baldwin insisted, however, that the Governor General consult with them on all patronage appointments and when he did not, they resigned in 1843.[31]

For the next two years, Metcalfe tried to govern Canada in much the same way as Sydenham had done, but with less success. With great difficulty he constructed a new Council[32] but, according to Elgin, they insisted on control of Crown patronage as much as their predecessors.[33] Metcalfe finally decided that his only hope of providing his Council with a

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30. C.O. 537/141, Stanley to Metcalfe, 3 August 1843.

31. C.O. 42/509, Metcalfe to Stanley, 11 December 1843.

32. C.O. 537/143, Metcalfe to Stanley, 26 January, 24 February, 27 May, 12, 28 July, 10 August 1844.

33. Elgin-Grey Papers, Elgin to Grey, 14 March 1849, p. 308.

majority in the Assembly was by calling an election. It was held in 1844 and he was the chief personality in the contest and the leader, in all but name, of the Tory party.[34] In Upper Canada, he won a great victory, but the Province as a whole returned only a narrow majority of the Governor General's supporters.[35] A year later, death claimed Canada's third governor general in five years and the new Whig Ministry in England appointed as Governor General a man who would see that Responsible Government was at last firmly established in Canada - Lord Elgin.

The elections of 1847-48 returned a clear majority of Baldwin and Lafontaine Reformers and, when Metcalfe's old Executive Council were defeated at the opening of the new Parliament, they resigned and Elgin called on Lafontaine and Baldwin to form a new ministry.[36] Finally in 1849, Responsible Government was put to the decisive test and Elgin signed the Rebellion Losses Bill, in spite of his own misgivings[37] and the furious controversy which the Bill aroused.

Both Baldwin and Durham thought that, in advocating Responsible Government for Canada, they were merely following practice in Great Britain. The question naturally arises,

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34. C.O. 537/143, Metcalfe to Stanley, 13 May 1845.

35. Ibid., 23 November 1844.

36. Elgin-Grey Papers, Elgin to Grey, 17 March 1848, p. 135.

37. Ibid., 1 March 1849, p. 300.

did Responsible Government, as it evolved in Canada in the 1840's, mean the same thing as Responsible Government in the Mother Country?

Baldwin's main complaint when he wrote to Glenelg in 1834 was that, although the Opposition in Upper Canada had obtained a majority in the lower house in the elections of 1824, 1828, and 1834, the Tory executive stayed in office. In England, according to Baldwin, the King "always so far consult[s] the wishes of his people as never to keep in his Councils persons who have not the confidence of their Representatives".[38] Durham said that, "in England . . . when a ministry ceases to command a majority in Parliament on great questions of policy, its doom is immediately sealed; and it would appear to us as strange to attempt, for any time, to carry on a Government by means of ministers perpetually in a minority, as it would be to pass laws with a majority of votes against them."[39] One of the reasons why colonial ministries did not resign when they were defeated in elections was that, until 1839, appointments were considered to be held during good behaviour rather than during the pleasure of the Crown.[40] Canadians were under the assumption, however, that even if a ministry were defeated only <u>once</u> in the lower house,

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38. Kennedy, Baldwin to Glenelg, 13 July 1836, p. 338.

39. Lucas, II, 278-279.

40. Kennedy, Russell to Thomson, 16 October 1839, pp. 423-424.

they should resign.

This was certainly not English practice. Since 1832 a government in England which has lost a vote of no confidence has always resigned or asked for a dissolution, but governments have continued in office after other defeats.[41] From 1834 to 1840, the Whig government were defeated fifty-eight times in the House of Commons[42] and, as late as 1924, the minority Labour government announced that defeat on non-essential matters would not be regarded as a vote of no confidence. The government were, in fact, defeated ten times between January and August 1924.[43] In Canada by 1845, even Metcalfe's Conservative Ministry said they would resign if they were defeated on their University bill. Metcalfe noted that "the notion very generally prevailed that the Executive Council must resign in the event of any defeat".[44] This extreme interpretation of Responsible Government still prevails in Canada and cabinets in present-day Britain would

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41. I. Jennings, Cabinet Government, 3rd ed., Cambridge, 1959, p. 495.

42. Ibid., p. 493.

43. Ibid., p. 494-495.

44. C.O. 537/143, Metcalfe to Stanley, 4 April 1845. After Confederation, Macdonald's Ministry was defeated several times between 1868 and 1871 without resigning or asking for a dissolution. Later governments, however, went back to pre-Confederation practice. For protest against this idea, see E. Forsey, "The Problem of 'Minority' Government in Canada", C.J.E.P.S., XXX (1964), 1-11.

probably incline more towards this view than accept the numerous defeats which nineteenth-century cabinets endured.

Baldwin was correct in suggesting that the King, in his choice of ministers, did not have as much freedom as a colonial governor. Towards the end of the eighteenth century, this power of the monarch had been diminishing. In 1782 and 1783, George III, against his own wishes, had to invite members of the Opposition to join his Ministry. His power was temporarily restored when he was able to choose Pitt as his first minister later in 1783 and then force him out of office in 1801.[45] In 1839, Queen Victoria was able to keep Peel out of office by refusing to change the ladies in her bedchamber.[46] This was rather analogous to the Canadian conflict over patronage when Metcalfe was Governor General. The resignation of Lafontaine and Baldwin in 1843 was Canada's bedchamber question. As late as 1886, the Queen tried without success to keep Gladstone from becoming prime minister,[47] but after 1832 any attempt by the monarch to prevent the leader of the majority party in the Commons from becoming prime minister was an anachronism.

As early as 1782-84, English ministers demanded the right to determine their own policy and in this they were

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45. A. Briggs, Age of Improvement, London, 1959, pp. 73-79, 111.

46. Jennings, Cabinet Government, p. 89.

47. Ibid., pp. 34-37.

aided by George III's recurrent fits of insanity and George IV's disinterest and general ineffectualness.[48] In Upper Canada, before the Union, executive councillors had a high degree of independence, but Sydenham reasserted the Governor General's power to determine policy and he was followed in this endeavour by Bagot and Metcalfe. In Canada this was an attempt to turn the clock back, just as it would have been in England. In fact Metcalfe's vow that he would not become a "tool in the hands of the council"[49] is reminiscent of George III's periodic efforts to maintain control of his cabinet.

Baldwin summed up his argument by saying that "the political machinery of the Provincial Government should be such as shall work harmoniously within itself, without collision between any of its great wheels". He pointed to the clashes which had occurred between the assembly and the legislative council and between the assembly and the executive as proof of the failure of the Canadian system.[50] Baldwin was, however, mistaken in thinking that responsible government explained the 'harmony' which existed between the various branches of the British constitution. Upper Canada's constitution of 1791 was supposed to be "as near as the nature

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48. Briggs, pp. 109, 11-112.

49. C.O. 537/143, Metcalfe to Stanley, 26 January 1844.

50. Kennedy, Baldwin to Glenelg, 13 July 1836, p. 336.

and situation of it would admit to the British constitution",[51] but England's eighteenth-century constitution contained certain features which prevented the sort of clashes which occurred in Canada.

An English ministry had various ways of controlling the House of Commons through the Crown and the House of Lords. Both the monarch and the lords were able to exert a considerable influence at elections and in the House itself. In the days before the first and second Reform Bills, pocket boroughs, secret service money, "Government constituencies", deference, and all the other forms of influence were so successfully employed that no government clearly lost an election from the Union with Scotland until 1830.[52] This was the key to avoiding conflict between the various branches and one historian has commented that "executive influence in the Commons was a necessary feature of eighteenth-century government".[53]

In Upper Canada elections were much freer of influence than they were in England. Most constituencies were too large for bribery to be very effective and there were no no real 'pocket boroughs'. Sydenham gerrymandered constituencies and moved polling places in order to inconvenience

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51. A remark by Pitt quoted in Briggs, p. 126.

52. I. Jennings, Party Politics, Vol. I: Appeal to the People, Cambridge, 1960, p. xxiii.

53. Briggs, p. 93.

Opposition voters;[54] but his tactics were frowned upon and Metcalfe preferred not to resort to the usual kinds of government interference.[55] Deference was really the only one of the traditional weapons which could be readily used by the governor and it was employed successfully by Sir Francis Bond Head in 1836 and Metcalfe in 1844. On the other hand, the English electoral system, if anything, was becoming more like the Canadian. The reforms of Pitt and Liverpool largely destroyed the electoral influence which the King derived from patronage and money[56] and the government lost the election of 1830. Nevertheless, even after 1832, the House of Commons was not as free of outside influence as Canadian assemblies before Responsible Government, because the Lords retained an influence in the lower house[57] which the Legislative Council in Canada never had.

The great difference between Canada and England was that one of the Canadian institutions, the Assembly, had already developed along the lines which the House of Commons was to follow later. In the 1820's and 1830's it was a far more representative and independent body than its counterpart

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54. Kennedy, Bagot to Stanley, 26 September 1842, pp. 478-479; C.O./506, Metcalfe to Stanley, 13 June 1843.

55. C.O. 42/514, Metcalfe to Stanley, 25 March 1844.

56. Briggs, pp. 110-111.

57. N. Gash, Politics in the Age of Peel, London, 1953, p. 187.

in England. Although it was changing, England still had more of a 'mixed constitution' than Canada and that is why Metcalfe, for example, felt that Responsible Government was unsuitable for Canada "however suitable it may be in . . . a country where it is qualified by the presence of a Sovereign and a powerful Aristocracy".[58] Metcalfe may have been right. Once Responsible Government was achieved, the assembly if anything became less independent; but instead of being controlled by a sovereign or an aristocracy, it was dominated by the cabinet. Some of the Reformers were frustrated with this loss of independence and the system by no means operated perfectly. Nevertheless, it produced more of the 'harmony' which Baldwin hoped for than the system which had preceded it. The type of cabinet government which evolved in Canada was not the copy of the English constitution which Baldwin supposed it would be. Both constitutions were changing and, in some respects, Canadian developments actually anticipated those in England.

The election of 1847-48 was really the first to be held under Responsible Government. Historians generally consider that the formation of the Lafontaine-Baldwin Ministry <u>after</u> the election marks the final victory in the struggle for Responsible Government. In 1847, however, the

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58. C.O. 537/143, Metcalfe to Stanley, 13 May 1845.

electorate were under the impression that Responsible Government had already been won and to them the university question was the main issue.[59] In the next five elections a persistent pattern emerges. There is a two-party contest between Conservatives and Liberals with the majority party having the right to form the Ministry. Religious questions are the dominant issues and are inextricably bound up with the sectional clash between Upper Canada and Lower Canada. Lastly, corrupt practices are steadily becoming a more serious problem. These six elections between 1847 and 1863 thus form a unit which this study will attempt to examine.

The statutory maximum length of a Parliament was four years,[60] but on the average Parliaments lasted just over three years. Two dissolutions (in 1854 and 1863) were the outcome of government defeats in the Assembly; the others were called earlier by ministries who thought that their chances were better if the elections were held earlier. In only one case was a request for a dissolution refused.

This happened in August 1858. The general election of December 1857 and January 1858 had returned an Assembly in which the Upper Canada Conservatives were outnumbered by

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59. Examiner, 15 December 1847; see chapter IV, p. 101 .

60. Act of Union, 3 & 4 Vict., c.35.

the Grits. The Conservative-Bleu Ministry of Macdonald and Cartier had a large majority in Lower Canada, but its overall majority was precarious. Defeat came on the seat of government question. The Ministry had attempted to solve this perennial issue by asking the Queen to decide where the capital should be. When the Queen's choice was announced as Ottawa, many Lower Canadian supporters of the Ministry felt that they must register their disapproval of having the capital in Upper Canada. An amendment rejecting Ottawa was passed and, although the government immediately defeated an Opposition adjournment motion, they resigned. The Opposition's victory, therefore, did not signify a permanent majority, but George Brown nevertheless accepted the request to form a government. He was warned by the Governor General, Sir Edmund Head, that there could be no promise of a dissolution, but Head was willing to prorogue Parliament for a few months if essential supplies were provided and if two important bills were given final approval.[61] One of these - a bill to provide for the registration of voters - was the outcome of numerous complaints against fraudulent practices in the last general election.

On accepting office, Brown and his ministers were

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61. C.O. 42/614, No. 102, enclosure No. 5, Head to Brown, 31 July 1858.

required to resign their seats and stand for re-election[62] and when Parliament assembled again to complete its business, the new Ministry's support was even smaller than it had been before. The Opposition immediately moved a motion of non-confidence and, to no one's surprise, it was carried. Brown then asked the Governor General to dissolve Parliament but Head refused, giving the following reasons: an election had taken place only seven months before; Parliament had not finished the business before it; and an election would be inconvenient for the voters who were busy with the harvest.[63] To the Colonial Secretary, Bulwer Lytton, he gave as an additional reason the fact that if Brown won the election, the Assembly would probably come into conflict with the Legislative Council and a dissolution would thus have produced deadlock.[64] Brown and his colleagues had based their request on two arguments. Firstly, the previous election had been marred by a great deal of corruption and the country had no confidence in the House that resulted. Secondly, the Ministry claimed that it could propose constitutional changes which would end the sectional conflict which had plagued the

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62. This practice continued until 1931. 21-22 Geo. V, c.52.

63. C.O. 42/614, No. 102, enclosure No. 8, Head to Executive Council, 4 August 1858.

64. Ibid., No. 102, Head to Bulwer Lytton, 9 August 1858.

Province.[65] To the first assertion, Head replied that a new election held under the same electoral laws would probably be no better than the last. (If a dissolution were granted, the registration bill would die.) In his reply to the second point, Head was on less sure ground. He required conclusive proof that "the measures likely to be adopted by Mr. Brown and his Colleagues were a specific, and the only specific, for these evils and that the members of the present Council were the only men in the country likely to calm the passions, and allay the jealousies, so unhappily existing".[66] This last condition was extraordinarily rigorous and it was obvious that Head did not think that Brown's Ministry could deal with the province's problems as well as the previous Ministry.

Brown had been foolish, in the first place, to undertake the formation of a government, because it was obvious that the defeat of the Macdonald-Cartier Ministry had been caused by the local jealousies which always bedevilled the seat-of-government question. The vote on the adjournment proved that the Opposition could not count on a majority. The resignation of the Brown-Dorion ministers while they

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65. Ibid., No. 102, enclosure No. 7, Memorandum for the consideration of His Excellency the Governor General, 3 August 1858.

66. Ibid., No. 102, enclosure No. 8, Head to the Executive Council, 4 August 1858.

sought re-election only aggravated Brown's hopeless position. But was the Governor General right in refusing Brown's request?

Herman Merivale, the Permanent Under-Secretary in the Colonial Office, commented that under Responsible Government the discretionary power of dissolution was by far the most important that the governor retained.[67] This was true, but it was extremely difficult and perhaps impossible for the Governor General to use this power without incurring the charge of being partisan.

In 1858 none of the Governor General's reasons were completely convincing. Firstly, he was not responsible for preventing deadlock between the Upper House and the Lower House or for preventing distractions from harvesting. Secondly, it was not essential that supplies be granted by Parliament, because, until 1864, Parliament did not vote on supplies until after the expenditures had been made.[68] There was thus little parliamentary control over spending and no reason for avoiding a further delay in what was almost a formality. Thirdly, his requirement, that Brown and Dorion prove conclusively that they were the only ones

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67. Ibid., No. 102, Head to Bulwer Lytton, 9 August 1858, minute by H.M. to Lord Carnarvon.

68. J.E. Hodgetts, Pioneer Public Service, Toronto, 1955, pp. 111-112.

who could deal with the country's problems, was unusually demanding. Fourthly, it is even possible to question Head's assertion that a new election could not be held under the old electoral laws. In 1853 changes had been made in the franchise laws[69] and these were not to come into effect until 1855. Parliament had declared in effect that the existing franchise was inadequate. The following year an election seemed likely and, when Parliament met, a bill was introduced to bring the new franchise into effect immediately. The Ministry were defeated before the bill could be passed and they asked for a dissolution. The situation was therefore somewhat similar to the 1858 request because there were doubts that an appeal to the people would return a satisfactorily representative house. In 1854 the electorate was outmoded but not yet altered by the new Act; in 1858 there was only a fear that fraud might distort the result. In 1854 Elgin granted a dissolution before Parliament could pass a bill making the new franchise operative;[70] in 1858 Head chose not to follow Elgin's precedent, but held that, because Parliament was considering an election bill, this was a good reason for refusing to dissolve.

Head was on surest ground when he referred to the fact that an election had been held only seven months before.

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69. 16 Vict., c.153.

70. See chapter III, pp 90-91.

The Governor General would certainly have a duty to protect the country from an abuse of the appeal to the people. As Forsey points out, elections are not necessarily democratic; they may descend to the demagogic.[71] Bulwer Lytton, the Colonial Secretary, agreed with Head that two dissolutions within one year were too many - particularly when the second was requested by a Government which did not have a majority in either House.[72] Many constitutional authorities have agreed that a dissolution can be refused, if an election has been held only a short time before and if an alternative government[73] is available. There was ample precedent for a colonial governor refusing to dissolve, but strangely little precedent in Britain itself. Evatt points out that in the colonies and in the early days of Dominion status, "the Governor . . . assumed the role of supreme political superintendent and also that of political prophet". When colonial politicians were inclined to hold on to office by any means, the Governor had to guard against a misuse of an appeal to the people.[74]

But is the mere fact of two elections within one year

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71. E.A. Forsey, The Royal Power of Dissolution, Toronto, 1943, p. 8.

72. D.G.G. Kerr, Sir Edmund Head, Toronto, 1954, p. 193.

73. Forsey, pp. 88, 89, 103.

74. H.V. Evatt, The King and his Dominion Governors, London, 1936, p. 224.

sufficient proof that the right to a dissolution has been abused? From the vantage point of 1965, two elections within a year are not extraordinary. (There were two elections within twelve months in 1957-58 and 1962-63.) Numerous elections may be a nuisance, but the alternative is fraught with danger. It is difficult, if not impossible, for the Governor General to avoid laying himself open to the charge of being partisan. Head was accused of showing favouritism to the previous Ministry of Macdonald and Cartier. (He did prefer them to Brown and Dorion,[75] but that is not strictly germane to the argument.) In 1926 when Lord Byng refused a dissolution to Mackenzie King, he was likewise accused of being partisan. Lord Byng had better grounds than Head for refusing a dissolution because King had come out of the previous election with fewer seats than the Conservative Opposition. But the position of the Governor General is weakened if he becomes the subject of fierce political controversy. In 1926, as Dawson says, the "Governor General won an empty victory, for the consequences were far-reaching and definitely to the detriment of the long-run powers of his office".[76] That is why, in retrospect, Head's action seems wrong.

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75. Kerr, p. 193.

76. R. MacG. Dawson, The Government of Canada, 2nd ed., Toronto, 1954, p. 166.

It is only when the constitution is seriously threatened that the Governor General should consider using his power to refuse a dissolution. It might theoretically be preferable to have a constitution in which the Governor General refused to allow frequent elections whenever he could find an alternative government. But in Canada experience has shown that this simply will not work. The politicians will not accept the refusal meekly; it is doubtful if mature politicians in any country would. It is significant that there have been fewer refusals in England than in the Dominions; but even in the Dominions, this is becoming increasingly infrequent. Furthermore, the electorate is not well enough acquainted with constitutional law to understand why their politicians' requests are not granted. In 1926, when a dissolution finally had to be granted to Meighen, King fought the election on what he called the 'constitutional issue' and won a large majority. The Governor General has to have the power to refuse a dissolution when a misuse of it might threaten the constitution; but if he uses his prerogative casually, he risks seeing it destroyed completely by offended politicians aided by an uncomprehending electorate. Dawson suggests:

> The operation of the usual constitutional procedures (as directed by the Cabinet) in the matter in question must be such that it would not simply involve some moderate delay or temporary inconvenience - it would have to perpetuate for some time a state of affairs which is plainly intolerable and a violation of the spirit and intent of the constitution. Further,

> there should be no reasonable doubt whatever of the essential wisdom and justice of the Governor's intervention; and if any such doubt is present, it constitutes prima facie evidence that he should hold his hand.[77]

It is wrong to suppose that these conditions were present in 1858. Brown and Dorion were not unscrupulous colonial politicians who would stoop to any means to retain power. Only a few days before, Brown had been requested by the Governor General to form a government. He did form a government, but they were defeated immediately in the Assembly. It was only fair that Brown be given the chance of reversing this defeat by an appeal to the country. He was certainly not threatening to subvert the constitution. There is something very much of the school master in Head's treatment of Brown throughout this episode; it is ironic that, two days later, Head allowed the Cartier-Macdonald Ministry to get away with the much more dubious device of the 'double shuffle'.

When the request for a dissolution was granted, the government sent out writs of election to the returning officers in the various constituencies. The poll in each constituency was open for two days (before 1842 it was open for six days or until an hour had passed without a vote being recorded), but there was no requirement that all elections be held simultaneously. They generally took

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77. Ibid., pp. 190-191.

place over two or three weeks and it was a favourite trick of governments to stagger the elections to their own advantage. Elections were held first in safe government constituencies, because it was hoped that, if the government party showed an early lead, popular enthusiasm and the desire to be on the winning side would sweep government candidates to victory in the marginal and opposition constituencies where polling was held later. (The writs were all returnable by a certain date, but they could be sent out early to the safe constituencies and later to the others.) Early in the 1861 election, the Leader announced four ministerial acclamations and pointed to the lesson to be drawn from them:

> Since it became beyond a question that there will be a large Ministerial majority in the next Parliament, embracing a majority from both sections, many constituencies have began [sic] to ask themselves what is to be gained by electing an Opposition member, who, from the nature of things, cannot possibly have any influence in the House. . . . Influence, we need not say, is on the strongest side; on the side of the party that commands the governing majority. It is found that constituencies represented by influential members - members connected with the ruling majority - have their wants better attended to. In any general estimate of the result of the elections, this element must be taken into account.[78]

The size of this 'bandwagon' effect was probably small. All the opposition papers accused governments of using the trick in every election so it was no secret. Furthermore, the results could be interpreted in such a variety of ways, that both opposition and government papers were able to find fav-

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78. 22 June 1861.

ourable trends in the early returns.

Elections could also be staggered so as to inconvenience opposition candidates as much as possible. Ministers' elections were held first (provided they were not likely to lose) in order that they would be free to campaign in the doubtful constituencies which voted later. These would be held while the opposition leaders were busy themselves with elections in their own constituencies.[79]

Within eight days of receiving the writ, the returning officer had to make a proclamation giving the nomination and polling days.[80] If more than one candidate was proposed at the nomination (held at least eight days after the proclamation), the returning officer called for a show of hands and declared a winner. The loser then always demanded a poll, which was held from six to ten days after the nomination.[81] The show of hands had become a formality, but candidates attached a great deal of importance to it because it supposedly "tend[ed] to influence infirm and vacillating minds which always lean towards what they think likely to be the winning side".[82]

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79. Globe, 4 June 1864.

80. 12 Vict., c.27.

81. Ibid.

82. Leader, 14 December 1857.

Once the nomination had taken place, the candidates poured all their energies into electioneering. Brown wrote to his wife of his strenuous activities during the 1863 contest in South Oxford. "I got to bed at 2 in the morning & am off immediately [7.0 the next morning]. I speak 8 miles from here at noon & eight miles further on at night."[83] Another candidate found electioneering more pleasant than he had anticipated. "But how I survived the heat & the whiskey is a marvel to myself. Whiskey in huge quantities must be wholesome or I would have given a job to a Coroner before now."[84]

The canvass of the constituency was an important part of electioneering, but it was not used for the same purpose as it was in England. There the canvass was part of the hierarchical system of influence - a candidate went through his constituency contacting the influential and asking them to use their influence on his behalf.[85] In Upper Canada where landlord influence was minimal, a canvass involved simply visiting as many voters in the constituency as possible and asking for their support. When thoroughly done, it meant a trip to every concession in the constituency. Macdonald urged a Conservative candidate to "meet the people

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83. Brown Papers, Brown to Anne, 27 February 1863.

84. Macdonald Papers, vol. 247, David Macpherson to Macdonald, 21 August 1864.

85. Jennings, Party Politics, I, 113-117.

in Every Concession. Take the Stump manfully".[86] In some of the large constituencies, this might mean covering an area of a thousand square miles. Even the premier and his ministers spoke in various constituencies at a time when such a practice was frowned upon in England.

The public meeting, often accompanied by a dinner, was also an established part of electioneering. Sometimes a meeting would be organized by one party to generate enthusiasm for its candidate. On other occasions, all of the candidates would take part. Speeches were rarely brief; the voters expected a full discussion of all the issues and many more details than today's voters would stand for. One Reform banquet and the speeches that followed took six hours![87] Following a meeting, a full report of the speeches would appear in the local newspaper which supported the party. The opposition paper would report it briefly, as the "usual" Grit or Tory "nonsense". At the end of the meeting resolutions supporting the candidate and the party's policies would be proposed.

The newest election technique of the 1850's was the newspaper supplement, which replaced the broadsheet. In contrast to the earlier form of advertisement, these supplements professed to give all the facts pertaining to the issues

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86. D.B. Stevenson Papers, Macdonald to Stevenson, 14 September 1851.

87. Globe, 14 January 1858.

of the day and the votes of the members of the Assembly.[88] In those days of loose party allegiance, an MPP's votes on major issues were watched as closely as those of an American Congressman or Senator today. One concludes that issues and policies were a much more important aspect of electioneering than they are now in Canada.

It was not uncommon, however, for the facts and the issues to become distorted. Candidates sometimes worked on the religious and racial prejudices of the voters and told some incredible tales. In East Elgin a story circulated that the Pope had come to Canada to influence the elections and to get a separate school system and that the Conservative candidate "had, on his landing, hastened to pay his respects to His Holiness, and requested the honor of being permitted to kiss his toe".[89] In Lambton it was said that if Malcolm Cameron were elected "a Roman Catholic altar would be erected in every house, and mass celebrated at the expense of the community, for the souls of heretical Freechurchmen".[90] Another favourite tactic was to tell all the voters that one's opponent had died and that one had seen him in his shroud with one's own eyes![91]

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88. Leader, 22 July 1854.

89. Leader, 11 January 1858.

90. Ibid., 1 August 1854.

91. Ibid., 5 June 1861.

When polling day came, the voters gathered in front of the poll and heard each man announce his vote to the poll clerk. It was considered an advantage for a candidate to look a winner from the beginning. Throughout the polling, the total number of votes which the various candidates had received was known and it was commonly held that a vote before noon on the first day was worth two afterwards. According to the Leader, there was "in every constituency, a loose, floating, undecided mass of voters ready to cast their strength on the winning side. Success, especially when it is but half accomplished, but is nevertheless apparently certain of being realized, has an irresistible attraction for such minds".[92] George Brown described the voters as resembling a "flock of sheep & if we can only get the notion among them that the bell-sheep have jumped for me, they'll all jump".[93] The "sheep" obviously wanted to make sure they were on the winning side. Just as a constituency which had elected an opposition member could expect no favours from the government, neither could a voter expect any favours from an MPP he had voted against.

Once a candidate's support had been nearly exhausted, his agents would switch to delaying tactics. Each candidate was allowed a representative or scrutineer at each poll and,

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92. 15 January 1858.

93. Brown Papers, George Brown to Peter Brown, 13 April 1853.

if he questioned the qualifications of any of the opponent's voters, an oath could be given to the voter in question. The intention was to make the questions and oath-takings so protracted that the poll would close before all the opponent's supporters had a chance to vote.

> All sorts of questions, especially if the Returning Officer is not fully up to his duty, can be put by the scrutineers. Octogenarians are gravely asked if they have yet come of age; Englishmen, Irishmen and Scotchmen, whether they be British subjects, and if they have no objection to take the oath of allegiance; rich men whether they have property worth £7 10s. a year; the oldest residents of a place, whether they have lived there a full year. After this catechising has been gone through, and all the questions answered, the chances are that some one or more of the oaths is presented to the voter, with a request that he would clear up some lingering doubts by swallowing it on the spot. These are but a few of the questions that can be and frequently are asked, for the purpose of killing time and preventing votes unfavorable to a particular candidate from being recorded.[94]

It was partly this kind of tactics that led to the demand for a registration of voters.[95]

When the voting was over, the results of each poll were sent to the returning officer who announced the result and made his return to Parliament. If anyone disagreed with the return, it could be petitioned against when the new Parliament met. A controverted election was dealt with by the Assembly, but, as we shall see later, this procedure did not always ensure that the petitioner's com-

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94. Leader, 15 January 1858.

95. See chapter IX.

plaints received a fair hearing.

By the time Responsible Government was won, elections had been held in Upper Canada for over fifty years. As a pioneering community, Upper Canada had developed election practices which were reasonably pure by nineteenth-century standards. Electioneering was, to use Sir W.S. Gilbert's phrase, "rustic but hearty". Nevertheless it could be rough and, as Upper Canada came of age politically, it developed its own more sophisticated perversions of democratic procedure. It is the purpose of this study to examine what these various trends had produced in elections in mid-Victorian Upper Canada.

Chapter II

VOTERS, CANDIDATES, AND CONSTITUENCIES

1. Voters

The franchise which was created in 1791 by the Constitutional Act was, in most constituencies, the same 40 shilling freehold franchise which had existed in English counties since 1430. After 1841, this was the property requirement in the thirty-three county constituencies of Upper Canada. In the eight town constituencies (which included the double-member constituency of Toronto), the vote was given to owners of houses worth £5 a year or tenants who paid a rent of £10 a year.

For the late eighteenth century, Upper Canada had a remarkable wide franchise. Although the values were similar to what they were in England, it was very much easier to acquire land in Canada. In Upper Canada, the Crown made free grants of hundreds of thousands of acres during the first decades of the nineteenth century and other lands were sold at very low prices. Therefore any settler who was reasonably industrious could easily acquire and clear enough land to set up a farm worth 40 shillings a year.

By the middle of the nineteenth century, this situation had changed quite markedly. The granting of free Crown land

was discontinued and the great wave of immigrants, who had been coming into Upper Canada since the 1820's, had filled most of the good land. The last good Crown land that remained vacant in 1850 was in Bruce and Grey counties and this was taken by 1860. The Laurentian Shield was (and still is) a clear and formidable barrier to the northward expansion of farming. By 1861 the Leader could comment, "There is not an acre to be had. . . . Take it altogether, the Peninsula of Upper Canada is pretty well settled. The lands that remain unoccupied are chiefly in the hands of private individuals, and are held at prices far exceeding those charged for Government lands. They are hardly within the reach of poor men."[1] The 1791 property requirements had become harder to achieve. It is difficult to estimate what proportion of the population had the vote, because there were no voters lists before the 1861 election and no official record of returns before 1854. The results of earlier elections have to be collected from newspaper reports. In the elections which were held under the original franchise from 1841 to 1854, about 6% of the population voted. If the turnout is assumed to be the same as it was in later elections when voters lists were kept, then about 8.5% of the population - or one in every three adult males - were

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1. 15 May 1861.

qualified to vote.[2] By comparison, only 4.7% of the population in England were enfranchised after the 1832 Reform Act; but after the Second Reform Act, the percentage was the same as it had been in Canada before 1858.[3]

The County Franchise. There was hardly any support for manhood suffrage and very little enthusiasm even for an extension of the franchise. At the founding convention of the Clear Grits held in 1850, Peter Perry announced that universal suffrage was a Grit principle.[4] But at a later meeting, a resolution calling for leasehold and household suffrage to be followed eventually by universal suffrage, was defeated. In its place the convention decided on an extension of the franchise limited to tenants with lands or houses worth £5 annual value.[5] The Grits were by no means avowed democrats and it is quite understandable that this movement, which was so strongly agrarian, was firmly attached to a franchise, which already favoured the farmer.[6] What is notable about the resolution that was finally accepted was that it proposed to enfranchise tenants in the counties who were, for the most part, prosperous farmers. Even the

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2. The turnout in 1861 and 1863 was just over 70%; it is usually between 65% and 75% in Ontario for a federal election.

3. I. Jennings, Party Politics, Vol. I: Appeal to the People, Cambridge, 1960, pp. 52-55.

4. Globe, 23 March 1850.

5. Ibid., 11 April 1850.

6. See pp. 47-48 .

Conservatives admitted that the vote should be given to the tenant farmer, who was often better off than many 40 shilling freeholders.[7]

The Franchise Act of 1853. When two Clear Grits joined Hincks's Reform Ministry in 1851, they did so on condition that the franchise be extended and in 1852 Hincks introduced a bill which gave the vote to county tenants. But it included some odd provisions for a bill which purported to "extend the elective franchise".[8] The 40 shilling franchise was abolished and the property requirement was raised to £5. These were both annual values and, since property was assessed at its actual value in Upper Canada counties an annual value franchise was awkward. The new Act, therefore provided an alternative £50 actual value qualification. As a general rule, the annual value of a lot was taken to be 6% of the real value.[9] It was thus easier to qualify under the £50 actual value requirement than under the £5 annual value requirement. Nevertheless, it was obvious that the property requirement had been edged higher. A lot which had an actual value of £50 would, under the old franchise, have had an annual value of 60 shillings.

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7. "Assembly Debates", 22 February 1853 reported in the Globe, 5 March 1853.

8. 16 Vict., c.153.

9. Parliamentary Debates, Legislative Assembly, 27 April 1858, microfilm.

The man who barely qualified under the 40 shilling franchise would lose his vote under the new law. (The property requirement was not raised a full 20 shillings. Before 1849 property was valued in sterling; in 1849 the 40 shilling requirement was converted into Canadian currency as 44s. 5¼d.)[10] Hincks dismissed the difference as "very trifling";[11] but a number of members were afraid that some of their constituents would be disfranchised and, in the next five years, a series of franchise Acts attempted, in a somewhat clumsy fashion, to deal with this problem.

The Franchise Act of 1854. Shortly after the MacNab-Morin Ministry came into office, John A. Macdonald introduced a bill which provided a "double franchise" - that is, it continued the £50 owner and tenant franchise of the 1853 Act and renewed the old 40 shilling owner franchise.[12] According to Macdonald, none of the old 40 shilling freeholders had lost their votes under the 1853 Act, but the new bill would serve to settle any doubts.[13] As far as Upper Canada was concerned, however, Macdonald was wrong. The 1853 Act stated that no one in Lower Canada who was already enfranchised would lose his vote under the new Act, but it made no such

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10. 12 Vict., c.27.

11. "Assembly Debates", 22 February 1853 reported in the Globe, 5 March 1853.

12. 18 Vict., c.7.

13. "Assembly Debates", 27 April 1858 reported in the Globe, 28 April 1858.

stipulation for Upper Canada[14] and clause X specifically repealed any part of the existing law which qualified any person who was disqualified by the 1853 Act.[15]

The Franchise Acts of 1855 and 1858. Another Act in 1855[16] continued the "double franchise"; but in 1858, the property requirements of the 1853 Act were converted into Canadian dollars (£1 was worth $4) and the "double franchise" was dropped.[17] During the passage of this Bill, a number of attempts were made to prevent the property requirements from going any higher. A.A. Dorion felt that the Bill would very greatly reduce the number of voters in Lower Canada and William Patrick, from Upper Canada, also thought that the Bill would disfranchise some of the old 40 shilling freeholders. Macdonald argued that, since 40s. sterling was now worth 58s. 3d. Canadian, the difference between 58s. 4d. and 60s. was such "as to make no difference at all".[18] On the other hand, another member still thought that the higher franchise would cut off between one-third and one-quarter of the voters;[19] but

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14. Clause III.

15. This probably applied primarily to the clause IV disqualification (see chapter VIII), but it would hold in this case as well.

16. 18 Vict., c.87.

17. 22 Vict., c.82.

18. "Assembly Debates", 11 May 1858 reported in the Globe, 12 May 1858.

19. Ibid.

amendments lowering the property requirement to £40 real value (equivalent to 48s. annual value) were defeated.

It is difficult to know how many 40 shilling freeholders actually lost their votes. Garner says that the 1861 election results give no conclusive evidence that the franchise was reduced,[20] but it is difficult to accept this when one examines the voting totals of the elections which were held under the various franchise laws. In the elections held from 1841 to 1854 the old 40 shilling franchise applied.[21] The 1857-58 election was the only one held under the "double franchise" and the percentage of the population which voted jumped from an average of about 6% in the preceding elections to 11.7%.[22] In 1861 and 1863 only 10.2% and 9.6% of the population voted and this drop would suggest that there were a number of 40 shilling freeholders who had lost their voting rights when the "double franchise" was ended.

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20. J. Garner, "The Franchise and Politics," Ph.D. thesis, University of Toronto, 1958, pp. 284-285.

21. The franchise provisions of the 1853 Act did not apply until 1855; the Hincks-Morin Ministry, in the short 1854 session, had intended to pass enabling legislation to bring the new franchise into effect for the 1854 election; but the Government was defeated and Parliament dissolved before this could be done. Leader, 26 June 1854.

22. Voting figures for the first four general elections were collected from newspaper reports. The returns for 1854 are given in Appendix N of the Journals of the Legislative Assembly (1854) and the returns for 1858 are in Appendix 28 of the Journals (1858).

To determine precisely how many, some estimate of average turnout must be made. The elections of 1861 and 1863 were the first in which voters had to be registered and the returns for these years show that qualified voters were about 14% of the population.[23] Just over 70% of those qualified actually voted and, if the turnout in the 1857-58 election is assumed to be the same, then 16½% of the population were able to vote under the "double franchise". The drop to 14% in 1861 and 1863 was therefore 2½% of the population or 35,000 property-holders (1861). Even if the turnout in 1857-58 had been as high as 80% (and it has rarely been this high in any Canadian election), then the number who were disfranchised was over 8,500. Even this figure is high for a country where the total electorate was just under 200,000. Allowance must be made for bad votes in the 1857-58 election because there were many reports of fraud; but in three-fifths of the ridings in which there were elections both times, the total vote went down in 1861. It can only be concluded that quite a number of the old 40 shilling freeholders did lose their votes under the new law, even though it was estimated that between 50,000 and 70,000 tenants had been enfranchised.[24]

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23. Return from the Clerk of the Crown in Chancery (1863).

24. London, Eng. Morning Chronicle, 14 July 1854 quoted in the Leader, 2 August 1854; Mackenzie-Lindsey Collection, 1014, clipping, n.d., n.p., "Mackenzie's Letter to the Editor of the Independent", Quebec, 27 June 1854.

The Town Franchise: The Franchise Acts of 1853 and 1854.

The same kind of enfranchising and disfranchising went on in regard to the city and town constituencies. The 1853 Act provided a common £7 10s. annual value qualification for both owners and tenants in the city and town constituencies. The requirements for tenants were thus reduced from £10 (or £11 2s. 2½d. in Canadian currency); but for owners, they were raised from £5 (or £5 11s. 1¼d. Canadian) to £7 10s.[25] The Assembly Debates of 1853 record no opposition to this disfranchisement, except for a suggestion that the franchise for owners and tenants be lowered to £5; but Hincks felt that was much too low.[26] The 1854 Act provided the same kind of "double franchise" for cities and towns as it did for counties; that is, the £5 owners who would have lost their votes under the 1853 Act were enabled to keep them.

The Franchise Act of 1858. The Act of 1858 which converted sterling values into dollars dropped the "double franchise" and this time there was strong opposition in the Assembly to disfranchising the £5 city freeholder. R.W. Scott, the Conservative member for Ottawa, moved an amendment to reduce the requirements from $30 (£17 10s.) to $24 (£6).[27] He was opposed by a fellow Conservative city member,

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25. The Canadian values were given in 12 Vict., c.27.

26. "Assembly Debates", 22 February 1853 reported in the Globe, 5 March 1853.

27. £1 stg. was worth $4 Canadian.

J.B. Robinson, jr. from Toronto, who would rather have seen the franchise raised to a higher figure than $30; but he was supported by D'Arcy McGee from Montreal, who admitted that "he owed his election to the £7 10s. voters, and he was favourable to reducing the franchise still further".[28] Macdonald and Cartier both opposed any extension of the city franchise and the amendment was defeated by a combination of Conservatives and Clear Grits. It was supported primarily by members from Lower Canada - all the Rouges and somewhat less than half the Bleus.[29] The 1858 Act, as well as the earlier 1854 Act, provided the alternative of a $300 (£75) real value qualification; but since cities and towns in Upper Canada were, at this time, assessed by annual value, this alternative appears to have been inoperative in Upper though not in Lower Canada.

The Municipal Institutions of Upper Canada Act of 1866. Finally, just before Confederation, a Bill was introduced which raised the property requirements for voting in municipal elections in Upper Canada. After the urban depression of the later 1850's, property holders in the municipalities had opposed higher rates and their recalcitrant attitude was taken by the Assembly as proof that the municipal

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28. Ibid., 12 August 1858 quoted in the Globe, 14 August 1858.

29. Journals of the Legislative Assembly (1858), p. 1007.

franchise was too wide. The Municipal Institutions of Upper Canada Act of 1866[30] raised the property requirements by about one-fifth and a rider (clause 81), which was added during the committee stage, provided that the new restrictions should also apply to the parliamentary franchise for city constituencies and for towns and villages in the county ridings. Under this Act city voters were required to have property worth $600 (£150 which was the same as £9 annual value); town voters were to have $400 (£100 or £6 annual value); and village voters to have $300 (£17 or £4 10s. annual value). The philosophy behind the Act seems to have been, somewhat curiously, - the more urbanized the voter, the richer he must be to have the political worth and virtue of the simple farmer! John Carling, the member for London, moved that the bill be given six months hoist, claiming that a quarter of his electorate would lose their votes, but he was supported by only seven members.[31]

What kind of an electorate did Upper Canada have? An examination of assessment roles shows that the franchise had a definite class bias, though this was less the case in the towns and cities. Under the £50 franchise, almost all the farmers had the vote, whereas many of the labourers,

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30. 29 & 30 Vict., c.51.

31. Garner, 288; Journals (1866), p. 341.

carpenters, shoemakers, blacksmiths, tailors, masons, etc. did not. For example, in Darlington township in Durham county, there were 969 names on the 1855 assessment roll. Almost all the farmers in the township had the vote, whereas half of those with other occupations did not. Out of 134 manual workers who were property-holders, 75 did not have the vote, whereas only 42 out of 717 farmers were not enfranchised. In the neighbouring township of Cavan, about one-third of the manual workers were without the vote, whereas all but ten farmers could vote and they greatly outnumbered the manual workers who were voters. In Elderslie township in county Bruce, three-fifths of the manual workers were not enfranchised; while those who had the vote were swamped by the farmers. These townships are typical and illustrate that, in the country at least, Upper Canada was a long way from having manhood suffrage. Instead it could be more accurately described as a "farmers franchise".[32]

It hardly needs emphasizing that any move to alter the character of the "farmers franchise" was far from popular. The only appreciable extension of the franchise was to tenants in the counties, while the lower reaches of the electorate were continually chipped away. The tenant vote added to the "farmers franchise" in most cases; but even it caused

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32. This information was taken from assessment rolls in the Public Archives of Ontario. The assessment rolls are quite incomplete, so it was impossible to do a complete study. The examples that have been given conform, in a general way, to the other assessment rolls which were studies.

some misgivings. The Leader, though a strong supporter of the Hincks-Morin Ministry, expressed doubts:

> We are among those who question that a Province which is every year receiving tens of thousands of settlers utterly ignorant of the institutions of the country and of the relations they sustain to them, - we say, we are among those who question that the Province is to reach a state of political perfection, by committing indiscriminately to tenants of this class, the privileges of the elective franchise. . . . We can conceive of no better test (in a country such as this, where no one need be poor) of a man's capacity to act the part of a citizen, than his capacity to become the owner of a freehold.[33]

Even William Lyon Mackenzie distrusted the tenant voter, who might be under the influence of his landlord:

> He had always been of opinion that, in this country, where land was so easily secured, only freeholders should be allowed to vote for members of Parliament. . . . He doubted the wisdom of this extension. . . . He did not like this thing of universal suffrage; but he might come round to support it as prefera-[ble] to having a large class of dependent voters, while other large classes are deprived of the franchise.[34]

Mackenzie was not the only member who feared the influence of the landlord; Joseph Hartman, the Grit member for North York, was convinced that the ballot should be included in any bill which enfranchised tenants in order to prevent landlords from controlling their votes.[35]

There were even more misgivings about enfranchising

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33. 6 December 1854.

34. Ibid., 23 December 1854.

35. "Assembly Debates", 22 February 1853 reported in the Globe, 5 March 1853. For a fuller discussion of landlord influence, see chapter VIII.

squatters in the counties and labourers in the cities and towns. Squatters were men who simply took up occupancy on vacant land without being concerned with the legal question of who owned it. Under the 1853 Act, it was possible for them to vote provided they were on the assessment rolls, for the Act gave the franchise to "owners, tenants, and occupants". The 1854 Act made it more difficult for them to qualify by stipulating that tenants and occupants had to have a lease of at least one year; but the 1858 Act dropped this requirement. Brown accused Macdonald of wanting to give the vote to squatters[36] and Macdonald admitted that they would have the right, provided they were on the electoral lists which were drawn up once a year.[37] But the well-to-do section of the community were apprehensive lest "too much power will be thrown into the hands of Sqatters (sic) and new comers from the overcrowed (sic) population of the Mother Country who will be assessed although they do not own & have not any interest in the lands on which they have squatted down and be entitled to vote".[38]

The urban working classes started to become important politically during the period under discussion. By the

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36. Ibid., 8 June 1858 reported in the Globe, 9 June 1858.

37. Ibid., 27 February 1858 reported in the Globe, 28 February 1858.

38. Buell Papers, draft of a letter from A.N. Buell to Hon. W.B. Richards, 11 March 1853.

1850's, a labour market was forming in the cities. (In 1851 Toronto had a population of 30,000 and Montreal was 57,000.) The labour pool was composed of skilled artisans from England and Scotland and a lower class of unskilled Irish.[39] The Irish labourers had been brought to Canada to work on the canals and, unlike most Scotsmen, Englishmen, and Ulstermen, they did not become farmers as soon as they had saved some money, but they drifted into the cities. Neither party was anxious to see this new class enfranchised. Marcus Talbot, a Conservative candidate in East Middlesex, was against giving "the crowded transitory population of large towns" equal representation with "the agricultural communities who had such a big stake in the country".[40]

A.N. Buell, a prominent Reformer, writing to his nephew, the Hon. W.B. Richards, Reform member for Leeds and a member of the Hincks-Morin Ministry, complained:

> The Bill [the Franchise Act of 1853] lowering the qualifications of Electors will I fear in some respects, notwithstanding the approbation of Clear Grit purists, have a somewhat disastrous affect (sic) on liberal interests by extending the franchise to persons who really have not a proper appreciation of the duties they are called on to exercise in the Election of Representatives. This you may see exemplified in the Municipal Elections especially in cities and towns and in township elections in the County of Leeds

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39. H.C. Pentland, "The Development of a Capitalistic Labour Market in Canada" in A.E. Kovacs, ed., Readings in Canadian Labour Economics, Toronto, 1961, pp. 2-14.

40. London Prototype, quoted in the Leader, 2 December 1857.

> where the most improper persons are chosen as councillors and aldermen. So I fear it will be in the Election of Members of Parliament.[41]

It is not just a peculiarity of Canadian history that the 'reform' party were not anxious to extend the franchise to the urban masses. The prosperous farmers of Upper Canada, to whom political power was opened by the granting of responsible government, were the Canadian equivalent of the commercial middle class in England who got political power under the first Reform Act. And just as Disraeli hoped to make the urban householder Conservative with the second Reform Act; so Reformers in Canada were afraid that, if the new working class in the cities and towns were given the vote, they would become Conservatives. The Examiner, one of the more advanced Reform journals, thought any approach to universal suffrage would help the Tory party by enfranchising "a class of persons who, from want of intelligence, are utterly incapable of using it to advantage, either to themselves or the country. This is precisely the class of persons, and, except those who have been educated in the vilest prejudices, the only persons on whom the Tories can successfully impose, and whose votes they can secure. . . . Universal suffrage, unless the whole population were educated, would be the destruction of the Reformers, and the means of

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41. Buell Papers, draft of a letter from A.N. Buell to Hon. W.B. Richards, 11 March 1853.

strengthened (sic) the Tories."[42]

Toronto had several Conservatives who made a strong bid for the working class vote. J.G. Bowes, who was elected in 1854, praised the

> many honest countenances, warm hearts, and robust frames with those who were now applauding him. . . . They were of that body which formed the bone and sinew of a country. . . . Who but the working classes had raised this fine city up to what it was? And who but the working classes would yet make Toronto as fine a city as any country ever boasted of? . . . He wished they had more men like Good [who had recently built a foundry employing three hundred men] who would bring here and give constant employment to worthy mechanics, for they it was who were the best inhabitants of a city.[43]

Buell and his fellow Liberals would probably have been scandalized by these remarks; yet Bowes claimed that he had won the election because he had appealed to the "mechanics and working classes".[44] Another radical Toronto Conservative, who was popular with the working class, referred to Canada approvingly as "the most rampant democracy in the world".[45] These men, however, were not very influential within the party and most Conservatives like Macdonald preferred to keep the party in power by less adventurous means than an appeal to the urban working class. With the main body of Liberals and Conservatives thinking as they did, it is not

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42. 2 February 1848.

43. Leader, 29 July 1854.

44. Ibid., 31 July 1854.

45. Patriot, 2 December 1851.

surprising that the vote remained the prerogative of the farmer and the respectable townsman.

2. Candidates

Biographical information on candidates and members is unfortunately far from complete. The Canadian Parliamentary Companion, which was first published in 1862, gives some brief biographical sketches; before 1862 it is impossible to find information about all the members and candidates. There are, nevertheless, some generalizations which can be made.

The members of the Assembly were not very representative of the population with respect to occupation. Although Upper Canada was predominantly an agricultural community, there were never more than a handful of farmers who were elected to Parliament. This is not because farmers were unpopular candidates, but because, as far as one can tell, there were few farmers who ever stood as candidates for Parliament. The most over-represented occupation was law. In 1844 there were 18 lawyers elected to the Assembly, but only 2 traders, 9 landholders, 3 physicians, 5 merchants, and 1 printer.[46] There were almost as many lawyers in the following Parliament.[47] The preponderance of lawyers was

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46. Chatham Gleaner, 26 November 1844; there were four members missing from this list.

47. Examiner, 21 January 1852.

so great that a strong movement began, especially among radical Reformers, to try and get candidates from other professions. One pamphleteer even urged that lawyers be kept out of Parliament by having the counties represented by farmers and the cities and towns represented by editors, manufacturers, and mechanics.[48] After the 1851 election, the Globe, one of the most outspoken critics of lawyers, noted with approval that 13 of the lawyers in the previous House had been replaced by members of other trades and professions. Since there were only 10 lawyers in the new Assembly, the Globe considered that the anti-lawyer campaign could stop.[49] This did not end the prejudice against lawyers and in later Assemblies they were again more numerous. One candidate charged that "one of the causes of the mis-government of which we hear so much complaint" was due to the fact that all but one of the Ministry were lawyers;[50] but, in spite of this kind of attitude, 21 lawyers were successful candidates in the 1861 election. The other occupations were represented by 7 merchants, 3 newspaper editors (one of whom was also a lawyer), 2 brewers, a surgeon, a builder, an engineer, a contractor, a clergyman, a manufacturer, and only 2

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48. T.J. Grover, "Plough and Harrow: Address to the Electors of Canada", London, 1851.

49. Globe, 20 December 1851.

50. Mackenzie-Lindsey Collection, 4636, broadsheet "Welland Election" from the Welland Herald, 10 December 1857; and see Brown Papers, Adam Hope to Brown, 2 April 1860.

farmers.[51]

When William McDougall was a boy, Egerton Ryerson advised him to study law first if he wanted to be a politician: "in this country [law] is the only sure road to success in politics."[52] This situation, however, was not peculiar to Upper Canada. In having so many lawyers in Parliament, Upper Canada was following a pattern which has existed in most western countries. Lawyers have two great advantages when they enter politics. Their profession enables them to develop the skills which are valuable in a political career and they can leave their work for extended periods while they sit in Parliament.[53]

The assemblies were also somewhat unrepresentative as far as national origins were concerned. The population of Upper Canada in 1871 (the first year in which returns for national origins were given) was 34½% Irish, 27% English, 20% Scottish, 9¾% German, and 4⅔% French.[54] The proportion of Scots was usually higher in Parliament than it was in the country and the Irish and Germans were under-represented. In the 7th Parliament (1861-63), for example, there were 19 Scotsmen, 12 Englishmen, 8 Irishmen, 8 United Empire Loyalists,

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51. Canadian Parliamentary Companion (1863); some members' occupations were not given.

52. C.B. Sissons, Egerton Ryerson, Toronto, 1947, II, 10 .

53. S.M. Lipset, Political Man, London, 1960, pp. 197-198.

54. Census of Canada (1871), I, 280-281.

and 1 American.[55]

The Clear Grit party was allegedly dominated by Scotsmen. An "Irishman", writing to the editor of the Leader, described the Grits as "all Scotch, Scotch, nothing but Scotch"[56] and J.G. Moylan, the Irish Roman Catholic proprietor of the Canadian Freeman, said that one of Brown's "pre-eminent failings" was that "it was Scotch, Scotch all over".[57] His paper warned that Canada was in danger of being taken over by the "Scotch Clear Grits".[58] The Globe pointed out that the Freeman had made some mistakes in ascribing national origins to the slate of Grit candidates in the 1863 election; some of the surnames beginning with "Mac" or "Mc" were those of good Irishmen. On another occasion, the Globe drew attention to the fact that, in several election contests, the Conservative candidate was a Scot and the Grit an Irishman.[59] The Grits by no means had a monopoly on Scotsmen. The Conservative party was led by a Scot, John A. Macdonald, and there were always a number of Scottish Conservatives in the Assembly. There were, nevertheless, always more Scottish Grits. In the same

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55. Canadian Parliamentary Companion (1863); no country of origin is given for 17 members.

56. 22 June 1863.

57. Leader, 4 July 1861.

58. Referred to in the Globe, 5 June 1863.

59. 24 June 1861.

way, Irishmen were not the exclusive property of the Conservative party; although, in the Assembly, they were even more likely to be Conservative than the Scots were to be Grit, particularly after 1854.

It is not surprising to find that there were so many Scotsmen who played leading roles in Upper Canadian politics. In Canada's early history, the vigorous, enterprising Scots contributed to the development of the country out of all proportion to their numbers. One is struck, by the number of Macdonalds and Mackenzies who became famous in Canadian history; it is more than a mere coincidence of names.

Upper Canadian politics could be very parochial. One of the ways in which this was manifested was in the strong resentment felt against candidates who did not live in the county. A nominating convention would often pass over a leading member of the party so that the nomination could be given to a resident. In Victoria (1861) a Conservative ran against the sitting Conservative member for the sole reason that the latter was a non-resident. The resident won the election.[60] When William Notman stood for re-election in Middlesex in 1851, his defeat was attributed to his being a non-resident.[61] When invited to run again in 1854, he declined, because he was afraid that the old prejudices of

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60. Leader, 25 June 1861.

61. Examiner, 17 December 1851.

"Lawyer", "Non resident", and "Borrowed timber" would be raised against him once more.[62] In spite of numerous invitations to stand for election, he did not get back into Parliament until he ran in his own constituency of North Wentworth. He was elected in 1857-58 and re-elected in 1861 and 1863. Nevertheless, there were a number of MPPs in each Parliament who did not live in their constituencies and a residence requirement, fortunately, never became an inflexible convention as it did in the United States House of Representatives.

On the general quality of candidates and MPPs, it is even more difficult to generalize. L.H. Holton, a close political colleague of Brown, reported to the Grit leader that they had "a fair array of able men";[63] but he went on to say that the results of the recent election showed the need for better candidates, particularly in the doubtful constituencies.

> The thorough party men will of course vote for their man whom he may be, but they constitute a majority in but few Constituencies. The floating mass of unformed opinion has to be worked upon - and that can only be done by a candidate of ability or possessing other elements of personal strength. In a special election like that for East Middlesex or Grey, you may run in a nincompoop with the assistance of outside speakers and canvassers but in a general election all such are otherwise engaged - and the candidate must

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62. Brown Papers, vol. 2, William Notman to Brown, 30 June, 3 July 1854.

63. Brown Papers, Holton to Brown, 12 November 1861.

rely on his own resources mainly.[64]

The Grits did badly in the 1861 election and Holton concluded that in every constituency except Toronto (where Brown himself lost) defeats were due to weak candidates.[65]

The most interesting comment on Conservative candidates is contained in a letter from John Langton, MPP for Peterborough, to Macdonald. Langton was about to receive a government position which would necessitate resigning his seat and he had misgivings about the Conservative who was to replace him. He reminded Macdonald of his resolve to deal with corruption in politics:

> If I remember right you had similar aspirations two years ago about raising the standard of political morality, which I confess to you I began to think you had forgotten, as I cannot at present recall any decided step in that direction. I see now that you have only postponed them till you had better materials to work upon, but if you wait till you get a House that will not be corrupted you will not only defer the happy change to some hopelessly remote period, but if ever it does take place, it is they & not you who will have accomplished the object of your ambitions.[66]

During the first few years of Responsible Government, Upper Canada had leaders of the first rank. Baldwin, Hincks, Macdonald, and Brown (though not MacNab) were as outstanding as the men of any other generation. There were a number of

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64. Ibid.

65. See also Brown Papers, vol. 2, John Wilson to Brown, 26 June 1858 and vol. 4, Dorion to Brown, July 1861.

66. Macdonald Papers, vol. 336, John Langton to Macdonald, 13 September 1855.

other able, if less pre-eminent men, like Alexander Mackenzie, Sandfield Macdonald, Oliver Mowat, John Langton, J.H. Cameron, Sydney Smith, W.H. Merrit, and some others. Beyond these, there were usually not quite enough men of Cabinet material in the backbenches and every premier had some difficulty in finding men suitable for Cabinet posts. Wakefield, writing when Bagot was Governor General, complained of the scarcity of able men. In England, he said, most of the 650 members were educated and many had talent; if an outsider was to be appointed, a seat could be found for him in the House. In Canada, it was the reverse. Out of 84 members, "not above 30, so far as I c an judge, are at all qualified for Office by the common advantages of intelligence and education, and of these ten at least are not in a position to accept it: so that my choice is limited to a very small number, and further narrowed by the necessity of the parties re-gaining their seats after vacating them." Furthermore, except when the government were strong, vacancies could not be easily created for prospective ministers.[67] Throughout the period of the Union, the quality of backbenchers in both parties was not as high as could be desired; but it was probably no lower than in most post-Confederation Parliaments.

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67. C.O. 537/140, E.G. Wakefield to Lord Eliot, 8 August 1842.

3. Constituencies

The Act of Union created a Parliament of eighty-four seats (there were three double-member constituencies - Toronto, Montreal, and Quebec) divided equally between Upper and Lower Canada - even though Lower Canada had the larger population. Upper Canada was growing faster, however, and by 1851 it had more people. The imbalance continued to grow and led to George Brown's demand for representation by population.

Even within Upper Canada, representation was only roughly according to population. In 1849 the constituencies had populations ranging from 1,454 (for the town of Cornwall) to 41,963 (for Middlesex county).[68] In any system of representation, there will obviously be some variation from the ideal quotient of total population divided by the number of constituencies. If a 25% variation from this quotient is considered reasonable, then there were fourteen constituencies in Upper Canada which were too small (including the double-member constituency of Toronto) and eleven which were too large. All of the eight town constituencies had small populations and all except Ottawa (or Bytown as it was known then) returned Conservatives consistently.[69]

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68. Journals of the Legislative Assembly (1849), Appendix J.

69. Of the 71 members who represented cities and towns from 1841 to 1867, 61 were Conservatives or Conservative supporters. After the 1853 redistribution, Cornwall, which was enlarged, became a Grit constituency and Ottawa, which was not enlarged, became Conservative.

Reformers called them "rotten boroughs" - the "life and soul of the Tory party".[70] These were not true 'pocket boroughs' like the ones that had existed in England before 1832; but the smallness of their electorates was at least an invitation to corruption. Bytown, for example, had only 79 voters in 1841 and four of the town constituencies (Brockville, Bytown, Cornwall, and Niagara) generally had less than 200 voters. They do not seem, however, to have been unusually corrupt. In the four general elections before the constituencies were reformed, only one of the Niagara elections and two of the Cornwall elections were petitioned against. The Niagara return was amended because some voters had not been properly qualified and neither of the Cornwall petitions was successful. It was therefore not because the "rotten boroughs" were actually rotten that Reformers wanted them reformed, but because they were Tory strongholds which were over-represented in relation to their population.

The only major change in representation was in 1853. Reformers had made several attempts to alter the constituencies but, under the Act of Union, the change required a two-thirds vote in the Assembly and in the Legislative Council and on four occasions a bill had failed by about one or two votes.[71]

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70. Examiner, 19 January 1848 and 29 December 1847.

71. "Assembly Debates", 1 March 1853 reported in the Globe, 12 March 1853.

The successful bill, which was introduced by the premier, Hincks, embodied two principles. The representation of both sections of the province was increased from 42 to 65 seats, because it was felt that if there were more members the Assembly would be more independent of government influence.[72] Secondly, there was an attempt at making the representation within each section more equitable without depriving any town or county of representation which it had had in the smaller Assembly. As a general rule, the large counties were divided into two constituencies and the small town constituencies were enlarged by attaching the surrounding township to each town. (Brockville, Cornwall, and Niagara). This was a make-shift arrangement and, although representation was more in accordance with population than previously, serious discrepancies still existed. In Upper Canada, the quotient of population to parliamentary representation was 14,615 and, allowing a 25% variation from this, there were twelve constituencies (Frontenac, Haldimand, Halton, South Hastings, Huron, Lennox and Addington, Lincoln, Norfolk, Peel, Prince Edward, Welland, and East York) which were too large and twelve (Brockville, Bytown, Cornwall, West Elgin, Lambton, North Lanark, London, Niagara, Renfrew, Russell, North Simcoe, and Stormont) which were too small. The latter included many of the old so-

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72. Ibid., and Globe, 5 April 1853.

called "rotten boroughs". The smallest was Niagara with a population of 5,590 and 619 voters in 1857-58. (There was no contest in 1854.) In 1854 there were five constituencies (Bytown, Cornwall, Renfrew, Stormont, and North Wellington) with less than 500 voters. The discrepancies, however, were not as great as they were in England even after 1832. Out of 200 boroughs in England and Wales, 72 had 500 electors or less; in Upper Canada there were none that had less than 500 electors in 1861 (the first year in which figures for the total number of electors are available). On the other hand, 12 English boroughs and many of the county constituencies had electorates of more than 5,000.[73] In Upper Canada there were only three constituencies (Grey, Huron and Perth) in this category. 38 of the 59 constituencies in which there were contests in 1861 had electorates of between 2,000 and 4,000.

Hincks's bill was not as radical as some Reformers would have liked. A number of amendments were proposed which would have wiped out some of the larger inequities that still remained between constituencies; but they were all defeated. Hincks's bill was by no means perfect and the rule that no town or county should lose representation had been necessitated by political expediency. This was the

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73. Jennings, p. 14; N. Gash, Politics in the Age of Peel, London, 1953, pp. 75-81.

only way that a two-thirds majority for the bill could be found.[74]

There were also objections to retaining equality of representation for both sections of the province in spite of the fact that, according to the 1851-52 census, Upper Canada had 61,739 more people. If the 130 seats in the new Assembly had been distributed strictly according to population, Upper Canada would have had 67 seats and Lower Canada 63. George Brown led a demand for "rep by pop". This was hardly fair, considering that Lower Canada had been under-represented for the first nine or ten years of the Union and her population had fallen behind Upper Canada's only a year or so before. Furthermore, according to Cartier, the institutions in each section were so different that equal representation was necessary so that Lower Canada would be able to preserve her own way of life.[75] Hincks described the province as "two nations uniting together, different in language, manner, customs, laws, and institutions, and the moment you destroy the principle of this bill, you destroy the basis of the union".[76] Hincks rejected a representation by population amendment by Brown and added, with great perception: "By carrying such a measure as this, you may put

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74. "Assembly Debates", 15 March 1853 reported in the Globe, 26 March 1853.

75. "Assembly Debates", 2 March 1853 reported in the Globe, 15 March 1853.

76. Ibid.

things in Upper Canada in such a state that no constituency will elect a man unless he held the views expressed in that resolution, but you will never be able to form a government on such principles."[77] This is precisely what happened in the succeeding decade. Ironically, what aggravated the situation and brought it to a crisis was not, as Cartier supposed,[78] an attempt by Upper Canada to force her institutions on Lower Canada, but exactly the reverse. When the votes of Lower Canadians forced Upper Canada to change her schools to permit the establishment of a Roman Catholic separate school system, Upper Canada could not agree to equal representation any longer.

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77. Ibid.

78. Ibid.

Chapter III

ISSUES AND PARTIES

One of the main tasks of this thesis is to examine parties and election issues during the early years of Responsible Government. Before doing this, it will be useful to give a brief outline of parties and issues before 1848.

1. Parties

There were basically four political traditions in Upper Canada in the first half of the nineteenth century: Family Compact Tories, moderate Conservatives, moderate Reformers, and radical Reformers. The Family Compact were the privileged group in Upper Canada before the Union. Their leaders were officeholders: from those who held the highest offices in the Executive Council and the Legislative Council down to local magistrates, officers, and clerks.[1] There were government cliques in other British colonies, but in Upper Canada they were part of an experiment which attempted to make Canadian society a faithful reproduction of England. The English aristocracy was to have its Canadian equivalent in

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1. G.M. Craig, Upper Canada: The Formative Years, Toronto, 1963, p. 107; R.E. Saunders, "What was the Family Compact?", Ontario History, XLIX (1957), 165-178.

these local officials and the retired army officers who were given substantial grants of land. They were the mainstay of the Family Compact. As has often been pointed out, the Family Compact were not all related; but several leading families were prominent: the Robinsons, the Sherwoods, the Cartwrights, the Boultons, the Allans, and others.

The Executive Council and the Legislative Council, which were the preserve of the Family Compact Tories, could ignore the Legislative Assembly, but it caused less trouble if the Tories had a majority there as well. On several occasions before the Union and in 1844, the Tories were able to win elections by using a loyalty cry.[2] They accused the Reformers of being disloyal republicans and, in a province where the majority of the people were undoubtedly loyal to the British connection, this cry guaranteed success at the polls. Macdonald resorted to the cry again in 1861[3] and it was even used in several Dominion elections. It did not matter that almost all the moderate Reformers, like the Baldwins, were strongly pro-British, they were represented as being tainted by the extreme wing of their party which advocated republican institutions and a kind of Jacksonian democracy.

The loyalty cry could not fool all of the people all of

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2. C.O. 537/143, Metcalfe to Stanley, 23 November 1844.

3. Ryerson Papers, Macdonald to Ryerson, 18 March, 6 June 1861; speech by Macdonald quoted in the Leader, 14 June 1861.

the time. The Family Compact included some of the ablest men in the Province, but some were also selfish and arrogant. Durham was strongly critical of them in his Report[4] and Sydenham set out to destroy them.[5] He broke their monopoly of government jobs and appointed some moderate Reformers to the Executive Council. This was a terrible shock to the party which had always been loyal to the Governor and had usually been able to manage him.[6] The party split: the moderates under William Draper decided to support Sydenham's non-party government, but the Family Compact Tories went into Opposition.[7]

The Conservatives were re-united when the moderate Tories went into Opposition following the accession of Reformers to the Executive Council in 1842. After Lord Metcalfe's quarrel with the Reformers in 1843, the Tories had their last opportunity to play the part of the Governor's party. The united Conservatives won a majority in the 1844 election, but lost it again in the 1847-48 election. Lord Elgin called on the party with a majority in the Assembly to form the government and the Tories went into opposition once

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4. C.P. Lucas, Lord Durham's Report, Oxford, 1912, II, 148, 162. See also C.O. 537/140, Bagot to Stanley, 6 June 1842.

5. C.O. 42/495, Bagot to Stanley, 26 September 1842.

6. Lucas, II, 148.

7. P.G. Cornell, The Alignment of Political Groups in Canada, Toronto, 1962, pp. 7-9.

more. From then on, the Family Compact declined in influence and size. One of them, Henry Sherwood, followed Draper as leader of the united party, but he was soon replaced by the more opportunistic Family Compact Tory, Sir Allan MacNab. The disgraceful Tory fight against the Rebellion Losses Bill and their brief flirtation with annexation discredited the old Tories and the real leadership of the party passed to the moderate Conservatives. By 1863 there were only one or two Family Compact Tories in the Assembly.

The moderate Conservative party was created by Draper and John A. Macdonald with some assistance by two Governors General, Sydenham and Metcalfe. To Sydenham local improvements, prosperity, and the settlement of grievances by compromise were more important than theories of responsible government or the preservation of privilege. By creating a non-party government which included various kinds of moderate Reformers, moderate Conservatives, and independents, he gave to the moderate Conservatives a taste for practical politics, compromise, and a willingness to coalesce with other parties which they were to make valuable use of in later years.

When Sydenham died, Draper realized that the Ministry could not keep its majority in the legislature without admitting Lafontaine and some of the French Canadians to the Executive Council. He pointed this out to Bagot, the new

Governor General, and recommended that places be offered to the French even if it meant that he (Draper) had to resign.[8] Lafontaine and Baldwin did join the Ministry and Draper resigned. In spite of the fact that he was personally opposed to Responsible Government in theory, Draper had eased the crisis in the struggle to achieve it and had brought it closer to being fully won. In this, he acted the part of a true moderate Conservative.

Draper continued the development of a moderate Conservative party while he was leader of Metcalfe's Executive Council.[9] Neither of his major projects - bringing the French into the Ministry or passing a liberal University bill - were successful; but he showed moderate Conservatives the road they must follow to achieve permanent power. The final transformation of the party came under MacNab and Draper's protegé, Macdonald, when in 1854 the party accepted the necessity of forming an alliance with the French Reformers and the remnants of Baldwin's moderate Reform party. This formed the basis for a Conservative majority which lasted, with only two interruptions, for forty years.

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8. G. Metcalf, "Draper Conservatism and Responsible Government in the Canadas, 1836-1847", C.H.R., XLII (1961), 305-307.

9. Ibid., 311-314.

The Reform party had its beginnings in the late 1820's. It started as a popular party expressing the grievances which Upper Canadians had against their arrogant and unresponsive rulers. Some of these grievances, like those based on the Church of England's control over education and land, remained unsettled for many years after the Union. Others, such as the Assembly's demand for control over all provincial revenues and its clashes with the exclusive Legislative Council and Executive Council were precursors of the struggle for Responsible Government.

The Baldwins' answer to this conflict was Responsible Government on British principles; other Reformers advocated making the Legislative Council and even the governorship elective. These proposals of William Lyon Mackenzie, along with his constitution for a political and social democracy in Canada, were obviously inspired by American institutions and the ideas of Jacksonian democracy. The moderates, on the other hand, were firmly attached to British institutions and this was one of the reasons for the break between moderate and radical Reformers before 1837. With the failure of the rebellion and the establishment of Responsible Government, the radicals and their American ideas fell into disrepute. When radicalism reappeared under the name of Clear Grittism, American institutions were again a source of inspiration to some; but George Brown was staunchly British and kept American ideas to a minimum in Grit programmes.

The rebellion brought a complete split in the Reform party. The moderates like Baldwin, Rolph, and Bidwell withdrew from active politics, while Mackenzie and his followers made their futile skirmish near Toronto. Failure and deportation effectively killed radicalism for the next decade. In the election of 1841, Reformers won about two-thirds of the seats in Upper Canada and only about two or three of these Reformers could be called radicals.[10]

During the 1840's, the radicals virtually disappeared as a separate party; but throughout the Third (1848-51) and Fourth (1851-54) Parliaments, Reform members, who were unhappy with the slow pace of the moderates, joined the radical opposition who called themselves Clear Grits.

Sydenham succeeded in getting the support of most moderate Reformers, who were attracted by his essentially non-political programme of practical improvements.[11] Baldwin resigned from Sydenham's Executive Council because he would not bring in Lafontaine and some of the Lower Canadian Reformers and, as a result, he was isolated in opposition and separated from the main body of Reformers.[12] When Bagot

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10. Cornell, pp. 7-8. Syndenham counted five radicals, but these included men like Francis Hincks and J.H. Price who were really moderates though opposed to Sydenham. G.P. Scrope, Lord Sydenham, 2nd ed., London, 1844, p. 217.

11. C.O. 42/495, Bagot to Stanley, 26 September 1842.

12. C.O. 537/140, Bagot to Stanley, 6 September 1842.

at last asked Baldwin and Lafontaine and three other Reformers to join his Executive Council, the moderate Reformers were reunited as a government party and, a year later, they went united into opposition when Baldwin and Lafontaine resigned from Metcalfe's Executive Council. Although the party suffered many defeats in the 1844 election, it remained united under Baldwin's leadership and was victorious in the election of 1847-48. When full internal Responsible Government was finally granted under Elgin, the Reform party formed the government.

2. Issues

The 1850's were years of great economic expansion which marked the beginning of Canada's industrial development. This was sparked by a railway-building boom and the 1854 reciprocity agreement with the United States. To the electorate of Upper Canada, however, religious questions were more important as election issues than economic development. There is probably a natural tendency for public opinion to lag behind the changes which are going on in a country; but besides this, the electorate of Upper Canada was, in numerical terms, still predominantly agricultural in outlook. Even their hostile attitude towards the expense of railway building was partly a failure to comprehend the new developments and partly a reluctance to enter the new industrial age. But this preoccupation with religious

questions was also due to the fact that, for the ordinary men on the farms of Upper Canada, the churches were the most important and sometimes the only institutions that they came in contact with.

The separation of church and state had long been an essential principle of Reformers in Upper Canada.[13] They were influenced by the ideas of liberals in England and the United States, but their thinking was also very much the product of conditions which existed in Upper Canada. The proposed separation of church and state was, in effect, a protest by nonconformists against the special benefits which the Church of England received from the government. This naturally annoyed a population which was largely non-Anglican. In 1851 Upper Canada was 23½% Anglican, 22% Methodist (10% Wesleyan, 5% Episcopal, 1% New Connection, and 6% other Methodists), 21½% Presbyterian (6% Church of Scotland, 7% Free Church, and 8½% other Presbyterians), 17½% Roman Catholic, 4¾% Baptist, and 1¼% Lutheran.[14] The privileged position of the Church of England was due to the fact that the Family Compact, who were mostly Anglicans, wanted to create a Canadian church establishment like that in England. In this policy they were zealously assisted by John Strachan, the first Bishop of Toronto and one of the

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13. Craig, 173-179.

14. Census of Canada (1851-52), I, 70-71.

most prominent members of the Executive Council. The state benefits which the Church received were principally in the form of land which was used to establish Anglican rectories, an Anglican school (Upper Canada College), and an Anglican university (King's College) and to support the Church generally. With the Union of Upper and Lower Canada, the Family Compact was destroyed; but the Church still retained its land and this remained a source of great controversy.

The Church of England was the main target of those who opposed a state church; but before the Union, the Church of Scotland, the United Synod of the Presbyterian Church (which joined the Church of Scotland in 1840), the Roman Catholic Church, and the British Wesleyan Methodists also received some limited financial assistance from the government. The other denominations were jealous of these privileges, but refused on principle to ask for state aid themselves. Even in the state-supported churches there were individual voluntarists who opposed a system which, they said, made the churches "state paupers".[15]

The relationship between church and state was also an issue in the field of education. Should the schools and universities of the province be strictly non-sectarian or should the government support denominational institutions

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15. From a speech by J.H. Price reported in the Globe, 9 December 1851.

as well? The Anglicans and the Roman Catholics were the only ones who wanted their own separate schools, but the Presbyterians and Methodists joined them in a demand for separate universities. Voluntarists, on the other hand, felt that Upper Canada could afford only one school system and one university and that these should be non-denominational.

Even Representation by Population, Retrenchment, and Railways, which do not appear to have any connection with religion, were really bound up with the religious struggles which were going on within the province. In Lower Canada a close connection between church and state had long been an accepted part of French Canadian life and the educational system of French Catholic and English Protestant schools was thoroughly sectarian. Upper Canadian MPPs were not inclined to interfere with what had already been established in Lower Canada, but they were irked by the numerous bills to incorporate religious institutions in the other section of the province. This was of minor concern, however, compared to the resentment that was aroused when French Roman Catholic MPPs began to take an interest in Upper Canadian institutions. Upper Canadians were particularly annoyed when the system of representation gave the Lower Canadians a proportionately greater voice in the passing of legislation which primarily concerned Upper Canada. They therefore demanded that Upper Canada be given representation in Parliament in accordance with its larger population. This

would put an end to "French domination". Upper Canadians were also indignant with the government for its allegedly liberal spending in Lower Canada. Upper Canada paid more taxes, so the argument went, but Lower Canada received more benefits.[16] The chief culprit was the Grand Trunk Railway which seemed to be a bottomless pit into which Upper Canadian money poured and French Canadian fingers dipped. This was supposedly another instance of French domination. Upper Canada wanted cheap economical government, retrenchment, and an end to the wasteful extravagances which went to Lower Canada.

In order to understand the nature of Upper Canadian politics, each of these issues must be examined in some detail.

3. The Clergy Reserves and the Breakup of the Reform Party

Under the Constitutional Act of 1791, one seventh of the land granted in Upper Canada, or almost 2,400,000 acres, was set aside "for the support and maintenance of a Protestant clergy".[17] These lands were the Clergy Reserves. The phrase "Protestant clergy" was very ambiguous: Anglicans pointed out that, since their Church was established in England, it alone had a right to these lands in Canada; the

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16. Globe, 17 June 1861.

17. 31 Geo. III, c.31 (Imperial Statute).

Church of Scotland claimed a share by virtue of being the established church in Scotland; the Wesleyan Methodists argued that in the colony there was no established church and therefore all the Protestant denominations could lay claim to a share of the Reserves. On the other hand, there were denominations which disagreed completely with the principle of state aid to religion. According to their argument, the various sects would be more prosperous if they relied solely on the voluntary gifts of their own congregations.[18] These voluntarists wanted the entire funds which came from the sale of Clergy Reserve land to be devoted to a national non-sectarian system of education[19] and they demanded secularization of the Reserves.

Sydenham considered that the Clergy Reserves were a cause of the 1837 rebellion[20] and the Globe felt that they had caused more "discord and strife and bad feeling" than all other issues combined.[21] The Clergy Reserves question was the dominant issue in two elections - those of 1851 and 1854 - but this was not the only reason why it was important. It was also an issue which threatened to split the electorate along religious lines and it brought about the break-up of

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18. Globe, 1 January 1852; Guelph and Galt Advertiser, 31 December 1847.

19. Globe, 18, 21 October 1851.

20. Scrope, 160.

21. Globe, 1 January 1852.

the original Reform party of Baldwin and Lafontaine and ended with the formation of a new Liberal-Conservative party under MacNab and Morin.

Lord Durham had recommended a prompt solution to the controversy as essential to the pacification of Canada[22] and, in 1840, an Imperial Statute ended the Church of England's monopoly of the Clergy Reserves.[23] The existing arrangement for government grants to the Church of England and the other four denominations was continued; but all funds were eventually to come from the proceeds of the sale of Clergy Reserves land. When the fund had grown to the point where a surplus remained, the other Protestant denominations could apply for a share, provided that the Churches of England and Scotland received not less than two-sixths and one-sixth, respectively, of the annual proceeds. The settlement pleased no one in Canada:[24] the Churches of England and Scotland both thought they had got too little and the Wesleyans thought the other two had got too much. Only the Church of Rome appeared to be quite indifferent. With the disruption of the Church of Scotland in 1844, the government decided that only the original body should receive what was allotted to the Church of Scotland. In per capita

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22. Lucas, II, 173.

23. 3 & 4 Vict., c.78 (Imperial Statute).

24. Elgin-Grey Papers, Elgin to Grey, 19 July 1850, p. 700.

terms, this put the Church of Scotland into a much better position, but the Free Church was left with nothing and joined the ranks of the 'have-not' sects.[25]

During the early and middle years of the 1840's, the struggle for Responsible Government monopolized the attention of the people and, in the elections of 1844 and 1847, the Clergy Reserves question was hardly mentioned. But with Responsible Government secured, the old controversy was bound to come back into the limelight again. It was re-opened with a fury when, in 1848, the Canada Gazette announced for the first time that the Reserves Fund had a surplus of £1,800 for which the dissenting churches could apply.[26] This caused a good deal of soul-searching on the part of the theoretically voluntarist Wesleyans and the Free Church Presbyterians and it brought the whole controversy to life again. Little by little, agitation increased and, from mid-1849 on, there was an ever-growing demand for complete secularization.

The Reform party of Upper Canada had always been in favour of secularization and, when a Reform Ministry was formed in 1848, a secularization Bill was expected to follow. It soon became obvious, however, that there were differences

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25. Ibid., Appendix XXIII, Elgin to Grey, 19 July 1850, p. 1511; Appendix XXIV, Elgin to Grey, 4 February 1851, p. 1553.

26. J.S. Moir, Church and State in Canada West, Toronto, 1959, pp. 48-49.

of opinion within the Reform party on how to deal with the Reserves. Lafontaine felt that the existing Imperial Statute was unfair and that the problem should be settled by the Canadian legislature; he did not, however, favour secularization. Vested rights should be respected "otherwise the very bonds of society would be cut asunder" and he proposed that the Reserves be equally divided among all the Protestant churches.[27] Baldwin hedged. His biographer says that he disapproved of a close connection between church and state, but he did not object to religious endowments.[28] The impression which he created at the time, however, was that he was an obstacle to action by the Ministry;[29] the Examiner described him as "too slow for the times".[30] The voluntarists within the party waited for two sessions of Parliament, but by 1850 they demanded action.[31] The more impatient broke with the Reform party and formed the Clear Grits who held their founding convention in 1850. They were confirmed voluntarists and one of the main points in their programme was that the Reserves should

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27. Elgin-Grey Papers, Elgin to Grey, 28 June 1850, enclosure 3, pp. 691-694.

28. G.E. Wilson, Robert Baldwin, Toronto, 1933, p. 277.

29. Globe, 16 December 1851; Patriot, 19 December 1851; Examiner, 10 December 1851.

30. 24 December 1851.

31. Dundas Warder quoted in the Globe, 20 December 1851.

be appropriated and used for educational purposes.[32] The Grits found a great deal of popular support for their views and Elgin told Grey, the Colonial Secretary, "I very much doubt whether you will be able to preserve this Colony if you retain it [the Imperial Act] on the Statute Book."[33]

The only policy on which the Lafontaine-Baldwin Ministry could agree was to ask the Imperial Parliament to give the Canadian Parliament the power to settle the question;[34] exactly what form this settlement would take, the Ministry did not know.[35] Grey was agreeable to this, but the Irish were obstructing all business in the House of Commons and the Bill could not be dealt with.[36] Grey suggested that the Canadian Ministry might pass a compromise Bill which would leave the churches with the money arising from the land which had already been sold and the Canadian Parliament could do what it liked with the unsold land. A clause would be added to the Bill suspending its operation until the

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32. Globe, 23 March 1850; Elgin-Grey Papers, Elgin to Grey, 23 March 1850, enclosure 4, p. 619.

33. Ibid., Elgin to Grey, 5 July 1850, p. 697.

34. Ibid., Appendix XXIII, Address of Assembly, 28 June 1850 and Elgin to Grey, 19 July 1850, pp. 1504-12.

35. Except that the stipends of the incumbents would be continued. Some radical Reformers were not prepared to compromise even to this extent. Ibid., Appendix XXIII, Elgin to Grey, 19 July 1850, p. 1511.

36. Ibid., Grey to Elgin, 5 April 1851, pp. 815-16; 17 May 1851, p. 821; 20 June 1851, p. 826; 4 July 1851, p. 829.

Imperial Act was passed.[37] Elgin thought this would be unwise, because there were many who wanted to secularize both the funds and the land:

> The men of extreme views on either side are still altogether rabid and unreasonable, and my impression is that the first effect of any such proceeding would be to cause the rejection at the General Election of all Compromise men in U. Canada. A few Tories perhaps, and certainly a great many root and branch anti Clergy Reserve men would be returned. Violent attempts to upset the Compromise Act would be made next Session.[38]

The end result was that, by the time the election came, the Ministry had nothing more positive to show the electorate than a despatch from Grey regretting that the Imperial Parliament had found it impossible to deal with the bill but that he hoped that next year it might be brought in.[39]

A short time before the 1851 election, Baldwin retired from the Ministry and Francis Hincks became premier. In an attempt to heal the split within the Reform party and to appease the radical electorate of Upper Canada, Hincks brought two Clear Grit secularizationists, Malcolm Cameron and John Rolph, into the Ministry. Rather than promoting unity, this move provoked discord and was a portent of later developments. The Globe (not yet a Grit newspaper) was not convinced that the new Ministry would be "one whit more

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37. Ibid., p. 821; p. 826.
38. Ibid., Elgin to Grey, 14 June 1851, p. 827.
39. Ibid., Grey to Elgin, 4 July 1851, p. 829.

satisfactory to the Anti-State Church party".[40] Brown supposed that Rolph and Cameron had agreed to drop the Reserves question until the Imperial Government passed an enabling statute and he therefore opposed the new Ministry. "I can't & won't support an unprincipled affair", he told Hincks's election agent.[41] On the other hand, French-Canadian Catholics were alarmed. According to Elgin, the French hated the Clear Grits[42] and the Grits returned the sentiment. W.H. Boulton, a leading Grit, told an audience that "the negroes are the great difficulty of the States and the French Canadians of Canada".[43] Joseph Cauchon, a prominent French Canadian, declined a post in the new Ministry and charged Hincks with having accepted

> men, whom the party with you, have rejected as dangerous. . . . You [have] courted a bad principle. . . . It is the same principle which I have combatted and am combatting with all my force in Lower Canada, and against which moderate and conscientious men of all parties in Europe have united. Clear Gritism is, in my opinion, neither more nor less than Socialism, and Socialism of the worst kind, ardently desiring the destruction of our institutions, and expressing this desire, without blushing, every hour of the day, through the medium of the press. . . . Pulling down everything even to the

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40. Ibid., Elgin to Grey, 15 November 1851, enclosure 3; Globe, 4 November 1851, pp. 941-53.

41. Shenston Papers, Brown to Shenston, 23 October 1851.

42. Elgin-Grey Papers, Elgin to Grey, 22 November 1850, p. 746.

43. Ibid.

> earth, and calling everything in question, it desires to begin society anew, precisely after the manner of the European Socialists.[44]

Cauchon overstated his case. Grittism was considered, quite unfairly, to be the Canadian counterpart of the socialist, anti-clerical movements which engulfed Europe in revolution in 1848. The Grits were not anti-clerical - many of them were devout Christians - but they were against any connection between church and state. In this, they were certainly at odds with Catholics in Upper Canada and Lower Canada.

According to the terms under which the Clear Grits joined the Ministry, Reformers and Grits agreed not to oppose each other in the elections: "we agree to <u>forget the past</u> & go united to the electors. . . . The <u>Examiner</u> & <u>North American</u> are to support the Government in future."[45] The truce worked tolerably well, but cracks appeared in the facade of party unity. Grit candidates opposed Reformers in three York constituencies[46] and Grits were accused of attempting to pack Reform nominating conventions. In one county, they ousted the sitting Reform member and nominated a Clear Grit, who lost the election to a Tory. The incident was described as "The <u>first fruits</u> of <u>Clear Grittism rampant</u>".[47]

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44. Two letters from Cauchon to Hincks published in the <u>Globe</u>, 18 November 1851.

45. Shenston Papers, Hincks to Shenston, 25 July 1851.

46. One of these marked the sad exit of Robert Baldwin from politics. He lost the Reform nomination to a Grit; but he insisted on running in the election, only to lose to the Grit again.

47. Shenston Papers, J. Ross to Shenston, 9 December 1851.

The Church and State question was described by one newspaper as "the first issue of the election".[48] Most candidates advocated a change in the existing Clergy Reserves arrangement and, according to Egerton Ryerson, "no man who desires to be elected even for a municipality in U. Canada dare commit himself to support of it."[49] Even the attitude of the Conservative party was changing. Macdonald still felt that the Act of 1840 provided a reasonable distribution of the funds,[50] but some other Conservatives proposed a compromise along the lines suggested by Lafontaine: that is, to divide the money among the various denominations according to their membership.[51] According to the Globe's calculations, there were even a majority of Conservatives who favoured secularization.[52]

Hincks's alliance with the Grits provided Reformers with a temporary fillip. Before the alliance, the Ministry had about nineteen supporters from Upper Canada in the Assembly; when the new Parliament opened in 1852, they had only one less seat in Upper Canada. But they were much more

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48. Dundas Warder quoted in the Globe, 20 December 1851.

49. Elgin-Grey Papers, Elgin to Grey, 11 October 1850, p. 724.

50. D. Creighton, John A. Macdonald, Toronto, 1956, I, 182.

51. See, for example, P.A.O., Miscellaneous 1851, "Address to the electors of the County of Frontenac by Henry Smith".

52. 20 December 1851.

dependent on support from the Grits, as well as the French, than they had been before the elections. The moderate Reformers had a net loss of eight seats in the elections, while the Grits gained four. In Upper Canada the Ministry were in a slight minority, but the large contingent of Lower Canadian Reformers gave the government an overall majority in Parliament.[53]

The Ministry had been granted a respite and in 1853 the Imperial Parliament finally transferred control of the Reserves to Canada. In spite of this, the government continued to find excuses for avoiding the problem.

Firstly, the Ministry claimed that there was some doubt as to whether the election results had given a clear mandate in favour of secularization.[54] The Conservatives had made a net gain of three in the election and Hincks counted only a bare majority from Upper Canada in favour of secularization.[55] Three years later, Lord Elgin thought that the public mind was still very much divided on the issue.[56]

Secondly, a new Representation Act had enlarged the Assembly and a new Franchise Act had given the vote to new sections of the electorate. The Ministry felt that, since

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53. Cornell, pp. 102-103; Examiner, 24 December 1851; Globe, 25 December 1851.

54. Guelph Advertiser, 29 June 1854.

55. Leader, 7 August 1854.

56. C.O. 42/594, Elgin to Newcastle, 22 June 1854.

Parliament had thereby declared that it represented the people imperfectly, it would not be right for it to deal with such an important question as the Clergy Reserves.[57] Elgin entirely concurred.[58] There were others, however, who suggested that Hincks was being an opportunist. He had found that secularization was a popular policy and he wanted to use it as a "stalking horse" for one more election.[59] The Ministry was also accused of wanting a dissolution in order to delay presentation of a report by the Committee which was inquiring into charges of corruption against Hincks.[60]

Before the election could be held, Parliament had to be called back for a short session to bring the new franchise into effect immediately.[61] It had been a year since the end of the last session and, in the meantime, the radical Reformers had become completely disenchanted with the government. The secularizationists were annoyed that a Reserves bill had again been postponed in spite of Hincks's assurances

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57. Guelph Advertiser, 29 June 1854.

58. C.O. 42/594, Elgin to Newcastle, 22 June 1854.

59. From a speech by A.J. Ferguson reported in the Guelph Advertiser, 20 July 1854; and a speech by W. Niles reported in the Leader, 7 August 1854.

60. North American quoted in the Globe, 6 July 1854.

61. Leader, 23 June 1854.

in 1852 that the new franchise would not necessitate a dissolution before settling the Reserves question.[62] Before a Franchise bill could be passed, the Ministry was defeated on an amendment to the address which regretted that no bill had been introduced for the immediate settlement of the Reserves. The vaguely worded amendment allowed all the opponents of the government - both secularizationists and Conservatives - to unite against it.[63] It did not matter that Conservatives and Grits were completely disagreed as to how the Reserves should be settled. They both wanted an end to the Ministry and they succeeded in defeating it. Hincks immediately asked for a dissolution, even though the new franchise bill had not been brought into effect, and Elgin granted his request.[64]

The Clergy Reserves were again the biggest issue in the election which followed and there was no doubt what the electorate thought. Hincks had played the secularization card once too often and many were disillusioned with the Ministry.[65] The unity of Reform was shattered and in over

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62. From a speech by John Langton reported in the Globe, 29 June 1854.

63. Journals of the Legislative Assembly (1854), pp. 28-30.

64. Elgin was afraid that, with an election imminent, the Assembly would have settled for nothing less than complete secularization without any regard for the vested interests of the incumbents. C.O. 42/594, Elgin to Newcastle, 22 June 1854.

65. Globe, 29 June 1854.

twenty constituencies in Upper Canada radical Reformers stood as Opposition candidates. Even a stalwart Ministerialist like Michael Foley had to promise his constituents that he would vote immediately for secularization whether the Ministry supported it or not.[66]

The Conservatives, no longer the die-hard party of the Family Compact, also favoured a change. Out of 87 Conservatives, only John Strachan, the son of the Bishop of Toronto, was against any change in settlement embodied in the 1840 Imperial Statute. Most Conservatives favoured either endowment of all denominations or a secularization measure which would respect the rights of incumbents. In the latter policy, they differed very little from Reformers. Even the leader, MacNab, was reputed to have decided that it was only the Reserves question which kept the Conservatives out of office.[67] The new moderate Conservative party was demonstrating, in the spirit of English Conservatism, that it knew when to heed the force of public opinion. Rather than make a futile stand in an unbending defence of exclusive rights as the Family Compact Tories had done, the party now knew when to concede in order to preserve some part of those rights.[68]

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66. North American quoted in the Guelph Advertiser, 27 July 1854.

67. Globe, 13 July 1854.

68. Letter from an Anglican clergyman published in the Leader, 5 July 1854; from a speech by G.P. Ridout reported in the Leader, 20 July 1854.

Subsequent events proved the wisdom of their move. Hincks's moderate Reformers made some gains in the elections and they were in a relatively stronger position in the enlarged Assembly. However, their losses to the Clear Grits during the course of the previous Parliament had fatally damaged the party and they were still out-numbered in Upper Canada by the opposition from the right and the left. In Lower Canada the Ministry had only a very narrow majority which was not enough to give it a majority in the province as a whole. The Ministry was defeated in the new Parliament and the Governor General called on Sir Allan MacNab, as leader of the Opposition, to form a government. MacNab was able to form a coalition consisting of two other Conservatives, two moderate Reformers (or Hincksites as they were now called), and the five Lower Canadian members who had been in the preceding Hincks-Morin Ministry.

One of the conditions under which the new Ministry was formed was that the Conservatives must accept the measures which the old Ministry had promised in the Speech from the Throne. This included another pledge to secularize the Reserves.[69] Hincks was under the impression that this new combination would put him and his party in a strong position as the arbiters of the new Ministry, but his hopes were disappointed.[70] The Reserves were secularized as promised,

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69. Ryerson to J.G. Hodgins, 10 September 1854 quoted in C.B. Sissons, Egerton Ryerson, Toronto, 1947, II, 280-281.

70. Ibid.

but the Conservatives were able to give the benefiting churches one more substantial favour before state aid came to an end. The secularization bill which they introduced was very kind to the churches which already shared Clergy Reserves proceeds.[71] Instead of simply agreeing to pay the salaries of incumbents for life as the moderate Reformers suggested, the churches were given the option of receiving a lump sum equal to the value of the capitalized life salaries of all the incumbents. Instead of giving the commuted salaries to the clergymen themselves, the government gave these sums directly to the churches. The Globe was furious: "Enormous permanent endowments were by this manoeuvre secured to the pet Churches of England and Scotland."[72] This was absolutely true. The Church of England, the largest beneficiary, received over a million dollars which, even today, forms an important part of its endowment.[73]

The Conservatives had fought a losing battle against secularization but, in the end, their concession proved most successful. A close friend wrote to Macdonald a few months later,

> Your Clergy Reserves measure was a bad pill to swallow but in the state of the country there seemed nothing else for it. . . . I presume if you could have

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71. 18 Vict. c.2.

72. 7 June 1861.

73. Moir, pp. 79n., 207.

> <u>arbitrarily</u> settled the reserves as you thought best - they would not have been secularized - but you could only direct not stem the torrent - it was better to have [it] directed by friendly hands than run riot.[74]

Not only was it a final settlement "directed by friendly hands" but, what was more important, it allowed the Conservatives to regain power.

As for the moderate Reformers, they shortly disappeared as a separate party. Some of the moderates came to the conclusion that they had more in common with the Grit opposition and, throughout the Fifth Parliament (1854-57), there were a number who crossed the floor.[75] Others continued to act with the Conservatives. The pretence of a Liberal-Conservative coalition (as it was called) was kept up for many years and there was always at least one Hincksite by name in the Ministry. For all practical purposes, however, the party disappeared and the term Liberal-Conservative came to mean as little as Conservative and Unionist meant later in England.

It was ironic that the measure which Reformers had advocated for so long ruined the party because, when they finally got power, they hesitated to introduce it. As a result the Conservatives were able to regain power and carry the measure which they themselves had so long opposed.

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74. Macdonald Papers, vol. 194, A. Campbell to Macdonald, 8 March 1855.

75. Cornell, pp. 40-42.

Chapter IV

EDUCATION AND THE RESURGENCE OF THE CONSERVATIVE PARTY

The controversies over education in the first years of Responsible Government were similar to those over the Clergy Reserves question in that they involved the relationship between church and state. At one extreme were those who wanted separate denominational schools and universities which would receive state aid, but be free of state control. On the other extreme were those who wanted one completely secular system of education from which all religious instruction and influence would be excluded.

In Upper Canada the oldest controversy in this field was the university question. In 1827 John Strachan had obtained a royal charter and a rich endowment of land for an Anglican university to be called King's College. The charter was remarkably liberal for the early nineteenth century. At that time only Anglicans could attend Oxford and Cambridge, but at King's there were to be no religious tests for students. The charter was not however liberal enough for the Legislative Assembly of Upper Canada, because the university would still be Anglican-controlled and only Anglicans could teach. They resented this addition to Anglican privileges and demanded a

state-aided, non-denominational university.[1] Some minor concessions were made in 1837 - non-Anglicans would be allowed to teach[2] - but it was obvious that, if the Reform party ever got into power, they would make radical changes. In the meantime, a denominational pattern for higher education was continued when charters were obtained by Roman Catholics for Regiopolis in Kingston; by Presbyterians for Queen's also in Kingston; by Methodists for Victoria in Cobourg; and by Free Church Presbyterians for Knox in Toronto. The first three denominations, who had asked for a share of the Clergy Reserves, also asked for part of the King's endowment.

In 1843, a year after the formation of the first Lafontaine-Baldwin Ministry, Baldwin presented a radical university bill to create a central University of Toronto. It would be the only degree-granting institution in Upper Canada and the four denominational universities would become constituent colleges teaching divinity. The University would take over the King's endowment and the colleges would be supported by funds from the Clergy Reserves when the Imperial Statute was amended.[3] The bill was a neat, clever

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1. G.M. Craig, Upper Canada: The Formative Years, Toronto, 1963, pp. 183-185.

2. 7 William IV, c.16. King's was not actually opened until 1843.

3. J.G. Hodgins, ed., Documentary History of Education in Upper Canada, Toronto, 1897, V, 61-87.

way of giving something to everyone and settling the Reserves question as well; but the Ministry resigned before the bill was passed.

Draper, the moderate Conservative, tried to find a solution to the university question which would win some Reform support for his Ministry. His bill, introduced in 1845, was similar to Baldwin's except that, instead of being the University of Toronto, the central institution was to be called the University of Upper Canada. As a concession to those who preferred a denominational system, the bill implied that students would attend the constituent college of their denomination.[4] John Strachan's group of Anglicans, however, were opposed to any university measure which deprived King's of its endowment and, as a result of pressure from the Family Compact Tories, Draper's bill had to be withdrawn.[5]

The next Conservative attempt to settle the controversy was significant in that it set a pattern which was followed by later Conservative ministries. If the right wing of the Conservative party prevented a solution which might win moderate Reformers over to the Conservative party, a less "liberal" measure stood a good chance of at least consolidating the support of the churches who believed in the denominational approach to education. Accordingly,

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4. Ibid., pp. 159-166.

5. W.S. Wallace, A History of the University of Toronto, Toronto, 1927, p. 55.

John A. Macdonald introduced a bill in 1847 which dropped the proposal to set up one central university. Instead, the annual proceeds of the King's endowment would be divided among the four existing universities with King's receiving twice as much as each of the others.[6]

The Examiner called the bill "a monster scheme of bribery [by which] they [the Conservatives] hope to corrupt about three-fifths of the population and rob the remainder. - Disguise the scheme as they may, the object is to purchase votes to keep them in power."[7] For a while it looked as if the "scheme" might work. Some of the Anglican MPPs who had opposed Draper's bill gave their approval to Macdonald's bill.[8] The Wesleyan Guardian, which had earlier opposed government grants to sectarian institutions, came out strongly in favour of the new scheme.[9] Ryerson and the other Wesleyan clergy were most enthusiastic; while the Church of Scotland and the Roman Catholic Church were not opposed.[10] The same 'have-not' sects who objected to any direct state aid to the Churches of England and Scotland, the Roman Catholic Church, and the Wesleyans, likewise protested against this bill.[11]

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6. Hodgins, VII, 4-6.

7. 8 December 1847.

8. D. Creighton, John A. Macdonald, Toronto, 1956, I, 123.

9. Christian Guardian, 17 November, 8 December 1847.

10. J.S. Moir, Church and State in Canada West, Toronto, 1959, pp. 99-100.

11. Hodgins, VII, 255-258.

That was to be expected. Under the new plan of appealing to the Presbyterians, Catholics, and Wesleyans while trying not to offend the Anglicans, the other sects could not possibly agree to any plan which was acceptable to the first four. In the building of electoral support for the Conservative party, they would have to be written off from the beginning.

An election would be coming soon and, as Macdonald told a friend, the Conservatives might stand a chance of winning if the University bill could be passed.[12] Opposition soon started to appear. After more consideration of the bill, John Strachan and the other Anglicans at King's went back to their old position of resisting any encroachments on their endowment.[13] They refused to listen to the advice of the moderate Conservatives that, by conceding nothing, they might lose all in a few years' time. As Lord Elgin commented later on the subject of the Clergy Reserves, "The tone adopted by the Church of England here has almost always the effect of driving from her even those who would be most disposed to co-operate with her if she would allow them."[14] Even some of the Wesleyan laity were less enthusiastic about

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12. Moir, p. 96.

13. Sissons, Egerton Ryerson, Toronto, 1947, II, 142;

14. Elgin-Grey Papers, Elgin to Grey, 18 March 1951, p. 814.

the bill than their ministers.[15] In the end, the bill had to be withdrawn and Macdonald's "scheme" failed.

In the election which followed, the university question was the biggest issue, even overshadowing Responsible Government. Conservative candidates appealed specifically to Wesleyans and Roman Catholics to support them on their university policy,[16] while Reformers maintained that the King's endowment belonged to all the people[17] and urged the establishment of one secular university on Baldwin's plan. Most Wesleyan ministers campaigned for the government, and its bill,[18] and Reform newspapers chided them for "nibbl[ing] at the same hook with the Roman Catholic Priests".[19]

Reformers protested against Conservative "manoeuvres" which had no higher purpose than to control votes: "We have no objection to either party trying its utmost to gain supporters by fair means, but we protest against the 'immolation of Methodism' on the altar of either Radicalism or Toryism".[20] The "manoeuvres" were not enough to put the Conservatives back into power. Many Wesleyans refused to be swayed by their ministers and voted Reform as did most

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15. See chapter VII, pp.208-209.
16. Guelph and Galt Advertiser, 31 December 1847.
17. Examiner, 15 December 1847.
18. See chapter VII, pp.207-208.
19. Examiner, 1 December 1847.
20. Guelph and Galt Advertiser, 31 December 1847.

Roman Catholics, to whom the issue was of secondary importance. If members of the Churches of England and Scotland voted Conservative, it was not enough to prevent the Conservatives from losing the election. Macdonald's university bill did not cause their defeat. The party had been artificially maintained in office by Metcalfe's refusal to accept Responsible Government and his intervention in the 1844 election. The university bill was an attempt by the Conservatives to find more permanent electoral support by appealing to specific denominations. Though unsuccessful, it was an indication of what was to follow later.

The second Reform Ministry of Lafontaine and Baldwin introduced another University bill in 1849 which was, if anything, more radical than Baldwin's first bill. This time the bill passed and the University of Toronto was finally established. King's College was brought to an end and ecclesiastical control was replaced with state control. No cleric could be Chancellor; none of the six government appointees to the Senate could be clerics; the Professorship of Divinity was abolished and there was to be no teaching post in divinity in the university. The other universities in Upper Canada could become divinity halls of Toronto if they gave up all their degree powers except in divinity.[21] The rigidly non-sectarian nature of the Act led to popular

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21. 12 Vict., c.82.

complaints that the new university was a "godless institution" and the next year provision was made for religious instruction and worship.[22]

Finally in 1853, another Act attempted to compromise with the denominational universities by limiting the University of Toronto to examining and the granting of degrees. All instruction would be done in a new non-denominational University College and students from the other universities could be examined for Toronto degrees. The Act held out the hope that the other universities might receive a share of any surplus which remained from the old King's endowment after the University and University College received their annual grants.[23] There the matter remained until the controversy was re-opened by the Methodists at the end of the decade.

The University of Toronto and University College spent so much of the grant each year that there was never any surplus left for the others. With the depression of 1857, Victoria ran into financial difficulties and the Wesleyans demanded that Victoria get some of the money which it was hypothetically offered under the 1853 Act.[24] They were joined in their protests by Queen's and the Presbyterians

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22. Wallace, pp. 62-64.

23. 16 & 17 Vict., c.89.

24. Wallace, pp. 78-79.

and Macdonald saw an opportunity for using the same kind of denominational appeal he had tried in 1847.

The government agreed to appoint a royal commission to investigate Toronto and to determine whether it had spent its money wisely.[25] Macdonald assured Ryerson that men who sympathized with the denominational colleges would be appointed to the commission and it looked as if the division of Toronto's money was a certainty. Macdonald urged Ryerson to rouse the Wesleyans to support the Conservatives in the coming elections. He promised an order-in-council recommending to Parliament a grant for each of the denominational colleges. "This you can mention in Secret conclave at the Conference, but it is for you to consider well, whether it can be mentioned openly. Would it not look too much like a Bid for your support? The clergymen would be informed of it quietly, and might well say on their circuits that it was for the interests of the Church to support the powers that be."[26]

Ryerson replied, "Your report, order in Council, letter & Commission, have given entire satisfaction to those Members of the Conference to whom I have shown them. . . . It was said on all sides that more could not be expected, or

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25. C.B. Sissons, Ryerson, II, 430.

26. Ryerson Papers, Macdonald to Ryerson, 29 May, 6 June 1861.

scarcely desired of any Govt than you proposed & had done thus far". Ryerson went on to say that the Wesleyan Conference had been urged to support candidates who agreed with the Wesleyans on the university question.[27]

It was not only among the Wesleyans that Macdonald's denominational appeal found ready listeners. T.B. Fuller, an Anglican clergyman who was later Bishop of Niagara, told Ryerson that he would urge his church to support the Wesleyans on the university question, particularly in view of the approaching election.

> I think it very important that members of our church who may be candidates, when asked by a Wesleyan Methodist or a member of the Church of Scotland, how he would vote on this question, if returned to Parliament, should be able to say that our church is entirely with them in this matter. Such a proceeding on our part will, I trust, draw away a good many votes from the ranks of the opposition, if your people can only be induced to view this question in its true importance; for your friend, George Brown, will be decidedly [sic] against any change in the University law; and Wesleyan Methodists in the Reform ranks will have to choose between following his dictation, and the twice avowed policy of their conference, and the view of every circuit in the connexion.[28]

The Conservatives won the election, but the commission did not present its report until 1863. By that time, the Conservatives were in Opposition and there was nothing they could do to implement it. When elections were held again later that year, Macdonald made another appeal to Ryerson

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27. Macdonald Papers, vol. 337, Ryerson to Macdonald, 11 June 1861.

28. Hodgins Papers, T.B. Fuller to Ryerson, 1 June 1861.

for Wesleyan votes. A university bill such as the Wesleyans wanted would never be passed while Sandfield Macdonald's Ministry remained in office, he said. "The Wesleyans should go en masse against the Gov't".[29] By this time, however, the Conservatives' promise of a university bill was becoming as shop-worn as Hincks's pledge to secularize the Reserves. In any case, whatever Wesleyan and Anglican clergymen thought about the question, it was a relatively minor issue in the elections of 1861 and 1863.

The Reformers and not the Conservatives received credit for the initial settlement of the university question; but on the issue of separate schools, the outcome was different. The question opened quite mildly in the 1840's with little indication of the heated controversy that was to follow. Ironically separate schools in Upper Canada were first provided for in an Act which was intended to be part of a plan for anglicizing the French in Lower Canada. Upper and Lower Canada were to have a common school system in which English would eventually dominate.[30] Complete integration could not, of course, be carried out immediately and therefore minorities in both sections of the province were

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29. Ryerson Papers, Macdonald to Ryerson, 27 May 1863.

30. H.H. Welsh, The Christian Church in Canada, Toronto, 1956, pp. 186-188.

given the right to separate schools. Any religious denomination different from the majority in a township could establish their own school.[31] Very soon, however, it was realized that combining the English Protestant and French Catholic schools of Lower Canada was impossible and all subsequent school legislation applied only to one or the other sections of the Province.[32] As a side effect, Upper Canada had been given separate schools, but they were to remain a permanent part of the school system.

At first, Anglicans took more interest in separate schools than Roman Catholics. The Anglican bishop, John Strachan, made frequent demands for separate schools; whereas Michael Power, the Roman Catholic Bishop of Toronto, became the first chairman of the Council of Public Instruction in Upper Canada and co-operated admirably with Egerton Ryerson, the first Superintendent, in setting up the common school system.[33] Strachan made little headway. Under the first Common School Act for Upper Canada (1843), separate school rights were given to Roman Catholics or to Protestants as a group, but not to Anglicans. When the teacher of a school was Protestant, Roman Catholics were entitled to a separate school if ten or more Catholic householders made application.

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31. 4 & 5 Vict., c.18.

32. Walsh, Ibid.

33. Moir, p. 138.

Conversely, when the teacher was a Roman Catholic, ten or more Protestant householders could have a separate school.[34] In spite of repeated Anglican requests, they were never given the right to their own separate schools.

During the 1840's the common school system seems to have operated much as Ryerson intended it. It was expected that Roman Catholic communities would hire Roman Catholic teachers and that Protestant communities would hire Protestants.[35] Separate schools were intended to be only a protection against possible insult to the minority in a community. If the teacher did not respect their religious sensibilities, then they could have their own school. Separate schools were expected to be very much the exception and, in the first decade of the Union, they were. In 1850, out of about 3,000 elementary schools, there were not more than 50 separate schools, including a number for Protestants.[36] In the ten years before 1850, the number of separate schools actually declined.[37] Even as late as 1850, the Roman Catholic Mirror considered it unlikely that separate schools would be generally established. "It [the right to separate schools] merely provides for any difficulties that might arise, without

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34. 7 Vict., c.29.

35. Sissons, Ryerson, II, 254.

36. Sissons, Church and State in Canadian Education, Toronto, 1959, p. 25.

37. F.A. Walker, Catholic Education and Politics in Upper Canada, Toronto, 1955, p. 121.

supposing that these difficulties will be general or frequent."[38] Bishop Power shared Ryerson's view that separate schools were "an unfortunate necessity, not . . . an essential principle".[39]

The controversy was started by voluntarist Reformers. As anti-State-Church men, they disapproved of public money going to support denominational schools and they were afraid that, if the demand for separate schools became widespread, then the common school system would be ruined.[40] Upper Canada could not afford a number of denominational universities and neither could it afford a set of denominational schools in every township. In 1849 Malcolm Cameron, one of Baldwin's ministers had a new school bill passed which made no provision for separate schools.[41] Ryerson declared that, for many reasons unconnected with the omission, the new Act would undo all that had been accomplished in school legislation and its operation was suspended.[42]

Roman Catholics were alarmed and new legislation was passed in 1850 and 1851 which gave them virtually the same rights they had had in 1843.[43] As originally drafted,

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38. 16 August 1850 quoted in Walker, p. 26.

39. Moir, p. 138.

40. Globe, 2 December 1851; 1 January 1852.

41. 12 Vict., c.83.

42. Hodgins, VIII, 225-230.

43. 13 & 14 Vict., c.48; 14 & 15 Vict., c.111.

however, the 19th clause of the 1850 Act would have given local authorities a discretionary power to decide whether a separate school should be established; but as a result of Catholic pressure[44] the bill was amended to give Catholics (or Protestants as the case might be) the right to a separate school if twelve or more heads of families requested it.[45] Except for the fact that there now had to be twelve heads of families instead of ten householders, separate school rights were the same as they had been in 1843. Nevertheless, Catholics had been put on the defensive, while voluntarists deplored what they considered to have been a surrender to Catholic demands.

There followed a perceptible stiffening of the Catholic position on separate schools. To a large extent, this was due to the appointment in 1850 of a new Roman Catholic Bishop of Toronto, Armand François Marie de Charbonnel. In contrast to the easy-going Power, Charbonnel was a militant Catholic, deeply influenced by Ultramontanism. He would be satisfied with nothing less than full control over the education of Catholic children and a completely dual system similar to that which existed in Lower Canada.

In the election which followed in 1851, it became obvious that there were growing differences between Reformers and

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44. Hodgins, IX, 25.

45. Ibid., pp. 38-39.

Catholics on the question of separate schools and that Catholics might have to look elsewhere for a government which would be favourable to their demands. Radical Reformers called for a repeal of the 19th Clause of the 1850 Act which allowed separate schools.[46] The Ministry equivocated because they were afraid of endangering Catholic support. Hincks attempted to explain away the 19th clause to Reformers by saying that it had been forced on him by Tory manoeuvres.[47] John Rolph, one of the Clear Grit members of the Ministry, said that he did not want to abolish the 19th clause until the common schools were "so remoddelled [sic] as to leave no cause for offence, either to Roman Catholics or any others".[48] To some, this meant that Rolph's eventual goal was abolition;[49] to radicals, it was another indication of the same kind of growing conservatism which marked the Ministry's Clergy Reserves policy.[50]

Bishop de Charbonnel reluctantly gave his support to the Hincks-Morin Ministry,[51] but he also warned that "Catholics are determined to have their separate schools, even at the

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46. Globe, 18, 21 October 1851.
47. Patriot, 2 December 1851; see also chapter IV, p. 118.
48. Dundas Warder quoted in the Examiner, 26 November 1851.
49. Patriot, 2 December 1851.
50. Globe, 2 December 1851.
51. British American quoted in the Patriot, 19 December 1851.

expense of breaking up the Reform party".[52] To this the Globe replied, "Thus the issue is fairly before us. The Protestants of Upper Canada must decide at the approaching election if the National School System is to be broken up at the insolent demand of the Priests of Rome. This is the issue. . . . We are glad the organ of the Priesthood had spoken out so plainly."[53] The Globe was not concerned that Catholics might leave Reform ranks over separate schools because they were "the least reliable of Reformers":

> The Roman Catholics of Upper Canada have for many years been connected with the Reformers of Upper Canada. . . the great mass of the denomination have not, however, supported the party upon its principles, but rather have obeyed the dictates of their feelings. They are generally Irishmen, and as the Reform party had to struggle for many years against the dominant power of the Imperial authority, it was natural that the Irish Catholic should transfer the enmity which he bore to that authority in his native country to its representative in Canada.[54]

The Globe went on to say that since Catholic demands for separate schools were completely contradictory to the voluntarist policies of the Reform party (or at least the radical section of the party which Brown was later to lead), the Reform party would be better off without Catholics;

> What matters it to the Reformers of Upper Canada that they should lose an election. . . .

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52. Mirror, 31 October 1851 quoted in the Globe, 1 November 1851.

53. Globe, 1 November 1851.

54. Ibid., 2 December 1851.

> The Roman Catholics are undoubtedly acting with perfect propriety in expressing their views as they have lately done, and in resolving to support no candidates at the election impending, who do not agree with them. . . the only question to decide is, whether the Reformers are prepared to give up the great principles at stake for the sake of their support. . . .
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> We regret much to see that a dread of the defection of the Catholic voters has induced some professing liberals to abandon their principles entirely, and others to modify and weaken them.[55]

In the next three years, Hincks's position, which depended on both Catholic and radical Reform support, became increasingly insecure. The Catholic Church complained that separate schools did not receive a fair share of government grants. Provincial grants were divided between common and separate schools in accordance with their school attendances, but the municipalities were required only to equal the provincial grant to the schools in their areas. Often the municipal grants to common schools went much beyond this minimum, while the separate schools usually received only the minimum required by law.[56] Charbonnel complained that Catholic rate-payers were therefore being taxed to provide liberal grants for common schools, while their own schools were given a mere pittance.[57] A major concession to Charbonnel came in 1853 in an Act which allowed separate school supporters

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55. Ibid.

56. Sissons, Church and State, p. 32.

57. Walker, pp. 114-117.

to be exempted from paying municipal school rates. Their rates would be collected by separate school trustees.[58] The concession brought little in return to the Ministry. The bishops were still not satisfied and demanded even more concessions[59] and the radical Reformers, who were by this time in Opposition to the Ministry, attacked them in the 1854 elections for having "thrown themselves, body and soul, into the hands of the priests"[60] and for having "sacrificed their principles, both political and religious . . . in order that they might secure this Romish support".[61] The final vote on the bill was a warning to the Ministry that further concessions to the bishops would be dangerous: a majority of the members from Upper Canada voted against the bill.[62]

A lasting compromise on the separate schools question was made more difficult by the wave of anti-Catholic sentiment which swept through Upper Canada in the early 1850's. Apart from the issue of separate schools itself, three incidents were primarily responsible: the so-called Papal Aggression in England, the Gavazzi riots in Quebec and Montreal, and the murder of Corrigan in St. Sylvestre. The Papal Aggression

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58. 16 Vict., c.185.

59. Walker, pp. 141, 151-156.

60. Guelph Advertiser, 29 June 1854.

61. Globe, 22 June 1854.

62. Journals of the Legislative Assembly (1852-53), pp. 1015-16.

was only a harmless division of England into Roman Catholic dioceses but Anglicans in England looked upon it as a challenge to their Church. Ithad nothing to do with Canada, but it sparked voluntarist journals like the Globe and the Examiner into a denunciation of Roman pretensions. They warned Protestants that the Church aimed to become dominant in Canada.[63] The Gavazzi riots occurred during the visit to Canada of a renegade Italian monk, Father Gavazzi, who had become disillusioned with the Catholic Church when Pius IX denounced liberalism. His attacks on the Church naturally enflamed the feelings of the devout Catholic population of Lower Canada and riots broke out in Quebec and Montreal. In the latter city, several Protestants were killed and public opinion in Upper Canada was enraged.[64] The third incident involved the murder of a Protestant Irishman by the name of Corrigan. Seven Irish Roman Catholics were accused of having beaten him to death. Protestants considered that the evidence proved them guilty, but a jury of Irish and French Catholics gave a verdict of not guilty.[65]

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63. J.M.S. Careless, Brown of the Globe, Toronto, 1959, I, 125-128.

64. J.C. Dent, The Last Forty Years, Toronto, 1881, II, 274-278.

65. P.R.O., C.O. 42/598, No. 156, Head to Labouchere, 31 December 1855; C.O. 42/603, No. 10, Head to Labouchere, 12 January 1856; No. 34, Head to Labouchere, 19 February 1856.

Apart from these incidents, radical Reformers and especially George Brown and his newspaper the Globe played no small part in arousing anti-Catholic feeling in Upper Canada. Brown described the Catholic demand for separate schools as "the base cry of Priestcraft - it is the dying effort of the Papacy, to retain its tottering hold over the consciences and fears of its votaries, by grasping in its Jesuit hands, the moulding of the youthful mind";[66] the Catholic Church was "that species of priestcraft . . . which holds its votaries through their fears and superstitions in the most abject thraldom";[67] and "the Catholics, as a body, and guided by their clergy, [have almost never] showed a disposition to anything but tyranny and despotism".[68] Brown was often accused of bigotry, as when the Leader described his political movement as drawing "its resources from religious passions and sectarian prejudice";[69] but many of his constituents wrote to him heartily approving of his "anti-priestcraft campaign".[70] During the 1854 elections, the Globe called for a Protestant front against the encroachment of Popery:

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66. Speech by Brown in 1851 quoted in the Globe, 14 January 1858.

67. Globe, 2 December 1851; 1 January 1852.

68. Ibid.

69. 13 July 1854.

70. See, for example, the Brown Papers, 1853.

> The proceedings of [the] last session of Parliament, the Gavazzi riots in Montreal and Quebec, the organization of the Roman Catholics in Upper Canada as a distinct party, have shown to men of all classes that great dangers are to be apprehended from the growing power of the Romish Church, that if not checked, it will wield the almost overwhelming power it now possesses against Protestant rights and liberties.[71]

It was obvious that the Catholics could not be part of a coalition in which the radical Reformers had any influence. A Protestant Front was Brown's idea,[72] but the Conservatives had plans for a new alignment of political forces along other lines.

Mention has already been made of Draper's unsuccessful attempt to create an alliance of Upper Canadian Conservatives and Lower Canadian Reformers. In 1851 when Baldwin and Lafontaine resigned from office, the Conservatives made another unsuccessful approach to the French.[73] As time went on, however, the French became increasingly uneasy over the anti-Catholic outbursts of the Grits and the Conservatives did not miss the opportunity of playing on their fears. Both the Conservatives and the French Reformers believed in a close connection between church and state and the old antagonism between them had been caused by the politics of pre-Responsible Government days and the francophobia of the Family Compact Tories. By the early 1850's the first factor

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71. Globe, 13 July 1854.

72. Careless, I, 179-184.

73. Creighton, I, 167-170.

was no longer relevant and, if the old Tories still disliked the French, they were a steadily declining power. As early as 1850, Elgin recognized that the conservatism of the French and the growing radicalism of the Reformers made their alliance unnatural. He was convinced that, sooner or later, the French would unite with the Conservatives.[74]

The first temporary alliance between French Catholic Reformers and Anglican Conservatives took place in 1850 during the debate on the school bill. At first, they agreed to apply concerted pressure in order to get an amendment to the 19th clause granting separate schools to Anglicans as well as Catholics whenever they requested them. They claimed to have a majority of 14 or 20 against the government, but the Hincks Ministry was able to induce the Catholics to desert their Anglican allies by offering separate school rights to Catholics alone.[75]

Later, when the Clergy Reserves controversy was at its height, Conservatives warned Lower Canadian Catholics that if they permitted the radical Reformers to assault church rights in Upper Canada, their own church's property and institutions might be attacked next.[76] The Anglican Church Union, in an address to "the Laity of the United

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74. Elgin-Grey Papers, Elgin to Grey, 2 August 1850, p. 707; 22 November 1850, p. 746; 14 June 1851, p. 827.

75. Hodgins, IX, 25; see also chapter IV, p. 110.

76. Creighton, I, 185.

Church of England and Ireland, and to the Electors of Canada", warned Catholics:

> as the designs of our antagonists were developed, it became evident to such their allies [sic] that if our Church were despoiled of its slender temporalities the rich endowments of their own would next be assailed, and that the result of the triumph of those 'Pharisaical brawlers', as they have been happily termed, must inevitably be not only the temporary overthrow of all religious principle in the Province, but the spread of the wildest theories of Socialism and Infidelity in its stead.77

This sort of argument made its point with French Canadians. In a debate on the establishment of the Anglican Trinity College, Etienne Taché, a member of Hincks's Reform Ministry and later to be premier of a French-Conservative Ministry, spoke of the common ground shared by Catholics and Anglicans:

> Every sect must be empowered with certain privileges . . . but if an attempt is made to grant these necessary powers to the Church of England, there are parties in Parliament, and connected with the Press, that immediately step forward and say, 'You must not do so; you are infringing on our rights; we have no Colleges, Dioceses, Bishop, or Ecclesiastical Hierarchies.' . . . Every existing institution must be pulled down, . . . and levelled to the dimensions of these Pharasaical brawlers.
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> But the Church of England need not despond on account of their hostility, for as long as there is a Roman Catholic in Canada, . . . he will be ready to protect also the rights of the oppressed, no matter to what Church they belong. . .
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> The Lower Canadians form that counter-balancing power, and as long as they possess that influence in the Council of their country which they now possess, they are determined that they will neither permit, nor be made the instruments in the oppressing of one Church to raise up another.78

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77. Published in the Church and quoted in the Examiner, 3 December 1851.

78. Quoted in the Globe, 4 November 1851.

The Nonconformist newspapers thought that an alliance between "Romanism" and "Puseyism" was proof of the unprincipled "lust for gold" of both Churches,[79] but the Conservative Patriot was glad to see that the Roman Catholic population was "becoming alive to the imperative necessity . . . above all of excluding [from the legislature] those three socialist worthies, Francis Hincks, Malcolm Cameron, and John Rolph".[80]

Ryerson warned Hincks that, if Catholic demands were not met, at least in part, they would form a coalition with the "high church party".[81] When the 1854 elections came Hincks was able to get Charbonnel's support only on condition that he bring in a satisfactory school bill after the elections.[82] Charbonnel declared it the duty of all bishops "highly to recommend the present ministry to the Catholic population of the province";[83] but at the same time he had an announcement read in all the churches of the Toronto diocese warning Catholics that "it is a very great obligation for them, under the present circumstances, to elect for the new Parliament men, only, who will pledge

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79. Christian Observer quoted in the Globe, 25 November 1851 and the Christian Guardian quoted in the Examiner, 26 November 1851.

80. 18 November 1851.

81. Hodgins Papers, E. Ryerson to Hon. John Ross & Hon. F. Hincks, 1 August 1851.

82. Sissons, Ryerson, II, 327.

83. Quoted in the Globe, 22 June 1854.

themselves to obtain in the next session, for Catholic Separate Schools in Upper Canada, not only the same rights which Protestants enjoy in Lower Canada for their Separate Schools, but more particularly the free working and enjoyment of said rights."[84] Charbonnel often pointed to the complete separate school system of the Protestant minority in Lower Canada and he argued that the Roman Catholic minority in Upper Canada should be granted the same privileges. The comparison, however, was invalid. The majority school system in Lower Canada was run by the Catholic Church, whereas in Upper Canada it was non-denominational and under the direction of the government. It was not until 1964 that the Quebec government finally took over the school system from the churches.

When the Hincks-Morin Ministry was defeated following the elections, it was easy for MacNab, Macdonald, and Cayley and two moderate Reformers to replace the Upper Canadian section of the Ministry. The ground had been well prepared beforehand and they were willing to accept the condition imposed upon them by the Lower Canadian section, that "justice" be done to Upper Canadian Catholics on separate schools.[85]

The Catholics got their separate school bill in 1855,

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84. Quoted in Walker, p. 147.

85. Vicar General C.F. Cazeau to Charbonnel, 11 September 1854 quoted in Walker, p. 151.

but the manner in which the bill was passed almost destroyed the coalition that Macdonald and the Conservatives had so carefully created. The bill was not introduced until almost the end of the session when most of the Upper Canadian MPPs had left Quebec under the impression that no more major legislation would come up. It was introduced first into the Legislative Council, not the Assembly, and by a French Canadian, Taché, even though it was a school bill for Upper Canada. To make matters worse, this was done without the knowledge of the Superintendent of Education, Ryerson.[86]

As the bill was originally drafted, any denomination would have had the right to separate schools and all separate schools would have received a share of municipal, as well as provincial grants. There were loud protests against the bill and, when it got to the Assembly, it had to be severely amended.[87] In its final form, the bill made only two major changes in the separate school law. The machinery for setting up a separate school and electing trustees was made simpler and Catholics were given the right to separate schools even in areas where the teacher of the common school was a Catholic.[88] There was still no concession to Charbonnel's biggest demand:

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86. Sissons, Ryerson, II, 328.

87. Hodgins, XI, 129-131.

88. 18 Vict., c.131.

that, instead of having to rely on the rates collected from Catholics, who were a relatively poorer section of the community, the separate schools should simply receive a share of all municipal taxes in accordance with either the average attendance at separate schools or the total Catholic population of the area.[89]

There was a great deal of resentment against giving any more rights to Roman Catholic separate schools and, on the third reading of the bill, a majority of the Upper Canadian members who were still in Quebec voted against it. But they were outnumbered and, once again, a school bill which pertained only to Upper Canada was passed in the face of Upper Canadian opposition because of Lower Canadian votes.[90] It looked as if Brown's cry of "French domination" had some truth in it.

On the other hand, the Catholic bishops were not happy with the amended version of the Act[91] and, in his fury, Charbonnel declared four of the Catholic members of the Executive Council unworthy of absolution.[92] Charbonnel continued to demand amendments to the Taché Act, but the Conservatives were afraid of another furor if any changes

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89. Walker, p. 161.

90. Journals of the Legislative Assembly (1854-55), p. 1287.

91. Walker, pp. 172-173, 177.

92. Ibid., p. 201.

were made in the separate school law. Macdonald realized how easy it was to upset his appeal to denominations and he advised Ryerson to say, in any articles he wrote:

> 1st That the Bill will not injuriously affect the Common School system - This for the people at Large.
>
> 2nd That the Bill is a substantial Boon to the Roman Catholics - This to keep the Papists in good humour.[93]

The controversy gradually died down. There was a party agreement to keep school matters out of the political arena[94] and even Brown, who had not accepted the agreement, eased up on his anti-Catholic campaign. After the Reform Convention of 1857 he became generally recognized as the leader of the Clear Grits and he started to take a wider view of Canadian politics. As the Hamilton Herald said, he had got to the head of one of the largest parties in the country; but on the No Popery cry he had got as far as he could go. "The object of his ambition - the only thing that would give effect to his principles - the possession of power - was wanting. That power could not be obtained without a Coalition with the Catholics, the very men with whom he declared there never could be 'co-operation'."[95] The Rouge party in Lower Canada were the Grits' natural allies; but, although they were anti-clerical, most of them

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93. Ryerson Papers, Macdonald to Ryerson, 8 June 1855.

94. Ibid., 21 March 1860.

95. Quoted in the Leader, 13 July 1861.

were, nonetheless, Roman Catholics who had to stand up for Catholic rights if they wanted to get elected in Lower Canada.[96] If Brown looked to the possibility of eventually forming a government with the Rouges, he would have to moderate his attacks on the Catholic Church and separate schools. His old position was made even more untenable when D'Arcy McGee, an Irish Catholic, was elected to represent Montreal in 1857. McGee was a Rouge and had a loyal following among the Irish Catholics of Upper Canada. He was a valuable addition to Opposition ranks, but he was also a staunch supporter of separate schools.[97]

The high point in Brown's bid for Catholic support came in 1857 when he credited Catholic votes with his win in the Toronto election.[98] But Catholic support could not last. Brown was too committed to resisting demands for separate schools to give Catholics any hope of real concessions. The Catholic Mirror in its disgust with the Conservative Ministry for not introducing amendments to the Taché Act, suggested that Catholics might return to their traditional Reform allegiance if the Grits and Rouges were prepared to change the separate school law. But the Mirror, not surprisingly, could get few real concessions from the Grits.[99] When Brown

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96. Brown Papers, vol. 2, J. Doutre to Brown, 11 February 1858.

97. Careless, I, 262.

98. Brown Papers, vol. 4, Holton to Brown, 6 July 1861.

99. Walker, pp. 203-206.

formed his Ministry with Dorion in 1858, he attempted to work out a compromise on separate schools, but the agreement was more illusory than real[100] and eventually McGee split with the Grits over the question of separate schools and joined the Conservatives. Catholics soon realized that their only hope for a change in the separate school law still lay with the Conservatives.

R.W. Scott, a Conservative Catholic, tried to have a school bill passed in four successive sessions of Parliament beginning in 1860; but the Conservative Ministry tried as diplomatically as possible to stall it[101] for fear that there might be another furor similar to that raised by the Taché Act. On the other hand, they risked antagonizing the Catholics if they delayed the bill too long. The bishops and the Catholic newspapers continued to apply pressure on the government.[102] According to the Globe, the Conservatives defeated Brown in Toronto in 1861 because they had promised Charbonnel's successor, Bishop Lynch, a school bill in return for Catholic votes.[103] There is a good deal of evidence to suggest that Catholic votes were responsible for other Conservative victories throughout Upper Canada in

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100. Careless, I, 268-269, 290.

101. Walker, pp. 251, 267.

102. Ibid., pp. 255-256, 266.

103. 13 July 1861.

1861.[104] The next year Bishop Horan considered it was time for Catholics to collect the debt Conservatives owed them.[105] Scott presented another bill in 1862; but in the end the Conservatives were spared their dilemma when they were defeated on another question. They were replaced by the Liberal Ministry of Sandfield Macdonald and Sicotte. Although Sandfield Macdonald had always been opposed to separate schools in spite of being a Catholic himself, he reluctantly accepted the bill.[106] It was finally passed in 1863, but the Liberal Ministry did not get the credit for it. Almost all of the Liberals from Upper Canada voted against the bill and it was passed by Upper Canadian Conservatives and a solid contingent of Lower Canadians.[107]

The Act made some substantial changes in the separate school law.[108] Separate schools could, for the first time, claim a share of any municipal grants, except those arising from local taxation. Secondly, Roman Catholics from adjoining school sections were allowed to unite to support a separate school, provided they did not live more than three miles from the school. This was a partial concession to the bishops' request that Roman Catholics anywhere in Upper

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104. See chapter XI, p.298.

105. Walker, p. 265.

106. Ibid., p. 271.

107. Journals of the Legislative Assembly (1863), pp. 129-130.

108. 26 Vict., c.5.

Canada should be able to be separate school supporters.[109] Thirdly, it was no longer necessary for separate school supporters to make an annual declaration of their intention to continue their support. The previous law requiring this had been a nuisance and many supporters had lapsed through neglecting to make their annual declaration. Finally, as a concession to those who disapproved of a completely separate school system, all separate schools were declared to be entirely under the supervision of the Chief Superintendent and the Council of Public Instruction. The most important of the bishops' demands - that there be a special superintendent for separate schools - was still not granted.[110]

On the whole the bishops were pleased and, although there was some later agitation against it, the Scott Act still forms the basis for the present separate school system in Ontario.

The separate school issue was a difficult one to exploit. To Macdonald it and the university question suggested an appeal to specific denominations - chiefly the Roman Catholics and the Wesleyans. In the end the Conservatives did not produce much for the Wesleyans in spite of their promises, but Bishop Lynch gave the Conservatives credit for giving separate schools to the Roman Catholics

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109. Walker, p. 155.

110. Ibid., p. 153.

of Upper Canada and hoped Catholics would vote for them in gratitude.[111] However, an appeal to the Catholics involved the risk of a Protestant reaction which Brown was ready to take advantage of. Even within such a staunchly Conservative group as the Orange Order, too many concessions on separate schools could lead to desertions from the Conservative party.[112] Macdonald's tactics were only moderately successful in Upper Canada. The 1861 election was the only one the Conservatives won by promising separate schools to the Catholics and university reform to the Wesleyans. Nevertheless, the two elections which Brown could be said to have won in Upper Canada were those of 1857 and 1863 and in these his No Popery cry was considerably muted.

The real importance of the separate schools question lay not so much in the appeal to the people, but in the construction of a ministry. Any party in Upper Canada which wanted to form a ministry had to have a separate schools policy, among other things, which was acceptable to the politicians and the electors of Lower Canada. This was part of the secret of the Conservatives' success after 1854. Their policy on separate schools, with all its procrastination

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111. Parliamentary Debates, Clippings of letters from Roman Catholic Bishops on the subject of Confederation, Lynch to Father Jamot, 8 July 1867. Microfilm, reel 3.

112. See chapter VII, pp 226-227.

and amendments, was acceptable to the Bleus of Lower Canada and the bishops of Upper Canada. The Roman Catholics were almost 50% of the total Canadian population and no government could last long unless it could make a working agreement with them. There were, of course, other policies besides separate schools on which there had to be a concensus between Upper and Lower Canadian parties, but the separate schools issue was an example of the Conservatives' formula for staying in power. It did not matter that they won only one election between 1854 and 1867, they were in power for all but two of those years and Brown held office for only two days. In the Union Parliament, the French Canadian party held the casting vote and even in 1841 the Conservatives realized that.[113] They set out to capture the French casting vote and, finally in 1854, they got it.

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113. C.O. 537/140, E.G. Wakefield to Lord Eliot, 8 August 1842.

Chapter V

REPRESENTATION, RAILWAYS, RETRENCHMENT, AND THE RISE OF THE CLEAR GRITS

Representation by Population was the greatest issue of the late 1850's and the 1860's. George Brown used it to transform the Clear Grits from a breakaway ginger group into the largest party in Upper Canada. In the end, however, it split both parties, created deadlock in the Assembly, and could only be solved by the plan to federate the colonies of British North America.

The controversy arose out of a clause in the Act of Union which stipulated that Upper and Lower Canada should have equal representation in the Legislative Assembly, even though Lower Canada had the larger population. The rights of each section were entrenched with a requirement that any change in the representation must be approved by a two-thirds vote in the Assembly and the Legislative Council.[1] Lord Durham, in his Report, had strongly opposed this. He felt that peace could only be restored to the Province by putting it under the rule of an English majority. In a union of Upper and Lower Canada, he estimated that the English in both sections would outnumber the French in Lower Canada.

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1. 3 & 4 Vict., c.35.

Furthermore, Upper Canada was growing at a faster rate, so the English majority would increase every year. Under a system of representation based on population, the French would then "abandon their vain hopes of nationality".[2] If, on the other hand, the two colonies were given an equal number of seats in the new Assembly in order to make sure that the French were outnumbered from the beginning, the system of representation would not be able to take advantage of the growing English population in Upper Canada. "It appears to me", said Durham, "that any such electoral arrangement, founded on the present provincial divisions, would tend to defeat the purposes of union, and perpetuate the idea of disunion."[3] Durham's warning was not heeded and subsequent developments proved the wisdom of his advice.

In the late 1840's the demand for representation by population came, naturally enough, from French members. The former rebel leader, Louis Joseph Papineau proposed representation by population in 1848; but, as Elgin pointed out, by that time it was no longer certain that Lower Canada still had a larger population. The Reform Ministry stuck by equal representation[4] and Papineau's proposal generally received little attention during the first decade of the Union.

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2. C.P. Lucas, Lord Durham's Report, Oxford, 1912, II, 307.

3. Ibid., p. 324.

4. Elgin-Grey Papers, Elgin to Grey, 11 October 1848, pp. 245-246; 4 January 1849, p. 279.

While preparations were being made for the first decennial census of the united Province in 1851-52, some guesses put Upper Canada's population ahead of Lower Canada's and during the 1851 elections representation by population received some sporadic support from various groups in Upper Canada: Hincks, the Grits, the Globe, and an occasional Conservative.[5] Representation by population was, by itself, a harmless-sounding theory. What gave it significance was the complaint heard for the first time in the 1851 elections - that of French domination. The Globe believed, rightly as we have seen, that the French Reformers were an obstacle to secularization of the Clergy Reserves and that they were aiding Upper Canadian Catholics in their demand for separate schools.[6] Added to this was the silly objection to acts which incorporated religious institutions in Lower Canada. When a Roman Catholic nunnery or college or cathedral in Lower Canada requested incorporation, radical Reformers professed to see a Roman menace becoming more powerful and threatening. Some even thought that these institutions were partly paid for out of Upper Canadian pockets.[7] But these acts simply facilitated the management of church property and similar acts of

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5. Globe, 4 November, 23 October, 2 December 1851; P.A.O., Miscellaneous 1851.

6. Globe, 1 November, 2 December 1851.

7. From a speech by T.C. Street, reported in the Leader, 2 July 1861.

incorporation were passed for Upper Canadian denominations. As Hincks rightly said, "The cry got up against incorporations of religious institutions in L.C. is 'an intolerant cry'."[8] But according to the Globe, Hincks had "flung himself into the arms of the French Canadians, - by them he stands or falls".[9] When the 1851-52 census was finished it showed that Upper Canada had, in fact, pulled ahead of Lower Canada. The margin was small - only 61,743 out of a total population of 1,842,265[10] - but it did not take radical Reformers long to conclude that, if Upper Canada were given the representation which her population warranted "French domination" would be brought to an end.

Representation by Population did not form part of the original programme of the Clear Grits in 1850. They were chiefly interested in voluntarism (the separation of church and state and especially secularization of the Clergy Reserves), elective institutions, an extention of the franchise, cheaper government, and a cheaper legal system.[11] The Grits were at first a ginger group of Reformers and, when Hincks took Cameron and Rolph into his Ministry, it looked as if a split in Reform had been prevented. Actually it only delayed the

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8. Shenston Papers, Hincks to Shenston, 7 July 1851.

9. Globe, 1 November 1851.

10. Census of Canada (1851-52), I, 36, 106.

11. Elgin-Grey Papers, Elgin to Grey, 23 March 1851, enclosure 4, pp. 619-621.

breakup of the Reform party. The Ministry disappointed Clear Grits when they failed to secularize the Reserves, but continued to pass bills giving Catholics separate schools in Upper Canada and corporate religious institutions in Lower Canada. During the course of the Fourth Parliament (1851-54), many Reformers went into opposition and Rolph and Cameron were left in Hincks's Ministry, discredited. By the time the 1854 elections were held, the Grits had emerged as a third party, but without much unity or leadership.

At first, during Lafontaine's and Baldwin's Ministry, George Brown was a staunch government supporter and the Globe was its official organ in Upper Canada. He was always firmly attached to British institutions and, when the Clear Grit movement was founded, he attacked them for harbouring annexationists and for advocating elective institutions on the American model.[12] When Hincks took over as premier, Brown himself began to have doubts about the value of Hincks's voluntarist pledges. In 1851 he stood for Parliament as an independent Reformer and was elected to represent Kent.[13]

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12. J.M.S. Careless, Brown of the Globe, Toronto, 1959, I, 113-114.

13. Earlier that year, Brown had made an unsuccessful attempt to win the Haldimand by-election; but he was beaten by William Lyon Mackenzie. In that election he ran as a ministerial Reformer with unenthusiastic approval from Hincks. Brown's final break with the Ministry came between the by-election and the general election. Ibid., p. 135.

Throughout the Fourth Parliament, it was George Brown who led the attack against the Ministry for its failure to uphold voluntarist principles - much to the embarrassment of Grit ministerialists.[14] At that time he was still primarily concerned with Catholic encroachments, but in 1853 this led him to make his first real demand for Representation by Population. When the bill to enlarge membership in the Assembly was being debated, Brown proposed that the new representation be based on population rather than on the existing equality between Upper and Lower Canada. The amendment was defeated, but the case for Representation by Population had been forcefully introduced.

In the 1854 elections, however, Representation by Population was of minor concern beside the continuing question of the Clergy Reserves and the new issue of Hincks's honesty.[15] When the new Parliament met, Brown's 'Protestant Front' did not materialize out of the new political alignments which were formed[16] and he found himself still in Opposition and still with his erstwhile enemies, the Clear Grits, as well as various other radical Reformers. Although they differed on some points, it was not long before these Opposition Reformers realized the wide area of agreement between them.

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14. Ibid., p. 171.

15. Infra, pp. 151-152.

16. See chapter IV, p. 116 .

Immediately after the formation of the MacNab-Morin Ministry, six more Reformers went into Opposition[17] and, in the next few years, more crossed over.[18] The passing of the Taché Act was a great shock to voluntarist Reformers, who believed in the separation of church and state, and some began to talk in desperation of dissolving the Union. John Sandfield Macdonald, though nominally leader of the Opposition Reformers, was not proving very effective[19] and it became clear to Brown that the various strands of Reform must be bound together in a closer union and diverted from the futile policy of dissolution. Dissolution sentiment was strongest among the Grit farmers of the western peninsula who were a long way from Lower Canada and were more interested in commercial links with the Midwestern States. Brown, as a Toronto businessman, firmly believed that Upper Canada was dependent on the St. Lawrence trade route: the Union had been a success commercially, if not politically, and dissolution would mean customs tolls on the St. Lawrence.[20] The answer for Brown was not dissolution, but Representation by Population. Accordingly, in December 1856, the Globe sent out invitations to all the leading Reformers of Upper

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17. P.G. Cornell, Alignment of Political Groups in Canada, Toronto, 1962, p. 40.

18. Ibid., p. 42.

19. Careless, I, 196-197.

20. Ibid., pp. 204-205.

Canada asking them to come to a Reform convention in Toronto in January. The convention was attended by Clear Grits, Hincksites, and Reformers of varying description; only Sandfield Macdonald and his followers from the eastern St. Lawrence region of Upper Canada were absent. The platform that was adopted - voluntarism, free trade, retrenchment, Canadian acquisition of the Hudson's Bay territory, and, most importantly, Representation by Population - were Brown's own policies; the American-inspired parts of the Clear Grit programme, which Brown disliked, were resisted.[21] The Reform Convention was a great success, especially for George Brown. From then on, he was more and more acknowledged Reform leader and Rep by Pop, as it came to be called, was the principal policy of the rejuvenated party.

When the next general election was held in 1857-58, the Opposition Reformers were united under Brown's leadership and Rep by Pop was his "sine qua non".[22] It gave the party a great victory: they won 16 seats which had formerly been held by Conservatives or Hincksite Reformers: the government made only 4 gains, for a net loss of 12. In the new Assembly, the Opposition Reformers held 37 seats to give them a majority in Upper Canada.

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21. Ibid., 233-237.

22. From a speech by Brown reported in the Globe, 14 January 1858.

Brown's victory was more apparent than real. By its very nature, this policy which was popular in Upper Canada was anathema in Lower Canada. French Canadians were afraid that, if they once allowed Upper Canada a majority in the Assembly, their language, institutions, and religion would not be safe any longer.[23] George Etienne Cartier, the leader in the Ministry of the Lower Canadian Bleus (Lafontaine's old party), would permit no change in the principle of equality of representation and accused Brown of seeking "to control Lower Canada".[24] "The union", he said, "in my view rests on the principle that the two provinces co-exist with equal powers, and that neither should dominate over the other in parliament."[25]

There was never any chance in pre-Confederation days that Brown would ally his party with Cartier's Bleus.[26] The obvious allies for the Upper Canadian radical Reformers were the Rouges. The Parti Rouge began in 1851, but the radical Reform element was never as strong in Lower Canada as it was in Upper Canada and they were more divided. Some of the Rouges were personally in favour of Rep by Pop,

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23. Leader, 13 July 1863.

24. J. Boyd, Sir George Etienne Cartier, Toronto, 1914, p. 146.

25. Ibid.

26. The two leaders made preliminary soundings in 1868, but by that time Brown had resolved to keep out of active politics. See J.M.S. Careless, Brown of the Globe, Toronto, 1963, II, 262-267.

but it was so unpopular with the voters in Lower Canada, that no Lower Canadian party could support it on the hustings "without completely destroying itself as a party".[27]

When the Macdonald-Cartier Ministry were defeated on the Seat-of-government question in July 1858, Brown and Dorion, the Rouge leader, accepted the Governor General's invitation to form a government. They were too eager in their grasp for power, however. The new Ministry did not really have the support of a majority in the Assembly and, when their request for a dissolution was refused, they had to resign after only two days.[28] Dorion had agreed to Rep by Pop when the Ministry was formed, but there had been no time to work out the details before the Ministry fell.[29] Thereafter it was difficult for the Rouges to go even as far as that. The 'Two Days Ministry' came to be regarded by the public as something of a farce and the prestige of Brown's leadership and his party suffered a serious decline. Added to this, Brown's relations with the Rouges were seriously damaged during the 1859 parliamentary session. The funds provided for the compensation of seigneurs under the 1854 abolition of seigneurial tenure were found to be insufficient.

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27. Brown Papers, Dorion to Brown, 27 July, 1861. See also Ibid., Holton to Brown, 22 January 1858 and J. Doutre to Brown, 11 February 1858.

28. Supra, chapter on Election Procedures, pp. 19-23 .

29. Careless, vol. 1, p. 268.

The government and almost all of the Lower Canadians wanted the necessary additional funds to come out of the provincial revenue; but Brown insisted that, since seigneurial tenure was a concern only of Lower Canada, Upper Canada should not have to share the cost. The Rouges were so opposed to Brown on this point that their caucus expressed "great dissatisfaction" with his leadership.[30]

In an effort to restore his position and the party's popularity, Brown called another convention in Toronto in 1859. In frustration, some western radical Reformers were turning again to dissolution and, in order to defeat this and at the same time to appease the Rouges, Brown came up with the idea of a federation of the two Canadas. Representation in the central Assembly would be in accordance with population and the local legislatures would have control over a broad range of local affairs. The convention was superbly managed by Brown and his Toronto friends. Dissolution was quashed and federation was adopted under the somewhat ambiguous term of "joint authority".[31] When Parliament met, Brown acted too eagerly again and moved that the Assembly adopt the principle of federation. The

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30. Brown Papers, Drummond to Brown, 3 April 1859; see also Laberge to Drummond, 2 May 1859; Brown to Laberge, 2 May 1859; Laberge to Brown, 3 May 1859; Careless, I, 296-299.

31. Brown Papers, Holton to Brown, 22 January 1858; G.W. Brown, "The Grit Party and the Grit Reform Convention of 1859," [redacted] XVI (1935), pp. 245-265; Careless, I, 304-322. C.H.R.

motion was badly defeated and the "joint authority" was discredited. The party had never whole-heartedly accepted the idea and Brown's motion had occurred at a time when the moderate wing was challenging his leadership and when he himself was in poor health.[32]

In 1861 census returns showed that Upper Canada's lead over Lower Canada had grown. Out of a total population of 2,507,657, Upper Canada outnumbered Lower Canada by almost 300,000.[33] This had an enormous effect in strengthening the case for Rep by Pop and, in the elections of that year, even the Conservative Leader regretfully admitted that it was a major issue. The "joint authority" was hardly mentioned.

Rep by Pop put the Conservatives in a difficult situation. The policy had become extremely popular with voters of both parties, particularly in the western peninsula, and many Conservative MPPs felt they had to support it or they would lose their elections. The Cabinet were so divided on Rep by Pop that it had to be made an open question.[34] Nevertheless, it was clear that, as long as the Conservatives remained in a Ministry with the Bleus, the latter would never

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32. Careless, II, 16-23; Clarke Papers, George Sheppard to C. Clarke, 19 March 1860.

33. Census of Canada (1861), I, 78,80.

34. Macdonald Papers, vol. 253, J.C. Morrison to Macdonald, 1 December 1861; Creighton, I, 308.

allow Rep by Pop to be introduced as a government measure. Macdonald personally agreed with Cartier, but he realized the difficulty that other Conservatives were in. He told one Cabinet Minister to warn the farmers that representation by population would shift the balance of power to the towns. The townspeople would want to reduce the tariff and, to make up the loss of revenue, there would have to be a direct property tax falling on the farmers. "These are good bunkum arguments", Macdonald said.[35] A few months later, Macdonald told the same Minister that he could speak in favour of Rep by Pop as strongly as he liked, as long as he did not pledge the Government to legislate. "You can assert that you are much more sincere than Brown who offers for the sake of office to make a bargain with the Lower Canadians."[36] With such a Janus policy on Rep by Pop, the Conservatives could hardly charge their opponents with having a monopoly on political expediency.

Rep by Pop was also splitting the radical Reformers of Upper Canada. It was not popular in the eastern St. Lawrence constituencies,[37] because they too would lose

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35. Sydney Smith Papers, Macdonald to Smith, 6 December 1857.

36. Ibid., Macdonald to Smith, 9 February 1858.

37. Leader, 6, 13, 18 January 1858; 20 May, 5 June 1861; Globe, 25 June 1861. See chapter II, p. 64 ; 7 of the 12 'small' constituencies were east of Kingston and 8 of the 12 'large' constituencies were west of the western end of Lake Ontario.

representation to the more populous counties of western Upper Canada. Furthermore, these counties were closely linked geographically with Montreal and Lower Canada and several of them had fairly large Catholic or French populations. The leading radical Reformer from this area was John Sandfield Macdonald, who had always dissociated himself from Brown's leadership. Sandfield's answer to the sectional conflict between Upper and Lower Canada was not Rep by Pop, but the Double Majority; that is, keep equality of representation, but require every ministry to have a majority in both sections of the Province.

The radical Reformers (who were now generally called the Liberals or the Clear Grits, in spite of the fact that the original Clear Grits had lost the leadership to Brown's men) suffered a severe set-back in the 1861 elections. Macdonald's appeal to the Roman Catholics and to the Wesleyans and the Conservatives' qualified espousal of Rep by Pop gave them a net gain of five seats over the Grits. Brown himself lost in Toronto. Relations with the Rouges became even more distant; for, as Holton said to Brown, "why should L[ower] C[anadian] politicians disable themselves at home . . . so long as half or nearly half the Representatives of Upper Canada support Mr. Cartier in his refusal to do justice to U.C.?"[38] The Government were little better off than the Opposition.

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38. Brown Papers, Holton to Brown, 25 May 1861.

Conservative gains in Upper Canada were offset by Bleu losses in Lower Canada and the Province began to approach the electoral deadlock which eventually led to Confederation. The two coalitions - one in the Government, the other in the Opposition - were almost evenly balanced in the Assembly. A by-election or a wavering MPP could decide the fate of a ministry.

In March 1862 Macdonald had to reconstruct the Conservative Ministry by taking in three Conservative proponents of Rep by Pop. He still insisted that it was an open question,[39] but, when the new Parliament opened, two amendments in favour of Representation by Population were made to the Address. One was made by Conservatives, the other by Grits. There were only minor differences in the wording and, even more significantly, they received almost identical support. The vote revealed the extent to which both coalitions were split on the issue: 44 voted aye to the Conservative amendment - 16 Upper Canada Conservatives, 27 Upper Canada Liberals, and 1 Lower Canada Liberal; 75 voted no - 37 Lower Canada Conservatives and Bleus, 15 Upper Canada Conservatives, 20 Lower Canada Liberals, 1 Upper Canada Liberal (Sandfield Macdonald), and 2 Lower Canada Independents.[40]

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39. Creighton, I, 326.

40. Journals of the Legislative Assembly (1862), pp. 33-36.

Nothing could show more clearly how sectionalism had divided the Province. Of those who voted aye, all but 5 represented constituencies west of Kingston; of those who voted no, all but 4 were from Kingston and east.

Seven weeks later the Government were defeated on a bill to increase the size of the militia.[41] It was unpopular in Lower Canada and this time there were desertions among Cartier's followers. The Cartier-Macdonald Ministry resigned, but the Governor General did not send for Michael Foley, the ineffective Grit leader who had replaced Brown. Instead, the independent Liberal, Sandfield Macdonald, was asked to form a government. Grit MPPs were not sure, at first, whether to give him their support or not.[42] Brown's strategy was to support no ministry which would not adopt Rep by Pop. Luther Holton, Brown's chief contact in Lower Canada, had advised him that "Govt must be rendered impossible by the action of Upper Canada before leading French Canadians will realise the urgency of the Question - and be induced to imperil their positions by an attempt to settle it".[43] Sandfield would substitute his own Double Majority principle for Rep by Pop, but the Grit MPPs felt that a ministry headed by him would at least be preferable to a return of Cartier and

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41. Ibid., pp. 228-229.

42. Careless, II, 64-65.

43. Brown Papers, Holton to Brown, 25 July 1861.

Macdonald. Brown was dismayed, but the Reform caucus of Upper Canada agreed to give the new Ministry a fair trial, even though Rep by Pop was excluded from their programme.[44]

Within a year the Double Majority principle was abandoned. In March 1863 Scott introduced his Separate School Bill which the Ministry was afraid either to support or oppose. The bill passed with a majority of Upper Canadian MPPs (and a majority of Upper Canadian Liberals) voting against it.[45] The Ministry did not resign, but its strength, in the traditional parliamentary sense, was tested several weeks later when John A. Macdonald moved a motion of want-of-confidence. It was carried by a small majority and Sandfield obtained a dissolution of Parliament. Brown, who had recently re-entered Parliament, voted with the Ministry, even though he had been very critical of them for having forsaken Rep by Pop. Whatever his official standing in the party, Brown was a political power which could not be ignored and, because he had saved the Government from a crushing defeat, he was able to almost dictate a reconstruction of the Ministry. He himself refused to join, but the new Ministry was dominated by his close political associates. Brown could not get all he wanted, however. On the vital question of Rep by Pop, he had to drop his previous strategy

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44. Careless, II, 65-66.

45. See chapter IV, p. 127 .

and agree to make it an open question. With elections approaching, Dorion, the new head of the Lower Canadian section of the Ministry, could do no more.[46]

In the elections which followed, Brown was accused of being inconsistent[47] and he admitted that he had given up his former position.[48] He had had to decide whether he would support a Liberal Ministry which did not give him all he hoped for on Rep by Pop; or whether he would allow the Conservatives to come back in. This was the same dilemma that the other Grit MPPs had faced when the Macdonald-Sicotte Ministry was first formed. There was no doubt now that Canada had passed from the stage of loose political groupings to that of party government. Coalitions might still be formed to achieve some specific end, but a man had to decide whether he was a Liberal or a Conservative[49] and to make the best of the secondary differences he had with his own party. Brown did just that. He pointed out that, on railways and retrenchment, the reconstructed Liberal government were much better than Cartier and John A. Macdonald.[50] On Rep by Pop,

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46. Brown Papers, Brown to Gordon Brown, 11 May 1863. See also Ibid., Ferguson Blair to Brown, 24 May 1862; Careless, II, 91-95.

47. Leader, 6 June 1863.

48. Globe, 22 May 1863.

49. Ibid., 11 May 1863.

50. Ibid., 9, 19, 22 May 1863. The Sandfield Macdonald Ministry had agreed to drop a plan for building an Intercolonial Railway to link the Grand Trunk with the Maritimes.

there was no longer competition from the Double Majority[51] and, if the principle had to be delayed, it would nevertheless be implemented no sooner under the Conservatives.[52]

The election results vindicated Brown's decision. The Liberals went into the 1863 elections as a united party and they gained about 14 seats in Upper Canada and lost only one. Also in the broader context of what was best for his country, Brown was right to change his strategy. A refusal to support any government which did not accept Rep by Pop was essentially negative. It could bring government to a standstill and virtually had. But although Rep by Pop had become almost a fetish with Brown, he was fortunately able to take a broader perspective of the whole problem. His support of Sandfield's Ministry in 1863 was a prelude to the great statesmanlike step he took in 1864 when he and most of his party joined a coalition with Macdonald and Cartier to bring about Confederation.

There were other issues which the Grits brought before the electorate between 1848 and 1863. Reference has already been made to those of retrenchment and railways. Retrenchment was part of the original Grit programme for economy in government[53]

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51. Ibid., 21 May 1863.

52. Ibid., 9 May 1863.

53. Elgin-Grey Papers, Elgin to Grey, 23 March 1851, enclosure 4, pp. 619-621.

and in the 1863 election, the Globe declared that Rep by Pop and Retrenchment were the two main issues in the election.[54] The extravagance of which Liberals accused the government took many forms. Sometimes it was simply a complaint that the salaries of government officials - including the Governor General - were too high.[55] This was an opposition gambit used frequently, for it put the government into the embarrassing position of having to defend their own salaries. Before the Union, the Civil List question was connected with the demand for Responsible Government,[56] but by the 1850's and 1860's, it was more often simply a political device which allowed the various facets of the opposition to join in an easy and popular attack on the government.[57]

There was more justification in the complaint that the government's railway policy was extravagant. The railway fever hit Canada in the 1850's but, since the necessary capital was difficult to raise in such a young, undeveloped country, it was obvious to the government of the day that some sort of state aid was essential. The Hincks Ministry at first proposed to build a government-owned line from the western tip

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54. Globe, 19 May 1863.

55. Ibid., Elgin to Grey, 5 July 1850, pp. 697-698.

56. G.M. Craig, Upper Canada, Toronto, 1963, pp. 211-212; W.G. Ormsby, "The Civil List Question in the Province of Canada", C.H.R., XXXV (1954), 93-118.

57. Elgin-Grey Papers, Elgin to Grey, 11 December 1850, pp. 762-763.

of Upper Canada to the Maritimes with the help of New Brunswick and Nova Scotia and a loan from the British Government. The new Conservative Government which took office in England in 1852 doubted that the colonies would be able to pay back the loan; but Hincks was determined to get his railway and he turned to one of the leading firms of railway contractors in England, Peto, Brassey, Jackson and Betts. They agreed to build a provincial railway to be called the Grand Trunk. It would be privately owned, but partly financed by the Provincial Government[58] and five of the original directors were members of the Canadian government.[59] This was one of the first cases of the ad hoc mixture of free enterprise and state aid which was so characteristic of Canada's economic development, but it also began an unholy marriage between railways and politics.

Apart from the Grand Trunk, the Great Western and the Northern Railway began operations in the early 1850's. The railway boom had hit Canada to such an extent that it was even said to be keeping the tottering Hincks Ministry together. Hincks got into the business too deeply and became involved in the so-called "ten thousand pound job". The City of Toronto had given the Northern Railway £50,000 in municipal

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58. G.R. Stevens, Canadian National Railways, Vol. I: Sixty Years of Trial and Error, Toronto, 1960, pp. 63-76.

59. Boyd, p. 58.

bonds which had subsequently depreciated in value. The Mayor of Toronto and Hincks arranged for the bonds to be refunded at par and it was later discovered that the Mayor and Hincks had themselves bought the bonds for £40,000 and so made £10,000 on the refunding operation.[60] However, one of the Clear Grit kingmakers of the 1851 coalition told a friend, "While the Grand Trunk and other Railways are unfinished a majority will stand by Hincks if he were even proved to have used the public money in his private stock operation."[61]

In the reconstruction of the Ministry which followed the 1854 elections, railways provided some common ground for what appeared at first glance to be three quite disparate groups. MacNab, the new Conservative premier, was chairman of the board of the Great Western Railway (he was supposed to have said "my politics now are railroads");[62] John Ross, who remained as leader of the Hincksites, was president of the Grand Trunk; and Taché, who was a leading member of the Lower Canadian section of the Ministry, was a director of the Grand Trunk. Also Cartier, who was soon to be leader of the Bleus, was solicitor for the Grand Trunk and counsel for Peto,

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60. R.S. Longley, Sir Francis Hincks, Toronto, 1943, pp. 238-240.

61. Clarke Papers, Wm. McDougall to C. Clarke, 4 April 1854.

62. Creighton, I, 176.

Brassey, Jackson and Betts. In the next eight years, there were five other members of the Conservative Ministry who were closely connected with other railways in the Province.

Soon after construction began on the Grand Trunk, the company found that the Crimean War had caused a shortage of private capital and that Canadian building costs were higher than had been anticipated.[63] The Grand Trunk began to run short of money and, in 1855, it made the first of its annual requests for additional aid from the Canadian government. It was bad enough that the Hon. John Ross, as a member of the Ministry should lend one or two million dollars to a company of which he, John Ross, was the president;[64] but there were continually hints of deals, collusion, and corruption. There was, as one historian has said, a "failure to keep the sticky fingers of politicians out of the Grand Trunk till. Year by year the relationship of the Province of Canada and the Grand Trunk had degenerated until it was a travesty of what had been planned; a host of political leeches were battening on the enterprise; backstairs deals and local exactions were bleeding it white".[65]

The Grand Trunk was a favourite target for Clear Grit politicians and newspapers and it was an important election issue in 1857 and 1861. The Grits considered that the annual

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63. Stevens, I, 262-264.

64. Montreal Herald quoted in the Globe, 1 June 1861.

65. Stevens, I, 288.

aid given to the Grand Trunk was typical of the Conservatives' extravagance and a cause of the increased Provincial debt. The greatest outrage occurred when the Government dared not to go before Parliament again and provided the Grand Trunk with a large advance between the sessions of 1860 and 1861.[66] This, charged one newspaper, ignored "the principle which lies at the root of Responsible Government, - spend none of the people's money till it has been voted."[67] To this Conservatives replied that the Ministry could hardly be blamed for mistakes in railway policy which had been made before it (or at least the Conservative section of it) had taken office. The basic error had been to give the contract to Peto, Brassey, Jackson and Betts in 1852 and the Conservative Ministry simply wanted the job completed and the credit of the Province upheld.[68]

The Conservative government were right not to drop the Grand Trunk. The railways were an essential factor in the building of the modern Canadian economy. They were a worthwhile investment at almost any price. Experience showed that sufficient private capital could not be found in Canada to pay for the uneconomical lines which were needed to reach the outlying settlements. Government money simply had to go into

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66. Globe, 11 June 1861.

67. Barrie, Spirit of the Age, quoted in the Globe, 1 June 1861.

68. Daily Colonist, 30 November 1857.

railway building. To the Opposition Grits, however, there was more to it than that. Sectionalism was at the root of the Grand Trunk controversy as it was with so many other issues. The Grits were very much in favour of having railways in the western section of the Province;[69] but the Grand Trunk was essentially a Montreal enterprise which would link the eastern St. Lawrence with Lower Canada and threaten Toronto's commercial suzerainty over Upper Canada.[70] The Lower Canadian majority in Parliament was the means by which the Grand Trunk was able to continue its existence. And so this issue, like so many others, came round eventually to the demand for Rep by Pop. The Ministry might be extravagant in its aid to the Grand Trunk, or in the compensation given to the seigneurs of Lower Canada when seigneurial tenure was abolished,[71] or in any number of schemes from which Lower Canada benefitted; "but a Lower Canadian majority representing the codfish of the Banks of Newfoundland, will whitewash all violations of the Constitution, and Upper Canada pays the piper."[72]

The issues raised by the Grits did much to envenom Canadian politics, because they put French Canada on the defensive. Throughout Canadian history there has always been

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69. Careless, I, 211-214.

70. Ibid., p. 237.

71. Globe, 8 June 1861.

72. Bowmanville Statesman quoted in the Globe, 1 June 1861.

(and still is) a danger that French Canada, when threatened, will retreat into a ghetto and some of the Rouges were aware of this. When the federation scheme for the two Canadas was under discussion, they preferred to retain a unitary government with representation by population; they were afraid that, if Lower Canada were separated from Upper Canada, reactionary ideas and clerical influence would predominate.[73] Rep by Pop was certainly not the last election 'cry' in English Canada to frighten French Canada, but it was most unfortunate that, just as French Canadian political leaders were beginning to work confidently with Upper Canadians, an issue raised in Upper Canada should drive them to their political barricades. Furthermore, although Rep by Pop created a strong radical party in Upper Canada, it almost killed Brown's Rouge allies. Just as liberalism was getting on its feet in Lower Canada, the French in alarm united behind Cartier's Bleus.[74] Even for the nineteenth century, the language of the Grit attacks on French Canada and the Roman Catholic Church was violent and abusive. Brown later toned down the stridency of his language, but his attacks were not soon forgotten.[75] Considering the spirit in which Rep by Pop was demanded, it was not surprising that Lower Canada was

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73. Brown Papers, Holton to Brown, 14 October 1859.

74. Leader, 8 January 1858.

75. See for example P.A.O., Miscellaneous 1858 Election Campaign Sheet, Catholic Tribune "Extra" 27 August 1858.

terrified to make even the smallest concession. Brown must share a large part of the blame for the "bitter party animosities . . . that have characterised public life in Canada for so many years".[76] Fortunately, as the writer of this remark observed, the great coalition of 1864 did much to end this.

In fairness to Brown and the Grits, it must be granted that, in the early 1850's at least, the French Canadians and the Roman Catholics had been taking advantage of their strong political position to force their own policies on an unwilling Upper Canada and their language was sometimes as abusive as Brown's. The Taché School Act was a flagrant misuse of their political power and, when George Brown spoke out against French Canadian domination, he undoubtedly spoke for the mass of Upper Canadians. Finally, if nothing else, Rep by Pop considerably hastened Confederation. A federation of British North America had been in the minds of many men in the 1850's and it was adopted by the Cartier-Macdonald Ministry in 1858,[77] though with an enthusiasm that soon waned. However, in the elections of 1857-58, 1861 and 1863, Upper Canada insisted that constitutional changes must be made. By 1863 the sectional deadlock was complete. The Grits won their greatest electoral victory in 1863, but by this time both parties in Lower Canada

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76. Macdonald Papers, vol. 247, David Macpherson to Macdonald, 23 June 1864.

77. Creighton, I, 271.

had adopted an absolutely inflexible position on Upper Canada's demands.[78] In his desperation to escape this deadlock, John A. Macdonald was ready to try anything - even Confederation - and, although it was never an issue in any election in Upper Canada, in the end it was the solution to Upper Canada's grievances.

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78. Leader, 13 July 1863.

Chapter VI

PARTY ORGANIZATIONS

Rudimentary party organizations existed in Upper Canada long before the Union. An early attempt to organize the citizens of the Province was made by Robert Gourlay in 1818. He called for township meetings throughout the Province to be followed by a provincial convention which would petition the Prince Regent on land and immigration grievances.[1] Gourlay's projected organization could hardly be called a party; but later when the Reform movement began, Reformers set up their organizations along Gourlay's model. During the 1830's, several attempts were made to organize Reformers on a province-wide basis. William Lyon Mackenzie set up the Canadian Alliance Society consisting of a central headquarters with local branches throughout the province. Mackenzie was too radical for some Reformers and in 1836 a more comprehensive organization was formed called the Constitutional Reform Society of Upper Canada.[2] Later in the year it was changed into Political Unions modelled after the English Political Union of Thomas Attwood in Birmingham.[3] There was

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1. E. Jackson, "The Organization of Upper Canadian Reformers, 1818-1867", Ontario History, LIII (1962), 95-96.

2. Ibid., pp. 98-103.

3. G.M. Craig, Upper Canada, Toronto, 1963, p. 198.

to be a membership fee of 3/9d. divided equally between local, county, and provincial committees and a 'travelling secretary' responsible to the central committee.[4] The Conservatives seem to have had almost no organization in the 1830's and after the Rebellion the Reform party fell into disarray. In 1844 Robert Baldwin called a meeting of the Reform Association of Canada to unite Reformers in a demand for Responsible Government, but the organization was dissolved on the provincial level when Responsible Government was achieved in 1848.[5]

None of these organizations seems to have been particularly successful in setting up a really comprehensive network of branches, nor did they themselves last very long. They nevertheless created a pattern which could be discerned at the constituency level. Most constituencies, if they had no other form of party organization, at least had nominating conventions. This was an American institution which was introduced by Mackenzie in 1834.[6] In each of the townships of a constituency, delegates were chosen or sometimes elected by the party membership.[7] The delegates met at a constituency convention and elected a candidate to represent the party in the forthcoming election. If there were more than

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4. Jackson, pp. 103-104.

5. Ibid., pp. 107-108.

6. Craig, p. 219.

7. Hamilton Spectator, 1 June 1861, quoted in the Leader, 4 June 1861.

two nominees, successive ballots were held and the man with the lowest number of votes was eliminated after each ballot. This is the system which is used in Canada today[8] and by the 1850's it was the accepted practice of Reformers in most constituencies. Even sitting members had to be renominated by a convention and sometimes they were replaced.[9] Robert Baldwin, for example, failed to win the Reform nomination in his North York constituency in 1851, but he ran anyway. The official Reform nominee won the election in spite of the Reform vote being divided.[10] The purpose of the convention, however, was to prevent this kind of occurrence. A split of the party vote was the bane of electoral politics in the nineteenth century. A recurring phrase in Macdonald's correspondence is "let there be no splits" and in 1861 the Leader urged Conservatives to adopt the convention system in order to prevent the splits which had injured the party in 1857-58.[11] The convention system was so successful in preventing splits that the number of cases where a Liberal ran against a Liberal or a Conservative against a Conservative dropped from about thirteen out of sixty-five in 1858 to seven

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8. R. MacG. Dawson, The Government of Canada, 2nd ed., rev., Toronto, 1954, pp. 521-526.

9. Examiner, 19 November 1851.

10. Ibid., 5 November 1851.

11. 4 June 1861.

or eight in 1861 and one or two in 1863.

After nominating a candidate, the convention sometimes did election work for the candidate. They helped with the canvass of the constituency and often organized transportation and refreshments for the voters even though they were illegal. Constituency organizations in the 1830's provided scrutineers at the polls to guard against illegal votes going to the opposition candidates,[12] and this continued to be one of their duties after the Union. Hincks's election agent was instructed to arrange for a thorough canvass of the county. "Each Committee man to have a list and take down all the Votes good and bad both for and against with remarks to be used at the Polls in the different townships."[13] Some of these constituency committees were elaborately organized - in the 1861 election, for example, the West Toronto Conservatives had a central committee of seventy-five and ward committees of about forty each.[14] Once the election was over, however, most of these committees seem to have disbanded and this is still the case in most Canadian constituencies.

For several years after the establishment of Responsible Government, neither party made any attempt to set up a permanent provincial organization. (The conventions of the

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12. Jackson, p. 103.

13. Shenston Papers, J. Cameron to Shenston, 16 December 1847.

14. Leader, 15 June 1861.

short-lived British American League were attended by many Conservatives; but they were not really Conservative conventions, because the Conservative leadership had little to do with them.)[15] Then in 1856, Brown sought to unite the various groups of Opposition Reformers behind his leadership. A circular was sent to all the leading Reformers in Upper Canada. It pointed to the urgent need for an efficient political movement to oppose the present "reckless administration" and called for a party convention in Toronto early in 1857.[16] It was to be attended by six delegates from each of the constituencies of Upper Canada and, out of a possible 390, 150 actually came. The convention created a hierarchy of committees similar to those of earlier Reform organizations. There was to be a Central Committee based in Toronto and County Committees, and Township Committees throughout the Province and all were to be under the leadership of an Executive Subcommittee of fifteen composed mainly of Brown's men.[17] A similar convention, attended by 520 delegates, was held in 1859.[18] There was a full discussion of policy in both

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15. D. Creighton, John A. Macdonald, Toronto, 1957, I, 141-150.

16. Brown Papers, Private Circular sent out by J.G. Brown and W. McDougall, 15 December 1856.

17. J.M.S. Careless, Brown of the Globe, Toronto, 1959, I, 233-237.

18. Ibid., pp. 309-322; G.W. Brown, "The Grit Party and the Great Reform Convention of 1859", C.H.R., XVI (1935), 245-265; Jackson, pp. 111-113.

conventions. Policy statements werevoted on and, in each convention, Brown won a victory over the radical wing that advocated elective institutions or dissolution of the Union. The Liberals were becoming a more coherent and disciplined party. Specific policies were replacing vague sentiments and Liberal candidates were supposed to agree to the policy statements accepted by the conventions.[19]

Although permanent constituency committees were not established as quickly as Brown would have liked,[20] the constituencies were well organized at election times. This was part of the reason for the party's success in the elections of 1857-58 and 1863. The Conservatives were prompted to follow the Grits' example. A correspondent of Macdonald's complained that the Conservatives were poorly organized for elections. "They ought to take a wholesome lesson from the Grits, and learn to bestir themselves to some purpose. Numerically a small party in the Canadian constituency they make up by activity at the registry, the hustings and among all those whom they can influence."[21] Macdonald recognized the need for a party organization and thought of hiring a

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19. Brown Papers, A. McKellar, John Scoble, A. Knapp to Brown and to M. Cameron, 26 November 1857; draft of address given by Adam Wilson to the Reform Convention, 22 December 1859.

20. Jackson, pp. 110-111.

21. Macdonald Papers, vol. 338, H.W.G. Moylan to Macdonald, 1 June 1863.

salaried official to link up the county associations,[22] but the Conservatives had little in the way of a permanent, provincial organization before 1867.

There were several reasons for this. The Liberals were much more divided than the Conservatives. Conventions and a permanent organization were used by Brown to dampen the influence of extreme radicals from the western peninsula and conservative Liberals from the eastern St. Lawrence region. For Brown, policy was of foremost importance and his party had to be in agreement with him on policy or it was useless for his purposes. The Conservatives were also divided on some issues, but Macdonald was less interested in policies of change and he could afford to have disagreements over Rep by Pop and separate schools in his party and even in his ministries, as long as there was no danger of an open split. Furthermore, Macdonald's own position as leader was more secure. For all but two years from 1854 to 1867, he could use the resources of government to keep control of his party and he always had a seat in Parliament, whereas Brown was without one for two years from 1861 to 1863. This, along with Macdonald's gift for maintaining a wider circle of intimate political friendships, allowed him to exercise an easy, deft control over the party at the constituency level. Lastly, Macdonald relied directly on the Orange Order, the Roman

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22. Amsden Papers, Macdonald to Amsden, 25 December 1863.

Catholic Church, and, to a lesser extent, the Wesleyan Methodist Conference as vote-getting organizations. George Brown, the 'Voice of Upper Canada' made his appeal directly to the voters and this necessitated the creation of a papular political organization.

Even the Liberal provincial organization existed only in a rudimentary form and Brown's appeal to Upper Canada would have been a good deal weaker without his newspaper, the Globe. It was the most influential newspaper in Upper Canada and it was said of the western farmer that, if he were asked his opinion of the weather, he would have to consult his Globe before answering. The Globe performed many of the duties of a party central office. When an election was announced, the paper would urge the constituency parties to organize conventions and prepare for the election. Names of suitable candidates were recommended to the Grit conventions in the various constituencies of Upper Canada and the addresses of prospective candidates were read and pronouncements made as to their acceptability. Discipline was not perfect, however, and at times the Globe nominee was not chosen by the constituency convention. The Conservative newspapers denounced what they referred to as "the terrorism which . . . the Opposition press exercises over members"; but the Globe replied that it could "see nothing but good in the influence which makes men fulfil their pledges, and do their duty in the

place to which they are elected".[23]

Conservatives might like to tease the Globe for its presumptions, but they too realized the importance of a party newspaper. In the 1840's and early 1850's, the British Colonist and the Patriot were the leading Toronto Conservative papers. The Patriot, however, ran into financial difficulties and shortly after the formation of the MacNab-Morin Ministry, Ogle Gowan attempted, on the party's behalf, to raise enough money from Conservatives to keep the Patriot going. In the end it had to be sold to the Leader, which had been a Reform newspaper supporting Hincks. After some misgivings, the Leader agreed to support MacNab's Liberal-Conservative Ministry. This was a valuable addition to Conservative newspaper ranks and Gowan observed, "by uniting with the Leader, we secure a joint publication, to reach the ears of both sides [Conservative and Hincksite] exceeding in point of circulation twelve thousand copies - this will far outstrip all competition, & must materially cripple Globular influence,"[24] Gowan's hopes were too sanguine. The Leader did not cripple the Globe, but it did become the second leading newspaper in Toronto and Upper Canada and a staunch supporter of the Conservative party.

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23. 20 January 1858.

24. Macdonald Papers, vol. 336, Gowan to Macdonald, 25 September, 13 December 1854; 5 March, 12 August 1855.

If newspapers were important factors in a party's strength, they were no less important to individual politicians in these days of loose party affiliations and shifting allegiances. Brown's climb to the leadership of the Liberal party was greatly advanced when he bought two of the leading Toronto Reform newspapers, the Examiner and the North American, in 1855. The North American had been the leading Grit newspaper and its owner, William McDougall, had been an adversary of Brown's. After the amalgamation, he joined the Globe's editorial staff.[25] This union of Opposition Reform newspapers was the prelude to the union of all Opposition Reformers under Brown's leadership.

One historian has called this period the "golden age of the journalist" in Canada.[26] Certainly he had a greater influence on mid-nineteenth century politics than he had had before or than he has had since. A list of the MPPs who were editors or publishers is impressive: it includes Brown of the Globe, Hincks of the Examiner, W.L. Mackenzie of the Weekly Message, McDougall of the North American, Alexander Mackenzie of the Lambton Shield, Sandfield Macdonald of the Cornwall Freeholder, Michael Foley of the Brantford Herald, J.S. Hogan of the British Colonist, and Marcus Talbot of the

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25. J.M.S. Careless, Brown of the Globe, Toronto, 1959, I, 201.

26. W.S. Wallace, "The Journalist in Canadian Politics: A Retrospect", C.H.R., XXII (1941), 19.

London Prototype. Others like James Beaty of the Leader, James Lesslie of the Examiner, and Charles Clarke of the Elora Backwoodsman were influential in political circles, although they were never actually MPPs. The political importance of the journalist was implicitly recognized by Brown when he made all the members of the Opposition press ex-officio members of the 1859 Convention.[27]

Sometimes these newspapermen were almost like independent political barons. A Conservative convention in Halton nominated a candidate who was declared unacceptable by the editor of the Hamilton Spectator. He was told that if he did not withdraw, theSpectator's influence would be used against him. He withdrew.[28] In an even more spectacular display of journalistic power, William McDougall told Hincks in 1851 that, if his Ministry wanted the North American's support, they would have to take in some Clear Grits. The Ministry had been anxiously looking for a journal to replace the Globe as the government 'organ' and they agreed to the bargain. Malcolm Cameron and John Rolph joined the Ministry.[29]

Some editors were willing to commit their newspapers to

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27. Brown Papers, 9 November 1859, Draft Resolution of Liberal Convention.

28. Leader, 7 July 1854.

29. Careless, I, 140.

the support of one party, particularly if it formed the government, because then the newspaper would be rewarded with valuable perquisites in the form of government printing and advertising jobs. Some newspapers were actually established for the purpose of being party 'organs', but by the 1850's, there were many editors who were reluctant to bind themselves to one party or the other. The Colonist, for example, had been a ministerial paper, but became "independent Conservative". The editor told Macdonald that the paper now had more influence "which it did not possess before when it was regarded as merely a second hand mouth-piece of the government".[30] Editors also believed that they would attract more readers if they were independent of party ties. When George Brown was reorganizing the Liberal party in 1859, he and Holton hoped to arrange for the Montreal Herald to support them as a party newspaper. Negotiations, however, were unsuccessful because the Herald, wrote Holton, "is a capital commercial property and they can not afford to imperil it by making their paper too [exclusively] a party organ".[31] Even the Globe was less the organ of the Liberal party than it was of one man, George Brown.

The most vital part of either party's organization was

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30. Macdonald Papers, vol. 337, William O'Brien to Macdonald, 25 April 1860.

31. Brown Papers, Holton to Brown, 14 October 1859.

naturally the leader himself. Macdonald and Brown, particularly, were able to exercise a certain control over their respective parties simply by means of personality and prestige. Alexander Mackenzie told Brown that adherence to Grit policies in Upper Canada had been combined with a personal devotion to Brown himself.[32] When Brown lost his seat in Parliament in 1861, Holton wrote, "Your absence has, in a party sense, been useful. It has demonstrated to all that you are a political necessity."[33] Macdonald's position did not perhaps derive from the same kind of personal devotion. Alexander Campbell commented, when Macdonald was leader in all but name of the Conservative party, "The drinking the refractory members is in your department - I take for granted - another glass of champagne and a story of doubtful moral tendency with a little of the Hon John Macdonald's peculiar [soft] sawder - are elements in the political strength of a Canadian Ministry not to be despised."[34] Apart from this, Macdonald was constantly in touch with party men throughout Upper Canada, giving them advice and urging them to action. Both leaders were constantly receiving requests to speak at party gatherings in the constituencies and the local party men had great faith in the wonders that these appearances would achieve for the party.

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32. Ibid., Alexander Mackenzie to Brown, 13 April 1860.

33. Ibid., Holton to Brown, 1 April 1861.

34. Macdonald Papers, vol. 194, Campbell to Macdonald, 8 March 1855.

One of the most important concerns of the leader was with the candidates chosen by the constituency parties. Whenever Macdonald intervened it was usually to avoid splits. The Conservative party in Haldimand was badly split in the 1858 election. There were four Conservative candidates and Macdonald urged any three of them to withdraw: "The only question should be. Who will get the most votes?"[35] They all insisted on running, however, and were all defeated. Before the next general election, Macdonald decided to give his support to one of the four and he took some trouble inducing the other three to leave the field clear. This time, his intervention was successful.[36]

George Brown was more interested than Macdonald was in creating a homogeneous party and he endeavoured to secure the nomination of candidates who would be loyal to him and his party programme. At a Reform nominating convention held in South Ontario in 1857, for example, Oliver Mowat was Brown's candidate; but there were three other candidates and Mowat was eliminated on the first ballot. Within a few days, however, the Toronto leadership was able to induce the convention's nominee to resign and Mowat stood as the Reform candidate in the election which followed.[37] Brown could not

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35. Amsden Papers, Macdonald to Amsden, 11 September 1858.

36. Ibid., Macdonald to Rolland McDonald, 3 June 1861 (two letters); Macdonald to Amsden, 5 June 1861.

37. Leader, 11, 14, 18 December 1857.

always exercise this control over nominations. Holton wrote to him about the possibility of being the Liberal candidate for the safe seat of North York, but he added, "I have too thorough an appreciation of the difficulties that have to be overcome by party leaders in giving effect in particular localities to arrangements conceived in the general interest of the party to feel the slightest disappointment if those difficulties should be found insurmountable in this case."[38]

When simple persuasion was of no avail, the leader of the party forming the government had resort to a device which has facilitated the smooth functioning of party organizations in a variety of political systems: patronage. In an election, if the leadership's preferred candidate was opposed by another of the same party, the latter might be induced to withdraw if he were offered some government appointment. Registrarships and collectorships were often suggested, but sometimes a candidate would settle for nothing less than a judgeship.[39] When Macdonald offered appointments, he made a stiff bargain. Not only must the candidate withdraw; but, as in the case of Nassau Gowan who threatened to split the Conservative vote

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38. Brown Papers, Holton to Brown, 28 September 1859.

39. Sydney Smith Papers, Macdonald to Smith, 4 December 1857, 1 June 1861; Brown Papers, Charles Robinson to Brown, 3 February 1853; Holton to Brown, 6 January 1862; Buell Papers, Alexander Cameron to A.N. Buell, 22 February 1853; Globe, 21 January 1858.

in the 1861 Grey election, "he ought to be told that if he turns in his strength and by his exertions elects Joe [George Jackson], he will get some apptn as Clerk County Court or something of that kind within 6 months after the election. This must depend not on his retirement, but Joe's success".[40] On another occasion, when the Liberal leadership were looking for a suitable candidate, they were able to get the sheriff of Grey county to run on condition that his brother-in-law be given his shrievalty.[41]

The leadership of the government party could also control party nominations through a kind of reverse patronage. In 1851 the Hincks Ministry wanted Michael Foley to be nominated by the North Waterloo Reform convention. Foley was a stranger in the constituency and his nomination would be difficult to secure in view of the general prejudice against outsiders. Accordingly, one of the Ministers instructed the recently appointed immigration officer to arrange a convention in Berlin (now called Kitchener) to nominate Foley. The immigration officer felt indebted to the government for his appointment andhe readily complied. Other government officials in the constituency were likewise ordered to assist in getting Foley the nomination. Just before the convention,

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40. Sydney Smith Papers, Macdonald to Smith, 14 February 1861.

41. Leader, 11, 13 September 1863.

John Rolph, the President of the Council, sent telegrams to all the government appointees in North Waterloo telling them that Foley was their man. The convention was packed with Foley supporters and he won the nomination with a bare overall majority of thirty-three out of a total of sixty-five votes.[42]

It was not only at nominations that patronage was useful. The constituency parties were kept in good humour by a liberal distribution of patronage to loyal party men. Party supporters were frequently reminded that many of them had received government appointments. "He appealed to the meeting to say how many reform office-holders the county contained before a reform government was established. One of the fraternity cried out 'None'. How many now? said Mr Foley. 'Sixty-two!' exclaimed his interlocutor, and forthwith the pedal extremities of every squire and officeholder in the room, became violently excited."[43] The implication was that these jobs would continue to go to those who worked zealously on the party's behalf. This is, of course, a common practice in most political parties throughout the world. The rank and file have to be given some inducement to persevere with party duties which are often tedious and time-consuming.

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42. Guelph Advertiser, 20, 27 July 1854.

43. North American quoted in the Guelph Advertiser, 27 July 1854.

Baldwin and Lafontaine realized that patronage was essential to responsible, party government and it was the focal point in their quarrel with Metcalfe in 1843.[44] In Upper Canada, party considerations were often paramount to the extent that mere party hacks with no other qualifications were given government appointments:

> The following is a list of the newly appointed Magistrates for the County of Brant. It is hard to say who will be most astonished - those who are privileged to write for the first time Esquire after their names, or those who find themselves in such singular company.
>
> By a reference to the list, it will be seen how large a majority of Conservatives figure there. The Coalition have taken especial care to reward their tools, resident in Brantford. But why not? Surely if ever hacks labored for their masters, week in and week out, they were Mayor Mathews and his worthy confreres, the Editor and proprietor of the Courier.[45]

Officeholders were expected to express their gratitude by working for the government's candidates in elections and by contributing to the party's campaign funds.[46] Not infrequently there were reports that government party leaders had threatened to dismiss officeholders who were not giving them enthusiastic support[47] or that opposition sympathizers had been fired and their positions given to the government's

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44. Chapter I, p. 10 .

45. Mackenzie-Lindsey Collection, 6009, clipping, no name, n.d.

46. Globe, 18 November 1851, 6 June 1861; Buell Papers, Alexander Cameron to A.N. Buell, 13 June 1854.

47. Patriot, 16 December 1851.

men.[48] There were times also, when the power of appointment was used, not for what might be called 'legitimate' party purposes, but to influence votes at elections. This, however, can be more appropriately discussed in connection with an examination of influence in elections.[49]

Canada did not develop a 'spoils system' to the extent that it existed in the United States, where a large-scale turnover of offices took place whenever the government changed hands.[50] Canadians generally preferred to leave the other party's men where they were and create new positions for their own supporters. The spectacular growth of the Customs and the Post Office after they were transferred from Imperial to Canadian control after 1849 and 1851 is said to have been due to the governing party's need forpatronage.[51] Lord Elgin rightly pointed out that the spoils system could be avoided in Canada only if officeholders refrained from interfering in elections.[52] Even if a government did not want to fire all the previous ministry's appointees, it found itself in a difficult position when these appointees campaigned openly against

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48. Globe, 28 June 1861.

49. Chapter VIII, pp. 245-246.

50. J.B. Brebner, "Patronage and Party Government", C.H.A. Annual Report, 1938, 25.

51. J.E. Hodgetts, Pioneer Public Service, Toronto, 1955, pp. 46-47.

52. Mackenzie-Lindsey Collection, 6009, clipping, no name, 24 June 1848, letter from R.B. Sullivan to Ferres, 31 May 1848.

it. Accordingly, a general rule evolved that, if an office-holder wanted to be sure of keeping his position, he should either use his influence on the government's behalf[53] or refrain from interfering in elections at all. Party considerations demanded that in no case would an officeholder be allowed to use his influence against the government with impunity.[54] Even Bagot agreed that the government was justified in making dismissals when that happened.[55]

Patronage was not only essential to the leadership for maintaining control over the constituency parties; it was also a valuable aid to keeping discipline within the Assembly. Before the Union, the Family Compact had endeavoured to control the Assembly by giving appointments to members themselves. In 1843 the Lafontaine-Baldwin Ministry put an end to this practice with an Act "for better securing the Independence of the Legislative Assembly" which disqualified government officials for seats in the Assembly. All Crown employees receiving annual salaries (except for members of the Executive Council and officers in the army, navy, and militia) and all contractors doing work for any government department came under this provision of the Act.[56] Metcalfe did not think

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53. Globe, 25 June 1861.

54. Leader, 1, 4 August 1854, 21 May 1861; Guelph Advertiser, 10 August 1854.

55. C.O. 42/497, Bagot to Stanley, 11 November 1842.

56. 7 Vict., c.65.

that the government derived very much aid from having office-holders in the Assembly. "If members of the Legislature can be moved by corrupt influences, the expectants of office would be more subservient to a party in power than the holders, the more so as some of those who will be excluded by the Bill, hold offices for life, and are therefore perfectly independent of any hope or fear connected therewith."[57] Metcalfe suspected that the real motive of the Act was to exclude prominent Tories from the Assembly. Nevertheless, he said, "the inexpediency of allowing 20 or 25 office holders to have seats in a house of 84 Members was admitted on all hands".[58] In England there were similar disqualifications which had originated in the move to reduce the power of the monarch in the House of Commons; these disqualifications are still basically the same for membership in the Canadian House.[59]

Even after this Act, the government party could still keep their supporters loyal by giving patronage to their supporters' friends. The general rule was that members who had been faithful to the government would be consulted on appointments in their counties.[60] Occasionally the party

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57. C.O. 42/513, Metcalfe to Stanley, 27 January 1844.

58. Ibid.

59. Dawson, pp. 385-386.

60. Leader, 19 January 1855; Clarke Papers, Parker to Clarke, 16 March 1865; speech of Hincks quoted in Mackenzie's Weekly Message in Mackenzie-Lindsey Collection, 6009.

leadership also used patronage to try and induce Opposition members and waverers to join theGovernment party.[61] A great many allusions were made by newspapers and politicians to so-called 'loose fish'. They were members who supposedly had no allegiance to a party and could be 'bought' by the highest bidder. Professor Cornell, in his study of political alignments in the Province of Canada, concludes from an examination of the division lists that there was "a surprisingly large measure of stability on the part of the great majority of members". Cornell adds that "in the limited period of single sessions and in connection with specific measures, some votes were 'sold'". There were also men who actually 'crossed the floor', but exceedingly few who crossed it twice.[62] There was one variety of 'loose fish', however, that would not appear in the division lists. This was the newly-elected MPP.

After every election, the newspapers argued with each other about how many members each party had elected. Usually the disagreements arose from trying to classify the new members.[63] In the minds of the voters there was a special virtue in the man who refused to be a 'thick and thin' supporter of either party. Candidates, who had not previously sat in the Assembly,

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61. See, for example, Macdonald Papers, vol. 337, O.R. Gowan to Macdonald, 16 July 1861.

62. P.G. Cornell, The Alignment of Political Groups in Canada, Toronto, 1962, p. 83.

63. See, for example, Globe, 22 January 1858; Leader, 6 January 1858.

often capitalized on this notion by declaring that they would be independent in Parliament and vote for the best measures regardless of who proposed them. Once they got into the Assembly, these men almost invariably voted with one party and, in some cases, it was quite obvious from their connections that they were really Conservatives or Grits in disguise. J.B. Robinson, jr., for example, was the son of Chief Justice J.B. Robinson, a leading member of the Family Compact. When the son ran for West Toronto in 1857, he denied being a ministerial Conservative candidate; but once in the Assembly, he became a Conservative supporter of Macdonald's Ministry.[64] In view of his Tory lineage there should never have been any doubt that he would be a Conservative in Parliament. In 1861, William Ryerson, running against the sitting Grit member for West Brant, claimed to be in 'quasi' opposition to the Government. Since he was Egerton Ryerson's brother, it was no surprise when he joined the Conservatives in the Assembly.[65] Both of these men, and others like them, ran as independents in the hope of stealing some votes from the opposition and winning what is referred to today as the 'floating vote'. For William Ryerson at least, it seems to have worked; he won in a constituency which was normally Grit. This game was more

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64. Leader, 28 December 1857; Parliamentary Companion, 1863.

65. Globe, 29 June 1861.

often played by Conservatives than by Grits, because the Conservatives were the minority party in Upper Canada and the Conservative Ministry of Macdonald and Cartier was not popular in the constituencies. When it came to standing for re-election, however, the same ploy could not be used again. Even one session in Parliament was enough to show that an MPP acted with one party or the other and caucused with them.

These pretended independents were not real 'loose fish' in the sense that they could be 'bought' by patronage; but at the opening of a new Parliament, there were often a few genuine 'loose fish' who could be won over to the government party. Macdonald told Sydney Smith before a general election, "If we the Govt have a Single Majority in the House, we can get [David] Christie & as many Grits as we like afterwards."[66] Smith was Postmaster General and Macdonald asked him to keep the Whitby Post Office appointment open till after the election. "It may be valuable to have the office to give away."[67] Generally, however, there were not many of these 'loose fish' floating about even after an election, because most MPPs had already committed themselves to a party.

A second category of 'loose fish' was the large variety who could only be satisfied with large bait. These were the

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66. Sydney Smith Papers, Macdonald to Smith, 28 May 1861.

67. Ibid., 23 May 1861.

men who had a small group of followers in the Assembly usually referred to as a 'tail'. There might be only two or three members in the 'tail' but towards the end of the period, when parties were so very nearly equal, these few votes might save a ministry. The large kind of 'loose fish', however, could not be won over by petty patronage; they demanded nothing less than cabinet posts. The offering of ministerial positions to these 'loose fish' was an important part of cabinet-making. This kind of 'loose fish' was commoner in Lower Canada than in Upper Canada. L.V. Sicotte, for example, began his parliamentary career as a radical Liberal and he helped bring about the defeat of the Hincks-Morin Reform Ministry in 1854. Three years later he joined the Conservative Ministry of Macdonald and Cartier and reputedly brought it considerable strength in the Assembly.[68] In December 1858, he resigned from the Ministry because of the decision to move the capital from Quebec City to Ottawa[69] and because he had not taken Cartier's position as leader of the Lower Canadian section of the Ministry.[70] Four years later he was again in the Executive Council, but this time as a leader of the Lower Canadian section of a Liberal Ministry.

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68. Leader, 2 December 1857.

69. D.G. Creighton, John A. Macdonald, Toronto, 1956, I, 282.

70. Brown Papers, Holton to Brown, 23 November, 28 December 1858.

The next year, he was replaced by Dorion and went into Opposition taking his 'tail' with him.[71] Finally, the Liberal Premier, Sandfield Macdonald, pre-empted an alliance between Sicotte and the Conservative Opposition by giving him a judgeship.[72]

Sicotte's career was probably the most spectacular, but there were other big 'loose fish' like Cauchon and Lemieux in Lower Canada and Foley, Malcolm Cameron, and Sandfield Macdonald in Upper Canada. Sandfield never actually became a Conservative, but at one point he carried on negotiations with John A. Macdonald. In 1858 Macdonald approached Sandfield with the Offer of three Cabinet positions, but Sandfield found that only one of his 'tail' would cross the floor with him and the negotiations were dropped.[73] When he was first approached, the Leader, without mentioning him by name, foresaw no difficulty in getting some Clear Grit support by offering a few cabinet posts.

> The whole herd may be bought for an old song - if the transaction is put into prudent hands. Give your screaming patriot of the Holland or MacDougall stripe an office of three hundred a year, and you have bagged sufficient Clear Grit game for all practical purposes of subordination and good order. Silence six of the most boisterous ruffians with a sop. The thing can

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71. Clarke Papers, Parker to Clarke, 3 September 1863.

72. Ibid., 7 September 1863.

73. Macdonald Papers, vol. 230, Macdonald to J.S. Macdonald, 26 January 1858.

always be done cheaply.[74]

The Globe commented:

> The government have turned to their favourits [sic] project - buying the opposition. . . . They go to two or three members of the opposition of the greatest influence, and they say - 'You shall have the Attorney Generalship, or the Postmaster Generalship, or the Secretaryship', as the case may be; 'abandon the pledges you made at the hustings, join with us under the priests' banner, and with your help we will hold office four years more.'[75]

When the negotiations with Sandfield proved unsuccessful, the Globe hoped that this would be the end of 'loose fish':

> Thus, we hope, will end all attempts to lead away the representatives of the people from their allegiance. It has been the crying sin among Canadian politicians - that of breach of trust - and we sincerely trust that what we have just witnessed is an indication of a change for the better. Canadian representatives have been too ready to play the part of Spence, and the fate of that recreant will not be without its influence.[76] (Spence was a Hincksite who joined the MacNab-Morin Ministry when it was formed in 1854.)

The Globe was too optimistic. There were still occasions when disappointed politicians, who had not received the cabinet posts they expected, were willing to make a deal with the opposition. It is significant, however, in Sandfield's case that his followers prevented him from crossing the floor. They had been elected as Liberals and the voters tended to question the political morality of the member who changed parties.

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74. 2 January 1858.

75. 19 January 1858.

76. 20 January 1858.

The large variety of 'loose fish' was the most important. The number of backbench MPPs, who could be bought by promises of petty patronage was small, as Cornell shows, and by the late 1850's and 1860's the catch was growing progressively smaller. The importance of petty patronage as a means of inducing MPPs to change their parties was usually over-rated. Patronage, or what was perhaps more important, the hope of future patronage,[77] was used to keep contented those who were already in the party. This was not always easy. One minister complained that there were always so many applicants for every vacant post that "the death of an officer, whose office would have to be filled up, was as much a cause of sorrow to the Government as to the relatives of the deceased".[78] Party politics and party organizations had developed to such an extent that there were also other ways of keeping men loyal. Those few MPPs who did change parties were often punished by the voters when they stood for re-election and the Grits at least were a sufficiently organized party that untrustworthy MPPs could often be disciplined at the nominating conventions or at the polls.[79] Furthermore, the Grits were suspicious of the

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77. Leader, 17 September 1858.

78. Speech by P.M. Vankoughnet reported in the Mirror of Parliament, 23 April 1860 quoted in Hodgetts, p. 46.

79. Colonist, 7 December 1857 in the Mackenzie-Lindsey Collection, 4636.

turncoat and one Conservative who crossed the floor was defeated by a regular Grit candidate at the next election.[80] It was only the few prominent men with great personal popularity who could form political alliances with whomever they liked and get away with it. Canada by no means had disciplined parties by the 1860's and the myth of the 'independent' MPP took a long time to die. On the other hand, the parties were becoming more highly organized and the voters were beginning to believe in the party man.

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80. Globe, 13 June 1861; Leader, 13 July 1861.

CHAPTER VII

RELIGIOUS PRESSURE AND INFLUENCE

With religious issues dominating every election, it was to be expected that the various churches would be drawn into politics. Some of them, like the Church of England, the Roman Catholic Church, and the Wesleyan Methodists resembled what we would call pressure groups today. They wanted certain favours from the government and they used political pressure to achieve their ends. The most decisive pressure is always that which can be wielded at the polls. If a sizeable vote can be delivered as part of a bargain or withheld as a punishment, then the political parties can ill afford to ignore the group's demands. In the middle of the nineteenth century, when voting was open and there were relatively few electors, it was not difficult to know which groups really did command the votes of their adherents. The degree to which the church leadership could influence these votes was an important factor in determining its success as a pressure group. Some of the churches were disinclined to interfere in elections, but one at least was deeply involved.

1. The Roman Catholic Church

The organization of the Roman Catholic Church was well-

suited to making it a powerful pressure group. The bishops were in close contact with the members of the government and, if the Church's requests were granted, the bishops fulfilled their part of the bargain by instructing parish priests to urge their parishioners to support the government's candidates at election time. Sydenham observed that, even in Upper Canada, the priests exercised a considerable power over their congregations. "In this Country, more perhaps than in any other, the direction which the opinions and feelings of the people may take depends on the Catholic Clergy and therefore upon the heads of that Church."[1] In their political directing of the rank and file, the hierarchy were assisted by an organization of laymen, the Roman Catholic Institute, and by MPPs who were Catholics. Finally, the mass membership of the group was large - at 18½% of the population of Upper Canada, it was second only to the Church of England[2] and its members were certainly more disciplined.

During the first years of the Union, the Roman Catholic Church did not at first engage in much pressure group activity. At that time it was not as interested in separate school legislation as it was later and it had no close contacts with the ruling Family Compact. Accordingly, the

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1. C.O. 42/494, Sydenham to Russell, 22 May 1841.
2. Census of Canada (1861), I, 158.

majority of Roman Catholics probably voted Reform, simply because they were excluded from the Family Compact and because Reform was the party of the common people.[3] Soon after the Reformers got control of the Executive Council under Lafontaine and Baldwin in 1848, the Church began to press for separate schools and it rightly assumed that the French Catholic Reformers who sat for Lower Canadian constituencies would be sympathetic to its demands. However we have seen that by no means were all Upper Canadian Reformers prepared to co-operate. Bishop Charbonnel accordingly felt it necessary to tell Roman Catholic voters during the 1851 election that they must "insist on having their separate schools, and to ensure success they must do something more than pass resolutions - THEY MUST ACT."[4] The Bishop's pressure was supplemented by the work of the Roman Catholic Institute. Local branches questioned candidates, issued statements of the candidates' views on separate school legislation, and urged Roman Catholics to vote for only those candidates whose views were in accord with the Church. In an Address to the Roman Catholic Electors of Upper Canada, the Institute urged them "to support

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3. The Roman Catholic Mirror claimed that the electoral victory of 1847 was due to an alliance between Catholics and Dissenters. Quoted in Mackenzie-Lindsey Collection, 6186, "An effort at Colonial Household Words . . .", 1851.

4. Mirror quoted in the Patriot, 18 November 1851.

such Candidates only as will consent to amend the present School Bill so as to allow Catholics and Protestants separate Boards of Education . . . to the same extent as the same are enjoyed by dissentient schools in Lower Canada."[5] The Institute admitted it was alarmed at the views of some of the Reform candidates, but it followed the Bishop's lead and gave its support to the Reform government of Hincks and Morin.[6] This pressure, along with visits by the bishops to the capital, Quebec City, did produce concessions to Catholics in the School Acts of 1850, 1851 and 1853; but by the following general election, the Catholic Citizen advised Catholics to disregard party loyalties and vote for whichever candidate promised to do most for the Church.[7] The Church was becoming so insistent in its demands that in 1856, during a by-election in Peterborough, Bishop Charbonnel issued a Lenten Pastoral in which he said that "Catholic electors in this country who do not use their electoral power in behalf of Separate Schools are guilty of mortal sin".[8]

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5. Patriot, 3 December 1851; Examiner, 3 December 1851; Globe, 2 December 1851.

6. British American quoted in the Patriot, 19 December 1851.

7. Reported in the Globe, 22 June 1854.

8. C.B. Sissons, Egerton Ryerson, Toronto, 1947, II, 330.

When the Conservatives replaced the Reformers in the Upper Canadian section of the Ministry, the Church continued its pressure group activity and out of this evolved a relationship between the Conservative leadership and the Roman Catholic bishops which was more intimate than anything that had existed with the old Reform party.

In 1855 the Taché Separate School Act was passed and in the same year there was the first indication that the Roman Catholic hierarchy had rewarded the Conservative party by delivering the votes of Roman Catholic electors.[9] In succeeding years at least two of the five Roman Catholic bishops in Upper Canada - Lynch of Toronto and Horan of Kingston - were in close touch with Macdonald and were quite willing to use their influence to elect Conservatives. There was some attempt to conceal this alliance between Conservative and Catholic hierarchies,[10] but it was no less close for that. In reply to a request for aid in an election, Horan reported to Macdonald that "without loss of time I set about doing all I might in order to forward the views of your friend. I regret exceedingly that Mr Smith should be favorable to so iniquitous a measure as Representation by Population. However other considerations will, I trust, cause the Catholics to

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9. Sydney Smith Papers, Macdonald to Smith, 5 December 1857.

10. Macdonald Papers, vol. 337, Bishop Horan to Macdonald, 23 August 1861.

overlook this point which otherwise would work fatally against his interests".[11] Smith was successful and the bishop modestly acknowledged that he was happy if any exertion of his had contributed to Smith's victory.[12] On another occasion a candidate who promised to vote for retaining separate schools was told by Macdonald that help from the Roman Catholic authorities in Kingston had been arranged.[13]

Local priests received instructions from their superiors and lectured their parishioners on Sunday accordingly. "New Germany, a settlement of ignorant German Catholics in Waterloo, turned out over 100 votes, per order, for the Government nominee. The priest himself appeared at the poll as whipper-in."[14] A respected priest who was well-known by the rank and file of Catholic voters was an invaluable campaigner. Father Proulx, a brother-in-law of the Hon. L. Lacoste had been on the Lake Simcoe mission for over thirty years and had numerous contacts. During one election, the Bishop sent him back to the area to enlist support for the

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11. Ibid., 6 September 1861.

12. Sydney Smith Papers, Macdonald to Smith, 5 December 1857.

13. Henry Smith Papers, Macdonald to Smith, 27 January 1855.

14. Mackenzie-Lindsey Collection, 1014 - Elections in Canada, 1847-48, unnamed clipping, n.d.

Conservative party.[15] It was said that the priests on the missions had a very high regard for him and would be guided by his advice.[16]

The Church was assisted in its political endeavours by Roman Catholic MPPs and newspapers. There were not many Upper Canadian MPPs on whom it could rely, because usually no more than three or four Upper Canadian constituencies were represented by Catholics and two of these, the Macdonald brothers, Sandfield and Donald, were opposed to a close relationship between church and state. Almost all of the members from Lower Canada were Catholic, but most of them were not active in Upper Canadian politics. There were several MPPs, however, who did play an important part in the Catholic 'machine'. D'Arcy McGee, although he represented a constituency in Lower Canada, knew a great many Catholic priests and voters in Upper Canada, particularly fellow Irishmen. He obviously enjoyed mastering the complexities of what he called the "whole politico-clerical influence".[17] R.W. Scott from Ottawa, who was responsible for the 1863 Separate School Act, was the first

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15. Macdonald Papers, vol. 228, Lynch to Macdonald, 2 September 1867.

16. Ibid., vol. 338, H.W.G. Moylan to Macdonald, 1 June 1863.

17. Ibid., vol. 231, McGee to Macdonald, November 1863; 3, 9 January 1864.

Irish Catholic to sit for a constituency in Upper Canada and he was very active at election time in contacting various priests throughout his area and urging them to lead their flocks into the Conservative fold.[18]

The leading Catholic newspapers of Upper Canada were the Mirror and the Canadian Freeman, but their influence was weakened by a tendency to quarrel between themselves[19] and to carry on quite futile flirtations with the Grits.[20] The Canadian Freeman supported George Brown when he ran for one of the Toronto seats in 1857; but this wasprimarily in order to punish the sitting member, an Orangeman. When Brown was elected, he turned out, not surprisingly, to be much less sympathetic to Roman Catholic demands than the Orangeman had been. In the 1861 election, the Freeman was back supporting the Conservatives.[21] In any case, a newspaper could not campaign too blatantly in favour of one party without the risk of losing readers who supported the other party. When the Freeman was loyally Conservative once again, the editor complained that he had lost subscribers

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18. Ibid., vol. 338, R.W. Scott to Macdonald, 30 May, 12 June 1863; June 1863.

19. J.S. Moir, Church and State in Canada West, Toronto, 1959, p. 13.

20. F.A. Walker, Catholic Education and Politics in Upper Canada, Toronto, 1955, pp. 203-206.

21. Leader, 4 July 1861; Globe, 18 July 1861; Brown Papers, Holton to Brown, 6 July 1861.

because of his opposition to the Grits.[22]

The Church's ultimate sanction was to withdraw its support at the polls, but sometimes a refusal to co-operate was enough to punish a candidate who had counted on Catholic votes. The Catholic vote was vital to Angus Morrison, the Conservative member for North Simcoe. In 1861 he had received the entire Catholic vote, which was almost 500 out of a total vote of 2,000, and this was enough to give him a narrow victory. Two years later, however, Morrison had fallen out of favour with the Bishop and the leading priest in the constituency by not voting for the Separate School Bill of 1863. Bishop Lynch did not want to see him re-elected and even the pleading of the proprietor of the Canadian Freeman achieved only a promise of non-interference.[23] Catholics were told they could vote as they pleased. James Patton, Macdonald's contact in the constituency, wrote to Cartier asking him "to bring Montreal influence to bear on Father Jamot as he is a Lower Canadian and could probably be breached by the authorities there. Cartier's letter last spring (1862) gave me the R.C. vote in "Saugeen" so that if he will do so now he can place Angus at the head of the Poll".[24]

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22. Macdonald Papers, vol. 228, Lynch to Macdonald, 29 April 1864.

23. Ibid., vol. 338, Moylan to Macdonald, 1 June 1863.

24. Ibid., James Patton to Macdonald, 13 June 1863.

But this was to no avail; the Catholic vote was divided and Morrison lost. Malcolm Cameron, who had also failed to vote for the Separate School Bill, met a similar fate.

The Church had no compunctions about openly opposing a candidate whom it disliked. George Brown complained that Bishop Charbonnel had interfered in the Kent election of 1851. According to Brown, the Bishop came to Chatham, ostensibly to consecrate a bell; but he went from one end of the county to the other urging Catholics to vote against Brown and giving his support to the electioneering of the local priest who preached a "political sermon from the altar, five Sundays in succession, and warning his flock to vote for Mr. Rankin, but at any rate against Brown".[25]

At times, the Catholics and some of the other religious groups in Upper Canada acted less like pressure groups and more like the 'influences' which manipulated elections in eighteenth- and early nineteenth-century England. On these occasions those who controlled votes were less interested in legislation than they were in having a share of patronage or using their influence for party rather than church purposes. R.W. Scott, for example, the Catholic Conservative who sat for Ottawa, was actively involved before the 1863 election exercising his influence over the Catholic vote in six of the constituencies of the Ottawa and St. Lawrence

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25. Globe, 1 January 1852.

valleys. In Ottawa County (Lower Canada) he claimed to have "400 to 500 votes kept open for me to use as suits my Interests".[26] W.M. Dawson had been elected in 1861 as Conservative member for that riding, but he later supported the Liberal ministry and Scott wanted him replaced by a more loyal Conservative. He was willing to deliver the votes which he controlled to another Conservative, Alonzo Wright, in return for twenty-five or thirty votes which Wright's brother-in-law had in Scott's own constituency. Wright did win the Ottawa County seat, but another manoeuvre of Scott's was less successful. In Russell, the sitting member was a Conservative, Robert Bell. Scott at first gave him his support and promised him the Catholic vote which was almost half the Russell electorate. But Scott later became convinced that Bell was a traitor and that he had secretly allied himself with the Liberals. On the second day before the polls opened, Scott attempted to turn the Catholic vote to Bell's opponent, but it was too late and Bell was elected. Bell more than evened the score by helping to defeat Scott in his own election several days later. The Catholics remained true to Scott, but he got less than twenty Protestant votes. Scott's feud with Bell seems, in the end, to have been pointless, for Bell con-

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26. Macdonald Papers, vol. 338, Scott to Macdonald, Sunday Evening, June 1863.

tinued to vote as a Conservative in the new Assembly.[27]

When the bishops used their influence to secure the election of Conservatives, they not only wanted legislation but they also expected patronage appointments for members of their flocks. In some cases, the patronage was obviously a quid pro quo;[28] but the bishops did not always get what they asked for. Bishop Lynch even went so far as to complain in later years that, although he had urged Catholics to support the Conservatives, they had not received their fair share of government positions. All these jobs went to Masons, Orangemen or Oddfellows - organizations which Catholics could not belong to, he said. If the Government could do not better than this, he, for his part, could not presume to give Catholics any political direction. Somewhat disingenuously, he told a Conservative senator, that as leader of the Catholics he directed them only in matters concerning faith and religion and did not "pretend to guide them ex cathedra in politics".[29]

The close co-operation between the Catholic bishops and the Conservative leadership continued on after Confederation. In 1867, Lynch told the Vicar-General of Toronto that the great majority of Catholics were Conservatives and

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27. Ibid., 30 May, 11, 12, 27 June 1863; Sunday Evening, June 1863.

28. Ibid., vol. 337, Horan to Macdonald, 23 August, 6 September 1861; vol. 228, Lynch to Macdonald, 12 July, 16 August, 17 September 1861.

29. Ibid., vol. 228, Lynch to Senator Frank Smith, 1 February 1872.

that the Government had not yet forfeited the confidence of Catholics. In Nova Scotia, New Brunswick, and Lower Canada (Quebec), Catholics would vote for the Government and Roman Catholics from Upper Canada should do the same in return for having been given separate schools by the Conservatives.[30] Several years after Confederation, Lynch asked Macdonald for a piece of minor legislation and in return he assured Macdonald that there would be "no difficulty in keeping the Catholic vote as of old in your interests". The Catholic vote, however, was not to be taken for granted. "As I am frank also, I must urge on you the absolute necessity of shewing to the Catholics that this time there will be no failure." The Bishop wrote, in a warm, friendly manner, of his great esteem for Macdonald and his wife and, in a lighter vein, concluded by saying: "I cannot conceal from you the thought that, (now that I am warmed up about you) I will have you a good Catholic yet."[31]

All this clerical interference was bound to lead to reactions against it. D'Arcy McGee was of the opinion that Canada would never see "legitimate politics . . . till all clergymen are taught to mind their own business."[32] The

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30. Parliamentary Debates, clippings of letters from Roman Catholic bishops on the subject of Confederation, Lynch to Jamot, 8 July 1867. Microfilm.

31. Macdonald Papers, vol. 228, Lynch to Macdonald, 9 May 1872.

32. Clarke Papers, McGee to D. Stirton, Friday, 1861.

Hastings Chronicle alleged, quite unfairly, that "the Roman Catholics are the only Church in Canada that have entered the political field and endeavoured to control our elections. They have succeeded frequently by throwing their united weight on the side most ready to advance their interests; but they have gone one step too far for their own interests. In their greed for gain and lust for power they have aroused the fears of other denominations".[33] Brown frequently urged Catholics to ignore the political directions which the Church gave them; but his words were hardly calculated to inspire their confidence. He sought to

> rouse the Roman Catholic laymen themselves to the evils of the system which makes them the tools of a few ambitious priests, mere men like themselves. I do intreat every Roman Catholic who now hears me to reflect on the nature of the system which enables a foreigner sent here by the King of Rome but one year ago [Bishop Charbonnel], to come into this county and dictate to three hundred voters how they shall exercise their political rights. . . . No one can now regret that the influence of the priesthood has been so openly and vigorously brought to bear in this election - for it proves that wherever Popery attempts to show itself as an independent political party in Upper Canada it will be met and vanquished - and I am well satisfied that the scenes we have witnessed, will go far to arouse the independence of the Roman Catholic laity and make them tell their priests to mind the duties of their office, and leave politics to their people.[34]

It is not surprising that few Catholics heeded Brown's call to free themselves from what he described as their "political thraldom".

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33. Quoted in the Globe, 22 January 1858.

34. Speech by Brown reported in the Globe, 1 January 1852.

In 1843 the Lafontaine-Baldwin Ministry passed an Act "for better securing the Independence of the Legislative Assembly" which, among other things, disqualified clergymen for the franchise.[35] Metcalfe thought that this provision "in diminishing the inducement of the clergy to enter into political contests might have a good effect".[36] However, simply to disfranchise clergymen would not prevent them from influencing the votes of the laity and, two years later, this provision was repealed by a Tory Ministry.[37] Recourse to the courts was the more practicable alternative; but it was not until 1877 that the Supreme Court, in the case of J. Brassard et al. v. Langevin, gave a decision which did much to bring a decline in clerical interference.[38]

2. The Other Churches and Sects

In contrast to the Roman Catholic Church, none of the other churches and sects in Upper Canada were nearly as effective as pressure groups or political machines. Apart from the Church of England, the other denominations were less hierarchical in form and all of them were less disciplined.

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35. 7 Vict., c.65.

36. C.O. 42/513, Metcalfe to Stanley, 27 January 1844.

37. 8 Vict., c.10.

38. M. Ayearst, "The Parti Rouge and the Clergy", C.H.R., XV (1934), 402-405.

Furthermore, in the early part of the nineteenth century, the sects (mainly Methodists and Baptists) were primarily devoted to religion and tended to ignore secular questions and they were committed to the principle of the separation of church and state.

However, the 1850's and the 1860's were a period when the character of the backwoods sects was changing. S.D. Clark has shown how the nonconformists of Upper Canada evolved from revivalist, evangelical sects into conservative churches. In the first decades of the nineteenth century, the Methodist and Baptist religions brought a communal bond to the simple, isolated pioneers of the Upper Canadian frontier. With their camp-meetings and revivals, these sects were completely devoted to other-wordly values. However, as Upper Canada developed, towns and villages grew, transportation improved, and the backwoods farmer became part of a prosperous, integrated, secular community. The same thing happened to the religious sects. They came increasingly to resemble the churches of the towns and the well-to-do - the Churches of England and Scotland.[39]

The transition created political tensions and it is nowhere better illustrated than in the Wesleyan Methodists. In the early years of the province, when the Methodists were

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39. S.D. Clark, Church and Sect in Canada, Toronto, 1948.

evangelical, backwoods farmers, they were Reformers. The first Methodist ministers who came into Upper Canada at the turn of the century were from the United States, as were many of the Methodists themselves.[40] Whenever American influence was strong, it could be counted on to produce Reformers who resented the exclusiveness of the ultra-loyal Family Compact. Secondly, the Methodists were strongly opposed to state-aid to religion and they wanted to see an end to the special privileges given to the Churches of England and Scotland.

The Wesleyan Missionary Society of England was more conservative than the Canadian body and were not averse to receiving state aid. In the 1830's, they began to take more of an interest in Upper Canada and were worried about the Canadians' close connection with the Reform party. In 1833 the two groups were united as the Canada Conference and the Methodists of Upper Canada came under a strong Tory influence. At the same time, Egerton Ryerson, a member of one of the leading Methodist families in Upper Canada, was converted away from political radicalism and he broke off his friendship with William Lyon Mackenzie and the other Reformers.[41]

The British Wesleyans induced the Canada Conference

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40. H.H. Walsh, The Christian Church in Canada, Toronto, 1956, pp. 137-139.

41. Ibid., pp. 178-179.

into accepting a government grant for missionary work and the Methodist college in Cobourg; but this retreat from voluntarism was too much for some Methodists, who broke away from the main body and formed the Methodist Episcopal Church in 1834. At the same time, other Methodist sects - the Primitive Methodists and the New Connexion - became established in Canada.[42] These groups were all strongly opposed to any connection between church and state and, whenever the Wesleyan Canada Conference looked as if it was moving too far to the right, there was always a danger of secessions to the more radical Methodist sects.

In 1836 the Conference supported the lieutenant governor, Sir Francis Bond Head, in his election contest against the Reformers and many Methodists were unhappy with their new Tory alliance.[43] In 1840 the Union between the Canadian and British Conferences was dissolved and the Canadians thereafter tried to remain politically impartial;[44] but they were soon drawn into politics again. Egerton Ryerson was appointed the first Superintendent of Schools in Upper Canada just at the time when Metcalfe was having his dispute with Baldwin and Lafontaine. Ryerson's post

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42. Ibid., pp. 180-181.

43. Ibid., pp. 181-182.

44. G. French, Parsons & Politics, Toronto, 1962, p. 174.

was not a political one, but he sided with the Governor General and used his considerable literary talents to defend him in a series of letters in the British Colonist and the Christian Guardian, the official Wesleyan newspaper. Ryerson could not see that responsible government was at issue; to him the controversy was simply over a partisan demand for patronage which challenged the Royal prerogative and threatened to weaken the links with England.[45] There was no doubt that Ryerson's sympathies were with the Tories, but he had difficulty carrying the Methodists with him. The editor of the Christian Guardian felt that Ryerson's articles were too partisan and he urged him to remember that the Guardian had been instructed to avoid showing any party sympathies. He was also afraid that many of the Guardian's readers would be so annoyed by Ryerson's views that they would leave the church.[46] Ryerson received another rebuff from the 1844 Wesleyan Conference. There were strong protests against Ryerson's political activities and the Conference passed a resolution to avoid any political entanglements.[47]

The British Wesleyans supported the Governor General

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45. Sissons, II, 42-73; "Ryerson and the Election of 1844", C.H.R., XXIII (1942), 157-176.

46. Hodgins Papers, Jonathan Scott to Ryerson, 1, 21 March 1844.

47. French, p. 230.

during the crisis[48] and, when the two Conferences were reunited in 1847, it was evident that further attempts would be made to lead the Canadian Wesleyans over to the Conservative side. The occasion for the reunion also indicated a step by the Canadian Wesleyans away from their traditional policy of voluntarism. When the two groups had separated in 1840, the Colonial Office decided that neither was entitled to receive the portion of the Clergy Reserves fund which was allotted to the Wesleyans under the 1840 Clergy Reserves Act. The British Wesleyans were quite anxious to have this aid and they reunited with the Canadian Conference on condition that the Canadians agree to the Wesleyans receiving this money.[49] The Conference was further tempted from voluntarism by Macdonald's 1847 University Bill which proposed to share the King's endowment with the other universities of the Province.[50]

When the general election came in 1847-48, Ryerson and other influential Wesleyans attempted once again to deliver the Wesleyan vote to the Conservatives.[51] This time the Conference and the Guardian were ready to go along with them.

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48. Ibid., pp. 232-233.

49. Ibid., pp. 224, 253-254.

50. See chapter IV, pp. 99-101 .

51. French, p. 261; Sissons, II, 142-144.

A committee of Conference sent petitions in support of Macdonald's bill to the circuits[52] and the Guardian quoted with approval a statement from the Prince Edward Gazette that the question to be decided at the elections was whether there were to be denominational universities receiving state aid or "one great 'Godless' University at Toronto where Mr. Baldwin lives".[53] Both the Guardian and the Conference disavowed any interest in partisan politics;[54] but the implication was clear: vote Tory. According to the Examiner "the whole weight and influence of the leaders of the Conference have been employed to secure a majority to the present ministry in the next Parliament".[55] It reported that every preacher, who possibly could, had been put into the circuits "with saddlebags stuffed with supplements to the Guardian and petitions to Parliament".[56]

Many of the Wesleyan laity, however, objected to seeing their ministers involved in politics and several congregations held meetings to protest. One in Dundas, for example, resolved:

> That this meting [sic], being composed of Members of the Wesleyan Methodist Church, view with much regret,

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52. French, pp. 260-261.

53. Christian Guardian, 8 December 1847.

54. Ibid., 15 December 1847.

55. 5 January 1848.

56. Ibid., 26 January 1848.

> the interference of the Special Committee [of Conference], in issuing an Address of a political character, - thus identifying the Methodist Ministry with the political parties of the day, - which character we believe to be altogether incompatible with the Spiritual calling of Ministers of the Gospel, and fraught with great danger to the interests of the Methodist Church in particular, and Christianity in general. And we, as Methodists, cannot join in said political strife, and any interference with politics by our ministers, as a Body, or by their Committees, meets with our decided disapprobation.[57]

In 1847-48 the Wesleyans lost 900 members and this was attributed to their disapproving of the Conference's political views.[58] The attempt to deliver the Wesleyan vote had obviously backfired and, in succeeding elections, the Conference and the Guardian were much more chary of becoming involved.

Throughout the 1850's the Wesleyan Conference tried to keep clear of politics, but they were still faced with the practical dilemma of how to maintain voluntarist principles and still get enough financial support for Victoria, their struggling university at Cobourg. In 1846 and again in 1851, the Conference decided that the voluntary principle should apply to the support of the ministry, but they were not against government aid to denominational universities.[59]

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57. Dundas Warder Extra quoted in the Examiner, 5 January 1848; see also protests by congregations in the Examiner, 12, 26 January 1848; Guelph and Galt Advertiser, 31 December 1847.

58. French, p. 262.

59. Ibid., pp. 240-241, 265.

Ryerson said this was because young men away from homeneeded moral supervision.[60] In 1854 the Conference were even willing to depart from their voluntarist principles to the extent of accepting almost £10,000 as their share of the final Clergy Reserves settlement.[61] On the question of state-aid to religion, their position was now virtually identical with the Presbyterians and the majority of Anglicans.

When the 1861 elections were imminent, Macdonald held out to Wesleyans the prospect of a share in Toronto's grant for Victoria College.[62] His principal contact in the Conference was Egerton Ryerson and he wrote to Ryerson asking him to "rous[e] the Wesleyan feelings in our favour" and to urge the clergymen on their circuits to say that the best interests of the Wesleyans lay in supporting the Conservative Ministry. He suggested that Ryerson might communicate with him secretly by means of a telegraphic code.[63] Ryerson replied (by letter) that an appeal had been made to the Conference:

> to support the Parliamentary candidates that would do justice to us & to the country on the question of University reform. [The] appeal was loudly & generally responded to. The subject was discussed this afternoon. . . . The College Board has recommended the

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60. Sissons, II, 251.

61. French, pp. 266-267.

62. See chapter IV, pp.103-105 .

63. Ryerson Papers, Macdonald to Ryerson, 29 May 1861.

> Conference to prepare, adopt & publish a special address to our Congregations & the public on the University reform question. It will doubtless be approved to night.
>
> The chief regret is that the time is so short. If there were two, or three months, instead of as many weeks, the body could be roused & united on the right candidates from one end of the country to the other. But a large proportion of the Preachers take new circuits; & they will hardly be able to get to them & cannot get acquainted with the principal members of their new charges, before the elections. But every thing will be done by Preachers writing to, & seeing their old acquaintances that can be done.[64]

When the elections were over, Ryerson claimed that the Toronto Wesleyans were an essential cause of Brown's defeat[65] and a Wesleyan writing to the Leader gave Wesleyans the credit for defeating Grits in two other constituencies.[66] However, in one of these, the Conservative candidate was a brother of Ryerson's and a retired Wesleyan minister; and he complained that the Wesleyans had not supported him as much as he had expected.[67]

There is no doubt that Ryerson was very sympathetic to Macdonald and the Conservatives and that he was equally antagonistic to George Brown and the Grits. Ryerson's dislike of Brown was partly personal. The two men had first

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64. Macdonald Papers, vol. 337, Ryerson to Macdonald, 11 June 1861.

65. Ibid., 12 July 1861.

66. 4 July 1861.

67. Brantford Courier quoted in the Leader, 16 July 1861.

clashed in 1844 when Ryerson supported Metcalfe. They collided again in 1858 when the Brown-Dorion government proposed modelling Canadian schools after the Irish school system. This was supposed to be a compromise between the Catholic demand for separate schools and Brown's aversion to them. Ryerson, however, stated that the plan was unworkable in Canada and this constituted another blow to the already disintegrating programme of Brown's short-lived Ministry. Then Ryerson became involved in an unfortunate dispute with the new Auditor General, John Langton. As Superintendent of Education, he had deposited public funds with the Bank of Upper Canada and had arranged for the interest to be paid into his personal account. This was apparently a common, though unpublicized, practice of government ministers. The Bank did not pay any interest to the government, so why not collect it oneself? Langton, however, insisted that the money, £1,527 7s. 4d., should be paid back to the government. The whole affair was extremely embarrassing for Ryerson; but Brown did not pass up an opportunity to intensify the pain. Lastly, Brown and Ryerson differed on the university question itself, with Brown defending the University of Toronto and its endowment. During a parliamentary enquiry into Toronto's expenditures, the two antagonists had another of their acrimonious exchanges.[68]

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68. Sissons, II, 357-365, 369-394, 406-412.

Ryerson was apparently ready to do "anything sub rosa" (to use Macdonald's phrase)[69] for the Conservative party. He was understandably not prepared to campaign openly for a Conservative candidate on account of his position as a government official;[70] but Macdonald commended him for the influence he had exercised "during the [1861] general Election, quietly and unobtrusively, but not the less effectual for all that".[71] Ryerson was on friendly terms with Sandfield Macdonald during his Liberal administration;[72] but, when the election came, Ryerson told Macdonald that he had had "conversations with the Editor of the Guardian" on the University question and that the Guardian would be carrying an editorial "urging every member & friend of the Wesleyan Church & of University reform, to make that a primary question in his vote for or against any candidate at the ensuing elections - the same as was done two years ago".[73] In most cases, this would mean: vote Conservative.

Ryerson was an influential Wesleyan and he may have swung some of the Wesleyan vote to the Conservatives in 1861.

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69. Ryerson Papers, Macdonald to Ryerson, 11 April 1862.

70. Sissons, II, 462.

71. Ryerson Papers, Macdonald to Ryerson, 9 September 1861.

72. Sissons, II, 479, 482.

73. Macdonald Papers, vol. 338, Ryerson to Macdonald, 23 May 1863.

He was sometimes referred to as the "Pope of Methodism",[74] but his influence fell considerably short of a Roman Catholic bishop's. His biographer says in connection with the 1844 election, "At no time could it be said of any person, preacher or layman, that he carried the Methodist vote in his waistcoat pocket."[75] Ryerson did not control his church's vote, but the Roman Catholic bishops did largely control theirs.

The other sects were probably not so divided politically as the Wesleyans. They were all firmly committed to the voluntary principle and tended to support the Liberals. The Leader claimed that the Globe's attacks on "political priests" were complete hypocrisy because:

> Notoriously, 'political priests' have been the most influential auxiliaries Mr. Brown ever had. . . . It is sheer nonsense to pretend that of all clergymen Catholics alone merit the stigma 'political priests'. In nearly every contested constituency, in the recent election, more or less clerical influence was exerted in the interest of the Opposition. . . . It occurred in Bruce, where a reverend gentleman disguised in Gaelic more outrageous falsehoods than we ever encountered in the form of an election address. It occurred all over Upper Canada, without eliciting from the Globe a solitary expression of disapproval. Not a word appeared about 'political priests' so long as the clergymen's politics tallied with those of the Globe. The offence comes only when they use the right which belongs to every member of the community, and use it adversely to the Globe's decree.[76]

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74. Langton Collection, John Langton to William Langton, 17 April 1856.

75. Sissons, II, 43.

76. Leader, 23 July 1861.

In 1858 the Leader estimated that the most clerical influence had been used against the Rouges in Lower Canada and in support of the Grits in Upper Canada.[77] But, even if individual ministers entered the fray on the Grits' behalf, their influence could never be great. The Free Church Presbyterians were the largest sect, but they comprised only 10% of the population of Upper Canada in 1861. The next largest were the Episcopalian Methodists at 5% and the Baptists with 4½%. By contrast the Churches of England and Scotland, the Roman Catholic Church, and the Wesleyan Church comprised about two-thirds of the population.[78] Many of the sects were divided among themselves and it was unlikely that they would concert their political endeavours. They may have been alarmed about the 'encroachments of Popery', but the various sects themselves wanted nothing from the government and this was bound to be the primary consideration which determined any political action they might have taken.

The Church of England and, to a lesser extent, the Church of Scotland, were more like the Roman Catholic Church in outlook; but their intervention in elections was limited. The Church of England had been the most influential church in the pre-Responsible Government period because of its close connection with the Family Compact, who were almost all

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77. 19 January 1858.

78. Census of Canada (1861), I, p. 158.

Anglicans. Archdeacon (later Bishop) Strachan was himself one of the most powerful members of the Family Compact, having been a member of the Executive Council since 1818. He was an effective politician when he was dealing with the lieutenant governor, the Colonial Office, and the House of Lords, but when responsibility for internal affairs passed to Canadian politicians, he was out of his environment. The hurly-burly of provincial politics and electioneering were quite foreign to him and the battles he waged over the Clergy Reserves, King's College, and Anglican separate schools in the 1840's and 1850's were rather pathetic. Furthermore, Strachan was kept fully occupied with the controversy in his own church between tractarians and evangelicals.[79]

Anglican laymen tried to exert some electoral influence through the Church Union which was established in 1851 to rally support for the Clergy Reserves against the secularizationists. They admitted that Anglicans in the past had made the tactical error of trying to influence opinion in England while neglecting it in Canada. Branches of the Union were set up in various parts of the Province and it was given credit for at least one victory in 1851 - a Conservative of course.[80] The Globe, not surprisingly,

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79. Walsh, pp. 206-208.

80. Patriot, 18 November; 16, 19 December 1851; 14 January 1852.

claimed that the Union had not been effective in influencing Anglican votes and in later elections nothing more was heard of it.

There appears to have been no correspondence between Strachan and Macdonald as there was between the Roman Catholic bishops and Macdonald and there were generally few reports of any interference at elections by Anglican priests and bishops. The Leader commented that in the 1857-58 election the Church of England exerted less influence than any other denomination[81] and this is not difficult to explain. After 1854, Anglicans had nothing to ask of the government. King's College was lost, the Clergy Reserves had been definitively settled, and, apart from Strachan, they showed little interest in separate schools. After the experience of King's, Anglicans seem to have become disillusioned with politics and government assistance and their new university, Trinity College, was financed privately.

The Presbyterians, though potentially one of the largest denominations in Upper Canada, were split in 1844 by the Disruption of the home church in Scotland.[82] It was said that members of the original Church of Scotland had voted Conservative in 1851 in the hope of protecting their

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81. 19 January 1858.

82. Walsh, pp. 210-211.

share of the Clergy Reserves,[83] while the Free Church was supposed to have supported Hincks in return for the provincial grant which had been given to Knox, their college in Toronto.[84] However, neither denomination was very large and the Presbyterians did not take a leading part in the political controversies of the period.

3. The Orange Lodge

The Orange Order was potentially a very powerful pressure group. From the early 1840's its membership increased rapidly from 20,000 to between 60,000 and 70,000 in 1854. By about 1860, there were approximately 100,000 Orangemen and 1,000 Orange lodges in Upper Canada.[85] In the legislative assembly, the Order was much stronger than the Catholic Church: there were often as many as ten or twelve Orangemen among the sixty-five MPPs from Upper Canada. In somewhat the same manner as the Roman Catholic Institutes, local lodges questioned candidates to determine the acceptability of their views.[86] Lodge members were sometimes told

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83. Bathurst Courier quoted in the Examiner, 17 December 1851.

84. Patriot, 19 December 1851.

85. W.J.S. Mood, "The Orange Order in Canadian Politics", M.A. thesis, University of Toronto, 1950, pp. 98, 165.

86. Leader, 28 December 1857; 6 January 1858; Byerly Papers, Election poster announcing support of the Orangemen of Wellington North for James Webster, probably 1857. The Orange Lodge still questions parliamentary candidates in Ontario. See, for example, the Globe, 10 July 1963.

by the leadership how they should vote and threatened with expulsion if they disobeyed.[87] But whereas the Roman Catholic Church knew exactly what it wanted, Orangemen disagreed among themselves on what their political aims should be.

The Order could not decide whether it was primarily a loyalist or an anti-Catholic society. Its original purpose in Ireland was to uphold the supremacy of the conquering Protestants and, when Orangemen moved to Canada, they were just as anxious to protect Protestant rights in their new home as they had been in Ireland. On the other hand, there was always a certain element of toleration in Orangeism; perhaps it would be more accurate to say that there was a tolerant faction and an anti-Catholic faction which struggled for ascendancy within the Order. The tolerant element looked to their foundation in the late 18th century as primarily a loyalist, anti-republican group whose aim it was that all loyal subjects should enjoy their constitutional rights, free of any religious persecution.[88] This faction even saw possibilities in a political alliance with Roman Catholics in order to safeguard the state privi-

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87. Globe, 13 September 1858.

88. Mackenzie-Lindsey Collection, 2132, unnamed clipping, "Orange Soiree at London abridged from the Prototype", 18 June, probably 1858; Mood, pp. 1-9.

leges of all Christian sects who were faced with the threat of voluntarism.

Orangemen in Canada, in the years before 1837, were uncertain where their political loyalties lay. The Tory Family Compact looked on Orangemen as their social inferiors and were generally unfriendly to them.[89] On the other hand, many Orangemen were in favour of responsible government and inclined towards Reform, but the republicanism of the early Reformers repelled them. When the Rebellion broke out, the mass of Orangemen had no choice but to go on the side of the loyalist Family Compact. Their Tory leanings were reaffirmed when the first Reform Ministry passed legislation restricting party processions[90] and outlawing all secret societies, except the Masons. Both bills constituted a thinly disguised attack on the Orange Order. Parading was a characteristic activity of Orangemen, particularly for celebrating the anniversary of the Battle of the Boyne on 12 July. The purpose of the parades was essentially to generate enthusiasm among the rank and file, even if this enthusiasm not infrequently became excessive and resulted in fights with Irish Catholics. The Secret Societies Bill was even more discriminatory because, apart from the Masons, the Orange Order was the only other secret society in Canada.

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89. L.H. Saunders, The Story of Orangeism, rev. ed., Toronto, 1960, p. 29.

90. 7 Vict., c.6.

The latter bill was reserved by the Governor General and Royal Assent refused, but as Metcalfe observed, it had the effect of arousing a spirit of resistance among Orangemen.[91] Any Orangemen who were not Conservative before the first Lafontaine-Baldwin Ministry were militantly Conservative after this legislation.

With the establishment of Responsible Government in the late 1840's, the Orange Order went through the same kind of painful re-examination as the Conservative party did. The passing of the Rebellion Losses Bill and the repeal of the Corn Laws by the Imperial Parliament disillusioned those in Canada who had put their faith in Westminster rule. Momentarily, they forgot their ultra-loyalist sympathies and flirted briefly with the idea of annexation to the United States. However, after 1850 moderate elements came to dominate both groups - John A. Macdonald of the Conservatives and Ogle R. Gowan, MPP and Grand Master of the Orange Lodge. Both men had much in common. They were both Conservatives, both Orangemen (though Macdonald never held an important position in the Order), they both believed firmly in the British connection, and they shared the view that a strategy of co-operation with Roman Catholics, both English and French, might be beneficial to the Conservative party and the Orange Order. Gowan had long been attracted to the idea of recon-

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91. C.O. 42/513, Metcalfe to Stanley, 27 January 1844.

ciling and uniting all Catholic and Protestant Irishmen in Canada[92] and, as we have seen, Macdonald hoped for an alliance with the French (or Reform) party of Lower Canada.

The fiercely Protestant element in the Order were not enthusiastic about this plan, particularly when it came to supporting Roman Catholic demands for separate schools. They were also unhappy with Gowan's close relations with the Conservative party, because many of them had responded to the Clear Grit cries of 'No Popery' and Rep by Pop. In 1853 the Order split when Ogle Gowan beat George Benjamin in the election for Grand Master and most of the breakaway lodges were in the western section of Upper Canada where Rep by Pop had made the most inroads into Conservative strength. The dissidents charged Gowan with using the Lodge for political purposes, but one of the leaders of the Benjamite faction went so far in the other direction as to propose an amalgamation with the Grits.[93]

The Grits did get some scattered Orange support, but Orangemen soon discovered that the radical Reformers were no less hostile to the Order than the old Reform party had been. George Brown was reported to have received Orange votes in

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92. Mood, p. 94.

93. Brown Papers, George Stevenson to Brown, 1 August 1853; A. Mackenzie to Brown, 29 June 1854; Leader, 1 August 1854; Buell Papers, Alex. Cameron to A.N. Buell, 1 August 1854.

the 1854 Lambton election,[94] but by 1857 the Orangemen of Lambton County were disillusioned with him. They held a meeting and unanimously resolved "emphatically [to] declare their repudiation of Mr. George Brown, editor of the Globe newspaper, and formerly MPP for the County, believing that his professions are not sincere, and regretting that we cannot enumerate a single act of his having our welfare or prosperity as a body or otherwise for its object".[95] As a pressure group, the Orangemen felt that Brown had done nothing for them and they applied one of the sanctions available to pressure groups, they withdrew their electoral support. Brown did not run for re-election in Lambton, but his protegé, Hope Mackenzie, was defeated by the Ministerialist candidate.[96]

Elsewhere in Upper Canada, the Grits were reported to have based their hopes of winning the 1857 election on an alliance with the Orange Order.[97] In Toronto, Brown allegedly got many Orange votes on the strength of his anti-Catholic outbursts of past years.[98] Orangemen were

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94. Mood, p. 53.

95. Leader, 28 December 1857.

96. Ibid., 8, 28, 29 December 1857.

97. Ibid., 16 December 1857.

98. Henry Smith Papers, Vankoughnet to Smith, 8 December 1857; Leader, 3 December 1857.

undoubtedly still smouldering with anger over the Corrigan murder trial[99] and the business depression of 1857 was accompanied by a general dissatisfaction with the government. Toronto Orangemen, however, were as quickly disenchanted with Brown as the Orangemen of Lambton had been. At the next election they turned against him and defeated him.[100] The truth was that, though Brown was as happy to receive the votes of Orangemen as anyone else, he had no sympathy with the Order. In his earlier, more outspoken years, he had attacked the Order as harshly as he had the Roman Catholic Church and had favoured abolishing it.[101] In the later 1850's and in the 1860's he tempered his criticisms, but he nevertheless refused to take up the cause of the Order.[102]

Conservatives made the most of Brown's earlier hostility. Election posters warned that Brown had earlier tried to crush the Orange Society and asked: "Can the Ethiopian change his skin or the Leopard his spots? . . . Witness the columns of the Globe, which for years has taken every opportunity to heap contumely upon you, . . . one who knows, assures you that they are the genuine articles of the Clear Grit."[103]

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99. See chapter IV, p.115.

100. Brown Papers, Holton to Brown, 6 July 1861.

101. Leader, 3 December 1857.

102. J.M.S. Careless, Brown of the Globe, Toronto 1963, II, 31.

103. Macdonald Papers, vol. 336, poster, 1858.

Although the split in the Order was healed in 1856, it was no more successful in its pressure group activity. By the late 1850's and 1860's, even the pro-Catholic element in the Order thought that the Conservative party were conceding too much to Roman Catholic demands. Three questions threatened to destroy the working relationship between the Order and the Conservative party: a controversy arising out of a visit to Canada by the Prince of Wales, Rep by Pop, and separate schools.

In the summer of 1860, the Prince of Wales visited Canada accompanied by the Duke of Newcastle, who was his political adviser. The Duke decided that, because the Orange Order was illegal in England, the Prince should not recognize any Orange emblems during his visit. At Kingston, the royal party could not even land because patriotic lodge members had erected an Orange arch; in another place they purposely avoided going under any Orange insignia. Although not directly responsible, the Conservative government had to endure Orange anger aroused by these insults.[104] Alexander Campbell, a close friend of Macdonald's warned him that, as a result, Brown and his party had momentarily more Orange and Protestant support than the Conservative party,[105].

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104. Ibid., vol. 337, S.M. Conger to Macdonald, 21 November 1860.

105. Ibid., vol. 297, A. Campbell to Macdonald, 30 September 1860.

and the Grand Lodge passed a resolution of non-confidence in the government.[106]

On the question of Rep by Pop, J.H. Cameron, MPP and Grandmaster of the reunited Orange Lodge, promised the Conservative government the continued support of the Orange Conservative members if the Ministry would accept the policy.[107] Macdonald, under pressure from his Lower Canadian supporters, could not agree to Rep by Pop and Cameron, in an admission of defeat, took his case to the floor of the legislature. His Rep by Pop amendment to the Address was referred to earlier.[108] Though defeated by the votes of Lower Canadians, this abortive move soon led to the resignation of a divided and disheartened Conservative government, the supposed friends of the Orange Order.

Scott's Separate School Bill of 1863 completed the disarray. Though passed when the Conservative party was out of office, the Conservatives and the Lower Canadians had provided the majority in favour of the Bill. In keeping with Gowan's and Cameron's policy of co-operating with Roman Catholics, all but one of the Orangemen in the Assembly voted for the Bill;[109] but Orange voters throughout the

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106. Mood, p. 146.

107. Globe, 27 August 1861, referred to in Mood, p. 151.

108. See chapter V, p.145.

109. Mood, p. 159.

Province thought co-operation had been carried too far. The rank and file of a movement are often more extreme in their views than their leadership and the Orange Order was no exception. The lodges raised a storm of protest against Conservatives who had voted for the Act.[110] In the general election which took place that spring, Orange anger contributed to the defeat of many Conservatives, including Scott himself and even fellow Orangemen.[111]

All of this was so distressing to Orangemen that, even Gowan at one point, had felt it necessary to vote against the Conservative Ministry. He explained to Macdonald that it had gone against the grain, but "in fact, legislating <u>for</u> Lower Canada and <u>against</u> Upper Canada, how could I sustain such a Ministry".[112] In his melodramatic way, he went so far as to threaten breaking off relations with Macdonald.[113] Macdonald was warned by another Conservative MPP that "where he [Gowan] goes, the Hearts of the Orangemen, if not the Protestants generally, will go with him";[114] but the countervailing force of Roman Catholic and Lower Canadian pressure

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110. <u>Ibid</u>.

111. Macdonald Papers, vol. 338, Scott to Macdonald, 12, 27 June 1863; S. Smith to Macdonald, 18 June 1863; T.M. Daly to Macdonald, 1 July 1863; vol. 189, M. Bowell to Macdonald, 29 May 1863; <u>Globe</u>, 24 June 1863.

112. <u>Ibid</u>., vol. 336, Gowan to Macdonald, 17 October 1859.

113. <u>Ibid</u>., vol. 337, Gowan to Macdonald, 4 February 1862.

114. <u>Ibid</u>., vol. 336, T.R. Ferguson to Macdonald, 7 December 1859.

was too great and Gowan's fulminations came to naught. Macdonald, writing to Sydney Smith probably in connection with the Orange controversy raised during the Prince of Wales's visit, revealed Conservative priorities: "We must soothe the Orangemen by degrees but we cannot afford now to lose the Catholics."[115]

The Orange Order was not an effective pressure group. It was frequently divided and, in its weakened state, it ran the risk of becoming merely the workhorse of the Conservative party. Particularly in the early years, it even descended to the level of providing bullies to carry elections for the Conservatives by force. The party came to expect Orange votes at elections and it ignored the Order the rest of the time. Neither the Order nor the Roman Catholic Church could expect much from the Grits and so they both had to rely on the Conservative party; but the Catholic Church was a strong, united, independent organization which never allowed itself to be put into the position of being just a vote-getter for the Conservatives. Furthermore, although it was not as strong in Upper Canada as the Order, its position was immeasurably strengthened by its overwhelming majority in Lower Canada. At the end of the period under study, the Catholic Church had several pieces of separate

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115. Sydney Smith Papers, Macdonald to Smith, 13 October 1860.

school legislation to its credit, while the Orange Order could claim to have had little influence on government policy beyond preserving its own legal existence. On the other hand, the Order evidently received more patronage than the Catholic Church and this would tend to indicate that the Order was not so much a pressure group as a political machine of the Conservative party.

4. Orange and Green

In view of the antagonisms between them an alliance of Catholics and Orangemen, such as Macdonald and Gowan envisaged, may appear to have been preposterous and absurd; it was certainly precarious. That it was successful at all was evidence of John A. Macdonald's consummate skill as a politician. In the election of 1836, Orange and Green had worked together to elect a Conservative Assembly,[116] but in the 1840's they were once again opposed to each other politically. Through the efforts of Gowan and Macdonald, Orange and Green were reunited in the 1850's and 1860's, but it was Macdonald's resourceful diplomacy that kept these mercurial Irish elements together.

There were numerous references made to Roman Catholics and Orangemen working together at elections and many Conservative victories were attributed to this combination. John

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116. W.B. Kerr, "When Orange and Green United 1832-39", Ontario Historical Society Proceedings and Report, XXXIV (1942), 34-42.

Lynch, the Roman Catholic bishop of Toronto, writing to Macdonald, referred to the help he had given the Conservatives in electing J.H. Cameron. That he was Grand Master of the Orange Lodge was certain proof of Catholic sincerity, Lynch pointed out.[117] John Bowes, an Orangeman from Toronto, gave the Orange-Catholic union the credit for having elected him. The election, he said, showed what could be done when they acted together.[118]

To bring Orange and Green together was easier perhaps than to keep them working together in harness, as Bowes found out. By the time he stood for re-election the Roman Catholic Mirror was against him because of his votes against separate schools, Irish Catholics were disappointed that he had not given any of them patronage,[119] and some Orangemen were seduced by Brown's 'No Popery' cry.[120] Bowes finally withdrew from the contest and Orangemen and Catholics were reported to be supporting another Conservative, Boulton.[121]

In the election of 1861, Orange and Green seem to have

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117. Macdonald Papers, vol. 228, Lynch to Macdonald, 17 September 1861.

118. Leader, 29 July 1854; also 31 July 1854; Globe, 10, 13 July 1854.

119. Leader, 11 December 1857.

120. Henry Smith Papers, Vankoughnet to Smith, 8 December 1857.

121. Leader, 21 December 1857.

worked closely together both in Toronto and throughout Upper Canada.[122] One report from Norfolk said that almost the entire Orange and Catholic vote had gone Conservative.[123] Two leading Catholic papers, the Canadian Freeman and the True Witness, generally supported Conservative candidates; the latter advised its readers that they should prefer not only an Orangeman, but even an Orange leader who would be fair to Catholic demands, to a Clear Grit whose hostility was known. The official Orange journal, the British Herald, claimed Catholic support for Orange candidates almost as a matter of right.[124]

Occasionally old animosities threatened to rupture the union. Macdonald, when choosing the dates for a summer general election one year, was anxious to have the voting completed before theGlorious Twelfth of July, lest Orange and Green started bashing each others heads.[125] The difficulty lay in the fact that, though both Orangemen and Catholics might prefer to have a Conservative rather than a Grit government, each group was jealous of the other's rela-

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122. One exception was Perth, where McGee got Roman Catholics to vote for Foley, the Grit candidate. The sitting member, a Conservative, was defeated.

123. Macdonald Papers, vol. 337, T.W. Walsh to Macdonald, 15 July 1861.

124. Globe, 18 July 1861.

125. Sydney Smith Papers, Macdonald to Smith, 28 May 1861.

tionship with the Conservative party. If one appeared to be getting special favours from the party, then the other might threaten to withdraw its support even though the hated Grits were the only alternative.

Bishop Lynch recognized the dilemma of the Conservative leadership, but it did not make him any more willing to compromise. "I am not ignorant of the difficulties the Conservatives have of giving the Catholics justice. If they do they fear the Orange cry. . . . It is indeed a dilemma to be placed in, - to lose the Catholic support by heeding the unjust cry of the Orangemen. However it seems to me, if a little courage were displayed, the same Orangemen, I do not use the word respectable would not abandon their old party. But a choice must be made and very soon." "The Catholics indeed have had a good deal of patience, and there is a little time yet left before the election for the Commons, to conciliate them by making amends for the past."[126] This necessitated a certain amount of "secret diplomacy"[127](as D'Arcy McGee called it) between the hierarchies of the Conservative party, the Catholic Church, and the Orange Order. McGee, when he was still a Liberal, pointed out that the Conservatives

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126. Macdonald Papers, vol. 228, Lynch to Senator Frank Smith, 1 February 1872.

127. Clarke Papers, McGee to Charles Clarke, 10 December 1860.

"have as usual made contradictory promises to opposing sections of the population, which it was impossible for the same men to honestly make, and which it is absolutely impossible for them to keep honestly or otherwise. If both parties have believed these new assurances, one or other, must inevitably be decieved [sic]. Who is to be sold this time? That is a question both for Orange Ministerialists and those Irish Catholics who coquette with them, to consider in season".[128] It was not long before McGee himself was coquetting with the Conservatives.

If some management of Orange and Catholic leaders was necessary to keep both working for the Conservative cause, the rank-and-file of both groups had to be handled with even more delicacy. Potentially, Orangemen and Catholics provided the two largest sources of Conservative votes, but one Conservative aptly referred to them as "the usual uncertain elements".[129] Merely to see the local Catholic vote going en masse to the Conservative candidate was enough to raise a No Popery panic amonst Orangemen. If the Grit candidate were prepared to capitalize on the aroused ancient prejudices of Orangemen, he might pick up the local Orange vote, in spite of directions from the Orange

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128. Ibid.

129. Macdonald Papers, vol. 247, David Macpherson to Macdonald, 8 June 1864.

hierarchy to vote Conservative.[130] One Conservative candidate had the misfortune not only to see the Catholic vote go against him by two to one in spite of both the priest and the bishop, but in one township he also lost every Orange vote on a 'No Popery' cry.[131] Another Conservative candidate, T.M. Daly of Perth County, found an ingenious solution to this difficulty. An Orangeman himself, he arranged for a fellow-Orangeman to run as an anti-government candidate against the official Grit. Daly meanwhile campaigned in the Catholic settlements and when he had secured their support, his Orange friend withdrew and Daly turned his attention to the Orangemen. He promised the Lodge legal recognition in the form of an act of incorporation and a grand caucus of Masters told Orangemen that if they voted against a brother Orangeman, they would perjure themselves.[132] He won the election.

Orange and Green could be made to work together, whether knowingly or unknowingly; but, as a correspondent bemoaned to Macdonald, every constituency needed the services of someone who had "influence with the Orange and Green

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130. Ibid., vol. 338, R.W. Scott to Macdonald, 30 May, 2, 27 June 1863; James Patton to Macdonald, 10 June 1863.

131. Ibid., S. Smith to Macdonald, 18 June 1863.

132. Globe, 2, 14 January 1858.

Authorities".[133] What is remarkable is that the Orange and Green combination worked as often as it did.

Religious groups were an important feature of the electoral scene in Upper Canada. It is perhaps not possible to classify them as either pressure groups, or political machines, or electoral influences, because some of the religious groups were combinations of all three. The analysis, however, does show the range of their activities and there is no doubt that these religious groups played a vital role in the elections and politics of the period.

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133. Macdonald Papers, vol. 338, Jas. Patton to Macdonald, 13 June 1863.

Chapter VIII

OTHER INFLUENCES

In eighteenth- and early nineteenth-century England, the influence exerted upon electors by landlords, employers, town corporations, the Court and the government was an important feature of the electoral system.[1] Similar influences existed in Upper Canada; but they were less powerful and they operated in a very different environment.

Landlord influence did not exist in Upper Canada to nearly the extent that it did in England. The proportion of freeholders to tenants (after county tenants were enfranchised in 1853) in the electorate was roughly similar in both countries, but the landlord's position was much more feudal in England than it was in Upper Canada. The influence of the English landlord depended to a large extent on the deference of the tenants and their sense of obligation to comply with the landlord's wishes.[2] Upper Canadian society was too egalitarian in spirit for this kind of landlord influence to succeed. When the vote was given to the county tenants, some MPPs were apprehensive that landlords

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1. See N. Gash, Politics in the Age of Peel, London, 1953.
2. Ibid., pp. 177-178.

might try to put pressure on their tenants during elections, but most members felt that Canadian tenant farmers were sufficiently independent by nature that they could resist the kind of landlord influence which was used in England.[3]

Nevertheless, there were at least two constituencies in Upper Canada where landlord influence evidently meant something. In Welland county, a Conservative, T.C. Street, was supposed to have owed his 1851 victory to the electoral influence which his extensive properties gave him.[4] This influence must have been due simply to the prestige which he derived from being a large landowner, because tenants did not yet have the vote. In 1854, however, he was defeated. He did not run for the constituency again until 1861, by which time his tenants had been enfranchised. (County tenants did not actually vote in an election until 1857-58.) He won the election and was successfully re-elected in 1863. Another Conservative, George MacBeth of London (Ontario), had considerable landholdings in West Elgin. This apparently made the constituency his pocket borough,[5] and he won all three elections which he contested. Both of these constituencies were in the Lake Erie, eastern Lake Ontario area which usually returned Grits. Furthermore, West Elgin had the second

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3. "Assembly Debates", 22 February 1853 reported in the Globe, 5 March 1853.

4. Examiner, 17 December 1851.

5. Leader, 30 November 1857.

highest proportion of Scots of any constituency in Upper Canada; it therefore would be expected to go Liberal and did go Liberal in the elections (1847-48, 1851, [redacted], and 1863) which MacBeth did not contest. The peculiar behaviour of these two constituencies may very well have been due to landlord influence. In general, however, landlord coercion was rare in Upper Canada[6] and there were very few constituencies in which a large landowner exerted decisive influence.

The influence of corporate concerns was much more important than that of individuals. There were two landowning corporations which were in a position to exert considerable electoral influence: the British American Land Company in the Eastern Townships of Lower Canada and the Canada Land Company in Huron County, Upper Canada. A.T. Galt, secretary of the British American Land Company, thought that "the Company should endeavour to make use of that local influence which their large property afforded"[7] and in 1843, he offered to employ the Company's influence on Metcalfe's behalf in return for "at least justice".[8] Metcalfe gave his

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6. Globe, 20 June 1863.

7. A.T. Galt to G.R. Robinson, 7 December 1843 quoted in O.D. Skelton, The Life and Times of Sir Alexander Tilloch Galt, Toronto, 1920, p. 133.

8. Ibid., p. 135.

approval and in the next general election, the Eastern Townships returned six members who were pledged to support the Governor. The English directors of the company, however, disapproved of this kind of involvement in politics.[9]

The Canada Company had a leading part in the Huron election of 1841. It was closely connected with the Family Compact and in this election it was giving its support to James Strachan, the son of Bishop Strachan and a brother-in-law of T.M. Jones, one of the Company's commissioners. Strachan was also supported by the Irish in the county and the local Orange lodge. His opponent was William ('Tiger') Dunlop, who was a prominent member of the so-called Colborne clique, a group of well-to-do Scots who despised the Irish, and had no love for the Company. During the election, the Company's employees exerted all their influence for Strachan.[10] They threatened settlers who were in debt to the Company and they enfranchised those who promised to vote for Strachan by issuing them freehold deeds. Jones denied, late in the proceedings, that the Company had any interest in how the settlers voted, but, according to Dunlop, "the voters did not believe it; and it would have been strange if they had, when

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9. Ibid., p. 142.

10. W.H. Graham, The Tiger of Canada West, Toronto, 1962, pp. 211, 222-223; see also I.A. Stewart, "The 1841 Election of Dr. William Dunlop - Huron County", Ontario History, XXXIX (1947), 51-62.

they saw every officer, every dependent, every on-hanger and every man in any way in the employment of the Company, busy in the canvass, and using every means, fair and foul, for the return of the Canada Company candidate".[11] Strachan won the election by ten votes but a scrutiny was demanded and an election commission found that the Company's freehold deeds had been distributed too liberally. Fifty-eight of Strachan's voters had not had the required property qualifications and Strachan lost his seat.[12] Not only did the Company ultimately suffer a defeat, but the Canadian commissioners were rebuked strongly when the English directors heard of the Company's interference in the election. Like the British American Land Company, they advised their Canadian representatives to "carefully avoid mixing in politics on all occasions".

> The Court . . . cannot imagine any thing more inconvenient or unsound than that those Candidates should make their opposition or support of the Company's interests, any ground of Appeal to their constituents. The interests of the Company are, or ought to be, so identical with those of the Province, and so completely a part of those of every particular community for which Representatives are chosen, that such an Appeal should in the eyes of the community, at once appear groundless and absurd.[13]

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11. W. Dunlop, "The Canada Company vs. the People" quoted in R. & K.M. Lizars, In the Days of the Canada Company, Toronto, 1896, pp. 256-257.

12. Graham, p. 225.

13. Canada Company Papers, Correspondence with Commissioners, Secretary of the Court to T.M. Jones and F. Widder, 27 May 1841.

Two years later, when another election seemed imminent, the Court again warned Jones and his colleague that they "should consider any interference in the election by any of their officers, which might seem even remotely the act of the Company, a step of which they should highly disapprove".[14] In subsequent elections, the commissioners apparently followed these instructions and the Court had no cause for further complaint.

By contrast, the railway companies were quite prepared to interfere in elections. They were deeply involved in politics and it was not surprising to find them at election time using their influence for their political friends. In many constituencies, the railway was one of the largest employers and when an election came up, the company simply closed its shops for the day and instructed its employees to go to the polls and vote for the candidate which the company supported.[15] In the 1857 election, the Great Western Railway was reported to have used its influence in Hamilton, Toronto, Essex, and South Waterloo.[16] According to a petition which was sent to Parliament, the directors of the railway closed the workship on the nomination and polling days

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14. Ibid., 3 June 1843.

15. Globe, 24, 29 June 1861; Renolds Papers, James Reynolds to Mary, 30 May 1863.

16. Leader, 10, 19 December 1857, 11 January 1858.

"so that their mechanics and labourers . . . might march in military order to the said Election, with the view to influence and intimidate the lawful electors . . . in favor of Hugh C. Baker". When they got to the polls, the workmen took possession and tried to keep the other candidate's supporters from the polls. The directors threatened to fire any of their employees who did not vote the 'right' way and some who ignored the company's instructions were dismissed.[17]

This petition was referred to the Committee on Privileges and Elections, but no report was ever made, probably because the company's political relations changed soon afterward. The Great Western had not been able to get as much financial assistance from the Conservative Ministry as the Grand Trunk or the Northern Railway and, in 1857, it had supported Opposition candidates in retaliation. Some of them were successful, although the Hamilton candidate lost in spite of the company's exertions. Shortly afterwards, however, the Conservative party and the Great Western were once again on good terms,[18] and this (as well as the Assembly's general reluctance to examine dirty electoral linen) probably accounts for the Hamilton complaint not getting very far.

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17. Journals of the Legislative Assembly (1858), pp. 547-548.

18. Macdonald Papers, vol. 191, C.J. Brydges to Macdonald, 25 June, 14 August 1861.

The railways, and especially the Grand Trunk, were pressure groups like some of the churches. They wanted government assistance and certainly the Conservatives, if not the Grits, thought it wise to be on good terms with them. As Macdonald said in a letter to Sydney Smith, "We can make them [the Grand Trunk] our friends for all time to come by judicious handling just now."[19] The Globe claimed that the Grand Trunk governed the country. "Its power is paramount. The Ministry are mere puppets in its hands and dance whatever tune the Company pipes."[20] But Macdonald's diligence earned him the friendship of C.J. Brydges, general manager of the Grand Trunk, and Brydges used his influence to help the Conservative party.[21]

In view of the many occasions when Reformers and Grits criticized the Grand Trunk for its extravagance and its political relations with the Conservatives, it was most ironic that, when Sandfield Macdonald's Ministry had to face an election, they tried to get Grand Trunk support. A dispute had arisen between the government and the railway over payments

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19. Sydney Smith Papers, Macdonald to Smith, 18 April 1862.

20. Globe, 22 April 1857 quoted in F.H. Underhill, "Some Aspects of Upper Canadian Radical Opinion in the Decade before Confederation", C.H.A. Annual Report, 1927, p. 50.

21. Macdonald Papers, vol. 191, C.J. Brydges to Macdonald, 16 April 1862, 22 March 1863.

for postal and military services[22] and Sandfield promised that the company would get a settlement of $150 per postal mile two weeks after the election, if Grand Trunk influence were used to elect Young, Dorion, and Holton in the three Montreal constituencies.[23] The Grand Trunk, however, was also hoping to revive the old idea of building an Intercolonial railway to New Brunswick and Nova Scotia and it did not expect that the Liberal Ministry would be very co-operative once the elections were over. Brydges telegraphed the official with whom the Ministry were negotiating:

> Pray don't in anyway interfere in Montreal election; we have been humbugged by promises too long, and the Government must understand that nothing short of an actual settlement upon such terms as would be satisfactory to us will satisfy us after what has passed; if the Government are prepared to settle with us at $150 per mile, with a contract for three years from now, and dating the settlement back from the date of Sidney [sic] Smith's report, I will be perfectly neutral in the election in Montreal West; but I will not undertake to be more than neutral.[24]

Brydges was not willing to do anything in a positive way to help keep a Liberal government in office, because, as he confided to Macdonald, "As long as the present men remain in power, we can do nothing."[25]

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22. G.R. Stevens, Canadian National Railways, Toronto, 1960, I, 298-299.

23. Telegram, Ferrier to Brydges, 1 June 1863 quoted in the Leader, 28 August 1863.

24. Telegram, Brydges to Ferrier, 2 June 1863 quoted in the Leader, 2 June 1863.

25. Macdonald Papers, vol. 191, Brydges to Macdonald, 16 January 1864 quoted in Creighton, John A. Macdonald, Toronto, 1956, I, 346.

By far the greatest influence (apart from that of the churches) was wielded by the government itself and its appointees. This power derived from the government's control over patronage and the anticipated co-operation of petty officials who themselves had influence. In an earlier discussion of parties, reference was made to the use of patronage to keep the government party under control and reasonably contented.[26] These appointments were primarily rewards to loyal party members; but sometimes governments also used patronage to actually buy votes at elections. It was reported after one election that the government candidate,

> as a means of influencing votes in his favour, carried about a list of names whose appointment to the magistracy he promised, declaring at the same time, that not a single man who voted for Mr. Stirton should go upon that list - openly boasting that though defeated, he would still exercise more influence with the government, than the gentleman representing the Riding. . . . In accordance with the above declaration all the parties appointed are from among the supporters of Messrs. Clark and Webster [the government candidates in the two constituencies of the county].
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> In the township of Minto, Mr. Webster received <u>two</u> votes; both have been appointed.[27]

In another case, Macdonald told a Conservative MPP, "I shall have all the Crown Prosecutors appointed this Week, if possible. We must as <u>perhaps</u> we are on the Eve of an Election,

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26. Chapter VI, pp.173-186 .

27. <u>Globe</u>, n.d., letter to the editor from Legion, 2 April 1858 in the Mackenzie-Lindsey Collection, 6009.

take political considerations only into our Minds in settling the Circuits."[28] The same MPP was later advised to keep his various appointments secret until after the general election; otherwise it would be too apparent that they had been bought.[29]

Governments were also able to exert pressure on electors who were already employed by the government. During the Toronto election of 1861, Sydney Smith, the postmaster general, telegraphed all the post office employees and told them to vote for the government's candidates.[30] In addition, it was useful to have various government projects, like harbours and parliament buildings, under construction during an election so that the votes of the workmen could be ensured.[31]

Besides ministers, there were other lesser government officials who were able to exercise their own influence. A sheriff was reported to have instructed his bailiff "to go about with executions in his pocket, and to tell the people that unless they voted for a particular candidate, their effects would be sold at a Sheriff's sale".[32] A judge

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28. Henry Smith Papers, Macdonald to Smith, 5 September 1856.

29. Ibid., D. Roblin to Smith, 18 November 1857.

30. Globe, 11 June 1863; see also Guelph Advertiser, 3 August 1854.

31. Globe, 18 June 1861; Leader, 1 June 1863.

32. "Assembly Debates", 6 November 1854 reported in the Globe, 20 November 1854.

allegedly wrote to the officers of his division court asking them to give the government candidate their votes[33] and the warden of Grey county had so much local influence that his support was supposed to be worth 500 votes.[34]

One of the most prevalent kinds of influence was that employed by partisan or even corrupt election officials, the most important being the returning officers and their deputies. The returning officer had the chief responsibility for organizing the election in his constituency. He decided exactly when the election would be held, and where each poll would be situated and he had wide powers for preserving the peace.[35] These powers could be, and often were, used in a partisan way. The poll might be held in a remote, inaccessible part of a township if the township was expected to vote for the 'wrong' party, or it could be placed in the middle of a section which would vote the 'right' way.[36] If the opponent's party took possession of the poll, special constables would be

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33. Globe, n.d., letter to the editor, 23 January 1858 in the Mackenzie-Lindsey Collection, 4636.

34. Macdonald Papers, vol. 337, Jas. Patton to Macdonald, 21 February 1861; see also vol. 338, S. Smith to Macdonald, 18 June 1863.

35. 6 Vict., c.1; 12 Vict., c.27; 18 Vict., c.8. According to 6 Vict. c.1, the poll was to be held"in some building at or near the place where the last Township Meeting was held", but this requirement could be circumvented.

36. Macdonald Papers, vol. 247, Macpherson to Macdonald, 21 August 1864; W.P.M. Kennedy, ed., Statutes, Treaties and Documents of the Canadian Constitution, 2nd ed., Toronto, 1930, Bagot to Stanley, 26 September 1842, p. 479.

sworn in and all the necessary steps taken to ensure free accesss to the poll. On the other hand, if the favoured candidate's friends crowded the poll, their forceful tactics could be ignored.[37]

Governments naturally endeavoured to appoint returning officers who would help them at the polls.[38] In the election of 1844, the Examiner reported that every returning officer, without exception, was a Tory and many of them were quite prepared to use their powers on the government's behalf. "A favorite phrase was 'you will vote for the Governor'. The votes of women and of those who had no property in the election district were taken without question or scruple. Ignorant, but well-meaning electors, were told that they would lose their farms 'if they did not vote for the Governor'. Every species of intimidation and deception was used."[39]

According to Baldwin, governments purposely picked venal individuals "from the very dregs of society"[40] to serve as returning officers and, with these kind of men, the punishment of sending a corrupt returning officer to jail

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37. See also A. Patrick, Digest of precedents, 2nd ed., Toronto, 1851, pp. 111-114; Examiner, 19 January 1848.

38. Sydney Smith Papers, Macdonald to Smith, 4 December 1857.

39. Examiner, 5 May 1847 in the Mackenzie-Lindsey Collection, 6009.

40. "Assembly Debates", 6 March 1849 reported in the Globe, 17 March 1849.

for a few weeks had "uniformly proved a mockery".[41] The Elections Act of 1849 therefore stipulated that sheriffs or registrars of deeds were to be ex officio returning officers and town clerks the deputy returning officers.[42] This would impede the government's power to choose partisan returning officers and it was hoped that sheriffs would be less likely to act dishonestly out of fear of losing their positions.[43] There was, however, a flaw in this Act, for the government could also threaten to dismiss the sheriff who was not a partisan on their behalf.

There had been government interference in elections before the Union[44] and Sydenham's questionable tactics were well known.[45] By 1860, it looked as if all the most powerful influences in Upper Canada were being brought together in the service of the government and the Conservative party. The activities of the Roman Catholic Church, the Wesleyans, the Orange Order, the Grand Trunk, and the Bank of Upper Canada[46]

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41. "Assembly Debates", 6 March 1849 reported in the Globe, 17 March 1849.

42. 12 Vict., c.27.

43. "Assembly Debates", 6 March 1849 reported in the Globe, 17 March 1849.

44. E.P. Lucas, ed., Lord Durham's Report, Oxford, 1912, II, 161-162.

45. Kennedy, Bagot to Stanley, 26 September 1842, p. 479; C.O. 42/506, Metcalfe to Stanley, 13 June 1843.

46. North American quoted in the Guelph Advertiser, 24 August 1854.

were supplemented by the pressure which government officials could themselves exert. At the same time, there was a rather vaguely expressed feeling that government influence was improper, but it was nevertheless tolerated. When George Brown complained of government attempts to influence elections by making appointments of postmasters and justices of the peace, the prime minister, Sir Allan MacNab, was quite nonchalant. He was not surprised to hear these charges, he said, and it was only Brown who complained. This kind of attack was typical of Brown, for he seemed to assume, said MacNab, that he was the only honest man in the Assembly.[47] Macdonald told a correspondent in 1856 that "Governments should interfere as little as possible in Elections"; but he added the proviso that "in case of a decided opponent having a chance of Election, self preservation compels all Govts to aid their friends".[48] In the particular election that concerned him in this letter, neither candidate was, in fact, openly opposed to the government; but this kind of contest was becoming very much the exception. By 1857-58 there was an opposition candidate in almost every election. When the occasions warranted it, Macdonald was quite prepared to use government influence and he wrote Sydney Smith, "Let

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47. "Assembly Debates", 19 October 1854 reported in the Globe, 26 October 1854; 25 October 1854 reported in the Globe, 9 November 1854.

48. Brown Chamberlin Papers, vol. 2, Macdonald to Chamberlin, 7 February 1856.

me know if we can do anything for you. In these hard times [the depression of 1857-58], Govt influence should be worth something."[49]

The strength of all these influences should not, however, be over-rated. The opposition frequently boasted that a particular seat had been won in spite of all the exertions of the government and its officeholders. Appointees were also known to have voted against the government that appointed them without losing their jobs. As the Leader observed, "Party gratitude rests very much on anticipated favors;. . . while realization cuts off the strongest incentive to action. It is all very well to say that successful aspirants to office ought to be thankful. The truth is that, as a general rule, they are oblivious of obligations created by favors received".[50] There were no constituencies in which government influence was so strong that they could be called Government boroughs like those in England. Macdonald, in fact, had difficulty finding seats for some of his ministers, in spite of the various influences which he could command. J.C. Morrison, for example, was defeated three times between 1857 and 1861. He sat in the Cabinet for two years without being able to get a seat and finally had toresign. Sydney

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49. Sydney Smith Papers, Macdonald to Smith, 19 November 1857.

50. Leader, 17 September 1858 in the Mackenzie-Lindsey Collection, 6009.

Smith and Robert Spence were also defeated in various constituencies despite all the exertions of Macdonald and the government.

Parliament did make a few half-hearted attempts to reduce government interference. In 1843 the same Act which disfranchised clergymen also took the vote away from judges and customs and excise officers.[51] In 1857,[52] and 1858[53] this was broadened to include all legal officials, agents for the sale of Crown lands and election officers. Disqualifying various officholders for voting or sitting in the Assembly was a favourite nostrum of Parliament's, but it hardly touched the root of the problem. The number of office-holders who were disqualified was a fraction of the total government appointees and there was nothing to prevent a returning officer, for instance, from influencing the out-come of the election even though he himself could not vote. The ballot and a decided stand by the public against such interference were the only real cures.

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51. 7 Vict., c.65.

52. 20 Vict., c.22.

53. 22 Vict., c.82.

Chapter IX

CORRUPTION

Corrupt practices were characteristic of British elections in the 18th and 19th centuries and they survived even after 1868.[1] The first elections in Canada were probably relatively pure, but electoral morality worsened as the country grew and, by the middle of the 19th century, violence, bribery, and fraud were common. Corruption in Canada took less subtle forms than it did in England, but the problems of curbing it were similar and so were the remedies which both countries finally adopted.

1. Violence

Some of the worst outbreaks of electoral violence were the result of racial and religious antagonisms. In Lower Canada, Irish Catholics fought French Catholics and in Upper Canada the greatest source of conflict was between Irish Catholics and Orangemen - even when the hierarchies of the Order, the Church, and the Tory party were trying to get them to work together. Rowdy elements in both groups were only too happy for an excuse to crack the skulls of their old antagonists and there were reports of elections being won

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1. See, for example, C. O'Leary, The Elimination of Corrupt Practices in British Elections, 1868-1911, Oxford, 1962; N. Gash, Politics in the Age of Peel, London 1953; H.J. Hanham, Elections and Party Management, London 1959.

for Conservatives by means of Orange violence.[2] Metcalfe reported:

> If a violent Conservative wishes to overawe a public meeting or to carry an Election, he collects a party of Orangemen or Irish Protestants armed with Bludgeons. The Reformers when they have notice of this endeavour to bring a larger party of Roman Catholics armed in like manner or the Reformers may commence and the Conservatives follow in this course, the Orangemen being always on the side of the Conservatives, although many Conservatives are not Orangemen. Sometimes an affray ensues. Sometimes prudence prevails and the weaker party quits the Field without contest. In this way Protestants and Romanists are pitted against each other for political purposes and religious hostility is excited and aggravated. 3

In two of the worst election disturbances that occurred in the United Province, Orangemen were actively involved in fighting that led to a loss of life.

Riots in Toronto took place in 1841 after the election was over.[4] Two Reformers had defeated two Tories in spite of the considerable influence of the Toronto Corporation which had been used on behalf of the Tory candidates - one of whom was the mayor of Toronto. The Corporation consisted mainly of Orangemen and the Order was still smarting under its defeat when the Reformers held their victory celebration. A group of Orangemen and friends of the Corporation gathered at the Coleraine Tavern, armed with clubs and firearms.

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2. F.J. French Papers, pkg. 2, elections 1836-1905, "Gowan and the Catholics", 28 December 1847; Examiner, 2 February 1848. See also Shenston Papers, Hincks to Shenston, 10 January 1848.

3. C.O. 537/142, Metcalfe to Stanley, 25 April 1843.

4. Journals of the Legislative Assembly (1841), Appendix S. R.G.5, B 25, vol. 3, James Hosskirk to J.W.C. Murdoch, 25 March 1841.

This tavern had been used for entertaining Tory voters during the election and was situated close to the City Hall. The first outbreak occurred when, without any provocation, Orangemen from the tavern attacked a piper who was passing by on his way to join the procession. His assailants "tore the pipes from him, trampled them under their feet, and beat him and his companions severely." The Orange gang then went off to attack the Reform procession itself. They assailed it "with vollies of stones and with clubs"; the Reformers struck back and a riot broke out. All this occurred within sight of the City Hall, but the mayor, magistrates and constables, who were in the building at the time, did almost nothing to stop the fighting. Later in the day, the mayor called out the military, but by this time a man had been killed in the Coleraine Tavern.

A commission, which was appointed by the Assembly to investigate the riot, was very critical of the Orange Order for "reviving feuds and feelings, religious prejudices, and party animosities which had almost ceased to exist."[5] The Order had become a "purely political engine," the commission said, and was growing throughout the country, especially in Toronto. Their numbers gave them strength and, in the absence of any combined opposition, Orangemen interfered in elections solely for the sake of establishing Orange supremacy.[6] In Toronto where a large proportion of the members

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5. Ibid.

6. Ibid.

of the Corporation and the police force were Orangemen, it was not surprising that an Orange mob had been allowed to act almost with impunity. What was surprising was that the Reform party had been able to win the election in the first place against such opposition.

The other major incident involving Orangemen occurred in North Wellington during the 1857 election. On the first day of the election, a group of Irish Catholics, returning in sleighs from the poll, passed a tavern where a number of Orangemen were gathered. According to one report, fighting started when one of the Orangemen left the tavern shouting, "To hell with the Pope." He challenged any of the men in the sleighs to a fight and this was all the invitation the Irish Catholics needed. They jumped from their sleighs armed with bludgeons and ran to the tavern shouting that they would "kill any Orangeman that came out of the house." One of the Orangemen, Henry Miller, was struck down by Timothy O'Callaghan who had vowed he "would not leave the corner till he had Orange blood." John Farrell stood over Miller with an axe and kicked him. Miller's brother, William, came to his rescue armed with a rifle, which he claimed he was going to use to practise for a Christmas day shooting match. With the muzzle upwards and the barrel diagonally across his body, Miller tried to push Farrell away from his brother. O'Callaghan seized the gun and in the struggle it went off, killing Farrell.

An indictment was laid against William Miller and, in

the intervening weeks before the trial, relations between Catholics and Orangemen remained tense. Seven weeks after the shooting, the Orangemen attempted to intimidate the Catholic community. Several hundred of them marched through the village with arms and swords and with fife and drum. They fired shots into the houses of some of the Catholics involved in the trial and "fired not less than 25 balls into the Roman Catholic church." This violence may have terrorized the Grand Jury who sat on Miller's trial. In any case they gave the decision which Orangemen wanted - No Bill was found on charges against Miller of murder and manslaughter and a cry went up that a miscarriage of justice had taken place.[7]

The first Reform Ministry attempted to tackle the problem of Orange violence by passing legislation which outlawed secret socieites (except the Masons) and party processions.[8] However, as mentioned earlier, the Secret Societies Bill was reserved for the consideration of the Home Government and Royal Assent was refused (1844). Reformers and Grits continued to advocate a ban on the Order, but no further legislation was ever passed.

Religious antagonisms were by no means the only cause of violence; to a large extent it was the result of the procedures used at elections. Before 1842 there was only one poll in each constituency and voting went on for a week unless

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7. Journals of the Legislative Assembly (1858), Appendix 26.

8. 7 Vict., c.6.

all the votes were polled before the end of the sixth day. The single poll attracted large, excitable crowds and, with voting taking so many days, excitement reached a fever pitch by the end of the week. In one constituency during the 1841 election, there was so much violence that the election was declared invalid.[9]

Several changes in the electoral law alleviated the problem to a certain extent. The Freedom of Elections Act of 1842 provided for more polls and a shorter period of voting. A poll would be held in every township, parish, and ward and would be open for just two days.[10] In addition, returning officers and their deputies were specifically given the duty to preserve the peace. They could arrest, try, and convict anyone who was disturbing the peace; they could request assistance from constables and justices of the peace; they could swear in special constables; they could require anyone to surrender arms; and they could order any citizen to arrest a disturber of the peace.[11] (There were, however, several incidents in which the election officers were notorious in aiding and abetting disturbances at the polls.)[12]

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9. Second Riding of York. Alfred Patrick, Digest of precedents or decisions by Select Committees appointed to try the merits of Upper Canada contested elections from 1824 to 1849 inclusive, 2nd ed., Toronto 1851, pp. 53-56.

10. 6 Vict., c.1.

12. See, for example, accounts of the Essex election of 1857-58. Journals of the Legislative Assembly (1858), pp. 664, 673-674.

11. 12 Vict., c.27.

Another Act in 1849 required that no polls be held in taverns. This was an attempt to control the drunkenness which often led to riots, but drinking remained a problem even after 1858 when taverns were ordered closed on election days.[13]

On the whole, these changes were reasonably successful and observers commented on the absence of violence in subsequent elections.[14] The St. Catharines Journal gave credit to the 1842 Act for eliminating the "riot, violence, and bloodshed [which] ordinarily marked a general election in Canada West."[15] An improvement in the conduct of elections could, of course, be very relative. William Lyon Mackenzie commented that the 1851 election was freer of violence than any in his memory: there were only riots at Megantic and a violent death at Beauharnois.[16] Whatever improvement there was, it came abruptly to a halt with the 1857 election. In Peel[17] a man was killed in shooting which occurred at the polling place; several men were killed in a fight between French and Irish in Quebec;[18] and reference has already been made to the death of an Irish Catholic in Wellington.

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13. 22 Vict., c.82.

14. Examiner, 24 April 1844; St. Catharines Journal, 24 October 1844; Patriot, 23 December 1851; Globe, 18 December 1851; Examiner, 10 December 1851; Leader, 31 July 1854.

15. 31 October 1844.

16. Examiner, 21 January 1852.

17. Leader, 24 December 1857.

18. Ibid., 29 December 1857; 1 January 1858.

Improvements in the law had certainly done much to reduce the crowding and excitement which often led to fighting, but 1857 showed that the changes had not gone far enough. The election took place in the midst of a severe depression which was accompanied by (and which, no doubt, partly caused) striking gains by the Grits. Both factors helped to create a tense and explosive atmosphere.

Although violence was usually the result of an irrational outburst of political passion, it was sometimes used to intimidate the opponent's voters in order to keep them away from the polls. There were, however, other subtler ways of employing force, which were not strictly illegal. "Taking possession of the poll" was a common tactic, and, if properly organized, it was not necessary to resort to outright violence. On the first day of the voting the candidate's friends would all come early and form a tightly-knit crowd around the poll. With a skilful use of elbows and shoulders, the opponent's supporters could be prevented from approaching the poll and were shunted away through the crowd. A former Conservative member for Essex advised Conservatives in the township of Sandwich to get to the polling place early on the first day and take possession of the poll. The voting was to take place in an old Court House and it was suggested that they ask the sheriff to arrange for the door to be opened quietly an hour or so before the polling started. "If he complies with the suggestion, let due diligence be used - but quietly among all MacLeod's voters, who are near at hand, and can be trusted - to get them together one hour or even more

before the hour of polling arrives. It is of the greatest importance to MacLeod's cause to keep him at the head of the poll, if possible, during the first day, and no exertion should be spared to do so."[19]

A certain amount of crowding was an accepted feature of elections and this is why improvements in electoral behaviour took so long to achieve. When Draper was Attorney General, the returning office for Durham warned him that riots might develop and asked for military aid. Draper noted that there had been some acts of violence and intimidation and that one of the parties had crowded around the hustings and taken possession of it, but he dismissed the request on the grounds that "in all contested elections efforts will be made by the friends of the respective parties to obtain every possible advantage in getting their voters forward. The superior address of one party over the other when no illegal or violent acts are resorted to, affords no ground for interference."[20] The returning officer's fears were quite justified, however, for a riot did occur.[21] It was not until the Corrupt Practices Prevention Act of 1860 that violence and intimidation were made a statutory offence and subject to a £200 fine.[22]

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19. Journals of the Legislative Assembly (1858), pp. 708-9.
20. R.G.5, B 25, vol. 3, Draper to Hosskirk, 23 March 1841.
21. Mackenzie-Lindsey Collection 6044.
22. 23 Vict., c.17.

2. Bribery and Treating

By the 1860s violence was less of a problem than it had been in earlier decades, but bribery was more widespread than ever. Votes were bought for anywhere from 50¢ to $20 each and in one Ottawa election a candidate was reported to have spent $2,000 in bribes in one day[23] another was supposed to have spent $14,000 before the election began.[24] W.H. Merritt, the member for Lincoln for almost twenty years, claimed that the "whole system had become as corrupt as in England."[25]

It was sometimes argued that the problem of bribery could be solved by extending the franchise to include a large number of voters. Bribery would then have to be conducted on such a large scale as to be impracticable. The good votes would swamp the bad. According to the Leader however, the opposite had taken place in Canada.

> The great extension of the franchise ... has created a new class of voters, who seem to think that a vote is a thing that may be bought and sold as legimately [sic] as a bushel of potatoes or a quart of whiskey. Many of them do not care to vote unless they are paid for it. Some hold out for the highest price they can obtain; and are absolutely without other reference than that which they willingly accord to the highest bidder. ... These men, who depend on their daily labor for a livelihood, say they cannot afford to lose a day's wages in going to vote; and they seem to think that it is only reasonable that they should be indemnified for their time. They seem to be positively unaware of any thing culpable in the venality of such a practice. Then again large sums are often paid for the influence, real or supposed, of certain individuals, by whom a flourishing trade in electioneering is carried on. They will

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23. Leader, 24 December 1857.

24. Ibid., 2 July 1863.

25. "Assembly Debates", 17 February 1859 reported in the Globe, 18 February 1859.

> undertake to influence in favor of a particular candidate a given number of voters, which they profess to be able to state with the greatest precision. Money given to electioneering agents and 'friends of the candidate' for 'judicial distribution,' probably often finds a ready resting place without going any further. 26

Legislation to prevent bribery was generally ineffective. The first such statute, passed in 1842, provided a fine of from £5 to £100,[27] though the maximum was later lowered to £50 in 1849.[28] Many of the election petitions presented to Parliament complained of bribery having been used, but no election in Upper Canada was invalidated on that account from 1841 to 1867. The difficulty was that both the offering and the accepting of a bribe were indictable offences, so neither party was ever willing to give evidence on a bribery charge and the courts could not compel them to answer and thereby incriminate themselves.[29]

Treating was an indirect form of bribery. Transportation to the poll was provided in return for a man's vote and, at a nearby tavern, food and drink were generously supplied. A candidate would arrange for a tavern near the hustings to treat all his supporters - and anyone else who came along. He paid for all the rounds and hoped that, in a spirit of boisterous conviviality, the party in the tavern

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26. Leader, 2 July 1863.

27. 6 Vict., c.1.

28. 12 Vict., c.27.

29. "Assembly Debates", 17 February 1859 reported in the Globe, 18 February 1859.

would move on to the poll and express their gratitude by giving him their votes. The more freely the liquor flowed, the more likely it was that those who had planned to vote for the opposition would forget their former intentions. When George Brown won a seat in Lambton in 1854, it was reported that in some township, treating had induced nine-tenths of the Conservatives to vote for the Grit leader:

> Of those who supported Brown, the greater portion were made drunk before being brought to the Polls. ... After the voting was over, the Brown agent supplied them with tickets, by which they were admitted to an orthodox drinking-house, where they were supplied, on broad Protestant principles, with meat and drink, till the business of the election was wound up. Perpetual saturnalia, in fact, were held at the expense of the champion of Protestantism and his friends. 30

At the next Lambton election, it was a supporter of the Conservative government and an avowed temperance advocate who organized voting entertainment which "looked as if half the county had come to worship at the shrine of Bacchus. Men in a beastly state of intoxication were marched up to the polling booth to vote as they were bidden."[31]

Another form of treating was the hiring of cabs to transport voters to the polls. The candidate hoped thereby to secure not only the votes of the passengers, but also the cabmen, who were considered to be freely purchasable commodities. Cabmen looked forward to the money which they earned on election days and hated an acclamation. If a candidate

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30. Leader, 1 August 1854; see also Buell Papers, Alex Cameron to A.N. Buell, 1 August 1854.

31. Globe, 5 January 1858.

stood a chance of being returned without a contest, they did all they could to see that someone opposed him, even if his chances were hopeless.[32] In all the larger cities, the Leader complained:

> we are fast reaching a state of things in which no man can be elected unless he purchases his seat by bribery, direct or indirect. ... We do not here speak of direct bribery; but of practices sanctioned by law and allowed to pass unquestioned before a parliamentary committee. ... Among the common modes of purchasing votes, is the hiring of all the cab- [sic] and carts and every other description of vehicle, - the owner of which has a vote, - on the days of election, at a rate which is expected to bring to the party hiring, as many votes as cabs, carts, and other vehicles. In nine cases out of ten, we venture to say the vote and the vehicle go together; and they as often, go to the highest bidder. If one candidate offers ten dollars a day for a vehicle he will not succeed against another who offers double that sum; so that, in point of fact, a large number of votes - perhaps 150 - are thus indirectly purchased at every election in this city [Toronto]. ... In calculating any candidate's chances of success, the first question usually asked is, - how many cabs, carts and other vehicles has he hired? ... And whenever a proposal is made to bring a candidate into the field, at a late hour, the first objection urged is, that it is too [l]ate, the cabmen and the carters have been all hired and their votes are therefore engaged. . . . . Our city constituencies are fast becoming mere marketable commodities, at the exclusive disposal of the rich. 33

Legislation aimed at stopping treating and cab hiring was not very successful. In 1849 entertaining voters was forbidden, except in a candidate's own residence,[34] and, after 1858[35] taverns were supposed to be closed on polling days. Both laws, however, were broken frequently and the

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32. Leader, 11 December 1857.

33. 11 August 1854.

34. 6 Vict., c.1.

35. 22 Vict., c.82.

latter provision was apparently not widely known.[36] The hiring of teams and vehicles to bring electors to the polls was also prohibited without much effect. Even though treating was widespread, only one election was invalidated on that account. In the North Wellington election of 1857, both candidates entertained their supporters in various taverns throughout the constituency, but when the election committee ruled the election null and void, the committee were accused of political partiality. What the member for North Wellington had done was probably done by every member of the House, claimed the Globe.[37] A new election was held, but it was clear that the voters were unconcerned about their political immorality. A friend of the unseated member complained:

> There is sum of our voters seems carless about going to the poll the[y] say if do not be Brought and get some refresh ment the[y] will not go But I told them that what unseatted Mr. Allen. 38

The friend decided that, regardless of the law, some drink would have to be provided.

Even the Corrupt Practices Prevention Act of 1860, which defined bribery and treating more precisely than previous legislation, made little difference:[39]

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36. Leader, 4 July 1861.

37. 15 July 1858.

38. Clarke Papers, Alexander Kirkpatrick to unknown recipient, 9 August 1858.

39. 23 Vict., c.17.

> In spite of the new election law, the contestants in North Simcoe appear to carry on the war in the old style - free carriages, open houses, treating, &c. Mr. Morrison hired a train of seven cars, and started from Collingwood with a good load of "roughs," led by Mr. McWat, the collector of the port, and Peter Ferguson, Postmaster, with the determination of carrying all his own way at the hustings. As the train progressed towards Barrie, large numbers were added to the Collingwood band - and by the time it reached the county town, there was as rough a collection of indescribables as ever poured out of a railway train.
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> Sheriff Smith presided on the occasion as Returning Officer, but between the railway station and the hustings there had been a fearful consumption of whiskey; the consequence was that from the moment the Sheriff stepped on the hustings to the end of the nomination of candidates, the yelling and shouting prevented one syllable being heard. 40

But no one bothered even to petition against the election. The Leader declared that "the election law is now so palpably useless as to be openly violated during election times"[41] and it pleaded the legislature to take more effective action. "Can nothing be done ... to stem the torrent of corruption, which takes its rise in the very fountain head of our free institutions, and which at present threatens to overwhelm the whole country?"[42]

The crux of the problem was that, as long as a man's vote was public, bribery and treating could not be avoided. The ballot had been discussed in almost every session of the legislature of Upper Canada for years before Union[43] and

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40. Globe, 25 June 1861.

41. Leader, 24 June 1863.

42. Leader, 2 July 1863.

43. "Assembly Debates", 30 July 1841 reported in Chronicle and Gazette, 7 August 1841.

ballot bills were introduced on six occasions after 1841, but none became law. The ballot was included in the original Clear Grit platform of 1850; but Brown was opposed to it and he refused to have it in the 1857 programme.[44] There was a certain revulsion against secret voting which was somehow felt to be dishonourable. If a man did not have the courage to acknowledge his political opinions, then he did not deserve to have the vote, said those who opposed the ballot. In a country like England where there were rich and powerful landlords or industrialists, the ballot might prevent undue influence being exerted, but the backwoodsman of Canada was reputedly as "independent as the lord of the land" and did not need the protection of the ballot.[45] There was some validity in the comparison with England, but the argument overlooked the problem of bribery and this attitude prevented adoption of the ballot until 1874.[46]

3. Fraud

More elections in Upper Canada between 1841 and 1866 were invalidated because of fraudulent practices than for any other reason. The most persistent frauds were voting without the required property qualifications and tampering

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44. J. Garner, "The Ballot in the British North American Colonies", in J.H. Aitchison, ed., The Political Process in Canada, Toronto, 1963, p. 34.

45. From a speech by John Prince, ibid.

46. 37 Vict., c.9. New Brunswick was the only colony in British North America to adopt the ballot before Confederation; it did so in 1855.

with the poll books.

Before 1858 a voter did not have to show any proof that he had sufficient property to qualify for the franchise. If his vote was questioned, he had to take an oath of affirmation and the objection was noted in the poll book.[47] Only if the election were afterwards disputed and a scrutiny undertaken, might the voter have to show proof of his qualifications.

The commonest frauds were, accordingly, those involving spurious qualifications. A short time before an election, "houses" were hastily constructed on empty lots and men claimed the franchise on these "improved" properties.[48] One parliamentary committee, investigating such claims, found that shacks without plaster or chimneys had been erected and occupied for only a week or two before the election; a building measuring eight feet by twelve feet, costing £10 to £12, and built in a few minutes was also claimed as qualification for the franchise.[49] These votes were discounted in the committee's scrutiny, but there were many other instances of similar frauds which did not have to pass an election committee's scrutiny.

One widely used method of manufacturing votes was not strictly illegal. As stated earlier, tenants as well as

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47. 12 Vict., c.27.

48. London (Ontario) Reference Library, Reminiscences of Elijah Leonard, 1850.

49. Niagara, 1841, cited in A. Patrick, pp. 46-48.

owners in the towns were enfranchised in 1791 and after 1853 tenants in the counties also had the vote. A piece of property of the required value could therefore serve as the qualification of both owner and tenant. A son would claim a vote as the tenant of his father's land.[50] If he had enough land, a father with several sons could allege that his land was divided among his sons and even his labourers. All of them would qualify for the vote as occupiers and he would receive it as the owner of the whole property. But when they all lived in the same house, it was clear that the law was being perverted.[51]

Votes were manufactured in other ways which were not legal at all. The most notorious case was the Russell election of 1857. In the remote township of Cambridge where there were only seventy or eighty heads of families, thirty-one votes were recorded on the first day of the poll and, until early in the afternoon of the second day, only fifteen more votes were given. Then, according to the poll book, 347 people flocked to the poll and all of them voted Conservative. Their votes were sufficient to give the Conservative candidate a majority in the whole county. What made the Cambridge results even stranger was that most of

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50. Shenston Papers, J. Ross to Shenston, 9 December 1851.

51. "Assembly Debates", 22 February 1853 reported in the Globe, 5 March 1853; "Assembly Debates", 27 April 1858 reported in the Globe, 28 April 1858; "Assembly Debates", 8 June 1858 reported in the Globe, 9 June 1858; Buell Papers, Draft of a letter probably by A.N. Buell, 17 January 1848.

the 347 had given three towns in New York State as their places of residence. Not only had they come to this remote township in late December when the weather made travelling difficult, but many of them had recorded their votes alphabetically, by order of concessions, and on land owned by a friend of Fellowes, the Conservative candidate.

George Brown concluded that it was "the most impudent and audacious fraud that had ever been perpetrated in the House of Assembly."[52] The victorious Fellowes claimed in his defence that they had had to make up false votes in Cambridge, because his opponent had forced hundreds of Conservative voters away from the poll in another township. The case was complicated by three affidavits all given by a Mr. Earl Bedell from New York State. In the first affidavit, Bedell swore that the returning officer and Fellowes had given him a list of names and qualifications and told him to give votes in these names. In the second document he said that Fellowes's Grit opponent had bribed him $10 to make the first document. The third affidavid substantiated the other two and Bedell was said to have received $200 for swearing to it! When questioned before the legislature, Bedell disclaimed having made the second affidavit, but said he had been bribed by Fellowes's opponent into making the first one. Most witnesses agreed that Bedell was not a trustworthy character, but his statements corroborated an obvious fraud.

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52. "Assembly Debates", 1 June 1858 reported in the Globe, 2 June 1858.

In the face of overwhelmingly suspicious evidence, Fellowes and his friends tried to claim that the poll clerk had made mistakes in recording the properties or the places of residence of the voters. A Grit motion in the Assembly to have the election declared void was narrowly defeated, but an Address asking that criminal proceedings be taken against all those connected with the fraud was accepted unanimously. Fellowes remained a member of the Assembly, but a year later he and three of his friends were found guilty of conspiracy and sentenced to jail, whereupon he resigned his seat.[53]

The legislature first attacked the problem of fraud by instituting penalties. A person who voted without sufficient property qualifications was liable to a fine of £10[54] and this was increased to a maximum of £50 and a minimum of £25. Imprisonment for three to six months could either supplement the fine or take the place of it.[55] There were similar penalties for voting more than once, impersonating another voter, and other frauds.[56] Election officers guilty

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53. Journals of the Legislative Assembly (1858), pp. 86, 170-178, 203-213, 224-231, 235-243, 271-276, 570-579; "Assembly Debates", 11 March 1858 reported in the Globe, 12 March 1858; 12 March 1858 reported in the Globe, 13 March 1858; 15 March 1858 reported in the Globe, 16 March 1858; 16 March 1858 reported in the Globe, 17 March 1858; 19 April 1858 reported in the Globe, 20 April 1858; 1 June 1858 reported in the Globe, 2, 3 June 1858; Globe, 13, 16 April 1858; Leader, 12 January 1858; Regina v. Fellowes et al., [1861] Report of Cases decided in the Court of Queen's Bench, 48.

54. 12 Vict., c.27.

55. 18 Vict., c.8.

56. 12 Vict., c.27; 18 Vict., c.8; 22 Vict., c.82.

of fraud could be fined £50 and imprisoned for six months,[57] this punishment was made harsher in 1858 when an option of from two to seven years hard labour at the Provincial Penitentiary was provided.[58] These penalties, though severe, were quite ineffective, because prosecutions for perjury were rarely carried through.[59] Furthermore, the system of deciding qualifications was so haphazard that it invited fraud. A man could claim that his land was worth enough to qualify him, or that he occupied part of his father's land, or that he owned some wild land in a back township, etc. In a heavily populated township or ward, he might get through giving his vote without any questions being raised. In any case, it would be impossibly time-consuming to question every voter's qualifications (unless delaying tactics were adopted on purpose) and once a man's vote was recorded, it was almost certain to stand - whether objected to or not.

The most effective way to tackle the problem was to introduce a system of registration. As early as 1842 registration was unsuccessfully proposed in the Assembly as an amendment to the Freedom of Elections Act. A few years later Baldwin said that it was impossible to introduce registration because of the enormous expense.[60] He was no doubt

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57. 16 Vict., c.153.

58. 22 Vict., c.82.

59. Mackenzie-Lindsey Collection, 708, clipping, n.n., n.d.

60. "Assembly Debates", 6 March 1849 reported in the Globe, 17 March 1849.

thinking of a system like the one which had been set up in England under the 1832 Reform Act. There, responsibility for drawing up the lists of qualified voters was given to the Overseers of the Poor and objections were heard before specially appointed revising barristers.

The expense of such a system was avoided in Canada when, in 1853, a system of registration was introduced for the first time as part of the Franchise Act.[61] Because Canadian electoral qualifications were far less complicated than they were in England, Canada was able to economize by using the machinery which was already set up for determining assessments. After each annual assessment, a voters list was to be drawn up on the basis of the property values which appeared in the assessment rolls. No one could vote unless his name were on the list and any complaints would go before the same Court of Revision which settled assessment disputes.

Registration was to have come into effect the beginning of 1855, but difficulties arose in the preparation of the lists. Instead of preventing fraud, this method of registration seemed to encourage it. Partisan assessors overvalued the property of their political friends and undervalued that of their enemies. In one township, according to Macdonald, the Reform assessor put down many Conservatives as possessing property worth £45, while, on the other side of the river, a Conservative assessor did the same thing with

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61. 16 Vict., c.153.

the Reformers.[62] In another county, it was reported that assessors had withheld the franchise from several voters by declaring their rentals to be less than £5 a year, when they in fact paid between £5 and £10.[63] Because of these frauds, the operation of the voters lists had to be postponed for another year,[64] and soon afterwards the attempt to introduce registration was dropped altogether.[65] Registration was described as being "prolific of fraud" rather than preventive.[66]

The 1853 Act, as well as introducing registration, had extended the franchise in the counties to tenants. Once registration was abandoned, there was some concern that this extension of the franchise would get out of hand and thousands would claim the vote on the flimsiest pretences and that the counties would copy the frauds which were already practised in the towns. Occupants of mere shanties would vote without having to provide any proof of their qualifications beyond taking an oath on the hustings.[67] This

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62. "Assembly Debates", 13 December 1854 reported in the Leader, 23 December 1854.

63. Leader, 23 June 1854. Under the new Act, the minimum property requirement in the counties was £50 real value or £5 annual value.

64. 18 Vict., c.7.

65. 18 Vict., c.87; "Assembly Debates", 20 April 1855 reported in the Globe, 30 April 1855.

66. From a speech by Sydney Smith, "Assembly Debates", 13 December 1854 reported in the Leader, 23 December 1854.

67. Leader, 6 December 1854.

in fact is what happened at the next general election. The fraud which occurred in Russell was only the most spectacular of many. In Essex, for example, 209 spurious votes were recorded in the Maidstone poll book in favour of the Reform candidate. In retaliation his opponent's supporters added 344 bad votes to the poll books of two other townships. Most of these names did not appear on the county assessment rolls so, if registration had been adopted, the frauds could not have been attempted. In other elections there were reports that votes had been manufactured on a large scale.[68]

The general election was followed by a record number of petitions to Parliament complaining of undue elections and fraud was alleged in many cases. In Upper and Lower Canada, thirty-five elections were controverted and eight were declared void. It was remarkable that even eight petitions should have succeeded for (as we shall see) once a man got into Parliament, he usually kept his seat.

Up until 1857, the voters had been apathetic to the problem of fraud and, without their support, the legislature's attempts at reform had ended in failure, But public opinion was shocked by the excesses of the 1857 election and demanded an improvement in election morality. It was obvious that registration was the only answer and, when Parliament met following the general election, a registration bill was again introduced. "The results of the last general election",

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68. Leader, 24 December 1857; 15 January 1858; Globe, 18 January 1858.

said Macdonald, "showed clearly the necessity of a complete system of registration, and proved that there must be some mode adopted to prevent the continuance of the gross frauds which had been practised."[69] The system of registration was the same as the one that had been dropped in 1855. By this time however, the assessment rolls for Upper Canada were quite complete[70] and Macdonald hoped that, because registration would begin immediately after a general election, people would be less likely to want their property overvalued in order to qualify for a vote which they would not be able to use for four years.[71]

This time registration did come into effect[72] and when the next general election was held in 1861, it proved a success. In some townships the wrong year's voting lists were used and one election was declared void for that reason.[73] There were some other cases where names of properly qualified persons were left off the lists or unqualified persons were put on the lists and this made another election invalid.[74] In general, however, registration did bring about a marked

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69. "Assembly Debates", 27 April 1858 reported in the Globe, 28 April 1858.

70. Ibid.

71. Parliamentary Debates, Legislative Assembly, 27 April 1858. Microfilm.

72. 22 Vict., c.82.

73. East Durham; Journals of the Legislative Assembly (1863), p. 293.

74. West Elgin; Parliamentary Debates, Legislative Assembly, 23 February 1863.

decrease in fraudulent voting; it did more to purify elections than any other legislation passed during the period under study.

4. Controverted Elections

It was one thing for the Canadian Parliament to pass legislation against electoral corruption, but it was another thing for wrongdoers to be punished. Just as fines were hardly ever imposed in cases of fraud, so elections were not often declared void even though fraud, bribery, and violence had taken place. Theoretically, if there had been enough corruption to affect the outcome of an election, it was supposed to be declared void and a new election called. But in Lower Canada prior to Union, the tradition had developed that once a man got into the Assembly, he was never turned out by an election committee.[75] Very soon after Union this practice spread to Upper Canada.

The petitions which followed the first election were handled reasonably fairly and there were no serious disagreements with any of the committee's decisions. Ten returns were controverted and three of them were amended or declared void. After the second election, fifteen Upper Canada elections were petitioned against and, since the Ministry's majority was precarious at best, it was tempted to use what pressure it could to ensure that its supporters did not lose

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75. John Garner, "The Franchise and Politics", Ph.D. thesis, University of Toronto, 1958, p. 502.

their seats. According to reports, the Ministry's supporters were instructed to vote along party lines whenever a controverted election case came before the Assembly or an election committee.[76] The final outcome of all the election petitions suggests that the Ministry's pressure had the desired results.

Eight government seats were initially in danger and four of these were rescued before they could be examined by election committees - two were discharged by the Assembly[77] and two were dropped because the petitioners failed to provide the required surety. Two of the cases which did get referred to the election committees concerned elections where the results had been very close. In West Halton (later Waterloo) the government candidate had beaten his opponent by four votes.[78] Seven women had voted for the winning candidate and, although the Constitutional Act of 1791 gave the vote to all "persons" who possessed sufficient property, custom in Canada and Great Britain definitely excluded women from the franchise. In Middlesex, the government supporter had a majority of only seven and there was evidence of sufficient irregularities to put the outcome of the election in doubt. Commissions took evidence in both constituencies, but the election committees found technical faults in their proceedings and refused to accept their findings. The West Halton Commissioners had not been properly sworn and had adjourned

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76. Examiner, 29 January 1845.

77. Globe, 14 January 1845.

78. Recorder, 21 November 1844.

in the course of their proceedings contrary to the law.[79] The evidence from Middlesex was rejected for the same reason even though their adjournments had been necessitated by bad snow conditions.[80] With no evidence to support them, both petitioners realized their protests were futile and dropped them.

The Ministry interfered most notoriously in the Oxford case. A Conservative had defeated Francis Hincks, a leading member of the Opposition, by only twenty votes and a scrutiny was demanded. It looked as if the Government would lose the seat because they did not have a majority on the Oxford election committee,[81] so pressure was brought to bear on one of the Reform members of the committee. In order to get him off the committee, he was offered a government patronage position which would require him to resign his seat in Parliament. He turned down the job; another was added and refused. Three jobs were demanded, "the price was paid", the member withdrew, and the committee reported in favour of the sitting member.[82]

In addition to saving all their own seats, the Ministry

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79. Journals of the Legislative Assembly (1846), pp. 183, 203. Patrick, p. 61.

80. Ibid., pp. 90-92.

81. Examiner, 29 January 1845.

82. Patrick, pp. 72-78; Garner, p. 510; Mackenzie-Lindsey Papers Examiner, 5 May, 8 December 1847; Hincks Papers, Supplement to the Pilot, 24 October 1846; "Assembly Debates", 15 March 1858 reported in the Globe, 16 March 1858.

were successful in depriving two Opposition members of theirs. A Reformer who had a majority of 455 over his Conservative opponent[83] lost his seat because a poll had not been held in four back townships, which were so sparsely populated that they could not possibly have affected the result.[84] The government's victory, however, was short-lived. A new election was held, the Reform candidate was again the winner, and this time no one tried to unseat him. By contrast, the other constituency was a permanent gain for the government. The election committee held that the Reform member did not have sufficient property. The return was amended and the Conservative candidate was awarded the seat, even though Reformers questioned whether he had any property qualifications at all![85]

The general election of 1847 returned a Reform majority and the new Government was less inclined to use its influence on election committees. Eleven elections were disputed, but five of these petitions were dropped. Five of the remaining cases concerned minor points in the law and were settled in favour of the majority candidates - two Conservatives, two Reformers, and one Independent. In only one instance did an election committee unseat a Conservative and replace him with a Reformer. This action appears to have been prompted not by

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83. Patriot, 8 November 1844.

84. Patrick, pp. 83-84. In 1848 these four townships polled a total vote of only 88. Globe, 15 January 1848.

85. "Assembly Debates", 15 March 1858 reported in the Globe, 16 March 1858.

partisan motives, but in response to large-scale corruption. The Conservative candidate won by a majority of 302, but the committee found that 523 of his votes were given by settlers who did not have legal titles of ownership to the land they occupied.[86]

The Reform Ministry also made a positive step in reforming procedure for handling controverted elections. An Act[87] was passed in 1851 which was modelled on Peel's Acts of 1839[88] and 1848.[89] At the beginning of each session, the Speaker chose six MPPs to form a General Committee of Elections. The General Committee named four to eight MPPs to serve as chairmen of the various election committees. The remaining members of the Assembly, who were not themselves involved in controverted elections, were divided into three panels. Using a different panel each week, the General Committee selected the committees which examined the individual elections. The chairmen, by themselves, chose one of their number to be the chairman of each election committee. In this welter of committees chosen by other committees, it was hoped that the direct partisan influence of the Assembly and the Ministry would be minimized.

The next general election elicited only three petitions from Upper Canada and the following election only two.

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86. Patrick, pp. 111-114; Examiner, 2 February 1848; Journals of the Legislative Assembly (1849), p. 72.

87. 14 & 15 Vict., c.1.

88. 2 & 3 Vict., c.38. (Imp. Stat.)

89. 11 & 12 Vict., c.98. (Imp. Stat.)

After the 1857 election, however, there was a flood of petitions. A storm was raised, first of all, over the Speaker's choice of the members to form the General Committee on Elections. Four of the six were government supporters, whereas the usual practice was to appoint an equal number from the Government and the Opposition.[90] The Clear Grits moved that the Speaker draw up a new committee and, with the help of a few Lower Canada Conservatives, the Grits had their motion passed over the objections of the Conservative Ministry. A new committee was formed in which Conservatives and Liberals were equally represented.[91]

There were many complaints that these committees were not impartial in spite of the safeguards of the 1851 Act[92] and most of the divisions within the committees were along party lines. But this situation was aggravated by the difficulty of even getting a petition referred to a committee. The law required that a written notice of the intention to petition must be given to the winning candidate (or an adult member of his family) within two weeks of the day he was declared elected. Several members were aware that notices would be served on them and they evaded the letter of the law

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90. Journals of the Legislative Assembly (1858), pp. 137-138; Parliamentary Debates, Legislative Assembly, 15 March 1858; "Assembly Debates", 15 March 1858 reported in the Globe, 16 March 1858.

91. Journals of the Legislative Assembly (1858), p. 151.

92. According to Sandfield Macdonald, "So partizan were the committees, that there was scarcely a time when an individual obtained justice." "Assembly Debates", 1 June 1858 reported in the Globe, 3 June 1858.

by disappearing with their families until the two weeks had expired.[93] After some argument these petitions were referred to election committees, but the Ministry was not overly zealous in ensuring that justice was seen to be done. In the famous Russell case, the Ministry was quite ready to allow another technicality to permit Fellowes to retain his seat. On Fellowes's own motion, the petition against his return was rejected.[94] The Ministry appeared to be quite happy to sweep the Russell petition and several Lower Canada protests under the rug. But the House, led by the Opposition, was not prepared to put up with such pre-emptive action. The Cambridge township poolbook was produced and George Brown pointed out all the irregularities. The Russell election was not an isolated case of fraud, he said, but the climax of a practice which was more widespread at each succeeding election.

> If we pass this over, we will not be doing what a regard to the dignity of this House, and to the purity of election, requires at our hands - and the result will be that in the future this House will be flooded with members fraudulently returned, and there will be no such thing as purity of election in the country.
> .....
> We have now in the House three members who sit here by reason of their having received 15,000 fraudulent votes;[95] another member has received 2,000 such votes in one township,[96] and a third member (Mr. Fellowes) has been

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93. Globe, 19 January 1858; Mackenzie-Lindsey Collection, Ottawa Citizen, 20 March 1858.

94. "Assembly Debates", 11 March 1858 reported in the Globe, 12 March 1858.

95. The three members for Quebec City, who after two years were finally declared to have been unduly elected.

96. The member for Lotbiniere, who was expelled from the Assembly two months later.

> put in by his own vote. ... Unfortunately, there are many other cases of a similar character; and if the House is not prepared to deal with this matter in a prompt and efficient manner - without hesitation or giving way - the result will be that such disgraceful cases will be persisted in, Parliament after Parliament, until purity of election becomes a mockery and a farce - and every man who has sufficient boldness and audacity, either by force or threats, to get the requisite number of votes placed upon the poll-books to secure his election, will not only come to this House, but retain his seat throughout the Parliament, and have a voice in controlling the affairs of the country. 97.

With much reluctance the Ministry finally allowed some of the participants at the Cambridge election to be questioned before the Bar of the House. But even when it became obvious that an outrageous fraud had been committed, the Ministry were still averse to having Fellowes unseated by a vote in the Assembly. John A. Macdonald pointed out that by the Grenville Act of 1770, the English House of Commons had given up its jurisdiction over controverted election, because it had proved impossible for the House to decide such questions justly and impartially. These cases were now handled by an election committee "upon the strictest principles of law and justice,"[98] and Canada had wisely followed the same practice. "This protection of the liberties of the people, the hon. gentlemen opposite were anxious to destroy. They were willing that all cases of controverted elections should be determined by a majority of the House."[99] Macdonald

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97. "Assembly Debates", 16 March 1858 reported in the Globe, 17 March 1858.

98. Ibid., 1 June 1858 reported in the Globe, 3 June 1858.

99. Ibid.

agreed that the evidence which the Assembly had heard showed that fraud had been practised at Russell; but it was better, he argued, "to submit to an injury than to set a precedent which might in future do much wrong. It was better to allow a little harm to be done than to commit a great evil by setting aside a law passed after great and mature deliberation."[100] Most of the members agreed that election cases should not be dealt with by the whole House, since party feelings were likely to predominate. But in view of the fact that the Government had prevented this election from being referred to a committee, Macdonald's plea sounded disingenuous. Nevertheless, Fellowes retained his seat for the time being. The Grits moved that the election be declared void, but the Conservatives opposed the motion and it was defeated by one vote.[101]

The procedure for settling controverted elections was clearly unsatisfactory. Whenever a case came before the House, voting was almost always on party lines[102] and the committees were almost as partial. In 1860 L.V. Sicotte presented a bill to transfer these cases to superior law courts. Petitions against municipal elections were already handled by judges, but many MPPs felt it was Parliament's duty to deal with its own election cases, even if at the present time it

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100. Ibid.

101. Journals of the Legislative Assembly (1858), pp. 569-579.

102. e.g., the Essex election of 1863, Journals of the Legislative Assembly (1863 8th Parliament), 19 August 1863; 17 May 1864; 6 & 7 June 1864.

performed its duty badly.[103] Sicotte's Bill did not get beyond the first reading, but in 1868 the British Commons transferred its jurisdiction to a judge and, five years later, the Canadian Parliament passed a similar Act. Though Sicotte's proposal was rejected in 1860, it is the procedure by which controverted elections are tried today in Canada.

If anything, election practices became more corrupt after 1848 than they had been before. By the 1863 general election, the Leader reported that bribery, for example, had been practised on a bigger scale than ever.[104] There were some who claimed that Responsible Government itself was the cause, because Canadian voters and politicians were neither sufficiently mature nor sufficiently honest to govern themselves;[105] but this was an old Tory argument. The Leader was of the opinion that by 1863, the voters had become indifferent to elections. The great questions like Responsible Government and the Clergy Reserves had been settled and politics had become routine. The Leader claimed that there were no new questions about which anyone felt strongly and "political apathy", it said, "is eminently favorable to electoral corruption."[106] The Leader's argument ignored, perhaps purposely, the Rep by Pop issue. It was undoubtedly

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103. Mirror of Parliament, 13 April 1860.

104. 2 July 1863.

105. Speech by J.W. Gamble reported in the Leader, 21 July 1854.

106. Leader, 2 July 1863.

a 'great question' in the 1860s; but it had been raised by the Leader's opponents and the Leader wanted to forget it. Nevertheless there were others who observed a general disinterest in the 1863 elections.[107] In any case, public opinion had to take a more decisive stand against corrupt practices than it had already. In general, voters seem to have accepted corruption with a certain amused tolerance. Some of the newspapers were making protests, but Canada had a long way to go before the problem of corrupt practices was tackled effectively.[108]

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107. Macdonald Papers, vol. 338, Ryerson to Macdonald, 23 May 1863.

108. See N. Ward, "Electoral Corruption and Controverted Elections", C.J.E.P.S., XV (1949), 74-86.

Chapter X

CONCLUSION

Politics in Upper Canada came of age after the granting of Responsible Government in 1847-48. The whole Province of Canada began to act less like a fretful colony; the term province, which was commonly used to describe the country's status, was, in fact, an apt one. Upper Canadians had pride (as well as security) in being a member of the Empire and for the next few decades, Canada's limited independence in external affairs irked no one. The relationship with Great Britain had achieved a stability which, for the moment, was eminently satisfactory.

The province had reached maturity in another sense. Whatever frontier there was in Upper Canada at the beginning of the nineteenth century had disappeared. The newer frontier of the Prairies and the even later frontier of the North had not yet arrived. Upper Canada had an opportunity to pause and consolidate. This was a period of great economic development: the building of railways and the beginning of a metropolitan centre for Upper Canada at Toronto.[1]

Just as economic factors were beginning to bind together

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1. J.M.S. Careless, "Frontierism, Metropolitanism and Canadian History," C.H.R., XXXV (1954), 1-21.

and integrate Upper Canada, so political developments were proceeding in the same direction. With Brown and the Grits, this took the form of party conventions and central committees, while the Conservatives worked indirectly through already established organizations like the churches, the Orange Order, and the Grand Trunk. The churches (as opposed to the sects) were probably the most developed institutions in Upper Canadian society. They were extensive and highly organized and the same was true of the Orange Order, though it was more extensive than centralized. Thus Macdonald and Brown were really seeking to achieve the same ends, but by different means. Brown had to build his organization; Macdonald, to a large extent, relied on those which already existed. Both were concerned with drawing the body politic of Upper Canada together and imposing on it a central authority. To this end, the Conservative party were aided by the fact that, for most of the latter part of the period, they formed the government. Both parties also relied on newspapers to help form and mould public opinion in Upper Canada. (It is significant that most towns and cities had more newspapers then than they have now; there were over a hundred newspapers in the Toronto area alone from 1841 to 1867.) Here again centralizing forces were operating, for the leading newspapers, both Conservative and Liberal, were in Toronto and the papers in the outlying areas often carried items from the Toronto journals as well as exchanging articles among themselves.

The two-party system was becoming predominant in elections and this was the result of increasing centralization and the operation of the electoral system. Upper Canada had single-member constituencies (the double-member constituency of Toronto was divided into two in 1860[2]) and the simple-majority or first-past-the-post rule for determining the winner. These electoral arrangements have tended to discourage third parties in other countries (even present-day Canada is basically a series of two-party systems in each province) and they had the same effect in Upper Canada. Evidence of this is shown in the concern of the party leaderships to avoid splits. A polarization between candidates of the 'right' and the 'left' can be observed in the various elections. In 1847-48 and 1851 this polarization occurred in about 78% of the contests; in 1854, when the Reform party finally split into radicals and moderates, only 55% of the contests were between 'right' and 'left'. However the electoral system (as well as the parliamentary system) encouraged the formation of alliances and the restoration of two-party politics. The moderate Reformers could not hope to exist as a third party and they either joined the Conservatives or the Grits. By the general election of 1857-58, two-party contests were again the rule in about 75% of the constituencies. In 1861 these propor-

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2. 23 Vict., c.1.

tions rose to 85% and 91% respectively.[3]

The strength of the two-party system is also shown in the infrequency of acclamations. In contemporary England and Canada acclamations rarely occur because there is a keenly competitive two-party system which operates throughout each of the two countries even in the safe constituencies. Even in Upper Canada the number of contests never fell below 85% of the total constituencies. By contrast, contested elections in England were often the exception rather than the rule. In 1841, for example, there were contests in only 47% of the constituencies and in 1847, this figure fell to 41%. An acclamation in England was usually an indication that influential groups from both parties had agreed on candidates in several constituencies in order to avoid the expense and hazards of elections.[4] In Upper Canada, the rivalry between the two parties was already so earnest that this type of arrangement seems never to have taken lace. Efforts were always made to find an opposing candidate even when, as in Macdonald's Kingston,

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3. These percentages exclude acclamations; candidates who received a very small number of votes are not counted. These calculations are partly based on lists of candidates in P.G. Cornell, The Alignment of Political Groups in Canada, Toronto, 1962, pp. 23-24, 31-32, 36-38; returns in the Journals of the Legislative Assembly (1854), Appendix N; (1858), Appendix 28; (1862), Sessional Paper 24; (1863), Sessional Paper 48; and various newspapers. In a few minor cases the newspapers differed with Cornell's lists.

4. I. Jennings, Party Politics, Vol. I: Appeal to the People, Cambridge, 1960, p. 81.

his chances were hopeless from the beginning. When an acclamation did occur, it was not because some bi-partisan arrangement had been made, but because the opposition had failed to find a candidate.

The centralizing tendencies in Upper Canadian politics had not developed to the extent of producing a very homogeneous electorate. Provincial issues were an important factor in most elections, but parochialism was still very strong. County questions, local rivalries, and personalities were the chief interest in many constituencies. This is graphically illustrated by the absence of any uniform swing from one party to the other in any election. In 1863, for example, twenty-five constituencies swung from Conservative to Liberal, eighteen swung from Liberal to Conservative, and in two constituencies there was no swing. The swings, in terms of percentages ranged from a Liberal swing of 35.0 to a Conservative swing of 15.2 and they were distributed without any pattern throughout Upper Canada. Even in present-day Ontario the swing is less uniform than it is in England, but in Upper Canada there was no uniformity at all.

A further sign of political maturity was the rising cost of elections. In the 1840s, according to the Leader, an election might cost a candidate $200 or $300.[5] J. P. Robinson spent about £260 in the Simcoe election of

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5. 2 July 1863.

1841[6] and there were reports of candidates having spent more than that.[7] By the 1860s, election expenses had increased enormously. Most election expenditures were between $2,000 and $4,000 and they could go as high as $6,000.[8] One Conservative told Macdonald that he had spent £15,000 in three elections[9] and he was successful in only one of them. R.W. Scott claimed that seven years in politics had cost him $20,000 and had "now financially ruined me".[10] There was a common impression that men went into politics 'to line their own pockets'[11] but most of those who had first-hand experience, at least as backbenchers, found that a political career meant "loss of business - loss of money - and no earthly benefit to accrue".[12] MacNab, in a letter to Macdonald in 1861, spoke of the difficulty of finding good candidates; "the truth is that Elections are becoming so fearfully expensive that most men are afraid to embark on them."[13]

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6. Robinson Papers, 1841.

7. Ibid., W. Laughton to W.B. Robinson, 29 March 1841.

8. Leader, 7 June 1861; Macdonald Papers, vol. 336, W.F. Powell to Macdonald, 18 November 1863; T.M. Daly to Macdonald, 1 July 1863.

9. Macdonald Papers, vol. 336, E. Larwill to Macdonald, 18 September 1858.

10. Ibid., vol. 336, R.W. Scott to Macdonald, 27 June 1863.

11. Patriot, 9 December 1851.

12. Brown Papers, W. Notman to Brown, 30 June, 3 July 1854.

13. Macdonald Papers, vol. 246, MacNab to Macdonald, 17 June 1861.

The rising cost of politics provided the party leadership with a chance to exercise some discipline in the ranks: the candidates' needs should have been the leadership's opportunity. However, the party organizations were also short of money and numerous complaints were made about the difficulty of collecting donations.[14] The Conservatives seem to have had a larger central fund than the Grits and various Conservative candidates were able to "draw" on Macdonald;[15] but he was less interested in creating a disciplined party than in simply getting votes and the idea of controlling candidates by means of the party purse strings did not seem to have interested him.

Increasing election expenses were partly, though not wholly, due to spending on illicit electioneering activities. If the crude violence of simply pioneer days was on the decline; it was being replaced by a more sophisticated kind of corruption. This was not just bribery, but also the widely accepted, though illegal, practice of providing entertainment and transportation for the voters. In 1858, W.H. Merritt spent the relatively modest sum of $1,700, but over a third of this was for meals, alcohol, and hiring wagons.[16] Election costs were highest in the

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14. Leader, 7 June 1861; Shenston Papers, J. Ross to Shenston, 4 February 1852; Buell Papers, A. Cameron to A.N. Buell, 30 June 1861.

15. Macdonald Papers, vol. 215, Foley to Macdonald, 6 April 1864; vol. 338, C. Alleyn to Macdonald, 29 December 1863; G. Benjamin to Macdonald, 2 June 1863; Sydney Smith Papers, Macdonald to Smith, 14 February 1861.

16. Merritt Papers, 1858.

cities[17] and this was the result of a growing urban population and an increasing venality on the part of that population.

The maturing of Upper Canadian politics was accompanied by an intensifying conflict among religious denominations and nationalities. From an historical perspective, economic development, the federation of British North America, and the acquisition of a western hinterland are perhaps more important than the religious controversies of the period, but the voters themselves were more concerned with the latter. In this respect Canada was not so much a frontier community or a young nation, as an extension of European civilization. One might be inclined to think that there was no sense in carrying over to a new country the rivalries of nationality and religion which existed in the Old World, but to Upper Canadians of the time, these questions were of utmost importance. Even the intra-denominational debates between Roman Catholic liberals and ultramontanists, Anglican tractarians and evangelicals, Presbyterian Freechurchmen and the Church of Scotland were pursued no less heatedly in Upper Canada than in Europe. However, this should really cause no surprise. Most Upper Canadians had either been born in the British Isles or they were descended, in one or two generations from those who had. They might be farming in a new country, but intellectually and emotionally they re-

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17. Leader, 2 July 1863.

mained very European. In this sense the conflicts between nationalities were understandably sharper in Canada, because, whereas in Europe, English, Irish, Scottish, and French lived apart from each other, in Canada they were thrown together somewhat indiscriminately. This does not, however, absolve the country's leaders of some blame for aggravating these conflicts.

This study has indicated that religious denomination and national origin were important factors in elections. In order to determine whether they affected voting, the various suspected relationships between party and religion or nationality have been analyzed statistically to see if there was a significant correlation between them. The only possible analysis is a crude one: a test for correlation by constituencies between religious denominations (or national origins) as given in the census and the voting returns. The analysis is crude for many reasons. The size of the various denominations (or nationalities) within the total population of a constituency is not necessarily the same as it is in the electorate. Secondly, elections were held between censuses and, for these, neither census would be an accurate description of the constituencies. Furthermore, tables of national origin (as opposed to place of birth) were given for the first time in 1871,[18] so these figures are even more inaccurate when used in connection

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18. Census of Canada (1871), I, 252-281.

with elections, for example, in the early 1860s. Nevertheless, the censuses were considered sufficiently applicable that a rank order analysis could be used. In the test, only constituencies where there was a straight fight between a Liberal and a Conservative (excluding minor candidates) were included. Secondly, the only relationships which were tested were those already suggested by other evidence. Thirdly, correlations between voting and nationality were not tested in any election before 1861.

The most significant correlations were found between Conservatives and Irishmen and between Conservatives and Roman Catholics in the elections of 1861 and 1863.[19] In both cases the relationship was most significant in the 1861 election and this substantiates other evidence which suggests that the alliance between Orange and Green was most complete in that election. The correlation between Conservatives and Wesleyans was fairly significant in 1861[20]

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19. The significance of these correlations was tested by means of the 't' test. The chance probability 'p' of obtaining the various coefficients of rank correlation was as follows:
for Conservatives and Irish (1861), $.005 > p > .001$; (1863), $.01 > p > .005$;
for Conservatives and Roman Catholics (1861), $.005 > p > .001$; (1863), $.10 > p > .05$.

20. For Conservatives and Wesleyans (1861), the chance probability 'p' is $.10 > p > .05$. The newspapers provide only scattered returns for the 1847-48 election and it was not possible to test the Conservative-Wesleyan correlation. The various denominations that were supposed to have voted Liberal were such a small part of most constituencies that a test for correlation was not considered practicable.

and there was no significant relationship between Grits and Scots or between Roman Catholics and Reformers before 1854. The last two results do not prove that the Scots, for example, did not vote Grit, it simply fails to prove that they did. Modern psephology has developed various techniques for determining much more precisely than this the voting behaviour of religious and national groups. They depend, however, on having living electors who can be interviewed. For elections which took place over one hundred years ago, the above analysis is about as far as it is safely possible to go. Nevertheless, for all its limitations, it does show that, with respect to two groups at least, voting followed religious and national lines. Furthermore, a cursory study of voting results in Ontario in the hundred years since Confederation suggests that religious and national undercurrents still operate, at least in the rural areas. The Roman Catholics turned to the Liberals under Laurier, but Irish Protestants still seem to vote Conservative and Scottish Protestants, Liberal. There is, however, still much research to be done in this area and it is beyond the scope of this study.[21]

The period of the Union of Upper and Lower Canada is usually considered by historians to have been a failure. It was, in the sense that it proved unworkable and it made

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21. See J. Meisel, "Religious Affiliation and Electoral Behaviour: A Case Study." C.J.E.P.S., XXII (1956), 481-496; S.P. Regenstreif, "Some Aspects of National Party Support in Canada," C.J.E.P.S., XXIX (1963), 59-74.

the religious and national conflicts within Upper Canada more acrimonious than they would otherwise have been. On the other hand, it was a valuable experience for Upper Canadians, soon to be Ontarians. They had to share a unitary government with the French Canadians of Lower Canada and, if the experience was a difficult one, it also taught them some of the realities of politics in British North America, which became the Dominion of Canada. The Union of 1841-67 showed the politicians and voters of Upper Canada the fait français in the most forceful terms. Upper Canadians resented the fact that French Canada imposed limitations on their policies and interfered in matters which Upper Canadians considered were their own concerns. Occasionally Upper Canadians became so frustrated that they considered annexation or dissolution and these were the first 'English-speaking separatists'. But such movements were usually short-lived and Upper Canadians realized that the St. Lawrence linked them indissolubly with Lower Canada and they must therefore learn to live with French Canada. During the Union, the Tories earlier and the Grits later tried to ignore French Canada and, in the short run, they might win votes in Upper Canada by doing this. Both parties reached political maturity when they realized that, in the long run, these tactics were futile.

Sandfield Macdonald's idea of the 'Double Majority' contained the key to making Canadian politics operate smoothly. The simple 'Double Majority', as he proposed it, was

impracticable because the Bleus were the majority party in Lower Canada and by 1858 the Grits were the majority party in Upper Canada. Party politics had developed to the extent that a ministry of Bleus and Grits, according to Sandfield's principle, was completely impossible. However, it did contain a core of truth. It was not in the ministry that a 'Double Majority' should first operate, but within each party. The Conservatives learned this earlier than the Grits and they were able to establish more harmonious relations with their Lower Canadian counterparts. By the late 1850s, both parties in Upper Canada had come to realize that there must be a 'Double Majority' of English and French within each party. It was a lesson which Canadian parties must never forget.

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