



HON. OLIVER MOWAT, Q.C., LL.D.

Premier of Ontario, 1872-1896

# SIR OLIVER MOWAT

Q.C., LL.D., G.C.M.G., P.C.

## A BIOGRAPHICAL SKETCH

BY

C. R. W. BIGGAR, M.A.,

ONE OF HIS MAJESTY'S COUNSEL, ETC.



'A young country does well to take careful note of all that is best in its past. The figures in the history may or may not be of heroic stature—the work done may or may not be on a grand scale. But it is foundational work, the significance of which grows with the lapse of time. Fortunate the State which, looking back upon its early builders, finds their characters stamped with the unquestioned hall-mark of truth and honour—finds their actions controlled by clear purpose and high principle. As an example and an inspiration, the memory of such builders cannot be too carefully preserved or too closely studied.'—Dr. George R. Parkin, *Preface to the Life of Sir John Beverley Robinson.*

VOLUME II

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## CHAPTER XVI

### AFTERMATH

**B**UT the battle for New Ontario was not yet won. 1882-8

As we have seen, the Dominion Government, in becoming parties to the Special Case agreed upon in 1883 between the Attorneys-General of Ontario and Manitoba, had expressly reserved from the jurisdiction of the Privy Council the question whether the awarded territory, even if it should be found to be within the limits of Ontario, was the property of that province or of the Dominion. Their contention was thus stated by Sir John A. Macdonald, in a speech delivered at Toronto on May 30, 1882:—

‘They say Ontario is robbed, because the award of three gentlemen appointed by Messrs. Mackenzie and Mowat has not so far been accepted. Now, in the first place, the country in dispute either belongs to Ontario or to Manitoba. Manitoba is now being settled by Ontario men, and it is not of much consequence whether that country is owned by yourselves or your sons. But, gentlemen, I tell you as a lawyer, as a constitutional lawyer—and it is with some pride that I say I have never yet laid down since 1867 a constitutional principle which, on reference to the highest Courts of the realm, has not been

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sustained, and that I have not in any one case expressed a constitutional opinion but that the highest Courts of this country and England have sustained my opinion—I tell you, I say, as a constitutional lawyer, that that award, *whether confirmed by the Legislature of Ontario or by the Dominion Parliament at Ottawa, has no legal validity whatever*, and that it is a mere piece of waste paper . . . . I have to tell you another thing, which Mr. Mowat and the Opposition have kept secret: that not a single acre of that land belongs to the province of Ontario; and I will tell you why. The land belonged, so far back as the grant of Charles II could give it, to the Hudson's Bay Company, but it was subject to the Indian title. They and their ancestors had owned the lands for centuries until the Dominion Government purchased them. These lands were purchased, not by the province of Ontario—it did not pay a farthing—but by the Dominion. The people on Vancouver Island in the Pacific are taxed to pay the Indians for the deed of surrender which they gave. But to whom did those Indians surrender the lands? They did not give any deed to Ontario. By seven treaties the Indians of the Northwest conveyed the lands to Canada; and every acre belongs now to the people of Canada, and not to the people of Ontario. Even if all the territory Mr. Mowat asks for were awarded to Ontario, *there is not one stick of timber, one acre of land, or one lump of lead, iron or gold that does not belong to the*

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*Dominion, or to the people who purchased from the Dominion Government.*<sup>1</sup> 1885-8

On the strength of Sir John Macdonald's opinion the Dominion Government had dealt very freely with the lands in the disputed territory; and timber licences had been issued covering more than a million acres. Among these licensees was the St. Catharines Milling and Lumber Company, which had already cut some two million feet of lumber on limits lying south of the Wabigoon Lake, in the district of Algoma, and being part of a large tract of land surrendered in 1873 by the Salteaux tribe of Ojibway Indians to the Dominion Government for the Crown. This was made a test case, and an action was brought in the name of the Queen, on the information of the Attorney-General of Ontario, against this company, claiming an injunction to restrain the further cutting of timber, and the removal of the timber already cut. The company pleaded the licence of the Dominion Government, and that the lands and timber in question were not the property of Ontario, but of Canada, having been acquired by the Dominion from the original Indian owners, thus directly raising the question of title, upon which Sir John Macdonald three years before had expressed so confident an opinion.

The case was heard in the first instance before the Chancellor of Ontario, who decided in favour of the province.<sup>2</sup> An appeal by the company was

<sup>1</sup> *Toronto Mail*, June 1, 1882.      <sup>2</sup> 10 O. R., 196.

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Chap. XVI unanimously dismissed by the Court of Appeal for Ontario<sup>1</sup> and a further appeal to the Supreme Court of Canada shared the same fate.<sup>2</sup>

Finally the company appealed to the Judicial Committee of the Privy Council, where the case was argued for seven days during July, 1888, by Attorney-General Mowat (who had argued it before two out of the three Canadian Courts), and Mr. Edward Blake, Q.C., for Ontario, by Mr. McCarthy, Q.C. and Mr. Creelman, for the appellants, the company, and by Sir Richard Webster, Q.C., (now Lord Alverstone) on behalf of the Dominion of Canada, which intervened at this stage to protect the interest of their licensees. The judgement of the Judicial Committee<sup>3</sup> affirmed that of the three Canadian Courts. They held that the Indian inhabitants were not owners of the territory which they had surrendered by the treaties referred to in Sir John Macdonald's speech, but that it was, as Mr. Mowat contended, land vested in the Crown at the time of the Union; that the Indian title was a mere incumbrance or burden, and that the land in question, together with the timber and minerals, were the property of the province and not of the Dominion. 'Seeing, however,' said Lord Watson, 'that the benefit of the surrender accrues to her, Ontario must, of course, relieve the Dominion of all obligations involving the payment of money which were undertaken by Her Majesty, and which are said

<sup>1</sup> 13 A. R., 148.

<sup>2</sup> 13 S. C. R., 577.

<sup>3</sup> 14 App. Cas 46 (1883).

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to have been, in part, fulfilled by the Dominion Government.' 1885-8

The value of this decision to the province of Ontario was scarcely less than that of the judgment in the case of the Boundary, though it was not so immediately and generally appreciated. Had Ontario been entitled only to include the disputed territory within its territorial limits, while the Dominion retained the beneficial interest in the land, timber and minerals, the first judgment would have been but a barren victory, and the province would have become a mere policeman entrusted with the guardianship of the property of others. But the judgement of the Privy Council in the Indian Titles Case made that property her own; and its value is only now beginning to be recognized.

An interesting Act of the Session of 1885 was one which illustrates the vagueness of the line between provincial and Dominion jurisdiction, and the ingenuity with which Mr. Mowat, without overstepping that line, succeeded in establishing the right of the province to pass a much needed and very useful measure, viz.: the 'Act respecting Assignments and Preferences.'

'The Creditors' Relief Act' of 1878 had proved to be a great boon to the mercantile community, in providing for the equitable distribution of insolvent estates; but it applied only in cases where the distribution was brought about by the action of a creditor; and, owing to the repeal of the Dominion insolvency laws, there was as yet

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Chap. XVI no way by which a person in insolvent circumstances could secure that end by means of a voluntary assignment. Mr. Mowat, therefore, drafted and secured the passing of a Statute designed to remedy this defect in the law. It was entitled 'An Act respecting assignments for the benefit of creditors'; and it validated any assignment made by a person in insolvent circumstances to the sheriff of the county in which he resided or carried on business (or, with the consent of a majority of creditors for \$100 and upwards, to any other person), of all his real and personal estate for the purpose of paying his creditors *pro rata*. It further declared that such an assignment should take precedence of all judgements and executions not already satisfied by payment. Such an enactment was, in the opinion of a very learned Judge,<sup>1</sup> 'to all intents and purposes a law for the judicial administration of an insolvent's estate,' and was, therefore, like its predecessor, 'The Creditors' Relief Act,' open to the objection that it dealt with the subject of bankruptcy and insolvency, one of those exclusively assigned by the B. N. A. Act to the Dominion Parliament.

Sir John Thompson, who was then Minister of Justice, and whose views as to provincial rights coincided to a large extent with those of Mr. Mowat, declared that in his opinion it was more than doubtful whether the Act could be upheld, but advised that this question be left for judicial determination.

<sup>1</sup> Hagarty, C.J.O., in *Clarkson v. Ontario Bank*, 19 Ont. App. Rep. 166.

## ARGUMENTS AND PREFERENCES

It would be tedious to detail the different views of different Judges on the subject. Mr. Justice Armour, before whom the question first arose, held the Act valid. Mr. Justice Ferguson took the same view. The Court of Appeal for Ontario was evenly divided, and the Act, therefore, rested upon the opinions of four Judges as against two. A few years later Mr. Mowat determined to test its validity by the submission of a Special Case to the Court of Appeal. Two of the Judges of that Court held the Act invalid; one took the opposite view, and the fourth gave no opinion. Then the case was carried to the Judicial Committee of the Privy Council, which finally sustained Mr. Mowat's view, and declared the Act to be within the legislative jurisdiction of Ontario as not conflicting with any existing bankruptcy legislation of the Dominion Parliament.'

1885

The Session of 1886 (Jan. 28 to March 26), although it was prolific of many useful public measures, contained nothing which it is necessary here to record. The Legislature was dissolved on November 19, and a proclamation was issued for a general election to take place on December 28, 1886, except in those remote constituencies for which a later date was necessarily fixed.

Mr. Meredith, who made a campaign tour of the province, in company with some of his leading followers, was supposed to state the official platform of the Opposition. He condemned the increase in the ordinary annual expenditure since

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Chap. XVI 1871; advocated the fixing by statute of the day for holding the general elections; urged reforms in the Department of Crown Lands, and the placing of educational affairs under the charge of a non-political head. He was in favour of enlarging the powers of municipal councils, and vesting in them the appointment of registrars and other county officers; of the principle of manhood suffrage 'instead of the present anomalous, contradictory, artificial and almost incomprehensible franchise law; and he urged the better enforcement of the 'Canada Temperance Act,' the maintenance of absolute religious equality, the prevention of unfair competition of prison, with free labour, the extension of the provisions of the 'Employers' Liability Act,' and the making absolutely secret the ballot used in elections for the Legislative Assembly.

Mr. Meredith's platform, though it consisted chiefly of glittering generalities—though part of it was borrowed from his opponents, part unnecessary, and part impossible—was doubtless as good as the material at his hand enabled him to construct; but it was not the platform upon which the Opposition went to the country. The cry of extravagance, which had furnished material for the three preceding elections, was altogether superseded by one of a religious (?) character; and on every Opposition platform during the campaign it was alleged that the Mowat Government held office by virtue of Roman Catholic votes, and that they were 'the slaves of the hierarchy.'

## THE 'NO POPERY' CRY

Abandoning the appeal to Roman Catholics, which had been made in the election of 1883 by the pamphlet entitled *Facts For the Irish Electors*, the Opposition now came out in their true colours, and sought to arouse Protestant feeling against the Government. The *Mail* alleged that there was a 'Lynch-Mowat Concordat'; and, as evidence thereof, pointed to the amendments which had been made to the separate school law in 1879, 1881, and 1885, alleging these to have been dictated to the Government by the Roman Catholic Archbishop of Toronto.

Mr. Mowat replied to these charges in a memorandum dated December 2, 1886, part of which is as follows :—

'It is necessary,' said the Premier, 'to bear in mind our precise position under the British North America Act in reference to separate schools.

(1) A provincial legislature has no power to pass a law which "shall prejudicially affect any right or privilege with respect to denominational schools which any class of persons have by law in the province at the Union"; and,

(2) These schools, both in Ontario and Quebec, have a right under the Constitution to all legislation "requisite for the due execution" of the provisions of the Act; and this right is manifested and protected by the enactment that the Dominion Parliament "may make remedial laws" for the due execution of the provisions mentioned, "in case any such provincial law as from time to time seems to the Governor-General in Council

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Chap. XVI requisite, for such due execution is not made by the provincial legislature.”

‘It is not in the interest of this province, or of the Protestants of this province, to give any occasion for resorting to the Dominion Government or to Parliament under this authority. It is, on the contrary, the part of wisdom for the provincial legislature itself to make from time to time such reasonable amendments of the separate school law “as may seem requisite”; and—independently of the constitutional obligation—it is for the common interest that, since we must have separate schools, the machinery should be provided for making them efficient, and enabling them to give a good education, at the expense of those who support them.

‘Mr. Meredith, in his recent address to his constituents, has felt obliged to use the following language :—“The maintenance of the separate school system of the province is guaranteed to our Roman Catholic fellow-citizens under the Constitution. Some may regret that the necessity for its introduction existed, but *it is nevertheless the duty of the Government honestly to administer it, and to make it as efficient as possible*, to the end that it may properly perform the functions for which it was designed.”

‘Under the Act of 1877 (s. 13) the assessor was required to distinguish between Protestants and Roman Catholics, and between the supporters of public schools and of separate schools, and to insert these particulars in the assessment roll.

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In carrying this out, the assessor was left to find out the facts as well as he could, and by any means with which he chose to be satisfied. As a matter of fact, in almost every case, where separate schools were established, all Roman Catholics were, or desired to be, supporters of the separate schools; and the assessor might, therefore, in the exercise of his discretion, not unreasonably assume that to be so in regard to every Roman Catholic ratepayer. There was an obvious difficulty in doing more; for, by the law as it stood at Confederation, a Roman Catholic had until March 1 to give notice of his being a separate school supporter; and the Board of Separate School Trustees had until June 1 to transmit the list of separate school supporters to the clerk. Thus, until after June 1, in any year, it was not known, as to any Roman Catholic, whether he was a supporter of the separate schools or not, while in law the assessor had to complete his roll by May 1.

It was to meet this obvious defect that the enactment of 1879 was introduced. It was as follows:—"The assessor shall accept the statement of, or made on behalf of, any ratepayer, that he is a Roman Catholic as sufficient *prima facie* evidence for placing such person in the proper column of the assessment roll for separate school supporters; or if the assessor knows personally any ratepayer to be a Roman Catholic, this shall also be sufficient for placing him in such last mentioned column."

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‘This amendment is the one which our “No Popery” assailants evidently regard as the most useful for their political purposes; yet these same assailants were dumb when the Bill was before the House, and they remained dumb for seven years afterwards. They did not think the clause objectionable before it was passed; there have been two hotly contested general elections since; and yet we heard not a word against this frightful provision at either of them. There have been seven Sessions of the Legislature since the passing of the Act; at not one of them was there a petition from any one against the change. Neither was there a public movement against it in any form or from any quarter; nor was any private intimation made to us that the enactment was objectionable. Will any one doubt that our assailants have now been making a mountain out of a mole-hill, in order to excite, for their own political advantage, the Protestant feelings of the unwary?’

‘The next enactment now objected to was passed in 1881. The occasion for it was this. The law, as it stood at the time of Confederation, enabled a Roman Catholic who was both proprietor and tenant, to become exempt from public school rates; but it omitted to provide what was to be the rule in case the landlord and tenant of a property were not of the same creed; and this point was more or less in doubt. By law, property is for general purposes assessed against both landlord and tenant. As between them, the

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law makes the tenant the party primarily liable for all taxes, in the absence of any agreement between them to the contrary. Where the landlord undertakes to pay the taxes, the tenant pays so much more rent; and thus, in all cases, either by express law or in fact, the tenant pays the taxes. It was therefore considered that where the tenant and landlord are not of the same faith it should be for the tenant to determine whether the rates should go to the public schools or to the separate schools.

'Then came a second question, for which it was thought that there should be legal provision. A landlord may be compelled to pay the rates of a defaulting tenant; and the landlord may be a Protestant, while the defaulting tenant is a Roman Catholic, or *vice versa*. To meet such cases it was therefore enacted that, "as between the owner and the tenant or occupant, the owner is not to pay taxes; but if, by the default of the tenant or occupant to pay the same, the owner is compelled to pay any school rate, he may direct the same to be applied either to public or to separate school purposes"; thus plainly putting Protestant landlords and Roman Catholic landlords on precisely the same footing.

'The next pretended objection is to a provision adopted in 1884, in order to save trouble to municipal councils and municipal officers. By the enactment referred to, power is given to the council of any municipality, where the public and separate school rates are the same

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Chap. XVI for any year, to agree (if they please) with the separate school trustees to pay to the latter a fixed proportion of the total amount collected for the year for school purposes, instead of the amount, be it more or less, which, upon an account being taken, might be found to have been actually collected for separate schools. What such proportion should be may be calculated to a cent, assuming that all school rates will be paid. Some Opposition journals profess to be afraid that the municipal councils will abuse this power, to the advantage of Roman Catholics. This pretence is idle. Wherever there are Roman Catholic schools, the Protestants form a majority in the population, and a majority in the municipal council. The power to agree has never been abused, and I have no fear that it ever will be. Conservative journals should not be so distrustful of the Protestant municipal councils of the country.

‘Again, exception is taken to a power given in 1885 to the trustees of separate schools to appoint a trustee on the High School Board. This was done in order to interest Roman Catholics in our high schools, and induce more of them to send their children to these schools. The Board of High School Trustees ordinarily consists of six trustees, who are appointed by the municipal council, and are usually all Protestants. There is little or no diversity in the views of Protestant denominations with regard to educational matters in this province; but, there is, unfortunately, great difference between

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the Church of Rome and the Protestant Churches. Hence we have Roman Catholic separate schools, unless it be in localities where the teacher of the public school is a Roman Catholic, and where the Roman Catholics, being in the majority, control the public school. The Roman Catholics have no high schools; and it was hoped that they might be induced to take an interest in them, if, in localities where there are separate schools the separate school trustees had a direct representation on the Board of the high school; and, on the other hand, it was thought that no harm to the public interest, or to Protestantism, could arise from the addition of a seventh member to the Board in such cases.

'Little objection was made to this amendment at the time of its passing; there has been a Session of the Legislature since, without any petition against it, or any letter, or other communication of that character, from any quarter. The objection is only thought serious now, when the manufacture of political capital has become a necessity to the opponents of the Government.'

The second of the great (?) issues raised by the Opposition, and upon which their orators dilated at nearly every public meeting in Ontario during the election campaign of 1886, was the authorization by the Department of Education of a book of Scripture selections to be read in schools.

The selections had been made—before Mr. Ross became Minister of Education—by Mr.

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Chap. XVI W. H. C. Kerr, M.A., a distinguished graduate of the University of Toronto, who for some years had been a practising barrister at Brantford, and was in politics a strong Conservative. 'Mr. Kerr,' writes his brother-in-law, Mr. W. D. LeSueur, LL.D., of Ottawa, 'undertook the work of making these selections entirely of his own accord, and because he was profoundly interested in the subject of religious education. He designed them for school use, but when they were in preparation he had no idea whether he could get them adopted.'

About this time (1882-3) the subject of religious education was being much discussed. The Anglican and Presbyterian Synods, and some of the Methodist Conferences, had passed resolutions recommending a more general and regular reading of the Scriptures in the public schools, and had appointed committees to interview the Government on the subject. In October, 1882, a deputation of twenty-four Protestant clergymen waited upon Mr. Mowat and Mr. Ross, to press upon them the making of the reading of the Scriptures an obligatory exercise at the opening of the public schools of Ontario, 'the passages of Holy Scripture to be read being prescribed by the Department.' And the Provincial Teachers' Association adopted a resolution, recommending that 'the Education Department do make a suitable selection of Scripture readings for the schools under its charge.'

Mr. Kerr now saw an opportunity to secure the authorization of the selections which he had

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already prepared, and, accordingly, after consultation with the Rev. Wm. Cochrane, D.D., of Brantford, the Rev. S. S. Nelles, D.D., President of Victoria University, and some other leading clergymen and educationists, he submitted the draft of his selections to the Premier and the Minister of Education. These Ministers, having examined and approved Mr. Kerr's selections, caused them to be printed, and copies were sent to the members of a joint committee, composed of more than forty leading clergymen and laymen, appointed by and representing the Anglican, Baptist, Congregational, Methodist, and Presbyterian Churches respectively.

This large committee referred the work of revising the selections to a sub-committee, composed of the Rev. Provost Body, Rev. John Laing, Rev. Principal Caven, Rev. Dr. Sutherland, Ven. Archdeacon Boddy, Rev. Dr. Dewart, Rev. John Burton, and Rev. H. D. Powis.

The result was most satisfactory. The selections, after having been revised by the sub-committee, received the unanimous approval, first of the large joint committee itself, and afterwards of the Assemblies, Synods and Conferences by whom its members had been appointed. The committee of the Church of England Synod of the Diocese of Toronto reported, acknowledging the courtesy and the interest of the Minister of Education, and stating that they 'confidently recommend to the Church the volume now authorized as a great onward step in the direction

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Chap. XVI of religious education, as a gratifying proof of the unity of action which has been shown to be possible in this matter, and which they trust may ever continue amongst Christians in this province with regard to this important and vital question.'

This report was unanimously adopted by the Synod of Toronto on June 11, 1885; and similar reports were adopted by the other religious bodies interested. Nothing could have seemed less likely to provoke religious animosity than an undertaking intended by everybody concerned to secure a wider acquaintance on the part of the children in our public schools with the truths of sacred Scripture; yet even this measure, initiated and conducted under the auspices of the Protestant clergy of the province, was made a subject of bitter attack against the Mowat Administration. And upon what pretext? The selections had been submitted by Mr. Kerr to Archbishop Lynch, who made one single suggestion, viz.: the substitution of 'who' for 'which' in the Lord's Prayer. This was enough to rouse the ire of some political Protestants, and in a pamphlet, issued as an Opposition campaign document, it was gravely alleged that 'there is ample evidence to prove that a secret concordat was made between the local Administration and the Romish hierarchy'; that 'the Archbishop of Toronto had been permitted to dictate the nature of the religious teaching given in the public schools, even to the extent of mutilating and garbling the Bible, and that 'no well informed person now doubts that

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the compilation—or rather the mutilation—of the Scriptures used in our public schools was the direct result of a compact made between the Mowat-Fraser Government and the Romish hierarchy of this province.' 1886

To these astounding and absurd charges the Minister of Education (Hon. G. W. Ross) thus replied in his nomination speech at Strathroy on October 11, 1886 :—

'It is said that the Scripture readings were suggested by Archbishop Lynch, with a view to secure the complete expulsion of the Bible from the public schools. This charge is denied by the Archbishop himself, in a letter to the *Mail* of June 16, in these words :—"With respect to the book of Bible extracts issued by the Minister of Education, we did not think of it, much less suggest it." The charge is also illogical. Surely it will not be said that the deputation of Protestant clergymen that waited on the Attorney-General in October, 1882, had this object in view; yet they suggested the preparation of such selections. So also did the Provincial Teachers' Association, on the recommendation of its reverend President (Dr. Nelles). The truth is, that acting on the suggestions of these clergymen and of the teachers of the province, I arranged for the authorization of the Scripture readings prepared by Mr. Kerr. The proofs were sent to each member of the joint committee appointed to consider this question, and also to Archbishop Lynch. They were then revised by the com-

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mittee of the Protestant Churches already referred to, and were subsequently published without any alteration (except one) being made in them by the Archbishop, or at his suggestion, or at the suggestion of any member of his Church. In regard to the Lord's Prayer, His Grace suggested the change of the word "which" to "who." That was the only change; and it is supported by the authority of the American section of the Committee on the Revision of the New Testament.

'But why refer them to him at all? The answer to this is easy. The public schools of Ontario are mixed schools, attended by 50,000 Roman Catholic children. To make the reading of the Scriptures obligatory was a great change in the regulations. Was there anything unreasonable, then, that their representative should be consulted when the representatives of other denominations were consulted? If the public schools of Ontario were Protestant schools, or if His Grace was consulted as to the method of religious instruction to be imparted in the schools that have taken advantage of the law and have established Protestant separate schools, the case would be very different. The question the Department had to settle was not how much religious instruction should be prescribed for the Protestant schools under its care, but how much could be prescribed without destroying the undenominational character of our public school system; and, as a maximum, I took what was recom-

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mended by the deputation referred to. That I have succeeded tolerably well is evident from the unanimity with which the teachers of the province, at their county associations, have approved of the new regulations, and the cordiality with which the press of the country, both religious and secular, has endorsed my action.<sup>1</sup>

Moreover, the regulations respecting religious instruction were submitted to the House for its approval last Session, and adopted without a single objection from either side. The only objection from any quarter that has been pressed upon the attention of the public was the protest of the Toronto School Board; and when it is known that that Board is composed principally of Orangemen, and is under the control of an inspector who is a prominent member of that

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<sup>1</sup> The *Mail*, in its issue of December 24, 1884, said editorially:—'The Minister of Education is to be congratulated upon having adopted for use in the common schools a selected series of readings from the Old and New Testaments, together with a brief form of prayer. The objections to the introduction of the Bible in the schools raised by many laymen, and by not a few ministers, were undoubtedly of great weight. To have placed the sacred Book in the hands of a teacher, perhaps little expert in Biblical exposition, and permitted him to draw from doubtful and disputed passages the meaning most in consonance with his own religious belief, would certainly have led to endless strife. But the extracts adopted in this compilation are such as Christians of every denomination have ever agreed to accept as the plain Word of God.

'The work has been prepared with the greatest care, and cannot fail to commend itself to parents. Those who object to religious training in our schools have simply to write to the master of the school, requesting him to omit it in the case of their children. But we venture to think that the Department has succeeded so well in preparing this religious curriculum that few children will be withdrawn from it, and that to the vast majority it will afford spiritual nourishment of transcendent benefit to them through life.'

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Order, the object of the protest becomes quite apparent. My course was dictated solely by a regard for the moral welfare of the 500,000 children committed to my care; and in shaping my actions I much prefer the advice and support of those whose Christian profession and character entitle them to speak on behalf of the religious welfare of the community, to the surrender of my convictions through any fear of giving offence to men who—whatever may be their motives—are perpetuating the strifes of past centuries, and sowing the seeds of intolerance and religious bigotry.’

The result of the election was a triumph for the Government. According to Morgan’s *Annual Register* there were elected 59 Ministerialists, against 31 members of the Opposition, thus increasing the Government majority from 12 to 28. The Premier was opposed in North Oxford by Mr. Charles Wilson, whom he defeated by a majority of 833. The only elections by acclamation were those of Mr. Stewart (O) in Dufferin, Mr. Snider (M) in North Waterloo, and the Hon. Charles Clarke (M) in Centre Wellington.

## CHAPTER XVII

### ONTARIO POLITICS

**T**HE general election of 1886 was the last serious contest between Mr. Mowat and Mr. Meredith. The cries of 'Romish aggression' and the *Facts for the Irish Electors* had alike failed; and during the remaining ten years of Mr. Mowat's premiership the Opposition was practically hopeless of success. 1886-1896

In 1890 they did, indeed, renew the cry of 'Romish supremacy'; but its novelty was gone and its foundation had already been proved false. They complained also of the extravagance of the Government; but that well-worn argument was refuted by a surplus of six and a half millions, and by a record of legislation and administration which could not be successfully controverted. The public accounts showed that, during eighteen years of Liberal rule, the burdens, which would otherwise have fallen upon the municipalities had been lightened by the expenditure of more than twenty-seven millions of provincial funds for education, agriculture, hospitals and charities, and in the development of the resources of the province. Indeed the *Mail* itself, in April, 1890, on the eve of a general election, said editorially:—

“The Government can make out a good case for itself in regard to its administration of the finances.

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‘After dealing liberally by the municipalities, and exhibiting a creditable enterprise in building railways and erecting and maintaining public institutions, Mr. Mowat is still able to show a comfortable surplus. Instead of having a surplus of six millions in the Treasury, Quebec has a debt of thirty millions; and, in spite of the direct taxes imposed upon commercial corporations and all other revenue-raising devices, a fresh provincial loan is inevitable. It must also be admitted that Mr. Mowat has passed many progressive measures affecting the general interests of the community, and that on the whole his management has been clean and free from scandal.’

One of the factors which contributed to the success of the Government in this election was the discussion at many public meetings of its labour legislation; a subject to which I have hardly referred, yet one which should not be forgotten. In the record of the Session of 1873 two or three of these Acts have been noted, viz.: ‘The Trades’ Arbitration Act’, the Act to facilitate agreements between masters and workmen for participation in profits, and the first ‘Mechanics’ Lien Act.’ These had been followed at nearly every succeeding Session by measures of like character. A brief summary of the principal Acts intended to protect the rights and promote the interests of labour was briefly given in an address presented to the Premier at Woodstock by the Knights of Labour during the election campaign of 1894:—

## LABOUR LEGISLATION

'The legislation passed under your premiership, which especially affects the interests of workingmen, includes: a Mechanics' Lien Law, with numerous important amendments, all of which have given increased security for the payment of workingmen's wages; the Employer's Liability Act, which in certain cases secures damages for employees who may be injured by accident in factories and by railways; the Factories Act, which makes valuable provisions with reference to the age and hours of employment of children, young girls and women, and also for the careful inspection and proper sanitary condition of factories; the Railway Accidents Act, the object of which is to make provision for the greater safety of railway employees and the public, and which compels railway companies to make certain improvements on their bridges, tracks and freight cars, and provides compensation in certain cases for accidents to their employees. The Work and Wages Act, and the Co-operative Associations Act are both calculated to benefit alike the employers and the employed, by facilitating agreements between them for sharing the profits of the business in which they may be engaged, and by more easily adjusting disputes between master and workman. The Mining Operations Act and the amendments to the general Mining Act, both passed last Session, have our warm approval, being calculated to protect miners and to facilitate the developement of our vast mineral wealth. The Franchise and Representation Act of 1885,

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Chap. XVII and its amendments of 1886, also confer an important right on wage earners by allowing them two hours' time on the day of polling in which to cast their votes.'

But with a fatuity which seems incomprehensible the Opposition again resorted to the religious cry. The country was excited over the passing of the 'Jesuits' Estates Act by the Legislature of Quebec, and by the refusal of the Conservative Government at Ottawa to disallow it. This, strange as it may seem, the Conservative party managers sought to turn to political account in Ontario. An 'Equal Rights Association' was formed, whose leading members, especially Mr. D'Alton McCarthy, assisted the Ontario Opposition by advocating the abolition of separate schools and the prohibition of the use of the French language in the schools of Ontario. These were, in fact, the principal issues of the campaign, and the line of cleavage between the two parties was clearly drawn.

As to separate schools: Mr. Mowat, at the Quebec Conference in 1864, had declared himself in favour of leaving education entirely within provincial control; but, in spite of his opposition, separate schools had been constitutionally guaranteed to the Roman Catholic population of Ontario by the Confederation Act; and the question between him and Mr. Meredith was whether these schools should be starved out or made efficient. Thus stated, the proposition would seem to admit of but one answer. Nevertheless there was a

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continual clamour for an impossible end; and the action of the Government, in bringing the separate schools more and more within the purview of provincial control, was strongly resisted by a large and not unintelligent section of the population.

The situation was thus tersely stated by the Premier to his constituents :—

“There have been four general elections since North Oxford first did me the honour of making me its representative in the Legislative Assembly. At every one of these our policy and practice have been discussed before the people of the province; and at every one their confidence in the Government has been renewed. Twice our opponents have endeavoured to defeat us by adding to their programme a religious cry, in order to mislead the people. After being routed in the general elections of 1875 and 1879, they raised, in 1883, a cry among the Roman Catholics that, as a Government, we were bitterly hostile to Roman Catholics; that we had shown this in our legislation and in the distribution of the public patronage; that Mowat, in particular, was a bigoted Protestant, always unjust to Roman Catholics, and a man in whom Roman Catholics could never possibly place confidence. The Opposition policy was then “More Popery, Mowat does not give you enough of it.” But the cry did not bring votes enough; the Government was for the third time sustained; and for the next election, that of 1886, the opposite cry was tried, “No

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Popery." The only purpose was office, and our opponents seem quite indifferent whether this goal could be gained by means of a "More Popery" cry or a "No Popery" cry.

'Accordingly, in the campaign of 1886, it was proclaimed to Protestants that my Protestant colleagues and myself were traitors to our faith; that we gave everything to the Roman Catholics; that we were obedient servants of the Roman Catholic hierarchy and clergy; and that our subserviency was shown by our legislation and by our exercise of the Government patronage; by the very things, in fact, which in 1883 had been said to show the reverse. The cry of 1883 lost us some Roman Catholic votes, and the cry of 1886 lost to us some Protestant votes. A religious cry, however little reason it may have, has always some effect; but neither in 1883 nor in 1886 was the effect great enough to accomplish the purpose aimed at. Our public record was so satisfactory to the country that we were able to stand our ground against even a misleading religious cry.

'Our opponents are now making preparations for the general election of 1890. The experience of four general elections makes them hopeless of victory on an issue as to the general merits or demerits of our administration of public affairs. But the recent excitement created amongst Protestants by the Jesuits' Estates Act of Quebec has revived old hopes from a "No Popery" cry; and our opponents have striven, and are striving,

## THE 'MOWAT-MERCIER CONCORDAT'

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with might and main, to direct this excitement into opposition to the Ontario Government, although that Government had nothing to do with the Act which gave rise to the excitement. They have even said, in their reckless unscrupulousness, that I advised that Act and aided in its preparation. In this absurd statement they have asserted what no intelligent man believes; but they evidently count on having readers or hearers who are not intelligent. What they thus assert they cannot pretend to have one particle of evidence to prove. I need not say here, or anywhere, that I had nothing to do with advising or preparing the Jesuits' Estates Act, and nothing with the transaction which that Act carried out. I knew nothing of it from first to last, except what I learned from time to time from the public journals, as you all did. With equal unscrupulousness, it is further said that I had made a general agreement with Mr. Mercier "to put no serious obstacles in the way of propagating nationalism in the schools of Eastern Ontario"; that "as a result of this, Mr. Mowat finds himself unable to take vigorous measures against the French public schools," etc. Here again our assailants assert what they do not pretend that they have anything to prove. They could not have, for there was no such agreement. No word ever passed between Mr. Mercier and myself, directly or indirectly, as to "propagating nationalism" in Ontario or in any of its schools. The suggestion is absurd. In fact not a word

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Chap. XVII of any kind has passed, directly or indirectly, between us on the subject of these schools.

‘Our assailants delight in general statements, quite false, and usually unaccompanied with even the pretence of proof. In this case their tactics are to declare, however falsely, and to keep on declaring, that, Protestants as we are, we have sold ourselves to Rome; that we procure the passing of just such laws as Rome, through its bishops or clergy, dictates or permits; that we make just such appointments as the Roman hierarchy choose to demand; that we have entered into a conspiracy with that Church to “destroy our public schools”; and that we give to those who hold the Romish faith other unjust advantages, to the prejudice of the Protestant faith; which is also the faith of most of ourselves in the Government, and most of our friends in the Legislature and in the country. They say that we have perpetrated all this iniquity, and, according to one astute journal, with “devilish ingenuity,” as the price of the Roman Catholic vote. Occasionally other writers and speakers, who are not party men, permit themselves to write or talk to some extent in a like strain, though more moderately; but the non-party men who do so are few and far between, and I hope they will accept the truth when it is fairly presented to them, and considered by them. I need not tell the Protestants of Oxford that all this vituperation of our opponents to catch Protestant votes, is falsehood and folly. There has been

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no selling, and no buying; no dictating; no demanding; no subserviency; no unjust or unjustifiable legislation; no conspiracy; no price agreed on for the Roman Catholic vote; no agreement of any kind for the Roman Catholic, or any other vote.

‘I have denied emphatically the charges against us of subserviency, conspiracy and like crimes in the interest of the Church of Rome, and you will mark this difference between the assertions of our adversaries and my denial. They cannot pretend to know the things which they assert; I know that the facts are as I state them to you.’

The Premier then went on to point out that of the seven members of the Government six were Protestants; that of the fifty-seven Liberals in the Legislative Assembly, forty-nine were Protestants; that if, as stated by the Opposition, the aggregate of Roman Catholic votes for Reform candidates was larger than for Opposition candidates, it should be remembered that the Government received more votes than the Opposition from nearly every Protestant denomination; and, in conclusion, he said, ‘I venture to say that if any political or municipal party, or any candidate for political or municipal office, should adopt as a battle-cry “No Presbyterianism,” Presbyterians like myself would not be likely to vote for that party or candidate, whatever had been our previous relations with either of them.’

But another boggy was constructed for the purpose of this election to frighten the Protestant

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Chap. XVII electors into the belief that Mr. Mowat and Mr. Ross, in pursuance of an alleged bargain with the Romish hierarchy and clergy, were encouraging the use of the French language in some of the public schools of the province, especially in French Roman Catholic neighbourhoods in the counties of Essex, Kent, Prescott, Russell and Simcoe. In 1889 a prominent member of the Opposition, Mr. T. Dixon Craig, of West Durham, had unsuccessfully fathered a motion of want of confidence in the Government on this ground, declaring that 'The English tongue is the language of the province of Ontario, and no system of public instruction which does not recognize, and act upon the recognition, that the English language is to be the language of such schools shall be approved of by the Department of Education as satisfactory to the House.' In support of this motion many absurd statements were made. Ontario was said to be threatened with a 'French invasion,' under the auspices of Archbishop Lynch, Mr. Mowat and the Hon. G. W. Ross, and a foreign language and an alien religion were to be gradually introduced into the public schools of the province until the virus should infect the whole body politic; and Ontario was some day to awaken to the fact that she was under the control of an Apostolic Delegate, instead of a free legislature.

It is difficult to write seriously of such allegations, yet those who desire to verify their accuracy have only to consult the columns of the *Mail and*

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*Empire*, the *Orange Sentinel*, and other Conservative newspapers issued during the spring of 1889, in order to be convinced that they were repeatedly and deliberately made. 1890

But the mine was sprung too soon. The Government at once issued a Commission to inquire into the allegations made in the House and in the press with regard to the use of the French language in the public schools of Ontario. The Commissioners appointed were the Rev. Alfred H. Reynar, M.A., of Victoria University; Rev. D. D. McLeod, of Barrie, and Mr. John J. Tilley. They were instructed to visit all public schools in the counties referred to, and to inquire into the teaching of English therein, and how the study of English could be most successfully promoted.

The number of schools against which these allegations were made was 98 out of 6,000. The Commissioners reported that in all these 98 schools there were none in which English was not taught, and none in which the 'Ontario Readers' were not in use; and with reference to the use of French text books they reported that :

'It does not appear that the use of French text books arises from a desire on the part of the French to exclude the English language from the schools. We conversed with all classes of the French people, and they invariably expressed themselves not only as willing but as desirous that their children should learn the English language . . . There are some schools in which the time given to English and the use of that

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language in the schools is too limited; but even in these more attention is paid to English than formerly, and the use made of it in the work of instruction is greater than it was a few years ago . . . . In dealing with these schools, in order to raise them to a higher standard and to secure a satisfactory teaching of English in them, *time must be allowed and patience must be exercised.* For many years the French people were allowed to conduct their schools in their own way, no exception being taken thereto, either by the Education Department or by the public. Special provisions were made to secure French teachers for them; and French text books were authorized for schools. They have lived for a long period in the localities where they are found, enjoying the use of their native language. They are strongly attached to it. It is the language of their fathers, and the language used in their homes and spoken by their children. It is natural that they should cherish it with affection, and desire their children to acquire a knowledge of it. If the schools are dealt with justly, and with due consideration for the feelings of the people, we believe that within a reasonable time they will be raised to a degree of efficiency that will be satisfactory to both the English and French people.'

'Now,' said Mr. Mowat, in the speech above quoted, 'we know that English is the language of the immense majority in this province, and as it is on that account the interest of the French

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population in Ontario to learn English, so they are year by year becoming more alive to this fact. No hostile measures of ours would help the process. There is no danger of the French language taking the place of English in this province. In the debates in the old Parliament of Canada before Confederation, most French-Canadian members spoke in English, and English members seldom spoke in French. There were more French members familiar with English than English members familiar with French. Most French members who could speak English used that language in the debates, and an English member seldom, if ever, made a speech in French. The case is the same, and to a greater extent, as I am told, in the Dominion Parliament. So, in the general population there is a far larger proportion of French-Canadians in the province who now speak English, than of English-speaking people of the same class who speak French.

‘French-Canadians cherish their own language lovingly; they wish their children to love it and be educated in it; but they know it will be for their interest to be familiar with English also, and to be educated in English as well as French. Proscribe French, their mother tongue, and they will hate you, and have nothing to do with your schools. Permit their own tongue to receive attention, and they are glad to have their children learn English also, as soon and as fast and as fully as it can be imparted. Such was the view of the Commissioners as to the proper policy;

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Chap. XVII it is the view of the Government; and it is the view of all intelligent men, except our political opponents. It was the view of Dr. Ryerson and his Council of Public Instruction, even to the extent of putting no pressure whatever on French and German schools, and of awaiting their own spontaneous action as to English and other matters.

‘Our opponents pretend that the Government should insist on all instruction being given to the French children in the English language. No such regulation was suggested by the Commissioners, and none such has been made, because such a regulation would be absurd, and, instead of serving the cause of education, would often prevent education altogether. How can you teach in a language which the children do not understand? And what progress in any branch of knowledge would your children make if the teacher should make his explanations in French, or Latin, or Russian, or Chinese? We are for having English used in the schools as much as possible, but there is a limit to this possibility. Where the child does not yet understand English, and his language, the language of his home and his companions, is French only, French must be the language in which instruction is first conveyed.

‘To say that English alone must always be used as the language of instruction, whether the pupil can understand the teacher or not, is all the more out of the question under our

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system, which, on principle, leaves so much to the ratepayers, and to the trustees whom they elect for the management of their schools. Our opponents sometimes admit ours to be the correct view. An Opposition journal, which has been diligently prosecuting the "No French" cry, had in one number this candid editorial paragraph:

"It is just possible that the protest against the use of the French language has in some quarters been too strongly urged. Where children understand only the French language it is manifest that they can receive instruction only in that tongue. It is much to be desired, for their own sakes, that they be taught English; but to affirm that they must be taught English, while they are unable to understand it, is much like advising boys not to go near the water till they are able to swim."

'It has been said by some ardent opponents that we should drive the French language out of the province. Such a suggestion is the sheerest folly, if it is not made in deliberate fraud and for the express purpose of misleading. If it were desirable, it is not possible to drive out the French language, any more than to drive out the German or the Gaelic. The not allowing French to be taught or used in the public schools would not drive it out of the province. Every person of common sense will perceive that an attempt to drive the language out of the province would but create hatred towards the English-speaking people, and would do no good whatever

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in other respects. As it is for the common interest that all our people should know English, every reasonable effort is proper to give this advantage to all our youth of every race; and that is our policy; but as for driving out other languages, it cannot be done, and it ought not to be attempted if it could be done. Common sense must be observed if we are to do any good.

‘It has been said that at all events the voice of self-defence calls for the exclusion of French from the primary public schools; that these schools should have English teachers and be English only. Such are the suggestions of ignorance and folly. I do not suppose that they have the concurrence of any sensible men, whatever may be their party or religious creed. The practical effect would be to make the French bitterly hostile to the public schools, and to the English-speaking people who would make or sanction such a law. Under the present system their children are learning English now, and will learn more. The exclusion of all French would cause the withdrawal of all French children from their schools, and thus leave them to grow up without any education at all. Education in French exclusively would be better than this. But no one is the worse for knowing two languages.

‘It has been said that we should drive the French themselves out of our province, in order that its population may have no admixture of the French race or language. We cannot drive them out

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if we would, and we would not if we could. As British subjects, they have as good a right to be here as we have. In the exercise of that right, some 150,000 or more of them, men, women and children are now settled in our province; and the common interest requires that the English-speaking population should be friends with them, and should recognize for them equal rights with ourselves.' 1890

The Premier concluded as follows :—

'On the whole, I claim that in this matter of French schools, as in all others, we have been true to our duty. We have had to deal with a mixed community of different races and creeds. We have been fair and considerate towards those minorities who belong to other races and hold other creeds than those of the majority of our people; and at the same time we have not forgotten our obligations to the majority who are of the same nationality, language and creed as most of ourselves. I claim that the policy which we have pursued is that of true Liberalism, and is the one best suited for promoting mutual confidence and good-will among our people, and advancing to the greatest practicable degree the common interests of all, without injustice to any. As to this, you, electors of Oxford and the people of Ontario, are to be my judges, and better or truer judges no man could desire.'

The answer of the country to this appeal was emphatic and decisive. The Government elected

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Chap. XVII 57 supporters, as against 34 members of the Opposition, and once more, instead of the tyranny and injustice proposed by a party styling itself the '*Equal Rights Association*,' Mr. Mowat's saner policy was shown to possess the confidence of the electors of the province.

Until the general elections of 1894 there had been practically but two parties in Ontario; since the '*Equal Rights Association*' might fairly be regarded as an appendage to the Conservative party. In 1894 a remnant of it still survived, under the name of the '*Protestant Protective Association*,' which, according to Mr. Willison<sup>1</sup> was transplanted into Canada from the United States.

'Its avowed object was to change the so-called solid Catholic vote by a solid Protestant vote. Its platform demanded government inspection of convents and religious institutions and the abolition of separate schools. The obligation required members to declare that they would not allow Roman Catholics to enter the Order; would not employ a Roman Catholic in any capacity, if the services of a Protestant could be secured; would not aid in building or maintaining any Roman Catholic Church or institution; would do all in their power to retard and break down the power of the Pope; would not enter into any controversy with a Roman Catholic upon the subject of the Order, or into any agreement with a Roman Catholic to strike or create

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<sup>1</sup> *Sir Wilfrid Laurier*, vol. ii, p. 207.

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a disturbance whereby Roman Catholic employees might undermine or replace Protestants; that in all grievances they would seek only Protestants and counsel with them to the exclusion of Roman Catholics; that they would not countenance the nomination of any caucus or convention of a Roman Catholic for any office in the gift of the Canadian people, and would not vote for or counsel others to vote for any Roman Catholic; that they would endeavour at all times to place all political positions in the gift of the Government in the hands of Protestants.’

It is surprising that in a country like ours, and at the close of the nineteenth century, an Association so mediaeval and intolerant succeeded in electing three of its members to the Legislature of Ontario; but it is not surprising to find that in the *Parliamentary Companion* they styled themselves ‘Independents’ and omitted all reference to the ‘Protestant Protective Association.’

Another and more important factor in this election was an association of farmers, which had been established in 1891 under the name of the ‘Patrons of Industry.’ Their platform was chiefly designed to affect Dominion elections and procure a larger representation of farmers in the House of Commons; but one or two of its paragraphs applied also to provincial affairs. The whole platform was as follows :—(1) maintenance of British connexion; (2) reservation of the public lands for the actual settler; (3) purity of admin-

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Chap. XVII    istration and absolute independence of Parliament; (4) rigid economy in every department of the public service; (5) simplification of the laws and a general reduction in the machinery of the Government; (6) the abolition of the Senate; (7) a system of civil service reform which will give each county power to appoint or elect all county officials paid by them (except County Judges); (8) tariff for revenue only; (9) reciprocal free trade with the United States; (10) legislation to protect labour and the results of labour from combinations and monopolies; (11) prohibition of the bonusing of railways by Government grants; (12) preparation of voters' lists by the municipal officers; (13) conformity of electoral districts to county boundaries, so far as the principle of representation by population will allow.

Their newspaper organ, *The Farmers' Sun*, had secured the able and trenchant pen of Dr. Goldwin Smith to propagate the doctrines of the new party; and at the elections they succeeded in returning fifteen of their number to the Assembly; but before the close of the Eighth Legislature most of these had returned to their original party allegiance.

Sir Oliver Mowat, while he opposed with vehemence the doctrines of the 'Protestant Protective Association,' was very kindly disposed toward the Patrons. In a speech delivered in North Bruce, in November, 1893, he pointed out that most of their platform had already been adopted

## THE 'PATRONS OF INDUSTRY'

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by the Government, that there were now thirty-two farmers in the Ontario Assembly, and that the Administration had shown its interest in matters specially affecting farmers by the establishment of a Department of Agriculture, with a separate Minister, and of the Agricultural College and Model Farm at Guelph; by the appointment in 1881 of an Agricultural Commission to investigate the whole subject of agriculture and kindred pursuits, by the establishment of a Bureau of Statistics, and by lending to the municipalities, for drainage purposes nearly a million dollars (\$994,959). He continued :—

'Now, in the face of these facts, can it be said that the Reform party has neglected the special interests of farmers? Not one article of the thirteen in the platform affects farmers specially, or otherwise than in common with all other classes. Of the articles affecting provincial matters one only is not in accordance with the policy and practice hitherto pursued by the Ontario Reform Government, and that one is the article respecting patronage.'

To this he referred again in an address delivered before the Young Men's Liberal Club at Toronto on January 14, 1894, as follows :—

'I am now to say something as to the 'Patrons of Industry.' As regards the Dominion Parliament, the aims of the Patrons are the same as those of Reformers, and the society consists largely of Reformers. It is impossible, therefore, not to regard them with friendliness, and not to regret that their

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course toward the Reform party should weaken the joint power of the two parties to procure in Dominion affairs those reforms which they both desire . . . . The article of the Patrons' platform which affects Ontario politics might reasonably be left for a time in abeyance. It is as to the local election of the provincial officers who reside in the respective counties . . . . The article does not deal with details, and it is understood that the Patrons are not yet agreed as to whether the change should be to election by the county councils or by the direct vote of the municipal electors. As regards the individual members of the Order, some are for making the change applicable only as vacancies occur, while others would cancel all existing appointments without exception. Some would limit the change to officials not connected with the administration of justice, others would confine it to registrars and sheriffs, though the sheriff is connected with the administration of justice. Some would have the elected officials hold office for five years, others are for a shorter time; and some, I believe, desire to have the elected officers hold their offices during good behaviour, as in practice they have hitherto done and as municipal treasurers and clerks also do . . . . It is sometimes asked why, as the body of electors are qualified to choose members of Parliament, they are not equally qualified to elect the registrars and other provincial local officers; and the question is sometimes thought to be conclusive; but

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it is not so. The case of shareholders in a banking company, or other joint stock company, illustrates the difference. The shareholders choose the directors, and they leave to the directors the selection of the officers of the company. No one questions that this method of management is in the interest of the company; and it is for this reason that the system is universally adopted. So, under the school law, the people choose the school trustees and the trustees choose the teachers. Under the municipal law the electors choose the members of the council, but the council appoints the municipal treasurer and clerk, the assessors, collectors and other officers.

'When any governmental or legislative change is proposed or considered, the first and most important question to be weighed is whether the change is likely to be beneficial. In the present case, it has not been suggested, so far as I know, that the work of the officers aimed at would be better done in case of their being filled by county election or appointment. We have the experience of our neighbours across the line to guide us in this matter; and there is no pretence that they have elected better men or more efficient officers than, as a rule, our officers are, by whatever party they may have been appointed. In fact the very contrary is the case. (Applause.) Again, we cannot vote for the change from any notion that it follows necessarily or logically from Liberal principles in other matters. On the contrary, I have failed to find that municipal election or

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appointment of such officers is in use under any Liberal or democratic government in the world, except in the United States, or that it has been demanded anywhere by any large party of Liberals. The method prevails, as I have said, in the neighbouring Republic; but I hope that however kind may be our feelings toward that country, none of us have such a love for its institutions that the mere existence there of the proposed system is sufficient to make us determined to have it here. Let us have in Ontario the best methods and the best laws, whether they correspond with those of our neighbours or not. Several of our institutions and many of our laws are far in advance of theirs; and as regards these we should be retrograding, not advancing, were we to adopt their policy in place of our own' . . . .

'How the proposed system works in the United States is thus stated in Mr. Sterne's *Constitutional History of the United States*, published in 1882, at p. 257 :—

"At a general election the voter is bewildered by the number of the people he is called upon to vote for; and he finds it, therefore, more and more difficult to determine upon the fitness of the candidates. He is thus put at the mercy of political wire-pullers, who make the selection for him, and call upon him to vote 'aye' or 'nay' between two or three candidates for the same office. The difficulty thus created has never met with any intelligent solution at the hands of American statesmen.'"

## THE RESULT

1894

The result of the general election of 1894 was the return of fifty-three Reformers, twenty-three Conservatives, fifteen Patrons, and three (so-called) Independents, or a majority of twelve for the Government over the combined forces of Conservatives, Patrons and Independents. The result of the first division in the Session of 1895 showed that the Patrons were not to be counted as enemies of Mr. Mowat's Administration, since they all voted with the Government on a motion introduced by the Opposition as an amendment to the Address, declaring that county officials should be paid by salary, which was defeated by sixty-two to twenty-five.

Sir Oliver Mowat was elected for his own constituency of North Oxford by a majority of 652. There was not a single election by acclamation.

The record of the last ten years of Mr. Mowat's administration in Ontario is full of important and useful Acts; but a detailed examination of them would be tedious; and is, for the present purpose, unnecessary. Much of the legislation of these Sessions may be briefly described in the phrase of a witty member of the Cabinet, as 'tuck pointing,' *i.e.*, the revision, consolidation and amendment of existing Statutes. Indeed, the foundation had already been so well and truly laid that there was little more in the way of radical reform which could be safely or wisely attempted, and no Tory could be more averse than Mr. Mowat to reform for the mere sake of change.

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In 1887 the Statutes of the province were for the second time revised and consolidated by a Commission consisting of the Hon. G. W. Burton, the Hon. C. S. Patterson and the Hon. Featherston Osler, Judges of the Court of Appeal, the Hon. John A. Boyd, Chancellor of Ontario, the Hon. J. E. Rose and the Hon. John O'Connor, Judges of the High Court of Justice, His Honour Judge McDougall, County Judge of York, the Hon. Alexander Morris, Attorney-General Mowat, the Hon. Mr. Hardy, Mr. J. G. Scott, Q.C., Mr. John R. Cartwright, Q.C., and Frank J. Joseph, Esq., barrister-at-law. As in the previous consolidation of 1877, the actual clerical work was done by a sub-committee, consisting of Messrs. Scott, Cartwright and Joseph, acting under the personal supervision of the Attorney-General, and the result was submitted for revision to the honorary Commissioners, viz.: the Judges and the Hon. Alexander Morris. The report of the Commission, presented to the House in 1887, included a draft of the proposed consolidation, and occupied the attention of the House during several weeks of the Session; and the Statutes as thus consolidated, together with those passed during 1887, were brought into force by a proclamation of the Lieutenant-Governor under the name of 'The Revised Statutes, 1887.'

In this year also an important conference of provincial Ministers was held in the city of Quebec, on the invitation of the provincial Premier, the Hon. Honoré Mercier, for the purpose of considering

## THE INTER-PROVINCIAL CONFERENCE

1887

questions affecting the autonomy of the provinces and their financial arrangements with the Dominion. Each of five provinces, viz. : Ontario, Quebec, Nova Scotia, New Brunswick and Manitoba, was represented by its Premier and several of its Ministers.

The Governments of the Dominion and of the provinces of British Columbia and of Prince Edward Island, though invited to be present, were not represented. Mr. Mowat, as senior provincial Premier, was elected chairman, and Mr. Alfred Evanturel, then M.P.P. for Prescott, Ont., and afterwards Speaker of the Legislative Assembly of Ontario, honorary secretary. Several resolutions were unanimously passed suggesting amendments to the British North America Act: among others, (1) that the right to disallow provincial Acts should be transferred from the Dominion to the Imperial Government, as before Confederation; (2) that better provision should be made for determining the validity of provincial Statutes, and that, if not attacked by any private litigant within a limited time, their constitutionality should be liable to question only at the instance of a Government, federal or provincial; (3) that local works and undertakings should not, without the concurrence of the provincial Legislature incorporating them, be transferred from provincial to Dominion jurisdiction; (4) that the Lieutenant-Governor of each province should have the same power to pardon an offender convicted under a provincial Act as the Governor-

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Chap. XVII General has in case of convictions under a Dominion Act; (5) that a certain number of members of the Senate should be appointed by the provincial legislatures as vacancies occur; (6) that the subject of bankruptcy and insolvency should be placed within provincial jurisdiction, subject to any general Dominion bankruptcy law; and (7) that the schedule of subsidies fixed by the B.N.A. Act should be amended, and the amended schedule declared by Imperial enactment to be final and absolute, and beyond the power of the federal Parliament to alter.

But the most important resolution adopted by the Conference was one with regard to the questions of British connexion and unrestricted reciprocity; subjects, which then, and for some years later, occupied a very large share of public attention. This resolution, which was drafted by Mr. Mowat and his colleagues from Ontario, was in the following words :—

‘That having reference to the agitation on the subject of the trade relations between the Dominion and the United States, this Inter-provincial Conference, consisting of representatives of all political parties, desires to record its opinion that unrestricted reciprocity would be of advantage to all the provinces of the Dominion; that this Conference and the people it represents cherish fervent loyalty to Her Majesty the Queen and warm attachment to British connexion; that this Conference is of opinion that a fair measure, providing, under proper conditions,

## POWERS OF LIEUTENANT-GOVERNORS

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for unrestricted reciprocal trade relations between the Dominion and the United States, would not lessen these sentiments on the part of our people; but, on the contrary, may even serve to increase them, and would at the same time, in connexion with an adjustment of the Fishery Dispute, tend to happily settle grave difficulties which have from time to time arisen between the mother country and the United States.'

The importance of this resolution in determining, at a later date, the policy of the Liberal party in the Dominion will appear hereafter.

A most important Act of the Session of 1888 was that respecting the executive administration of the laws of Ontario, which declared that the Lieutenant-Governor had and has the power of commuting and remitting sentences for offences against the laws of this province, or offences over which the legislative authority of the province extends. The Bill was unopposed in the House; but such an important and emphatic declaration of provincial rights could scarcely fail to be challenged at Ottawa; and accordingly it gave rise to an interesting discussion between the Premier of the Dominion and Mr. Mowat, as a preface to which a few words of explanation may be necessary.

Among the resolutions of the Quebec Conference in 1864 was one which provided that the power of respiting and pardoning persons convicted of crimes, and of commuting and re-

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Chap. XVII mitting sentences, should be administered by the Lieutenant-Governor of each province, in Council, subject to instructions from the general Government and to legislative provisions made by the general Parliament. It appears that when the original resolutions were transmitted to the home Government exception was taken to this clause, and it was, therefore, omitted from all the drafts of the Confederation Act as finally submitted to the Imperial House of Commons. In a letter to Mr. Mowat, dated August 28, 1873, Sir John A. Macdonald says :—

‘You will remember that I was always strongly in favor of the pardoning power being entrusted to the Lieutenant-Governors of the different provinces. This was a provision in the Quebec resolutions; but Mr. Caldwell, then Colonial Secretary, objected to it; and when we were settling the British North America Act in 1866-7, Lord Carnarvon, his successor, took the same position. We argued with him very strongly, but we found it of no avail, and he positively declined to surrender the royal prerogative.’

Accordingly, in the British North America Act as finally passed, the only clause bearing upon the point was Sec. 65, which vested in the Lieutenant-Governors of Ontario and Quebec all powers and authorities which under Imperial or Canadian Acts had at the Union been vested in the Governors or Lieutenant-Governors of these provinces, so far as such powers were, after the Union, capable

## THE PARDONING POWER

of being exercised in relation to the Government of Ontario or of Quebec, and subject (except as to powers conferred by Imperial Statutes) to be abolished or altered by the Legislatures of the respective provinces.<sup>1</sup>

The subject was one of those considered at the Inter-Provincial Conference at Quebec in 1887; and Mr. Mowat then expressed the opinion that, even under the substituted clause, the Lieutenant-Governors of Ontario and Quebec still possessed the power to commute and remit sentences for offences relating to subjects over which the authority of the provincial legislatures extended, and that if there was any doubt on the point it would be perfectly competent for the provincial legislature, under the words 'subject to be abolished or altered,' to grant that power to the Lieu-

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<sup>1</sup>The text of the section is as follows:

'All powers, authorities, and functions which under any Act of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland, or of the Legislature of Upper Canada, Lower Canada, or Canada, were or are before or at the Union vested in or exercisable by the respective Governors or Lieutenant-Governors of those provinces, with the advice, or with the advice and consent of the respective Executive Councils thereof, or in conjunction with those Councils, or with any number of members thereof, or by those Governors or Lieutenant-Governors individually, shall, as far as the same are capable of being exercised after the Union in relation to the Government of Ontario and Quebec respectively, be vested in and shall or may be exercised by the Lieutenant-Governors of Ontario and Quebec respectively, with the advice, or with the advice and consent of or in conjunction with the respective Executive Councils, or any members thereof, or by the Lieutenant-Governor individually, as the case requires, *subject* nevertheless (except with the respect to such as exist under Acts of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland), *to be abolished or altered by the respective Legislatures of Ontario and Quebec.*'

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Chap. XVII tenant-Governor, and that such a grant would be held valid. The Act now passed was intended to raise this question.

When it came before Sir John Thompson, then Minister of Justice, he was doubtful as to its constitutionality; but instead of reporting to the Governor-General, as had theretofore been the custom, he wrote to Mr. Mowat, and, as the correspondence between them illustrates the characteristics of the two men and the relations which happily existed between them, I prefer to give the substance of it in their own words:—

Sir John Thompson to the Hon. O. Mowat :

‘Feb. 4, 1889.

‘Dear Sir :—I desire to call your attention in an informal way, if you will permit me to do so, to Chapter V of the Ontario Acts of last Session, about the constitutionality of which I have been unable to satisfy myself.

‘The Statute seems to be open to objection on the following grounds :—

‘(1) The first section is practically a declaration of the meaning of Sec. 65 of the B.N.A. Act,<sup>1</sup> and I submit that it is not competent for a provincial legislature, or even for the Parliament of Canada, to make any enactment declaring the meaning of that Statute.

‘In so far as it is not declaratory of Sec. 65, it seems to me still further from constitutional lines,

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<sup>1</sup> See the text of the Statute, Appendix X.

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because it would clearly not be competent for the provincial legislature to add to Sec. 65 by giving additional powers to those which are there given.

‘(2) Sec. 1 of the chapter above referred to does in fact add to the powers which are given by Sec. 65. The latter section gives the powers which the Governors of Canada had under Imperial Statutes, and Statutes of Upper Canada, Lower Canada and Canada, while the section under consideration undertakes to increase that gift of powers in the following particulars : (a) It gives likewise all the powers which were vested in the Governor and Lieutenant-Governor of any of the provinces now forming Canada; and (b) it gives the powers which existed not only under Statutes but under commissions, instructions or otherwise.

‘(3) Sec. 2 seems open to still greater objection. It declares that the effect of Sec. 65 is to confer on the Lieutenant-Governor of Ontario the power of commuting and remitting sentences for offences against the laws of the province, or for offences over which the legislative authority of the province extends. I submit that the powers here mentioned are not powers capable of being exercised after the Union in relation to the Government of Ontario.

‘The royal prerogative of mercy seems to me to be entrusted only to the Governor-General. It is undoubtedly vested in Her Majesty; and by Her Majesty it has been entrusted to no one but Her Majesty’s immediate representative in Canada . . . . Another reason for my thinking that

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the pardoning power is not vested in the Lieutenant-Governors of Ontario and Quebec by the B. N. A. Act, is that such powers were not conferred before the Union by Statute; at least this is my impression.

‘(4) The whole Act seems to me to be objectionable on the ground that it disregards the limitation imposed by Sec. 92 (1) of the British North America Act as to the office of Lieutenant-Governor.<sup>1</sup>

‘I should feel obliged if you would give this matter your careful consideration; as I know you will be as fully influenced as I am by a desire to avoid any unnecessary conflict between the provincial and federal authorities. I feel the more free to make these observations, as the Statute in question seemed to me to be perhaps not one that you would regard as necessary or eminently useful, even if you considered it to be within the authority of your Legislature.’

To this most courteous letter Mr. Mowat replied as follows :—

‘Of course, as you say, we have no power to declare the meaning of the B.N.A. Act, and our Act had no intention of so declaring. The third section shows this; as it enacts that nothing in the Act contained is to be construed as implying that the Lieutenant-Governor had not heretofore the powers, authorities and functions, mentioned

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<sup>1</sup>The section in question declares that the provincial legislature may make laws for amending the Constitution of the province, ‘except as regards the office of Lieutenant-Governor.’

## THE PARDONING POWER

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in the preceding two sections. You think it clear that the Lieutenant-Governor's powers may be altered or even abolished, but that they cannot be added to by a provincial enactment.

'My view is—and I respectfully mention it for your further consideration—that if a provincial legislature has the power of altering—and even abolishing—such powers (in which I entirely agree with you), the right of adding to them is *a fortiori*. Our Confederation system has always been worked on this view, and would hardly be workable otherwise. The Lieutenant Governor represents the executive authority; and as new laws are from time to time passed by the provincial legislatures, the execution of these laws belongs to the Lieutenant-Governor; and therein additions are constantly made to his powers. There is, no doubt, difficulty in defining "the criminal law" over which the Dominion has exclusive jurisdiction; but there is no practical difficulty, and there will be no confusion, in holding that the provincial legislature has unlimited jurisdiction over penalties and punishments prescribed by itself, in respect of matters within its own jurisdiction.

'I think this view has been already intimated by the Judicial Committee; but I do not at the moment remember whether this appears from the judgements pronounced, or from the observations made by their Lordships in the course of the arguments.

'Again, in regard to offences against provincial laws, a provincial legislature may surely say

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Chap. XVII that the penalty which they have prescribed shall be subject to removal by either the Lieutenant-Governor, or any other authority that the legislature may choose to name . . . .

‘Since Confederation there have been many provincial Statutes in Ontario (and I have no doubt in the other provinces also) adding to the powers of the Lieutenant-Governor. No objection was made to any of them on this ground, either by any Minister of Justice, or, so far as I am aware, by any Court. One of these Statutes I may here name specially, because it relates to the very point in question, viz. : 48 V., c. 13, s. 16 (3), now consolidated as Sec. 3 of chap. 90 of the R. S. O. (1887), “An Act respecting the remission of certain penalties.”

‘My opinion is that our Act was unnecessary; but, as there is no express enactment in the B.N.A. Act on the subject, and my view has sometimes been disputed in private litigation, I thought it desirable that the Act should be passed in order to make clear what would otherwise be only an implication. To prevent any possible misunderstanding as to its purpose, what is therein mentioned is enacted “so far as this Legislature has power to enact,” and is declared to be “subject always to the royal prerogative, as heretofore.”

‘I hope that on further consideration the difficulty which you at present feel will not continue; but, if otherwise, the question is surely one which, under all the circumstances, should be left to the Courts to decide as cases arise, or that you

## THE PARDONING POWER

will join me at once in a direct proceeding for this purpose.' 1888-90

To this suggestion Sir John Thompson promptly agreed; and a Special Case was accordingly submitted to the Chancery Division of the High Court of Justice for Ontario, in which the Attorney-General of Canada, as plaintiff, alleged the Act to be invalid on the grounds stated in his letter to Mr. Mowat, and the Attorney-General of Ontario, as defendant, demurred on the ground that the Act was *intra vires* of the province.

After hearing a very elaborate argument on both sides, the three Judges of the Chancery Division unanimously held the Statute to be *intra vires* of the provincial legislature.<sup>1</sup>

As to the objection that section 65 permits the province to work changes in the powers of the Lieutenant-Governor only by abolition or alteration, the Chancellor says:—

‘Alteration may be by addition or subtraction. No change is here aimed at in the office as such; but rather, important and congruous functions are sought to be added thereto, to be administered by the officer by whom, through the Dominion, the province is connected with the Queen.

‘What has just been said answers also the argument, based upon section 92 (1) of the Imperial [B.N.A.] Act, which forbids interference with the office of Lieutenant-Governor. That veto is manifestly intended to keep intact the headship of the provincial government, forming, as it does, the link

<sup>1</sup>20 O.R. 222.

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Chap. XVII of federal power. No essential change is possible in the constitutional position or functions of this chief officer; but that does not inhibit the statutory increase of duties germane to the office.'

Pursuant to the arrangement which the two Attorneys-General had made, the Dominion Government appealed to the Court of Appeal for Ontario, which unanimously affirmed the decision of the Court below, upholding the validity of the Act.<sup>1</sup> A further appeal was then taken to the Supreme Court of Canada; but meantime the Judicial Committee of the Privy Council<sup>2</sup> had determined the point in favour of the province; and the Supreme Court accordingly, following that decision, declared that the Lieutenant-Governor of a province is as much the representative of Her Majesty the Queen for all purposes of provincial government as the Governor-General himself is for all purposes of the Dominion Government.<sup>3</sup>

Mr. Mowat's contention was, therefore, upheld, and the Act respecting the Executive Administration of the laws of the province, was declared to be within the jurisdiction of the Legislature of Ontario; a decision which, coupled with that of *Hodge v. The Queen*, already referred to,<sup>4</sup> placed the provincial legislatures and the provincial Lieutenant-Governors in precisely the position which Mr. Mowat had all along contended that they ought to occupy, and which, up

<sup>1</sup> 19 Ont. App. Rep. 31.

<sup>2</sup> In the case of *The Liquidators of the Maritime Bank of Canada v. The Receiver-General of New Brunswick*, [1892,] A. C. 437.

<sup>3</sup> 23 S. C. R. 458.

<sup>4</sup> See *ante*, pp. 270-4.

## INDIAN TITLE CASE—LIQUOR LAWS

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to this time, had been continuously denied to them by the federal authorities. In fact, the two decisions together constitute a charter of provincial rights and give the province its proper place in the Confederation scheme.

The greater part of the summer of 1888 was spent by Mr. Mowat in England; where he argued before the Judicial Committee the case of *The Queen v. The St. Catharines Milling Company*, to which reference has already been made.<sup>1</sup> This was his last argument before that tribunal, and in it, as in all the preceding ones, he was, as we have seen, successful.

In 1890 Mr. Mowat prepared and secured the passing of two other important Acts : one for expediting the decision of constitutional and other provincial questions by a summary reference to the High Court of Justice or the Court of Appeal, and another by which some further and very important amendments were made in the Liquor Licence Acts.

The Act of 1884 had provided that the majority of the electors of any polling sub-division might forbid by means of a petition to the Licence Commissioners the issue of any new licence within the sub-division; but the Act of 1890 went further, and declared that in case of an application for any new licence, or for the transfer of an existing licence to another locality, it must be accompanied

<sup>1</sup>See *ante*, p. 463.

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Chap. XVII by a certificate signed by a majority of the electors entitled to vote in elections to the Legislative Assembly, declaring the applicant for the licence to be a fit and proper person to be licensed to sell liquors, and the premises where it was proposed to carry on the business for which the licence was sought to be suitable therefor and so situated that the business would not be a nuisance to the public.

By another section the granting of vessel licences—*i.e.*, licences for the sale of liquor on any vessel navigating any of the Great Lakes, the River St. Lawrence, the River Ottawa, or any of the inland waters of the province—were absolutely abolished.

And, finally, the Act restored to municipalities the power of municipal local option which had existed before Confederation under the Municipal Act of 1866, by which the council of any municipality other than a county might, with the assent of the electors thereof, pass by-laws prohibiting the sale by retail of liquors in any tavern or other house of public entertainment, and for prohibiting altogether the sale thereof in shops and places other than houses of public entertainment.

To this section strong objection was afterwards made on the ground that it was in effect a prohibitory liquor law, which the Privy Council had already declared that the province had no power to pass. A case was accordingly submitted by the Attorney-General to the Court of Appeal; and after hearing argument on both sides that Court decided in favour of the validity of the local

## THE BALLOT

1890

option clause as being simply the revival of a municipal power which had existed before Confederation, and therefore as coming within the words 'municipal institutions' in the 92nd section of the British North America Act.<sup>1</sup>

In this Session also, for the first time, an attempt was made to alter the form of ballot adopted in elections to the Legislative Assembly by the Statute of 1874. The ballot heretofore in use was in the form of that which had been adopted in England under the Imperial Statute of 1872, having a number on the counter-foil and a corresponding number on the ballot paper. No objection to this was made at the time by any member of the House, but a Bill was now introduced by Mr. A. F. Wood, North Hastings, to substitute the New South Wales form of ballot.

The difference between the English and the New South Wales ballot is that the former bears a number corresponding to that upon the counter-foil from which it is detached, while the New South Wales and Dominion ballots are un-numbered. It was contended on behalf of the Opposition that the numbered ballot in effect destroyed the secrecy of voting; but neither Mr. Wood nor any of those who supported his Bill were able to cite a single instance in which the ballot of any person had been identified except upon a scrutiny. The Attorney-General<sup>2</sup> and those who spoke in opposition to the change denied that the English ballot could be otherwise identified, and claimed that

<sup>1</sup> 5 Ont. App. Rep. 572. <sup>2</sup> See Appendix XI.

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Chap. XVII it had also several advantages over the un-numbered ballot; and among them, that it absolutely prevented ballot stuffing and personation and enabled bad votes to be thrown out upon a scrutiny, thereby avoiding certain serious dangers against which practical experience had shown it to be necessary to guard. These arguments prevailed with the House, and Mr. Wood's Bill was rejected by 54 to 32.

During the Session of 1892 the Government passed an important Act imposing succession duties upon property passing either by will or intestacy, subject to the following exemptions :— (1) any estate the value of which, after payment of all debts and expenses of administration, does not exceed \$10,000; (2) property given, devised or bequeathed for religious, charitable or educational purposes; (3) property passing under a will, intestacy or otherwise to a father, mother, husband, wife, child, grandchild, daughter-in-law or son-in-law of the deceased, where the aggregate value of the property does not exceed \$100,000 in value.

The duties were payable according to a sliding scale as follows :—estates valued at \$100,000 to \$200,000,  $2\frac{1}{2}$  per cent.; over \$200,000, 5 per cent.; property over \$10,000 passing to a lineal ancestor other than a father or mother, or to a brother or sister, uncle or aunt, or the descendants of any of them, 5 per cent.; property over \$10,000 passing to any other person than as above mentioned, 10 per cent. This method of taxation, long ago

## THE QUEEN'S COUNSEL CASE

adopted in England, has proved entirely satisfactory in Ontario, and has up to the end of 1904 brought into the treasury a sum of nearly \$3,000,000. By the terms of the Statute, the fund thus raised is to be applied to pay the expense incurred by the province in the support of asylums for the insane and idiots, institutions for the care of the deaf and dumb, hospitals and other charities.

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The Queen's Counsel case was the last of that long series of judicial decisions in which, without a single exception, Sir Oliver's views as to the powers of the provincial Executive and Legislature were sustained by the Courts. It will be remembered that in 1873, the first Session of his premiership, two Acts had been passed relating to the Bar of Ontario. The first of these declared that the Lieutenant-Governor had and has power to appoint Queen's Counsel. Under that authority the Ontario Government had issued patents creating several Queen's Counsel; and, though their right to do so had never been formally attacked, it was deemed advisable to set the question at rest by judicial decision. In 1890 an Act had been passed by the Legislature of Ontario for expediting the decision of constitutional questions, and under it a case was prepared by the Attorney-General and submitted to the Court of Appeal for Ontario in 1892, asking their decision upon certain questions, of which the two most important were the following :—

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‘(1) Whether since the 29th March, 1873, it has been and is lawful for the Lieutenant-Governor of Ontario, by letters patent in the name of Her Majesty, under the Great Seal of Ontario, (a) to appoint from among the members of the Bar of Ontario such persons as he deems right, to be, during pleasure, Her Majesty’s Counsel for Ontario ; (b) to grant to any member or members of the Bar of Ontario a patent or patents of precedence in the Courts of Ontario ?

‘(2) Whether such appointments of Queen’s Counsel and grants of precedence as have been made by the Lieutenant-Governor of Ontario since the said date are valid and effectual to confer upon the holders thereof the office of precedence thereby purported to be granted ?’

The case was not argued until September, 1896; and in November of the same year the Court of Appeal unanimously decided both questions in the affirmative, thus upholding the validity of the Statutes in question. Mr. Justice Burton was of opinion that the Lieutenant-Governor has the exclusive right to make such appointments; but Mr. Justice Street was of opinion that the Governor-General had the power to appoint Queen’s Counsel for Dominion Courts, and to regulate the right of pre-audience in those Courts. It may seem extraordinary that an Act which had not been disallowed by the Dominion Government should be open to question after having been in force for twenty-three years; but our Courts have decided in more than one case that the power of dis-

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allowance exercisable by the Dominion Government can in no way affect the constitutionality of a provincial Statute, and that, whether allowed or not, the Act is void if it transcends the competence of the provincial Legislature. 1895

In 1895 the edifice of law reform which the Premier had steadily been building up for more than twenty years received its coping stone. The Judicature Acts had from time to time been amended as experience suggested, always in the direction of simplifying procedure, lessening the cost of litigation and expediting the decision of causes. In 1895 all these amendments were embodied by the Attorney-General in the original Statute, which was then re-enacted under the name of 'The Judicature Act, 1895'; and simultaneously therewith there was passed another and cognate Statute, entitled 'An Act for diminishing Appeals and otherwise improving the procedure of the Courts.'



## CHAPTER XVIII

### PROHIBITION

IN 1893 Mr. G. F. Marter, member for North Toronto, introduced a Bill to prohibit the importation, manufacture and sale of intoxicating liquors as a beverage. In form and substance it was identical with the one which had been presented in 1873 by Dr. Clarke of Norfolk,<sup>1</sup> and had then been declared by the Speaker to be *ultra vires* of the Legislature; but meantime the cause of prohibition had made considerable progress, and Mr. Marter desired to test the question again.

With some ingenuity, advantage was taken of a method often adopted in England, viz.: that of popular demonstration; and a large and influential convention of prohibitionists assembled in Toronto. A deputation from it interviewed the Government in support of Mr. Marter's Bill. They were received by the Attorney-General and the Hon. Messrs. Hardy, Gibson, Harcourt and Bronson. Addresses in support of the proposed legislation were made by the Rev. William Kettlewell and the Rev. Dr. McKay of Woodstock. Sir Oliver replied for himself and his colleagues. After expressing his sympathy with the object of the Bill, he continued :—

<sup>1</sup>See *ante*, p. 196

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‘I am going to speak to you frankly. I have no doubt that when you get a prohibition law in Ontario you will want one that can be enforced. There is no sense in a nominal prohibition: no use in putting a prohibition law on the statute-book unless we can and do enforce it. You all know that a prohibition law is difficult of enforcement; that there are many people interested in its not being enforced. Take the county of Oxford, for instance, which I have the honour of representing. They passed the law there and within a few years they repealed it. They found that, practically, the law was not enforced, and that the drink traffic was worse than ever.’

Rev. Dr. McKay—‘No, no.’

Sir Oliver, continuing, said:—

‘That is my deliberate opinion, from the close observation which it has been my duty to make. I do not say that a law is of no use when it can be only slightly enforced; but to a considerable degree, it is of no use; and if it is not enforced to any extent, it is a thousand times worse than if there was no such law on the statute-books. Any prohibition law, under the present condition of public sentiment, is difficult of enforcement; but if there is any reasonable doubt as to whether that law is valid or not, it is hopeless to attempt to enforce it. We may be sorry for that, and unwilling to believe it; but if we endeavour to enforce in this country a prohibition law, when there is not a reasonable

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certainty of its being a legal law, it will be a hopeless task. The Legislature passed, some time ago, at the urgent request of the temperance people, with whom the Government sympathize, a local option enactment, which was believed to be of great advantage to the cause of temperance. The validity of this is disputed at this moment; the question whether it is valid or not is before the Supreme Court. The case was before the Court of Appeal, and the Court of Appeal endorsed the view of the Government that they had the power to pass this enactment. The Court was unwilling to enter upon the consideration of the prohibition question until they knew that the other points raised would not sustain the appeal. I will not go into the arguments to show how strong the reasons were which we have had to overcome to sustain this law. We had then gone as far as we could safely go; as far as the Courts might be reasonably expected to sanction. I do not suppose any one present wants Mr. Marter's Bill to be passed if we cannot enforce it.

"The deputation assume that the legislature has the power to pass the Bill. I am not so sure of it. In the case to which I refer, although the Court sanctioned what the Legislature passed, it did not say that they had any power to prohibit absolutely; but, on the contrary, one of the Judges expressly declared that he considered the judgement of the Privy Council (pronounced some time ago) to show that the province had not that power. If a

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Chap. XVIII Judge of the Court of Appeal—one of the highest Courts in the province—came to the conclusion that the province had no power to pass such an Act; if the Court of Appeal took that view, it is manifest that there would be considerable difficulty about it. When we get a prohibition law, I want it to be one that we know is legal and constitutional, so that we can go forward with the strongest hand that it is possible to have to enforce it. My hands would be weakened by attempting to enforce such a law in the present state of the authorities on the subject.

‘I would not say what I am now saying unless I was conscious of the difficulties that lie in the way. I will do everything in my power to maintain the Act that the Legislature has already passed—and I think we shall be able to maintain it: but I want that to be done with before I am asked to enforce a new law upon the subject. It would be disastrous to the interests of temperance if we were to pass a law which we have no power to pass, or which would be a source of litigation for a year or more before it could be pronounced constitutional. We had an illustration of that when the ‘McCarthy Act’ was passed by the Dominion Parliament. It was passed with the idea that the Dominion Parliament had the power; but that was a disputed point, and the result was that we had not the power to enforce either the ‘McCarthy law’ or the provincial law.

‘I am telling you, gentlemen, what it may be very unpleasant for you to hear, but what it is abso-

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lutely necessary that you should know. We cannot support Mr. Marter's Bill at the present time, but the time may come when I shall be glad to support that, and something more, too. (Applause.) Mr. Marter proposes to prohibit the sale by retail; but why stop there? The Privy Council has repudiated the idea of there being any distinction between retail and wholesale. I do not speak for others in this matter; but my own personal idea with regard to it is that if it comes to be decided that there is no further question but that we have the power to pass a prohibition law, I am prepared to go for it. (Applause.) I feel, however, that it is my duty not to go for it until we can constitutionally do so. I have spoken my mind candidly; not perhaps pleasantly, but at all events truly.' (Applause.)

The debate on the Bill in the Legislature was long and wearisome, many members desiring, according to the popular expression, to 'place themselves on record.' The usual truisms in regard to the evils of intemperance were uttered with tiresome iteration; but the real point, that the measure would be *ultra vires* and practically ineffective, was studiously ignored by Mr. Marter and his supporters. In reply to the argument of unconstitutionality, it was gravely urged that the Attorney-General, who had thus far been uniformly successful in maintaining the jurisdiction of the province, should pass the Bill and then support its constitutionality in the Courts. The result came in the form of a motion for the

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Chap XVIII 'six months' hoist,' to which an amendment was promptly moved by the Hon. G. W. Ross, and seconded by the Hon. A. S. Hardy, to the effect that, as the jurisdiction of the Legislature was still doubtful and the question *sub judice*, no action should be taken on the Bill in the meantime.

Then for another day the debate raged. More than once it seemed almost at an end; but not until the evening of the third day did the leader of the Opposition take part in it. Mr. Meredith's attack on Sir Oliver, and the reply of the latter, afforded the House a charming relief from the platitudes to which they had been listening for nearly thirty-six hours.

The leader of the Opposition taunted the leader of the Government with his silence during so long a debate. Sir Oliver's reply was calm, but it had an immense effect upon the House. He said <sup>1</sup>:—

'We rejoice over every movement that may diminish the amount of intemperance in this country, if not remove it altogether. There may be a difference of opinion as to the method of bringing about that result. Some take one view and some another. But the evils of intemperance are so great—it is the cause of so large an amount of crime, vice, poverty and wretchedness of every kind, that a man must be less than human if he is not prepared to favour anything that will either mitigate this great curse or entirely remedy it. The movement that is making itself felt throughout the country is one

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<sup>1</sup> *Toronto Globe*, May 3, 1893.

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that commends itself to every humane person. It is a movement that could only exist in a Christian country. Whether the temperance people always do the right thing or the wrong thing; whether they take the best means of accomplishing their purpose or not, it is for an unselfish reason that they take so much trouble. It is pure humanity, it is pure benevolence, it is pure religion that moves them to do this; and I say that the movement is one that could not exist in any but a Christian country. My honourable friend (Mr. Meredith) read from a speech of mine a year ago or two, in which I said that this is not a prohibition Government, and that the Liberal party is not a prohibition party. I stand by every word of that. Personally I speak my own views. Hitherto no party has been a prohibition party. I would be very glad to find that a party of mine, or any party, was a prohibition party. But what I say in regard to this Bill, is that from the stand point of a man who believes in its principles, who is anxious about it, who wishes to prohibit altogether the liquor traffic—from this standpoint it is important to know whether we have the jurisdiction.

‘It is said that we ought to pass this Bill, even if there is no jurisdiction; and some very stupid remarks have been made in reference to it. The reason, no doubt, of the enthusiasm that the Bill has created is that some believe that it is within our jurisdiction. They want it to be passed upon the assumption that it is a perfectly valid law.

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Chap. XVIII If they are wrong, and the honourable gentleman opposite (Mr. Meredith) is wrong, the effect of passing this law would be most disastrous. Instead of licensing a few to sell intoxicating liquors—3,000 or 4,000 for the whole country—it would be licensing everybody. Now we have a certain control over the selling of liquor ; but if we have no power to pass the law and don't issue any licences in the meantime, the result will be that everybody may sell. I don't think anybody will favour that ; that any temperance man will favour that as a good thing. If they do, I don't agree with them. The general sentiment of the country is that there is less drinking as a result of the licence system. Until we know what our jurisdiction is it would be unwise to pass such a measure as that proposed. There is so much in the Supreme Court decision, and so much in the decisions of the other Courts, as would make it most reasonable for any magistrate who is otherwise inclined to convict a man for selling liquor to say "I cannot do it." If this measure were passed, the whole matter would remain in utter confusion until we can get a decision from the Court of last resort. The honourable gentleman says that this is the only way we can get a decision of the Court. Instead of that being the case, it would be the slowest way of getting a decision, and the way which would be followed with the worst consequences. There is a way. The Dominion Parliament has the power to refer such questions as this to the Supreme Court, and they

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can go at once to the Privy Council. The Government of Ontario and the Legislature of Ontario have power to refer a case in the same way to the Court of Appeal of this province, and it can go to the Supreme Court and thence to the Privy Council.'

'I have had some correspondence with the Dominion Government on the subject, in order to see if they can see their way to referring a test case to the Supreme Court; but in the absence of the Premier it was not thought that it could be dealt with without reference to him. It is plain to everybody that we will thus get a decision much more quickly than in the way this Bill would render necessary. Any one, therefore, who supports the Bill in the House, or outside of it, under the impression that this is the only way of getting a decision, is evidently in error.'

At the conclusion of Sir Oliver's speech the House divided, and the Government amendment was carried on a strict party vote by 54 to 33.

Though Sir Oliver had given no definite pledge to the prohibition deputation, and the Government had opposed the Marter Bill, they were not the less anxious to advance the cause of prohibition so far as this could be constitutionally and effectively done. To this end two lines of action were necessary: first, the ascertainment of the exact jurisdiction of the provincial legislature; and, secondly, the determination, so far as possible, of the state of public feeling on the subject. To

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Chap. XVIII accomplish the latter result, the Government introduced and passed during the Session a Bill intitled 'The Prohibition Plebiscite Act,' which enabled the electors of the province to pronounce upon the desirability of the prohibition by competent authority, of the importation, manufacture and sale as a beverage of intoxicating liquors into or within the province. The vote was taken at the municipal elections of 1894, and resulted as follows: Yeas—Men 180,087, women 12,402; total 192,489 Nays—Men 108,494, women 2,226; total 110,720  
Majority for prohibition 81,769.

The result of this vote was most encouraging to prohibitionists; and early in the following month a great convention of temperance workers was held in the city of Toronto. They appointed a deputation to wait upon the Ontario Government and 'respectfully request them to declare in favour of the total prohibition of the traffic in intoxicating liquor to the full extent of the power vested in the Legislature.' The deputation was received by Sir Oliver Mowat and Messrs. Hardy, Ross, Dryden and Harcourt, and was introduced by Mr. (afterwards the Hon.) E. J. Davis. Speeches in support of the resolution were made by the Rev. Dr. Potts and Mrs. May Thornley, of London, President of the W.C.T.U. for Ontario. In the course of a sympathetic and encouraging reply the Premier said <sup>1</sup>:—

' I think that prohibition, if it is an experiment, and if not successful in all the States where it has

<sup>1</sup> *Toronto Globe*, Feb. 7, 1894.

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been passed, is still worth trying. (Great applause.) The vote removes all difficulty about its being demanded by the people . . . I do not gather from the resolution that you have read, nor from the eloquent words that I have heard, that you expect, or even perhaps desire, that I should bring in any measure pending the ascertainment by the Courts of our jurisdiction, and how far the Legislature can go. I stated my opinion strongly last year, (and I hold the same opinion now), that that would not be in the interest of temperance, but the reverse. A prohibitory law even under favourable conditions is not easy to enforce, and the difficulty is immensely increased if you add the difficulty arising from its being doubtful if there is the power of enforcing it. This is not a case where a few people are against the law. There are large interests and wealthy companies against it. It would be difficult to get convictions at all, and any that could be obtained would be appealed against, and it would be impossible to enforce a sentence while it was under appeal. There would be no limit to the drinking that would result under this state of affairs. There would be no restriction of it. I have always been opposed to doing anything until I know what our jurisdiction is. When I know that I am prepared to act. It has been said that it would be better to pass an Act and try its constitutionality by means of an action in the Courts. That, however, is a cumbrous and costly method of procedure, while it is compara-

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Chap. XVIII tively easy to get a decision by the means that we have adopted. I promised last year to submit questions which have been submitted to the Court to obtain a definition of the powers of the Legislature, and I have kept that promise.'

The premier explained the steps that had been taken, and showed how he had done all he could to expedite the matter. The case was now set down for argument in the Supreme Court this month, after which it would go to the Privy Council. In preparing the questions to be submitted to the Courts he had tried, he said, to provide for everything; and, in order to be sure that he was embracing everything in them that it was desirable for the temperance cause to have settled, he had sent a copy of them to Mr. J. J. Maclaren, Q. C., who had returned them with the comment that he believed they covered everything. Concluding, he said:—

'If the Privy Council decides that we have the jurisdiction to pass a prohibitory law for the sale of intoxicating liquor, and I am still premier, I will introduce a Bill for that purpose. (Great cheering.) In case we have authority for a partial prohibitive law, it is difficult to say anything, because we cannot anticipate what the power may be.'

Sir Oliver then read the following type-written statement of the Government's position:—

'If the decision of the Privy Council should be that the province has the jurisdiction to pass a prohibitive liquor law as to sale, I will introduce such a Bill in the following Session, if I am then

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at the head of the Government. If the decision of the Privy Council is that the province has jurisdiction to pass only a partial prohibitive liquor law, I will introduce such a prohibitive bill as the decision will warrant, unless the partial prohibitive power is so limited as to be ineffective from a temperance standpoint.'

When the premier ceased there was enthusiastic cheering. When this had subsided the chairman said to the premier, 'I am sure I need not say that your answer is everything to be desired.' (Applause.)

Rev. Dr. Potts—'Eminently satisfactory.' (Applause.)

Rev. Dr. McKay—'May I ask Sir Oliver a question?'

Rev. Dr. Potts—'From the Shorter Catechism?' (Laughter.)

Sir Oliver (smilingly)—'Don't be hard on me.'

Rev. Dr. McKay—'I am perfectly satisfied; but I would like to ask if Sir Oliver will give as much prohibition as the Courts decide he has the power to give. I would like it to be so plain and definite as to satisfy the rankest Tory in the province.'

Sir Oliver—'I have no hope of satisfying them.'

The last part of his reply was re-read, however, and it was admitted that nothing more definite could be desired. Mr. Joseph Gibson, stepping forward, declared that though Sir Oliver had said

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Chap. XVIII he had no hope of satisfying the Tories 'his announcement would carry joy into many a Tory home.' (Applause.)

Mr. Hardy responded to the calls for him. 'You do not want more oratory,' he said.

Rev. Dr. Potts—'Experience, then.' (Laughter.)

'The premier has spoken my sentiments,' Mr. Hardy proceeded, 'he has spoken the sentiments of all the members of the Government who are in the city—they are all here. I need not say more.' (Applause.)

Mr. Ross was also called upon, but excused himself by saying he hoped to be with them in the evening at their meeting.

Rev. Dr. Potts wound up the speech-making. 'I am sure I voice the feeling of the whole deputation,' he said, 'when I say that we cordially thank you and your Cabinet for the spirit in which you have met us and for the answer that you have given us.' (Applause.)

The subsequent history of this matter need not here be told. The decision of the Privy Council was given after Sir Oliver Mowat had ceased to be premier of Ontario, and the duty of carrying it into effect fell to his successors.

## CHAPTER XIX

### PERSONAL MEMOIRS

AND now let us turn from the subject of legis- 1887-8  
lation and administration to matters more  
intimately connected with Mr. Mowat himself.

In April, 1887, he removed from the house, No. 183 Simcoe Street, where he had resided since 1874, to No. 63 St. George Street, a large house standing in pleasant grounds opening upon the lawn of the University. The change was made chiefly on account of Mrs. Mowat's health, and the result was most satisfactory. Here he resided until his appointment to the Senate in 1896.

In July, 1887, Mr. Mowat went to England to confer with the authorities of the Colonial Office as to the passing of an Imperial Act establishing the boundaries of Ontario as defined by the award in the Boundary Case and the decision of the Judicial Committee of the Privy Council; but it was found impossible to complete the arrangements without further action on the part of the Dominion authorities. In returning he spent a few weeks in the north of Ireland, visiting Belfast and the Giant's Causeway, returning *via* Dublin to Liverpool and sailing thence on September 2, for Toronto.

In 1888 he again spent the summer in England, argued the case of *The Queen v. The St. Catharines Milling Co.* before the Judicial Committee

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Chap. XIX of the Privy Council, and paid another visit to Caithness.

Soon after this visit he presented to the church at Dunnet, where his forefathers are buried, two silver communion patens, as to which the Rev. Mr. Falconer, B. D., minister of the parish, writes:—

‘I had the two communion patens duly made to my entire satisfaction, and so as to harmonize with the rest of the service. I had the assistance of Sir George Reid, president of the Royal Scottish Academy, and the work was done under his direct superintendence. I had also the counsel of Principal Geddes of Aberdeen University (now Sir William D. Geddes), who made several very valuable suggestions . . . On the rim of the patens, in raised antique characters, entwined with oak leaves—badge of the Mowats—I have had engraved this inscription: “*Ecclesiæ de Dunnet V. honor Olivarius Mowat olim Mont-Altus Provinciæ Ontario, Procurator, M.D. CCCXC,*” *i.e.*, “The gift to the Church at Dunnet of the Honourable Oliver Mowat, anciently Mont-Altus, Prime Minister of Ontario, 1890”; and on the back of the patens is engraved the following inscription: “*In honorem Dei piamque memoriam proavum inde oriendum qui hic jacent placida fidei Christianæ quiete consopiti. Presidente Gul.I.S. Falconer, D.Th.B.,V.D.M.*” — *i.e.*, “To the glory of God and the pious memory of his forefathers hence sprung, who here lie sleeping together in the quiet rest of Christian

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faith—the Rev. W. I. S. Falconer, B.D., being 1890  
minister of the parish.”’

During the Session of 1890 Mr. Mowat was presented with a portrait of himself, executed by Mr. J. C. Forbes, a well-known Canadian artist. The presentation was made by Mr. Thomas Ballantyne, M.P.P., at the Parliament Buildings in the presence of a few of Mr. Mowat's family and a large number of M.P.P's., including Mr. Meredith, and such leading Conservatives as Messrs. Monk, Lees, Clancy, Smith (Frontenac), Kerns, Fell, A. F. Wood, Tooley and Hudson. In making the presentation, Mr. Ballantyne spoke as follows : —

‘Sir,—The occasion on which we have this day met is of so unique a character as to be almost, if not wholly without a parallel in British constitutional government. Not within the memory of living man has a premier enjoyed uninterruptedly so long a reign as yourself. While there have been repeated changes in the Imperial and the various colonial administrations in the different quarters of the world, it has been the rare fortune of yourself to have been at the head of affairs in Ontario for an unbroken period of over seventeen years. As the first Minister of the Crown in this, your native province, you have been successful in four general elections; and it needs no foresight whatever to see that we are on the eve of a fifth, which will prolong your benign rule for a further parliamentary term.

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‘There is another example, in a by-gone generation, of a great statesman being maintained in office, as you have been, during crucial times, for a period approaching to two decades. In his case the country was menaced with danger, and he earned for himself the appellation of “the pilot that weathered the storm.” The distinction, Sir, is one which equally applies to you; for with persistent, powerful and determined foes, yours has been a constant and successful warfare for the rights and privileges of your province. It is by these contests that the “Christian politician” has also earned for himself the title of the “plucky premier;” and you will be known to our successors as the “hero of a hundred fights”—in not one of which were you ever worsted—as much as for the practical wisdom and beneficence of your long course of legislation.

‘We learn from history that in times of strife and conflict there have been usually but few measures passed for the welfare of the people. The history of our own times in Ontario has presented a remarkable exception. Although under the necessity of ever having the sword girded to your side, your equanimity of temperament, calm and judicial tone of mind, great capacity for labour, desire for the good of your fellow-men and far-seeing statesmanship, have at the same time given to the province a vast body of law, but a small portion of which, and that relating to a single department or branch, would have sufficed to make the reputation, in a period even of

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peace, of a man of less attainments and a more easily satisfied sense of public duty. Time will not suffice to give even the merest catalogue of the host of measures framed by your busy brain and pen and crystallized into the legislation of the province, for the happiness and welfare of all classes of your fellow-men.

‘It is not only as a law-giver that we feel the blessedness of your influence. That influence is felt in a hundred different ways, but certainly in none so much as in the outstretched hand for the relief of the sorrowing and afflicted. In every movement for the lessening of suffering, the education and care of those bereft of their faculties; the shelter, comfort and sustenance of the hapless class for whom there is no cure; the amelioration, in short, of the lot of all sorts and conditions of men, unable through their misfortune to take their part in the battle of life, you have been so pre-eminently first, that to you there has been no second. People sometimes ask where is your reward for the life of toil and devotion you have given your country. Sir, this itself is your own ‘exceeding great reward.’ A greater I am sure you would not desire; a greater or better it is not in the power of any one to bestow, as it is not in the power of any one to take it from you. You will feel its sustaining influence in life, and it will remain with you to the last. We look upon this feature of your great and good career as more to be envied you, even than the impulse you have given the country by your

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liberal encouragement in the vast extension of its railway system and the opening of ordinary public roads; more than the perfecting and partial sustenance of our splendid educational institutions; more than your example and guidance in lessening the evils of intemperance and in teaching the races of the country the lesson of tolerance and moderation in their sentiments towards each other—the lesson indeed of the universal brotherhood of man.

‘With your sense of modesty and justice, you would scarcely pardon us did we omit to mention the aid and assistance you have received in your counsels and measures by a band of able and devoted colleagues. You have always had the sagacity to discern talents in others, the wisdom to call them to the service of the State, and the magnanimity to allow free scope for their exercise without those petty interpositions which, it is said by persons who are versed in what is called statecraft, many prime ministers are in the habit of placing as a bar to the free action of their associates in the Government. Having reposed confidence in men, it is your habit to trust them; and you win from them in return their warmest esteem and regard and the devoted labour of their lives.

‘Desiring to preserve the lineaments of one so universally revered and loved, we beg your acceptance of this portrait of yourself. The artist has faithfully “held the mirror up to nature” and produced a work which we trust will for

## THE FORBES PORTRAIT

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many generations recall to your children and their children graces of a nobly spent life and be preserved to future ages as a treasured possession of the people of this province.'

The Premier replied as follows :—

'Mr. Ballantyne, fellow-members of the Assembly,—I thank you for your gift. I accept it with great pleasure, as a mark of confidence and good feeling toward me; I think with gratification of its being an heirloom for my children, a record of the features which a distinguished Canadian artist has painted in the 70th year of my life, affording a perpetual record of the feelings towards me of the Liberal members of the Legislative Assembly. I accept it with gratitude; but I cannot so unreservedly accept the kind words with which you have presented this gift. I know they have been far too eulogistic, but they have been so because of your confidence and good feelings towards me. In spite, I fear, of the flattering language in which you have expressed yourself on this occasion towards me and my colleagues, I think we may claim to have done something for the good of this province; and I think we have passed measures which will be of permanent service to it. Without my colleagues I should have been able to accomplish nothing. In discussing matters we have spoken freely our respective views, but we have always been friends; and each friend has contributed his essential quota to the measures to which I have referred. Not only do I owe very much to my colleagues

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in the Government, but also to the members of the Assembly, both on account of their votes and also for their assistance and counsel in devising many of these measures. I think no Government ever sat with a finer body of supporters than I have had during the seventeen years in which I have had the honour to lead the Government of this province. We have in our House a host of successful men : successful farmers, successful manufacturers, successful mechanics, successful journalists, successful lawyers, successful doctors, successful contractors, and successful men of all kinds; and all have contributed to the carrying out of the legislation to which you have referred. My native province has always been very dear to me, and I have a warm place in my heart for those who have thus honoured me with their confidence and personal regard. Once more, I thank you for your gift.'

On May 24, 1892 (the Queen's Birthday), Mr. Mowat received the honour of knighthood from his Sovereign. The circumstances connected with the appointment and his reasons for accepting it will be discussed in the next Chapter.

On March 13, 1893, Sir Oliver Mowat was called upon to bear the sorest trial of his life in the death of her who had been for forty-six years his helpmeet and companion. Lady Mowat had never been strong, and a cold contracted in 1864 developed soon afterwards into a severe attack

## DEATH OF LADY MOWAT

1893

of pneumonia. After this her family physicians advised her not to spend the winters in Canada. Accordingly for some years she spent the winters in Florida, Italy and the south of France, but she never wholly regained her health. For many years a sufferer from severe attacks of asthma, she bore her illness with wonderful patience and cheerfulness, and never until near the end did she lose her courage and vivacity and her keen interest in current affairs. To those who had the privilege of knowing her it is needless that I should attempt to describe her; to those who did not, my truest words might seem fulsome. In every relation of life, in the church, in society, and above all in her home, she was an ideal woman. Her death was deeply deplored by a wide circle: children, grandchildren, relatives and friends; but to him whose joys and sorrows and trials and triumphs she had shared for nearly half a century, it was

‘A loss forever new,

A void where heart on heart reposed,

And, where warm hands had pressed and closed,

Silence—till I be silent too.’

The Session of 1893 was in many respects notable and interesting. It was the first one held in the new Parliament Buildings in Queen’s Park, and the first under the new and popular Lieutenant-Governor, the Hon. (afterwards Sir) George A. Kirkpatrick.

The opening ceremonies were unusually brilliant. After prayers and routine proceedings,

## SIR OLIVER MOWAT

Chap. XIX the House adjourned for a couple of hours, during which two interesting events occurred: the first, a reception by the new Lieutenant-Governor and Mrs. Kirkpatrick; and the second, the presentation to the province of a portrait of Sir Oliver Mowat, painted by Robert Harris, C.B., of Montreal, now President of the Royal Canadian Academy. The donors were a number of Sir Oliver's personal and political friends, and the presentation was made by Mr. William Christie of Toronto. Most of the guests who had attended the reception remained, and the Lieutenant-Governor and Lady Kirkpatrick honoured the occasion by their presence.

The Speaker, the Hon. Thos. Ballantyne, presided, with the Lieutenant-Governor sitting on his right, and Sir Oliver standing beside his usual seat. Mr. Christie read the address, which was beautifully engraved, illuminated and richly bound. It was as follows:—

‘Sir,—Your political supporters and personal friends have long desired to offer you some mark of the profound esteem in which you are held, as law-giver and citizen, and to publicly manifest their appreciation of your eminent services and unselfish devotion to the great work of administering the affairs of your native province, in which you have given so many evidences of true worth and excellence.

‘The opening of the new provincial Parliament Buildings furnishes an appropriate occasion to your friends to express their sentiments towards

## THE HARRIS PORTRAIT

1893

you, by placing in the hall of the Legislature a portrait of yourself, so that the present and future generations, looking upon it, may recall the splendid story of your achievements as a statesman.

‘It is the desire of your friends that this portrait shall belong to the province, and that it may become a national and historic memento of a law-giver and the leader of a Government which has preserved the public confidence for a longer unbroken period of time than any in the history of the British Empire.

‘Your administration of affairs has been distinguished by its unvarying wisdom and success in the enactment of progressive and liberal laws, combined with a firm and vigorous policy in the maintenance of the rights of the province under the Constitution.

‘Your broad statesmanship, coupled with a comprehensive knowledge of constitutional law, has made you, above all others, the skilled exponent of the Act of Confederation, and has won for you a reputation far beyond the limits of Canada, and sufficient of itself to warrant the enrolment of your name high in the list of the illustrious men of our country.

‘You have simplified and liberalized the laws of the province, and done much to exalt equity and to make law subservient to justice.

‘With the assistance of able colleagues, you have brought the educational system of the province to a state of excellence which is probably without equal in the English-speaking world.

## SIR OLIVER MOWAT

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Ontario's high financial standing and freedom from debt is largely owing to the wisdom and economy of your Administration; and it affords your friends sincere pleasure to say that the able colleagues whom you have called to your Council stand second only to yourself in the estimation of the people; and that we can point with pride to the many evidences of their industry and co-operation with you in honestly carrying on the Government of the province.

'We are not unmindful that in giving a long life of zealous attention to public affairs, and in raising our province to its present high position, you have made great financial and personal sacrifices; but your memory will always remain deeply cherished in the hearts of the people you have governed so long and so well; and, if this can be considered any compensation for your services, you may rest assured that your grateful countrymen will amply repay you in this respect, and, in years to come, will point with pride to this portrait as that of one of Ontario's most patriotic and devoted sons, and who may fittingly be called "The Father of his Province."

'The fair and courteous treatment you have always accorded to those who have been politically opposed to you cannot be better evidenced than by the fact that amongst those who have been instrumental in bringing about this presentation are to be found members of all our political parties.

'That you may yet for many years be spared

## THE HARRIS PORTRAIT

1893

to give valued service to an appreciative country, and to enjoy the fruits of past labours, is the ardent wish of your fellow-citizens.

‘As in some degree, a recognition of your services, we desire, therefore, to present to you, and through you to the province of Ontario, this portrait of yourself, in order that it may adorn the legislative halls, where it may recall to the people in future years the features of one who was admired as a politician, beloved as a man, and the trusted and faithful steward over many things.’

Sir Oliver was visibly affected as he replied :—

‘Mr. Christie and Gentlemen,—I am very grateful for the warm feelings towards me which are shown by your address. I do not pretend to merit your encomiums, but I appreciate deeply the spirit which has inspired them.

‘I understand that the portrait which you do me the honour of presenting is pronounced by connoisseurs to be a success, both as a work of art and as a good likeness. As a likeness it tells me that I look considerably older than I feel, though not older than I am. I cannot conceal from myself that a man in his 73rd year is an old man, however little he may feel his years; and many things to which my personal memory extends back compel me to realize that I have already had a long life. The recent sorrow that has come upon me has turned my thoughts involuntarily in that direction; and I have been calling to mind that I have now outlived nearly

## SIR OLIVER MOWAT

Chap. XIX

all my early contemporaries and associates, and many of later date. I call to mind that in my own time, and within my own memory, a transformation has been accomplished in the political condition of the province. I remember when neither our province nor any other British province had responsible government. I remember when our provincial affairs were not conducted by the elected representatives of the people, nor by persons of their appointment or possessing their confidence. I knew the province when it had no municipal institutions, now known to be essential to local interests and local progress. I knew the province when the various Churches amongst which its people were distributed were not equal before the law; when the Established Church of old England was practically the Established Church here; and when there were claimed for it the exclusive rights and privileges of an establishment, and one-seventh of the whole land of the country. I remember the province when there was in it not one university, not one college, and no system of public schools. I remember when at every election there was but one polling place for a whole county, no matter how extensive; when the election lasted for a week, and when (except in towns) the only voters were freeholders. I remember when the province had not a mile of railway, nor, I believe, a mile of macadamized road. I remember when the principal cities of the present day were but villages; when this great city of Toronto was "Little York,"

## THE HARRIS PORTRAIT

1893

and its population three or four thousand. I remember when the whole province had—or was supposed to have—a population of but 150,000, and therefore less than the population now of Toronto alone. My memory thus goes back of the time when I began the practice of my profession here half a century ago. The city had then a population of but 15,000; and Upper Canada a population of but half a million. The changes which have taken place in our province in that half century have been very great. Its progress in population, in wealth, in education, in intelligence, in political freedom, and in most other things which serve to make a country attractive and great, has been in fact enormous. We Liberals think that the progress might have been, and should have been, still greater, particularly in recent years; that it has been kept back by errors of policy and practice, the responsibility of which belongs to others. But we rejoice to perceive, and are glad to acknowledge, the advances which, in spite of obstacles and drawbacks, have taken place in our beloved land. While progress has been going on, what a disappearance there has been of the men I remember as helping it on in various ways. The politicians of my early days have all passed away, and very many of their successors have passed away, too. So it has been with the clergy, the journalists, the bankers, the judges, the lawyers, and men of every other class, whom I remember as prominent in those days.

## SIR OLIVER MOWAT

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‘It was as an alderman of this city that I began my public life some 36 years ago. I was an alderman for the years 1857 and 1858. Only two of my associates in the City Council are living now. Most of the electors, of both parties, who were active in securing my election are gone also.

‘While still an alderman I was elected by the South Riding of Ontario to a seat in the Legislative Assembly of the then Province of Canada, and I remained a member until I accepted a Vice-Chancellorship in 1864. Of those who were my fellow-members in the legislature very few are now living. I know of but one of them who is a member of the present Parliament of Canada. Not one (except myself) is a member of the present Legislative Assembly of Ontario.

‘So, of the first Ontario Cabinet under my premiership, not one is a member of the Cabinet now. Some honoured and valued colleagues are dead; and others, honoured and valued likewise, have, for reasons personal to themselves, gone into other avocations. Not one colleague was parted with through any political difference, or any personal estrangement. Of the members of the Ontario Assembly elected in 1867, only one is a member of the present House. Of those who were members in 1872, when I myself became a member, I believe three only (besides myself) are members now.

‘It was with great hesitation that I left the Bench for the Legislature and the Government, when I was invited by the then Lieutenant-

## THE HARRIS PORTRAIT

1893

Governor to take on me the position which I have since held. Judicial work was for me congenial work; and it is work which, when well and conscientiously done, is of great importance and great value to the community. But I am glad now that I made the exchange, even though the new position has involved (as you observe) financial sacrifice. Money is not everything; and the leadership of a government which has the confidence of the people affords opportunity of rendering public service greater than even the honourable position of a Judge supplies. I must believe that the opportunity which I obtained of doing an increased amount of good has not been thrown away; else I would not so long have been sustained in office by the people of the province, nor would I be receiving to-day such an address as you have presented to me.

'I am glad to have retained my premiership long enough to see the erection and completion of the magnificent building in which we are assembled, and to take my place as premier of the province at the first Session of the Legislature held here. The occasion is to me all the more interesting as this day is the nineteenth anniversary of the day on which the eldest of my honoured colleagues was sworn in as Commissioner of Public Works. This building, erected under his care and supervision as such Commissioner, will, as long as the building stands, be a monument of his administrative ability, his energy and his economy. I doubt if ever

## SIR OLIVER MOWAT

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before, any Government has erected a public building costing a million and a quarter of dollars without any extras worth the name.

‘I am glad that you appreciate, as I do, the merits of all my colleagues in the Government. It gives me pleasure at all times to bear witness that to them and their predecessors in the Administration the success of my long premiership has largely been due.

‘In answering your address, I have put in words some of the memories which during the last few weeks have been coming to me with unaccustomed force. But they are not making me suppose that my life or its work is near its end. That I have no right to assume, and I do not assume.

‘I have had a long past, but I look forward to having a future also. It may be a long future, though not long as compared with my past; but whatever of life and capacity for public usefulness may by Divine Providence be continued to me, I hope to devote to the same public service which has had already so many of the best years of my life. Having the great advantage of long experience in affairs, I may look for increased usefulness so long as my bodily health and mental vigour remain unimpaired; and in this way I may hope to realize in some moderate measure the good wishes and kind anticipations which you have been pleased to express in your too flattering address. I should like to be remembered as a politician who was faithful to public duty, who used the machinery of party for the public



**HON. C. F. FRASER**

Provincial Secretary, 1873-4,  
Commissioner of Public Works, 1874-1894



## THE HARRIS PORTRAIT

1893

good, who did what, in his place, he could to help the helpless, to lighten the burdens of the heavy-laden, to promote the comfort and well-being of the masses of the people, and to make the wheels of business activity and industry run smoothly and safely, for the common advantage of all classes of the population. In all this I am sure that I have your sympathy, and shall, as hitherto, have your support.' (Applause.)

In accepting the portrait on behalf of the province, the Speaker, the Hon. Thos. Ballantyne, said:—

'Sir Oliver Mowat and Gentlemen,—I cannot express to you how highly I appreciate the honour which has been conferred upon me by virtue of my position as Speaker in being the recipient on behalf of the province of this portrait of her distinguished and patriotic premier. I regard it as a privilege even greater than that which I enjoyed not long ago, when I was the medium of presenting to you, Sir, the portrait which you were then asked to receive at the hands of the members of this House. For this testimonial to your worth and the eminence of the position which you have filled for the past twenty years is the spontaneous offering, not simply, as that was, of the representatives of the people, but of the people themselves; and it is destined, in accordance with their desire, to remain in these halls as a public memorial to you for all time to come. The opening of these buildings is an event of historical importance, and I am sure that these proceedings will be found to fill an interesting page of the

## SIR OLIVER MOWAT

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record. We feel now—and it will always be felt—that this noble legislative edifice could be inaugurated in no more fitting manner than by having enshrined within it the faithful lineaments of Ontario's great and worthy son who has given his life and his talents to her service. I accept for the province this fine portrait of the premier, in the assurance that whatever portraits of premiers may, in the fulness of time, be grouped around it, future generations will be found to say that Sir Oliver Mowat was the noblest of them all.'

During the summer of 1895 Sir Oliver took a somewhat extended holiday, to which afterwards he often referred with much pleasure. Accompanied by his daughter (Miss Mowat), his grandson (Mr. Oliver Mowat Biggar), and a friend (Miss Margaret Greig), he left Toronto on May 24, and sailed by the *Vancouver* to Liverpool. Thence the party went to London, where they remained some days, after which they spent a week of perfect June weather in the delightful Midlands, visiting Leamington, Kenilworth, Warwick and its castle, Coventry, Oxford and Stratford-on-Avon. From York they went on to Edinburgh, where they were the guests of Mrs. George Brown, the widow of Sir Oliver's old friend and leader. Rosslyn, Melrose and Abbotsford were duly visited and admired, and on June 23 they left Edinburgh for Glasgow *via* the Trossachs, stopping at Tarbet and Rowardennan, whence some of the party—but not Sir Oliver—made the

## LAST TRANS-ATLANTIC JOURNEY

ascent of Ben Lomond. Here Miss Greig left them to visit friends. The rest of the party proceeded to Glasgow and thence *via* Inverness to Caithness, where they stayed some days in the delightful hotel at John o' Groat's in Canisbay, the native parish of Sir Oliver's father. 'The hotel,' writes a member of the party, 'is built, like the original house of "John o' Groat of Duncan's Bay, baillie to the Earl in those pairts," in the form of an octagon.'<sup>1</sup>

On Sunday (June 30) they attended service in the parish church, beside which Sir Oliver's grandfather is buried. On Monday (July 1) they drove to Buchollie Castle, the original home of the Mowat family, and there Sir Oliver was presented with an address by the men of Freswick, reading as follows :—

To the Hon. Sir Oliver Mowat, Premier of Ontario:

'We, natives of Freswick and the neighbourhoods, desire to offer you a hearty welcome on your visit to the county of your forefathers.

'We hail you as a member of one of the most famous of our Caithness families, one of whom this county has every reason to be proud. The Mowats of Buchollie, the restorers and owners of the castle of the greatest and last of the vikings, Sweyn Asleifson, have occupied from an

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<sup>1</sup>According to tradition the original house was thus built by John o' Groat, having eight doors, eight windows and an eight-sided dining-room and dining-table in order to prevent dissensions as to precedence among the eight different branches of his family.

## SIR OLIVER MOWAT

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early date an honourable position in Scottish history. With the parish of Canisbay, in particular, they were long bound up, and they held in by-gone days the patronage of its ancient church. As a lineal descendant of men of such renown, and as one who has shown his interest in the district with which the family is associated we gladly receive you.

‘The lustre shed on the name of Mowat by your brilliant career as a statesman is known to us all; and we rejoice to know that the father of one whose hands are free from unworthy taint, and whose heart is warm to the true interests of his countrymen, had his home and up-bringing in this county. We desire to express to you and Miss Mowat our great pleasure at meeting you on this historic spot, and we wish you from our hearts all prosperity and peace.’

Jas. Macpherson, Minister of Canisbay.

Robert Mowat, Backless.

John Nicolson, Nybster.

Donald Levack, Auckingill.

Jas. Mowat, Heather, Freswick.

David Kennedy, Heather, Freswick.

Jas. Mowat, Skirsa.

Andrew Mowat, John o’ Groat’s.

John Mowat, Glasgow.

John Bremner, Freswick.

William Mowat, Keiss.

‘Before the entrance to the castle,’ says my correspondent, ‘an arch had been erected, made

## BUCHOLLIE CASTLE

1895

of oars and a herring net, with the motto, "Welcome to Sir Oliver Mowat," and flags flying from the top of the arch and from several parts of the ruined castle. There were a tremendous number of Mowats there; more Mowats, as Sir Oliver said, than he had ever in his life seen together.

'After a good deal of handshaking the Rev. Mr. Macpherson, the parish minister of Canisbay, and Sir Oliver went up on a little mound; and we all stood grouped around while Mr. Macpherson made a speech and presented Sir Oliver with the address. Then Sir Oliver made a speech in answer, which they received very well. Among other things he told them that this day (July 1) was the birthday of the Dominion of Canada, and was being celebrated across the Atlantic by thousands of loyal Scotchmen, many of them Caithness men. Then cheers were given for Sir Oliver, for Miss Mowat and for me, and I had to make a short speech.

'Afterwards we all went over the castle. It is pretty much in ruins now, but there are some remains of the walls, five feet thick, which mark where the kitchen and chapel once were. Mr. Nicolson took me down a pretty steep path to the kitchen midden, where there is an immense pile of ashes, the accumulation, I should think, of centuries. Here we found some bits of pottery and a pipe which, they say, is three hundred years old.'

The day following they drove to Wick, where Sir Oliver received the freedom of that ancient and royal burgh.

## SIR OLIVER MOWAT

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'It was a very interesting ceremony. At 12.30 the provost, arrayed in a scarlet robe and cocked hat, came, accompanied by the clerk in a silk robe and wig and the beadle with the mace. We started in procession for the town hall. There were about one hundred people standing at their shop-doors, etc., watching the procession. First came the beadle, then the provost, then Sir Oliver with the clerk, Miss Mowat and I bringing up the rear. We went up-stairs into a hall containing about three hundred people. The baillies and councillors sat around a table. The provost took his seat at the head of it, with Sir Oliver on his right, Miss Mowat and I sitting behind. The six baillies sat on the provost's left, all in scarlet robes. It made a very fine picture. The clerk read the resolution to present the freedom of the burgh to Sir Oliver; then the provost formally asked Sir Oliver's acceptance, to which he replied by rising and bowing. The clerk then read the burgh ticket, which is as follows :—

“At Wick the second day of July, 1895, in a special meeting of the provost, magistrates and town council of the royal burgh of Wick, in presence of [here follow the names of the provost and baillies] and the remanent members of the council, the Honourable Sir Oliver Mowat, Q.C., K.C.M.G., Prime Minister of Ontario, was by the voice of the said provost, magistrates and council elected and admitted, created and received an honorary free burghess and guild

## THE FREEDOM OF WICK

1895

brother of the said council and community of the royal burgh of Wick as a mark of their high appreciation of the distinguished position to which he has risen and has long retained by his able, honest and wise administration, and in recognition of his connexion with the county of Caithness, in which he has always taken a deep interest and which now, ripe in years and honours, he re-visits as the land of his fathers.”

‘Then the town clerk administered the declaration to Sir Oliver as follows :—

“You solemnly and sincerely promise and declare that you will faithfully demean yourself as a burgess and guild brother of the royal burgh of Wick,” which declaration he took with his right hand uplifted.

‘Then Sir Oliver signed the declaration and minute-book, the provost presented him with the burgess ticket, shook hands with him and called for three cheers for the youngest burgess, which were heartily given.

‘Then Sir Oliver made a splendid speech, during which the people got quite warmed up and applauded loudly at every point.

‘After the speeches, the provost, the baillies and councillors and ourselves went over to the hotel, where the long table was spread with a great variety of drinkables and a few biscuits. There was no water on the table at first, but they put some there at Sir Oliver’s request. We all sat down, Miss Mowat being the only lady present. First the Queen was toasted, then the Royal

## SIR OLIVER MOWAT

Chap. XIX

Family, then the burgh of Wick; then Sir Oliver's health was proposed and he made another capital speech, ending by proposing the county of Caithness; then Miss Mowat's health was drunk; and after that they drank mine and I had to make another speech, which was very trying.'

From Wick Sir Oliver and his party went to Oban, where Miss Greig rejoined them. There they spent three days, making the usual excursion to Staffa and Iona. Thence, on July 15, they returned to Edinburgh. From Edinburgh they went to London, where they remained three weeks; thence to Paris, Geneva, Interlaken, Murren and Meiringen, where they stayed a week, making excursions in the neighbourhood. From Meiringen to Axenfels, a charming little place on the east bank of the Lake of Lucerne, where they spent three days, returning *via* Lucerne, Heidelberg, Mayence and the Rhine to Cologne, Antwerp, The Hague and London, whence they returned home at the beginning of October, having been absent just four months. It was throughout a most delightful trip, and Sir Oliver, as well as the other members of the party, keenly enjoyed it.

## CHAPTER XX

### COMMERCIAL UNION VS. BRITISH CONNEXION

IN an article contributed to the *British Empire Review* (July, 1903) Mr. J. S. Willison, whose keen discrimination and wide knowledge of public affairs lend authority to his opinions,—when these are impartially expressed—says that Sir Oliver Mowat's chief claim to the regard of British people, whether at home or in the colonies, rests upon his character of an Imperialist even more than upon that of a federalist.

1886-96

It is in his quality of Imperialist that Sir Oliver was chiefly concerned in Dominion politics; and to understand the influence which he exercised in the councils of his party, it is necessary to realize the condition of affairs which existed in Canada between 1886 and 1896. It was a time of commercial depression and political unrest. The 'National Policy,' introduced with a flourish of trumpets in 1878, had wholly failed to realize the expectations of its framers or to fulfil the promises made on its behalf. It rested upon a principle fundamentally unsound, viz.: that Canada could become prosperous by building around herself a Chinese wall to shut out the rest of the world, instead of opening fresh avenues for the natural wealth which she possesses in the products of the sea, the forest, the river, and the mine.

## SIR OLIVER MOWAT

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Now that the country has become prosperous under Liberal rule, that new trade avenues have been opened and commerce with the home-land has been stimulated by the British preferential tariff, it is difficult to understand how such an economic fallacy could ever have been accepted by our people.

After ten years' experience of the 'National Policy' the country had sunk into a deeper depth of depression than ever before. There had been a succession of bad crops; and the prices of agricultural products were low and tending downward. A prohibitory tariff shut out Canadian products from American markets, and the home demand for manufactured goods had not expanded in proportion to the increase of our manufactures. Lassitude and decay seemed to have settled down upon our sea-coast provinces, and a stream of young Canadians continually poured across the border into the industrial centres of the United States and towards the prairie lands of the American West.<sup>1</sup> Under these circumstances and conditions it was not unnatural that the Canadian people should desire freer access to the markets of the neighbouring country, or even that the case for political union should receive a hearing. In private circles there was often free and candid examination of the country's political relationships, and frank comparison of the advantages

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<sup>1</sup>In 1891 the number of Canadians resident in the United States was over a million. The total population of Canada was 4,833,239.

## COMMERCIAL UNION

of British connexion with absorption into the American Republic.<sup>1</sup> 1886-96

Three schemes were suggested for securing freer trade intercourse between Canada and the United States. The first was commercial union—explained by its protagonist, Mr. Erastus Wiman, —a Canadian citizen resident in New York—as ‘the adoption by Canada of a tariff uniform with that of the United States; in other words, that as against all the rest of the world the same rates of duty [customs and excise] should be levied by Canada as are now levied by the United States, while between the two countries of North America the customs wall should be completely obliterated’; and by one of its prominent Canadian supporters (Mr. John Charlton, M.P.), as ‘a customs union between the two countries, with a common tariff of customs and excise, the revenue thereby collected being divided between the participants on the basis of population, or such other basis as may be agreed upon; while all trade restrictions between the two countries should be removed, and the trade between Canada and the United States should be in every respect as free and untrammelled as between the different States of the American Union.’

The second was unrestricted reciprocity—which, like commercial union, contemplated the removal of all trade restrictions and the abolition of all custom houses along the three thousand miles of

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<sup>1</sup> J. S. Willison, *Life of Sir Wilfrid Laurier*, p. 119, and article on Sir Oliver Mowat, in the *British Empire Review* for July, 1903.

## SIR OLIVER MOWAT

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boundary between Canada and the Republic, but which, unlike commercial union, left Canada the sole and unfettered control of her tariff as against the rest of the world.

The third proposition was partial or restricted reciprocity, under which Canada, while retaining all her custom houses and levying such duties as she pleased upon goods of American manufacture, was to have free interchange with the United States in the natural products of the two countries. It was in substance a renewal of the Reciprocity Treaty of 1854, which the United States had abrogated in 1866, and in view of the speeches of prominent American politicians,<sup>1</sup> Sir Charles Tupper, when he proposed it as a *pis aller*, just before the general election of 1891, could have had no reasonable expectation that it would be accepted by the American people. It was, indeed, simply an anchor thrown out to windward in order to keep the Conservative party off a threat-

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<sup>1</sup> 'Let me not speak of reciprocity without expressing a hearty hope that we shall yet have complete reciprocity with our northern neighbours —no one-sided game, as it was when we made a treaty in 1854, in which we were so thoroughly out-witted that under it we gave to Canada a market for \$229,000,000 worth of their products without duty, while under it they gave us a free market scarce half as large. It admitted free of duty 94 per cent. of all that Canada had to sell to us, and left 42 per cent. of all we sold to Canada still burdened by their tariff. In spite of kindly feelings toward our neighbours, and desire to see enlarging commerce, we soon had enough of such costly reciprocity and we terminated the treaty.'—The Hon. Robert R. Hitt, Congressman from Illinois, in the U. S. Congress, December 1, 1886.

'Such one-sided reciprocity as that which was provided by the treaty of 1854, we shall not care to repeat.'—Hon. N. Dingley, Congressman from Maine, in the same debate.

## COMMERCIAL UNION

ening lee shore, and was abandoned as soon as the danger was past. 1886-96

The policy of commercial union was launched in 1886, during the dying days of the forty-ninth Congress, by the Hon. Benjamin Butterworth of Cincinnati, Ohio, who—inspired, no doubt, by Mr. Wiman—introduced into the U. S. House of Representatives a Bill looking to the removal of all trade restrictions between Canada and the United States. The scheme was eagerly adopted by many prominent Canadians: among others by Dr. Goldwin Smith, Mr. Henry Darling, President of the Toronto Board of Trade and of the Canadian Bank of Commerce, and Mr. Valancey E. Fuller, President of the Council of Farmers' Institutes. Commercial union leagues were formed in Toronto and elsewhere, and the country was flooded with pamphlets showing the financial advantages which would accrue to Canada from the new policy.<sup>1</sup> Mr. Darling, Mr. Wiman, Mr. Fuller, and others made numerous and vigorous speeches in support of it. A convention of Farmers' Institutes, held at Toronto (April 28, 1887), declared for 'the removal of all trade restrictions between Canada and the United States, either by reciprocity or otherwise,' and twenty-eight out of thirty local Farmers' Institutes adopted resolutions in favour of commercial union. Both the *Mail* and the *Globe* teemed with editorials by Mr. Farrer (*Mail*) and Mr. E. W. Thomson (*Globe*), strongly advocating the new

<sup>1</sup> See Willison's *Sir Wilfrid Laurier*, vol. ii, pp. 121-128.

## SIR OLIVER MOWAT

Chap. XX departure, and many prominent Liberal politicians were for a time inclined to give it their adhesion.<sup>1</sup>

But against commercial union with the United States Sir Oliver Mowat firmly set his face. He agreed with the Hon. Edward Blake that it could be nothing but the precursor of political union; though he did not agree with Mr. Blake that political union with the United States 'though by no means our ideal, is yet our probable future.'<sup>2</sup> He adhered to the traditions of his old leader, the Hon. George Brown, who had left the Coalition Cabinet in 1865 rather than concur in a scheme of concurrent tariff legislation between Canada and the United States.<sup>3</sup>

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<sup>1</sup>The Hon. A. G. Jones, M.P. for Halifax, said at Chicago, and repeated it in the House of Commons: 'Our commercial interests are with the United States, not with Canada. We have no binding trade interests between Eastern and Western Canada, and we are ready to enter into commercial relations with any country that will take our products.'

The Hon. J. W. Longley, Attorney-General of Nova Scotia, at the Merchants' Club Banquet in Boston (Dec. 30, 1886), said: 'God and nature never destined that Nova Scotia and Ontario should trade together. We trade with Ontario, to be sure. Their drummers permeate our country and sell \$10,000,000 of goods annually. Where do we get the money? We get it from the people of the United States.' And in a letter to the *Philadelphia American* he reiterated even more strongly the advantages to Nova Scotia of commercial union.

Many other prominent Canadians, both Liberal and Conservatives, were, at least for a time, in favour of commercial union.

<sup>2</sup>Hon. E. Blake, in the *Toronto Globe*, March 11, 1891.

<sup>3</sup>Speaking in the Senate during the Session of 1875, the Hon. George Brown thus explained his resignation from the Confederation Cabinet: 'It was in consequence of the policy adopted by my colleagues in the conduct of the reciprocity negotiations that I felt compelled to resign my position as President of the Executive Council. I resigned because I felt very strongly that though we in Canada had derived great advantage from

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To many prominent men in his party Mr. Mowat's opposition to what they preferred to call 'inter-continental free trade' seemed from a political point of view to be unwise, and from a financial point of view inexplicable. I remember, just before the Inter-provincial Conference of October, 1887,<sup>1</sup> an active Liberal politician saying to Mr. Mowat in the drawing-room of his house on St. George Street: 'If you take that position, Sir, you won't have four per cent. of the party with you.' To which the reply came with unusual warmth and sharpness: 'I cannot help it if I haven't one per cent. I won't support a policy that will allow the Americans to have any—even the smallest—voice in the making of our laws.'

The Conference met at Quebec a few days afterwards, and Mr. Mowat was chosen as its chairman. The subject of our trade relations with the United States was very warmly discussed, and on the last day of the session a resolution was adopted, which I have given in full at *ante* pp. 508-9; and which later became the platform of the Liberal party on the trade question.

The tact, the prescience, the political wisdom and influence of the man who framed this resolution

the treaty of 1854, the American people had derived from it still greater advantage. I had no objection to that, and was quite ready to renew the old treaty or even to extend it largely on fair terms of reciprocity; but I was not willing to ask for renewal as a favour to Canada; *I was not willing that the customs and excise duties should be assimilated to the prohibitory tariff of the United States*; and very especially was I unwilling that any such arrangement should be entered into with the United States, dependent upon the frail tenure of reciprocal legislation, replaceable at any moment at the caprice of either party.'—Hon. A. Mackenzie, *Life and Speeches of the Hon. George Brown*, pp. 349-350.

<sup>1</sup> See *ante* p. 506.

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and secured its acceptance by the Conference is all the more striking by reason of the fact that at the opening of the Conference on October 20, the representatives of Nova Scotia had procured the insertion in the official record of the proceedings of a minute declaring that: 'In view of recent movements in the province of Nova Scotia, the representatives of that province desire to place on record that they participate in the deliberations of this Conference upon the understanding that . . . they do so without prejudice to the right of the Government, Legislature, and people of Nova Scotia, to take any course that may in future by them be deemed desirable with a view to the separation of the province from the Dominion.'

The time was ripe for negotiation with the Government of the United States. A few weeks later the Hon. Joseph Chamberlain, in a speech at the first annual banquet of the Toronto Board of Trade (December 30, 1887), said: 'No man who considers intelligently what is going on in the United States can doubt that circumstances will at no distant date force the Government of that country to modify their tariff. Whatever party may be in power, it is certain that in a very few years that tariff will be altered and will cease to be, as it is at present, a wall of commercial exclusion between the United States and the rest of the world.'

Yet it was some time before those who had declared themselves in favour of commercial union accepted the more truly Liberal doctrine of

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unrestricted reciprocity. Even during the Session of 1888—when Sir Richard Cartwright outlined the policy of the Liberal party in a resolution declaring that ‘It is desirable that the largest possible freedom of commercial intercourse should obtain between the Dominion of Canada and the United States, and . . . that all articles manufactured in, or the natural products of, either of the said countries should be admitted free of duty into the ports of the other (articles subject to duties of excise or of internal revenue alone excepted)’—many of the speeches in favour of the resolution were made by disciples of the Wiman-Butterworth proposal; and it was not until the eve of the Dominion elections of 1892 that the Liberal party definitely abandoned the policy of commercial union for that of unrestricted reciprocity.

By that time the federal Government felt the tide setting so strongly that they attempted, or pretended to attempt, negotiations with the Washington authorities for a partial reciprocity, extending only to natural products; but the pretence came to nothing. In April, 1891, Sir Charles Tupper, Sir John Thompson and the Hon. G. E. Foster went to Washington to discuss the question with Mr. Blaine, the American Secretary of State; but, as the *New York Herald* announced, their visit was ‘neither desired nor expected’; and the statement of Sir Charles Tupper that they went upon an invitation given by Mr. Blaine was emphatically denied by Mr. Blaine in a letter to Congressman Baker of Rochester, in which he said :

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'No negotiations whatever are on foot for a reciprocity treaty with Canada; and you may be assured that no such scheme for reciprocity with the Dominion, confined to natural products, will be entertained by this Government. We know nothing of Sir Charles Tupper's coming to Washington.'

Thus the matter stood on the eve of the election of 1892, when a sensation was sprung upon the country by Sir John Macdonald.

Mr. Edward Farrer, the chief editorial writer on the *Mail*, whose articles on commercial union had been widely read and extensively quoted, had just been transferred to the editorial sanctum of the *Globe*. He was an ardent advocate of political union between Canada and the United States, and had prepared for his American friends a pamphlet on the subject, which was then in press. Proof sheets of this pamphlet, stolen from the printing office of Messrs. Hunter, Rose & Co., came into Sir John's possession, and on February 17, 1891, at a meeting in the Academy of Music in Toronto, the 'chieftain' sprung a mine upon his opponents by quoting largely from its contents. In this pamphlet Mr. Farrer declared that Sir John Macdonald's disappearance from the political stage would be the signal for a strong movement in Canada towards annexation with the United States; and he suggested, as a means toward the accomplishment of this end, the imposition by the United States of a tonnage tax on Nova Scotian

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vessels laden wholly or in part with fish, the suspension of the bonding privilege enjoyed by western shippers on railways running through Canada to United States ports, and the severance of the connexion between the Canadian Pacific Railway and the American lines at Sault Ste. Marie.

Sir John declared that Sir Richard Cartwright had 'brought (or bought)' Mr. Farrer from the Conservative party and made him editor of the *Globe* in order to promote annexation; that the sentiments of the pamphlet were the sentiments of the whole Liberal party; and that their platform of unrestricted reciprocity was nothing more than annexation in disguise.

On the following evening, February 18, 1891, when the excitement caused by Sir John's speech was at its height, Mr. Mowat spoke at a Liberal meeting in the Horticultural Gardens, Toronto; and, after discussing the advantages to Canada of unrestricted reciprocity, he went on to say :

'There is but a fragment of our people, either Conservatives or Reformers, who do not love British connexion. There is but a fragment of our people who take any other view; and there are as many of that fragment on the Conservative side as on the Reform side. For myself I am a true Briton. I love the old land very dearly. I am glad that I was born a British subject; a British subject I have lived for three-score years, and something more—I hope to live and die a British subject. I trust and hope that my children and my grand-children, who have also been

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born British subjects, will live their lives as British subjects and as British subjects die. So loving my country, I rejoice that there is so much loyalty amongst its people. I rejoice at it, even though sometimes it is perverted by those who have some base object to serve by the perversion of it.

‘Do not let any one make you suppose that loyalty requires any measure which is opposed to the national interests of the country. British connexion has never done us any harm; British connexion has never stood in the way of the industries of this country; British connexion has been an advantage to us, and I believe will always continue to be an advantage to us. You are my fellow-Britons; you are my fellow-loyalists; let us take care that in this matter we are not deceived by those who have an object in deceiving us. Let us all take care that we shall not be drawn into the absurdity of considering that reciprocity to a certain extent may be a good thing, may be for our advantage, may confirm the loyalty of our people, may put down all thought of annexation, but that if it is extended a little further, it brings on annexation, brings on anti-British feeling amongst us. I utterly repudiate that notion. The sentiment of the country is far stronger than our opponents pretend, and than a few of our own friends have been led to believe.

‘Our opponents are afraid of being Yankeeified if they get unrestricted reciprocity. We are not afraid of being Yankeeified by any such thing. I am quite sure that the Reformers will not be

## UNRESTRICTED RECIPROCITY

Yankeefied by unrestricted reciprocity, and I hope the Conservatives will not be Yankeefied either by any such means. 1891

'The subject of unrestricted reciprocity was one of those brought before the Convention of the provinces which was held in Quebec in 1887. All the provinces had been notified; and the Dominion Government, too, was invited. There were certain amendments to the Constitution which were in the common interests; and it was extremely desirable that they should be discussed with the assistance of all. Sir John Macdonald did not choose to attend; and he had influence enough with the provinces of Prince Edward Island and British Columbia to prevent their coming; but all the others came to the Conference. There were Conservatives and Reformers there; there were representatives of a coalition government, as well as representatives of party governments; and we all concurred in a resolution upon this subject. At that time it was thought by us all; it was so clear a thing that unrestricted reciprocity would be to the advantage of the country and was a practicable thing, that Conservatives as well as Reformers were in favour of passing a resolution upon the subject to testify their opinion in its favour. (Hear, hear.) But while we did that, we also took care to prevent any misapprehension on the part of anybody as to the view to be taken of our relations to the old land; and in the very resolution in which we affirmed the propriety of unrestricted reciprocity,

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we affirmed the strong attachment we all felt towards the mother-land. (Hear, hear.)

‘I believe that in all that Conference there was but one individual who looked to annexation,—if even he did—and I believe that since then he has intimated that his views have been considerably modified; but with the exception of that individual, every representative of every province has the same loyal feeling that all of you have. Now, I should like to read you that resolution. You may have heard it, but once more let me read it.

“That having reference to the agitation on the subject of the trade relations between the Dominion and the United States, this Inter-provincial Conference, consisting of representatives of all political parties, desires to record its opinion that unrestricted reciprocity would be of advantage to all the provinces of the Dominion; that this Conference and the people it represents cherish fervent loyalty to Her Majesty the Queen and warm attachment to British connexion; and that this Conference is of opinion that a fair measure, providing under proper conditions for unrestricted reciprocal trade relations between the Dominion and the United States, would not lessen these sentiments on the part of our people, and, on the contrary, may even serve to increase them, and would at the same time, in connexion with the adjustment of the Fishery Dispute, tend to happily settle grave difficulties which have from time to time arisen between the mother-country and the United States.” (Hear, hear.)

## ANNEXATION

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'That, I apprehend, is sound doctrine. (Hear, hear.) That, I apprehend, expresses the sentiment of the whole Liberal party of the country, and the sentiment, too,—the secret, if not the expressed sentiment—of a very large section of the Conservative party. (Hear, hear.) We are in favour of this unrestricted reciprocity as doing good to our own people, and we are equally in favour of the continuation of that British connexion which happily has existed so long amongst us. We had reciprocity of a limited kind in 1854; and it is admitted now that though that brought about a little closer intercourse with the United States, though we saw more of them, though we dealt with them, there was never a period in the history of this country when there was so little annexation feeling and when there was more intense loyalty than prevailed during that period. And that loyalty was not diminished one iota when that treaty came to an end. We simply did the best we could. It is a fallacy to assert that unrestricted reciprocity will have any injurious effect upon British connexion.'

The agitation in favour of annexation, however, assumed a more virulent form in the summer of 1891. Mr. Goldwin Smith's letters adroitly fanned the flame, and Mr. Solomon White, Conservative member for North Essex in the Ontario Legislature, induced a public meeting, called by him in the town of Windsor, to pass a resolution favouring political union with the United States. Encouraged by

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Chap. XX this success, Mr. White resolved to 'carry the war into Africa,' and announced a meeting to be held at Woodstock, in Mr. Mowat's own constituency of North Oxford, for the purpose of carrying a similar resolution.

The Liberals of Oxford who were opposed to annexation were at first disposed to treat the meeting with contempt, and to abstain from attending it. But Mr. Mowat thought such a course most dangerous to his party and to the country; and, in order to nip the movement in the bud, he addressed to Dr. McKay, M.P.P., his colleague in the representation of the county, the following letter :—

'Toronto, Nov. 23, 1891.

'My dear Dr. McKay,—With reference to our conversation this morning, I desire to reiterate my strong opinion that it would not be good policy for the friends of British connexion and the old flag to stay away from Mr. Solomon White's meeting at Woodstock to-morrow. By doing so, or by not voting at the meeting, they would enable annexationists to carry a resolution in favour of their views, and to trumpet it throughout the Dominion and elsewhere as the sentiment of the community as a whole. If in the loyal town of Woodstock, thriving beyond most if not all the other towns of Ontario, the capital of the banner county of Canadian Liberalism, formerly represented by that great champion of both British connexion and Liberal principles, the Hon. George Brown, and noted heretofore

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for its fidelity at once to the old flag and to the Liberal views—if in such a place a resolution were carried at a public meeting to which all had been invited, no subsequent explanation as to the thinness of the attendance, or as to the contemptuous absence of opponents would, outside of Oxford, have any weight. 1891

‘There are in most counties a few annexationists; in some counties more than in others; but the aggregate number in the Dominion, I am sure, is very small as compared with the aggregate population. The great majority of our people, I believe and trust, are not prepared to hand over this great Dominion to a foreign nation for any present commercial consideration which may be proposed. We love our Sovereign; and we are proud of our status as British subjects. The Imperial authorities have refused nothing in the way of self-government which our representatives have asked for. Our complaints are against Parliaments and Governments which acquired their power from our own people. To the United States and its people we are all most friendly. We recognize the advantages which would go to both them and us from extended trade relations; and we are willing to go as far in that direction as shall not involve, now or in the future, political union; but there Canadians of every party have hitherto drawn the line, and I trust will continue to draw the line. We do not wish to disconnect ourselves from the mother-land, unless it should be, by and by, to set up for ourselves as an inde-

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pendent nation in friendly alliance with that land, if no longer in political connexion with it. But the time for absolute independence has not come. The strongest tie between the provinces of the Dominion at this moment is British connexion and all that such connexion implies. British connexion should therefore be cherished by all practical means until other ties and the mutual interests of the provinces become strong enough to secure their union and their independence as a nation. North America is amply large enough for two independent nations; and two friendly nations would be better for both populations than one nation embracing the whole continent.

‘I am glad to believe that these are your views as well as mine; and I should strongly advise that as many as may be of our constituents who hold them should endeavour to attend the meeting to-morrow, and should carry a resolution, repudiating annexation or any present change in our political relations. Such a resolution would show that we love our own nation better than any other nation, and our own institutions better than the institutions of any other country; that we are prepared to sacrifice something if necessary—though I do not suppose any sacrifice will be necessary—in order to retain the allegiance of this great Dominion to the Sovereign we love, instead of suffering it to be transferred to another nation which may any day be at war with our own nation, the nation of our fathers.

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‘For Liberals there is an additional reason for maintaining our political relation with the fatherland, in that the electorate of Great Britain and Ireland has recently been so extended that the Government and Parliament are now, and will henceforward be more than ever before, under the control of the body of the people.

‘Agreeably to your suggestion, I have thus hastily stated my long-cherished views; and these views and sentiments I hold very strongly. I believe and trust that they are the views and sentiments of the great majority of the Liberals, and of the Conservatives also, of the county of Oxford; and I am very anxious that the county, whose honoured representatives you and I are, should not be misrepresented or misunderstood. I wish the Dominion to know that Oxford has not forgotten the dear lands—England, Ireland and Scotland—from which most of its population, they or their fathers, have come. There is no more enlightened or civilized or free nation in the world, and I venture to say there is no nation that Oxford or its representatives can now be induced to prefer.’

The result of this action on the part of the premier was that the meeting, instead of resulting as Mr. White and his friends had intended, passed by twelve to one a resolution in the following terms :—

‘That the people of Oxford of all parties are deeply attached to their beloved Sovereign, the Queen of Great Britain and Ireland; that they proudly recognize the whole British Empire as

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their country and rejoice that Canada is part of that Empire; that Canadians have the most friendly feelings towards the people of the United States, and desire the extension of their trade relations with them; that, while differing among themselves as to the extent of the reciprocity to be desired or agreed to, we repudiate any suggestion that in order to accomplish this object Canadians should change their allegiance, or consent to the surrender of the Dominion to any foreign power by annexation, political union or otherwise.’<sup>1</sup>

Nevertheless the campaign in favour of annexation was continued; and articles from time to time appeared in the press, pointing more or less clearly in that direction. It was a time for decisive action on the part of the Liberals of the province; and accordingly Mr. Mowat addressed and published an open letter to the Hon. Alexander Mackenzie, M.P. for East York, defining the position of Liberals with regard to unrestricted reciprocity, commercial union, annexation and Canada’s future. The letter was dated December 12, 1891; and it begins as follows:—

‘Toronto, December 12, 1891.

‘To the Hon. Alexander Mackenzie, M. P., etc.:

‘My honoured and dear friend,—You and I are among the oldest Canadian Liberals still in public life. Throughout our time, and for long

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<sup>1</sup>It may be interesting to Mr. Mowat’s friends to know that he had determined, in case a pro-annexation resolution should be carried at this meeting, to resign his seat for North Oxford and appeal again to the constituency on the straight issue of British Connexion vs. Annexation.

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before, the principles of the Liberal party have been British connexion, special interest in all that concerns the masses of the people, justice to all classes, creeds and nationalities, pure and economical government, a revenue tariff, and the freest trade with our neighbours that is practicable and consistent with our position as a self-governing people forming part of the British Empire. Underlying all these has always been the principle of "Canada first." We perceived, and we are glad to know and believe, that in order to be for Canada first it was necessary to be for British connexion also. The two things are not incompatible. On the contrary, they are bound up together. As premier of Canada you had an opportunity—which no other Canadian Liberal has had—of showing the principles of the Liberal party in practice for five years under a Liberal Government and a Liberal Legislature; and all Liberals, and very many Canadians who are not Liberals, are proud of the record which you then made.'

The writer then goes on to speak of the failure of the 'National Policy' and the depressed condition of trade resulting therefrom and says :—

'A protective policy has been shown by experience to afford our people no sound or permanent advantage. On the contrary, it has directly and indirectly added to the burdens of the great body of our people; and our people have become less able to bear those burdens by reason of several successive years of bad crops, and by the further injury which has arisen to our farmers

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at the instance of our neighbours through the operation of the McKinley tariff. As a remedy for existing evils, the Liberals in the Dominion Parliament (including yourself) adopted as a plank of the Liberal platform unrestricted reciprocity of trade in the products, natural and manufactured, of Canada and the United States. This was a substitute for the so-called 'National Policy,' the McKinley tariff, and other unfriendly devices on the part of the two countries respectively in relation to their mutual intercourse. The adoption of this article of the Liberal platform was approved of by the party generally, including those who had the strongest attachment to British connexion.'

He then discusses the position of the Hon. Edward Blake with regard to unrestricted reciprocity and continues :—

'The Liberal party having adopted this plank as part of their platform, the Conservative leaders and their party journals raised the cry that unrestricted reciprocity would lead to political union; and they asserted that the Liberal leaders contemplated and desired political union with the United States. At the last general election for the Dominion this was the Conservative answer both to the arguments in favour of unrestricted reciprocity, and to every charge of maladministration made against the Conservative Government; and so strong is the attachment of Canadian people of all classes to British connexion, and so sensitive are they in regard to everything that

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might seem to endanger it, that the Government obtained a majority at the elections, notwithstanding the collapse of the 'National Policy,' and in spite of the bad legislation and bad government with which the Conservative Administration was chargeable. 1891

'Since that time discontent with the Conservative Government has increased. As a result, a disposition has been manifested in some quarters to favour even political union with the United States as the only means of obtaining reciprocity, and perhaps as otherwise desirable. A distinguished gentleman, resident amongst us, has for some years strongly and perseveringly advocated that view, and has insisted that political union was for every reason both our best policy and our manifest destiny. One Conservative member of the Ontario Legislature has recently adopted the same view, has openly advocated it, and has induced a public meeting in his own constituency (North Essex), to pass a resolution in favour of annexation.

'But the attachment of Canadians to British connexion has stood many tests during a hundred years and more, and I hope and think it will bear this test also. It was the attachment of the people of Canada to British connexion that prevented them from joining the other colonies in the war of the Revolution. The same attachment brought from those colonies to Canada, when the war closed, the U. E. Loyalists, men who sacrificed all, or nearly all, their acquired means, and sub-

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mitted to the unaccustomed hardships and privation of a pioneer life in the woods of Canada, in order that they and their families and descendants might remain British subjects. Their example deserves the respect of their descendants and fellow-Canadians throughout all time.

‘This attachment to British connexion on the part of Canadians of all origins showed itself again in the war of 1812 and continued until the outbreak in the two Canadas in 1837. At the time of that outbreak the people were labouring under such grievances that an English statesman of rank, after investigating the matter, declared, in effect, that the demands of the Reformers had been reasonable, and that their political opponents were to blame for the rebellion. The outbreak in both provinces was limited. In Ontario it was put down without the aid of the military. Most Reformers refused to countenance it, preferring to rely on peaceful agitation for the redress of their grievances; and many of them in consequence joined the rest of the community in crushing the movement. The two Canadas were soon afterwards united, and responsible government was conceded to the province of Canada, as it was afterwards in succession to all the other colonies of the Empire. From that time the Liberals of Canada have again been amongst its most loyal inhabitants. There have always been in both parties a few excellent men not sharing this British sentiment, and such have, as I believe, been quite as numerous among

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Conservatives as among Liberals; the aggregate number has been small. 1891

'In 1849, Mr. Abbott and others, carried away by one of those temporary depressions experienced in every country, united in an annexation manifesto at Montreal; but the movement was short-lived, and the principal parties to the manifesto were among the first to abandon the desire for annexation, and to resume their attachment to British connexion.

'The cry for annexation in 1837, and again in 1849, was partial and short-lived; the cry in 1891, so far, is still more partial, and I hope will prove equally short-lived.

'The two principal Liberal leaders in Canada in the last half-century were successively Mr. Baldwin and Mr. Brown; and these gentlemen were all their lives as heartily attached to British connexion as they were to Canada and its interests. Mr. Brown was at the same time an admirer of the people of the United States; was outspoken on the side of the North in the war between the North and the South; and was for reciprocity of trade, not in natural products alone, but in many manufactures also.'

Mr. Mowat then refers to the resolution relative to reciprocity and British connexion unanimously passed by the delegates to the Inter-provincial Conference at Quebec in 1887, to the Address of the House of Commons in 1890, on motion of Mr. Mulock, a leading Liberal from Ontario, seconded by Col. Amyot, a leading Liberal

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Chap. XX from Quebec, assuring Her Majesty of the unswerving loyalty of the people of Canada, and their disapproval of any attempt 'to sever the political union now happily existing between this Dominion and the British Empire.'

He refers also to the address to the electors of Canada, issued by Mr. Laurier just before the general elections of 1890, expressing the same sentiments; and quotes from the *Globe* the declaration that 'this paper adheres to its historical course and policy, is thoroughly Canadian in tone and sentiment, loyal to British connexion, and hostile to trade restriction.' 'Such,' said he, 'is still the policy, as I understand it, of the whole Liberal party; of the old leaders and the new; of the members of Parliament and of the provincial Legislatures; and of the Liberal press.'

He continues :—

'Why are Canadians opposed to giving up Canada to the United States ? Why do we wish to retain our British connexion ? Why are Liberals so generally opposed to taking that old plank out of the Liberal platform ?

'It is certainly not because of any hatred towards the United States. Such hatred exists amongst very few of the Canadian people; and but for the animosity prevailing in the United States against Great Britain the number would be still fewer; perhaps there would be none. You and I know and esteem too many of the citizens of the United States to hate their country, which they love as we love ours. We know, and

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admire, and rejoice in the many valuable qualities which they possess, and have inherited from our common ancestors, and for which the new world has given such splendid scope. We rejoice in the kindly feeling toward the great American Republic which nowadays so generally pervades the population of the old lands, and of all lands politically connected with them. We regret that a like feeling towards our nation grows very slowly amongst the masses of the people of the United States. It is making some progress; and we heartily recognize and appreciate the progress which it has made, especially amongst the cultured, the travelled, the religious, and the non-political classes. I think that hatred of Britain does not exist at all among citizens of the United States who have settled in Canada.

‘Canadians in general have no hatred towards the United States; but they are against surrendering to them this great country in which our lot is cast and which has been committed to our keeping. We are against giving to the 63,000,000 of people to the south of us absolute power forever over all our federal and national interests.

‘There are many reasons against political union which are national and common to Canadians of all parties. Let me glance at a few of the reasons which specially influence my own mind.

‘(1) Britain, the United Kingdom of Great Britain and Ireland, is our own nation, as it was the nation of our fathers. It is a nation to which

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we may be proud to belong. Among the nations of Europe, ours has been for centuries in the front as regards freedom, civilization, learning and power, and as regards all the arts of both peace and war. It is at this day the most extensive Empire in the world, and possesses in unsurpassed measure all the elements which go to make up national greatness. We are glad that we are citizens of this Empire. We rejoice that we were born under its flag, as our fathers were. We are proud of our present status as British subjects. We have as Canadians no grievance against the Imperial Government or Parliament, as the other American colonies had in the last century. Canada has had representative government for a century, and responsible government for the last half century. We have now for the Dominion of Canada and its provinces the very Constitution which, through our representatives, we ourselves asked for 25 years ago; and no amendment desired by our representatives since has been refused. Attachment to our own nation thus constitutes one great reason why Canadians in general are against now changing their nationality for any other.

(2) Another reason somewhat akin to the first is, that we cannot and do not forget that Canada was won in the last century by British blood and the expenditure of British treasure. The men and the money were the contributions of Englishmen, Irishmen and Scotchmen of the old lands. Canada thereupon belonged, with

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all its undeveloped wealth, to the whole British people. It did not become as a matter of right the property of the first settlers, any more than Muskoka, or Parry Sound, or Algoma became the property of the early settlers of these districts, as against the rest of Ontario. The management of the ungranted lands in the old provinces, the timber, the minerals, the waters, the fisheries, and all the money these could be made to yield, were afterwards transferred by Imperial authority to the provincial legislatures and governments. The immense territory outside the old provinces, comprising some millions of square miles, was more recently transferred in like manner to the Dominion of Canada, at the request of our representatives. The transfer in all cases was a gift, and not by way of purchase and sale. It seems to most Canadians, as it seems to you and me, that for us now to transfer—or seek to transfer—this great Dominion to another nation, for some expected advantage to us of a material kind, that other nation not being even a friendly one, would be in accordance with neither patriotism nor sound morals. This view has only to be further considered to have great weight with hesitating Canadians.

‘(3) Again, the aspiration of Canadians is for an independent Canada, in case of this country ceasing to be part of the British Empire. Our territory is as large as the United States, or perhaps somewhat larger. It has immense resources for purposes of agriculture and com-

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merce. Two-thirds of the wheat area of North America is in Canada; and United States statisticians are calculating that the time is not far distant when their country will cease to export wheat, and will need to import for home consumption. We have probably the finest forests and richest fisheries in the world. We have coal and iron, and copper and silver, and gold and nickel. Our climate is specially adapted for developing an active and hardy population. Canada has thus ample materials for becoming a nation; and there is ample room on the North American continent for two great nations. It would be in important respects for the advantage of their populations that there should be two such nations rather than one. Our wish, therefore, is that, in case of the Dominion of Canada ceasing to be part of the British Empire, it should become an independent nation, governed by its own people, but in perpetual amity and alliance with the father-land, and with our brothers of the United States. As the United States have become a great nation south of the great lakes, so Canadians like to contemplate this Canada of ours as also becoming a great nation north of these lakes. Political union would put an end forever to the hope of this. Those who favour political union are not going for "Canada first," but are going for the very reverse. In case of annexation Canada would be no more. It would, as a political organization, be effaced from the map of the world. Annex-

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ation would be an absolute transfer of this great country, and all its resources and federal interests, from its own people to the people of the United States. The representatives at Washington of our 5,000,000 of people would be outweighed twelve times over by the representatives of the 63,000,000 who occupy the present states of the Union. Canadians can have no pleasure in such a prospect.

‘The time has not yet come for forming Canada into an independent nation. Any who think so are deceiving themselves. The provinces of the Dominion are not prepared for union as a nation. They are not yet sufficiently knit together in national sentiment as Canadians. Our common British connexion is the strongest tie that at present binds us together.

‘Then, considering in connexion with this fact that we have a frontier of several thousand miles, along-side a nation of 63,000,000, absolute independence is plainly out of the question for the present. Apart from all other considerations, therefore, British connexion is to be cherished meanwhile by all practicable and just means, in the interest of Canadian independence. To promote disaffection towards our own nation is against all our aspirations for Canada’s national future. To obtain and keep independence we shall need all our people’s patience and patriotism, and all our statesmen’s wisdom; and one essential requirement is the cherishing meanwhile of our British connexion and the British sentiment of

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our people. When the opportune time comes for Canadian independence we shall need British alliance. Securing British alliance, we may also have the alliance of other European countries which are represented in our population, and the alliance of the United States also, with which we have so many things in common. But without British friendship and British alliance our separate nationality will be hopeless.

‘(4) The unfriendly feeling towards our nation on the part of the people of the United States presents one of the most powerful objections on the part of the Canadians to political union with them. It is with the deepest regret that I have noticed from time to time so many proofs of this unfriendly feeling. The proofs are to be found in the school books which are in use; in the fourth of July orations; in the tone of the newspapers and their European dispatches; in the diplomatic documents; in the election cries; in the speeches of the public men in the Federal and State Legislatures and elsewhere, and in many other ways. Happily, all do not share this animosity, but it evidently predominates amongst the great mass of the population. No such animosity is manifested against Russia, or Austria, or Spain, or Turkey, or any other country, as is manifested against our nation, though there is so much to create at the present day a different feeling. On this point there is no room for a reasonable doubt. Mr. Goldwin Smith has repeatedly spoken of it. He would, no doubt, be glad to believe

the contrary, for he is the most powerful of all the advocates for political union with the United States. He has had ample means of knowing the truth as regards the national sentiment; and his honesty in stating facts no one doubts, however we may dissent from some of the views or measures which he advocates. In his recent address on "Jingoism" before the Young Men's Liberal Club in Toronto, he made these observations: "No Englishman—and he who addresses you is an Englishman to the core—can speak with hearty good-will or admiration of the Americans so long as they persist in their hatred of the old country. It is a narrow and mean tradition, unworthy of a great people."

\* \* \*

'But for this animosity in the United States the question of political union with that country would present itself to British-Canadians under very different conditions from those actually existing. One of the strongest objections to political union would be removed if the time should come when that unreasonable animosity had passed away from the national mind. The political union, on a satisfactory basis, of two communities of the same origin, both alike friendly to the mother-land of both, might be no shock either to our fellow-subjects across the Atlantic, or to the loyalists of Canada, if other considerations could be got over. Such a political union might then be acquiesced in by many present opponents of union, and might even be

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hailed by them as the precursor of the political union for common objects of all English-speaking countries, including those whose populations may not be wholly English-speaking. This, again, all humanitarians would like to think, might be followed by the union of all civilized nations for objects common to them all, including the abandonment of the enormous armies which have now to be kept on foot for their defence against one another.

‘(5) In discussing the desirability of unrestricted reciprocity, if attainable on fair terms, in lieu of the barriers now existing on both sides, much is necessarily said of the McKinley tariff and its effect as regards our farmers. On the other hand, if that tariff and its injurious operation are dwelt on too exclusively, some of our people may be brought to assume that in shaping the future of their country an intelligent people should think of immediate material interests only, and that political union with the United States should be sought for as the readiest way of securing the material advantages which we desire. That, I rejoice to know, is not now the sentiment of the masses of the people in Canada.

‘It would be a new thing for men of British blood, or French blood, or German blood, to submit willingly to be bullied or harassed or otherwise coerced into a union which is for any reason distasteful or objectionable, or for which, for any reason, they are not prepared. If Canadians are ever to unite willingly with the United

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States, the union will be the result of other means; of national friendship; of mutual good-will; of common sentiments; and of free choice. In common with most other Liberals, I have been willing to run any risk of political union being brought about by unrestricted reciprocity and by the freer friendly intercourse of every kind which reciprocity may create. But, in common with my fellow-Canadians of all parties, I am opposed to political union as a means of escape from the inconveniences of hostile pressure on the part of the nation with which we are to unite.

‘(6) I am all the more against political union with the United States, because our constitutional system is in material respects better than theirs. The chief, if not the only weakness of our system as compared with theirs, is in the constitution of our Senate; but this would be changed whenever our people should express the wish. The jurisdiction of our federal legislature is better, in that it includes important particulars which the Constitution of the United States does not assign to the central authority. Amongst these is the militia, a department which certainly belongs to the nation as much as the regular military forces do. Other subjects of this class are criminal law and the laws as to such commercial subjects as bills of exchange, promissory notes, interest and legal tender, all which laws ought certainly to be uniform in every province or state of the country. Further, our system is better, because it provides for a Dominion

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Court of Appeal from the provincial Courts on all subjects, and thus secures uniformity of decision throughout the Dominion, instead of the endless diversity which prevails amongst the several States.

‘So, a permanent civil service is a desideratum in the federal and local systems of the United States; and reformers there have for years been making vigorous efforts to obtain such a system, regarding it as a reform of the first magnitude; but they have not been successful. We have such a system now, and have had it always, under both the Dominion and the provincial Governments. With us, Conservative governments, with all their faults, do not as a rule remove officers and employees because they are Reformers; and Reform Governments do not remove officers and employees because they are Conservatives; a change of government does not affect in that way any branch of the civil service in Canada.

‘Take again the still more important matter of the independence of the Judges, and, for this purpose, the mode of their appointment, their tenure of office, etc. We have in this matter retained the British system; and there is no subject on which Canadians have hitherto been more of one mind than, in the general interest, preferring this system to any other. But, one after another, the States have adopted the plan of elective Judges, and fixed terms at the end of which they have to go back for re-election. Such

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a system has a democratic look, adds to the importance of the ward politicians, and has evidently "come to stay." In case of political union with the United States, what with the example of these States, the gradual changes of population which union may be expected to effect in Canada, and the same influences which have brought about the election of Judges in the States, the early adoption of a like system here may be regarded as inevitable.

'Our system is better than that of the United States in a still more important matter, viz.: because our system provides for responsible government in both the federal authority and in the provinces, instead of the election of executive officers for fixed terms and the exclusion from the legislatures of the heads of departments. This is a fundamental difference between the United States system and ours. The British system of responsible government, as now understood, is the system adopted under representative constitutions in all European countries, as well as in the Dominion and its provinces, and in British colonies generally. Mr. Baldwin and his Reform coadjutors perceived the great superiority of this system over the system of the United States and contended for it successfully after the union of Lower and Upper Canada. It was the system adopted by the Confederate States in their movement for separation from the Northern States. It is the system approved of in theory by distinguished men in the United

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States in and out of political life; but there is no prospect of its adoption there. Prof. Bryce points out in his work on *The American Commonwealth* (p. 279), why the fathers of the Constitution did not adopt the English parliamentary or cabinet system. "They could not adopt it because they did not know of its existence. They did not know of it because it was still immature, because Englishmen themselves had not understood it, because the recognized authorities did not mention it."

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'(7) Once more : As a Liberal I have a special dislike to any movement which tends towards severing our British connexion, especially at a time when the people of the father-land have come into a larger control of its Parliament and Government than they had at any former period of its history; when even a Conservative government has become liberal enough to satisfy John Bright and other life-long Radicals; and when one of England's great parties has adopted as one of its principal objects Home Rule for Ireland. Canada was loyal to British connexion when all power was in the hands of the aristocracy and some privileged classes. Are there any Liberals who, without having any grievance against the Imperial Parliament or Government, will be less loyal now, when the body of the people are the controlling power? Are they willing that the advent of popular power in the old lands should be nearly contemporaneous with

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the disintegration of the Empire and with the transfer of its most important Dominion to a foreign power ? Let doubting Liberals consider this. 1891

‘Some, and only some, of these considerations are matters of sentiment; and much has been recently said in the way of decrying sentiment as childish, unworthy of thought, and claiming that material interest is the only consideration by which men should be influenced. As for the material interests involved, I have faith and hope that these may be proved by experience to be on the whole and in the long run in favour of British connexion, and of an independent nationality by and by, rather than in favour of our giving ourselves to be swallowed up by the United States.

‘But this decrying of sentiment is absurd. From sentiment men sacrifice their property, and even their lives; and every example of such sacrifice goes home to the hearts of all who see it or hear of it. It is sentiment which in a thousand ways rules the world. Sentiment rules the United States, though the mighty dollar is such a power there. It was sentiment, and not any commercial advantage, which caused our neighbours to put an end to the old reciprocity treaty, as Mr. Blaine has frankly admitted. It was sentiment, in a large measure, and not any object of material benefit, which led to and sustained the great civil war between the North and South. So powerful is sentiment that no State in the Union

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would consent to transfer its allegiance to a foreign power, however strong material interests should be in that direction. Nothing shocks men more than the idea of selling their country for gold, however great the quantity of gold may be. A people without sentiment would be contemned by all other civilized or even half-civilized peoples. Among all peoples no love is more powerful than love of country; and for this purpose country does not mean the village, or town, or city, or the township, or county, or province in which we live. Love of country is of the whole country or nation of which the village or province is but a portion. Our attachment to the great Empire whose subjects and citizens we are may be a matter of sentiment, but it is a legitimate sentiment, and a fitting sentiment if any can be so.

‘On a question of our political relations, to ignore or belittle all considerations except those of some material interest is not to take a broad view of the question, but is to take an extremely narrow view of it. All Liberal tradition is against a narrow view of public questions. Principle and not mere hope of personal profit, has always been the Liberal doctrine.

‘I hope that in the approaching bye-elections the Liberal candidates will receive the active and zealous support of the whole party. If any lover of British connexion hesitates about giving this support, let him bear in mind that a principal objection urged in the United States against

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reciprocity is that it would prevent political union instead of furthering it. The true view I apprehend is, that it would have no effect on that question either way. It certainly will have none if the attachment of the Canadian people of British origin to the country of their fathers is as great as we now believe it to be. Let us all then continue to stand on the party's accepted platform as a whole: just laws, a pure administration, economical government, unrestricted reciprocity of trade relations in regard to the products of the two countries, whether natural or manufactured; and British connexion until the time comes for Canada to take its place in the world as one of its independent nations.'

In the spring of 1892 the Premier marked still more strongly his disapprobation of the utterance of annexation sentiments.

Mr. Elgin Myers, Q.C., County Attorney of Dufferin, had written and spoken strongly and publicly in favour of annexation, and on being remonstrated with by the Government declared his intention of continuing to do so, declaring that he was entitled to the right of free speech on the subject.

On May 8, 1892, the Attorney-General, through his secretary, notified Mr. Myers that he considered the public advocacy of the transfer of Canada and its people to a foreign nation to be inconsistent with the holding of a public office in connexion with the administration of justice.

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It was at this time, and while the discussion anent unrestricted reciprocity was more or less affecting the question of the desirability of British connexion, that Sir Oliver accepted knighthood.

Among the Queen's Birthday honours of 1892 he and the premier of the Dominion (Hon. John J. C. Abbott) were gazetted Knights Grand Cross of the Most Distinguished Order of St. Michael and St. George. Mr. Mowat's acceptance of a title was an emphatic declaration of his sympathy with those members of his own and the Conservative party who desired to accentuate in every way their adherence to British institutions and British connexion. Strange to say, there were in both parties many who regarded his course with disfavour; and editorial articles appeared (of which I trust their authors are now sufficiently ashamed), declaring that 'It would have been better if Mr. Mowat had followed the example of Edward Blake, George Brown and Alexander Mackenzie, and had respectfully declined the honour of knighthood'; that 'Imperial titles at the best are not in harmony with Canadian institutions,' and that 'knighthood is the badge of an implied colonial inferiority.' This was not,

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however, the view of the entire press or public. One leading paper declared that: 'If such honours were always as fittingly bestowed there would be less of that growing feeling against them in the Liberal party of the province;' that 'making a knight of Mr. Mowat would bring the title back again to a degree of respectability from which it had to a considerable extent fallen in Canada;' and another: 'It is a welcome sign of our loyalty to Britain that a statesman who has filled so large a place in Liberal counsels as the premier of Ontario, has shown by his acceptance of the title that he is not one to discountenance the manifestation of that strong sentiment which binds the people of Canada in loyal attachment to the institutions of the mother-land.'

The county council of Oxford, on Sir Oliver's first visit to his constituency after he had become a knight, presented him with an address of welcome, containing the following paragraph :—

'And now, Sir, we desire to congratulate you especially and most heartily upon the mark of distinction with which you have recently been honoured by Her Most Gracious Majesty Queen Victoria. Differing widely as do the members of this council upon many political and public questions, we are perhaps not at one upon the wisdom of introducing and the suitability of titles to the conditions of the New World; but we nevertheless recognize the right of individual opinion in matters of this character, and we are well aware, also, that knighthood is intended

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by the Sovereign of the Empire as a reward of merit for high services performed. It would be superfluous for us to say that you have richly earned your Sovereign's recognition. To enumerate in detail your many and valuable public services would be to write a history of the chief province of the Dominion for almost a quarter of a century. During that unexampled tenure of official trust, your incomparable record has been again and again approved by the continued confidence of the people of this province, and our Most Gracious Sovereign in honouring you by knighthood has only put her seal of approbation upon the repeated choice of the people of this province of Ontario and especially of the county of Oxford, whose representative you have been continuously since your return to public life twenty years ago.'

Sir Oliver's reply may be quoted in full, as it contains a statement of the reasons which induced him to accept the honour. He said :—

'I thank you very heartily for your congratulations on account of the honour which our Queen has lately conferred upon me; and I accept with satisfaction what I understand to be the feeling in regard to it, as you have explained it, on the part of those who may not see their way to approve of Imperial honours in Canada. I knew that my acceptance of the honour would not have the approbation of the whole people of Ontario; and on that account I hesitated very much in regard to accepting it.

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Indeed, my first feeling was to decline it just for that reason, and it was not until after I had an opportunity of conferring with my colleagues on the subject, of discussing with them the whole question, and finding that their opinion was that I should accept, that I sent an answer to that effect.

‘The newspapers have been saying quite truly that I am not indebted for this honour in any way, directly or indirectly, to the Dominion Government; that I owe it altogether to the spontaneous act of the Imperial authorities; that it was unsolicited by me and undesired by me. When I say that, I must at the same time say that I appreciate very highly the honour of the offer. I appreciate it as representing you in Oxford. I appreciate it as representing the province of Ontario during so many years; because it was offered to me in recognition of the confidence which the people had placed in me so long, and of the services which this county had enabled me to render. I regard my country and the British Empire, as I hope you all do. The Queen is not the Queen of England, Scotland, and Ireland only; she is the Queen of Canada as well—(Cheers)—, and, by our common constitution, the Queen of the realm is deemed the fountain of honour. I therefore could not but appreciate this honour when it was offered to me.

‘Nor was I embarrassed by having expressed opinions adverse to Imperial honours in this

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country. One-half of our population has never been against such honours. The Conservative party has always favoured them; and so it was with the Reform party likewise until quite a recent period—I believe until about the year 1879. Previous to that time you all know that the father of Responsible Government, the great Liberal leader of early times, Mr. Robert Baldwin, accepted an Imperial honour, the Companionship of the Bath; that his coadjutor, Mr. Lafontaine accepted a baronetcy; that during Mr. Mackenzie's régime the Hon. Mr. Dorion accepted knighthood; and another Minister, Mr. Albert Smith, accepted a similar honour. A few months after Mr. Mackenzie went out of office the Hon. Richard Cartwright also accepted knighthood, very largely through the influence of Mr. Mackenzie himself. In my own case, two knights were appointed at the same time, Mr. Abbott and myself; and I have very little doubt that his honour was as unsolicited as my own.

‘Mr. Mackenzie himself refused knighthood, not because he had any objection to the principle, but for reasons personal to himself.

‘It is commonly said that Mr. Brown refused knighthood, and Mr. Mackenzie's and Mr. Brown's course is referred to in some of the newspapers by way of contrast with my own. But Mr. Brown must in the first instance have accepted his appointment, for it appeared in the *Gazette*, and he actually went down to Montreal to receive it; but while there he learned

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who were to be associated with him. Amongst these were men whom he had been denouncing in the *Globe*, and others in regard to whom he had a very strong opinion; and it was just on account of this that he declined to accept the honour.

‘I say then that this matter of refusing a knighthood was never made a plank in the Liberal platform. The matter is one which has excited a good deal of interest. I have been reading whatever came in my way in order to ascertain what were the principal objections to Liberals receiving and accepting this honour. The strongest reason, that which weighs most heavily, is the fact of knighthoods having been conferred in 1879 on some of the Ministers of that day who were specially obnoxious to Reformers; and they also had the same feeling in regard to one or two appointments subsequently made. It is to be remembered that the impression has been abroad that these constitute the knights generally that have been appointed in this country; but that is rather a harsh view of the matter; and not at all a correct one.’

Sir Oliver here read from the *Parliamentary Companion* for 1891 a list of knights who had been appointed, including Sir Narcisse Belleau, Sir Wm. Ritchie, Sir Roderick Cameron, Sir Wm. Dawson, Sir Wm. R. Meredith, Sir Adam Wilson, Sir Thos. Galt, Sir Daniel Wilson, Sir W. P. Howland, Sir Leonard Tilley, Sir Alex. Campbell, Sir Richard Cartwright, Sir Donald Smith, Sir James Grant, and Sir C. S. Gzowski.

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He continued :—‘You will see that there is a great host of them (and I have not read them all)—(Laughter)—and a good many Conservatives. We did not object to Conservatives receiving these honours. The objection was to persons specially objectionable receiving them. Further, it is to be borne in mind that these objectionable appointments were made thirteen years ago, and the others not very long afterwards. Many of the persons who received the honour were representatives of the people. They were persons that the people of this country had elected and in whom they had more confidence than Reformers had in them. They were Ministers of the Crown. Reformers did not agree with those who put him there, but they were put there by the people of the country—by a majority of the people of the country. What the Imperial authorities did then was to give the honour to those whom the people had endorsed, rightly or wrongly. It would not be in accordance with Reform principles that the Imperial Government should presume to reverse the decision of the people of this country.

‘It is said, however, that all titles are undemocratic. Is that so? In the French Republic, and in other large republics, they have abolished those titles that are considered as identified with the monarchy; but they have not abandoned titles altogether. For instance, they still retain the Legion of Honour, which is looked upon as a high mark of distinction. In the United States

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they retain the monarchical prefix "honourable," and make a very free use of it. We all know how they abound over there in "generals" and "colonels"; and once a man is appointed a Judge or a Governor he retains the title for life, whether he holds the office or not. So it is in regard to voluntary associations. The Knights of Labour, for instance, choose this very word "knight." There are Knights of Industry and of Labour, as well as Knights of St. Michael. However democratic the country or people may be, there is this fondness for names and titles. It is, it has always been, and I apprehend it will always continue to be so.

'It is said, however, that class distinctions are to be avoided. In what bad sense is knighthood a class distinction? There is no emolument connected with it. It is no more a class distinction than the prefix "honourable" is a class distinction; no more a class distinction than "J.P." or "LL.D.," etc., are class distinctions. Some of the newspapers say that it was a weakness on my part to accept it. I find that a great many people who have written or spoken say that it would have been a still greater weakness not to accept it. Even the name is obligatory upon nobody. Nobody need use the name which custom has adopted, with reference to those upon whom this honour is conferred; and if any of you prefer that name by which you have known me so long, I shall still accept it.'

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On July 16, 1892, a great gathering of loyal Canadians was held at Niagara-on-the-Lake, the first capital of the province, to celebrate the one hundredth anniversary of the proclamation issued at Kingston on July 16, 1792, by Governor Simcoe, dividing the new province of Upper Canada into counties and ridings for the purpose of representation in the first provincial Parliament.

Speeches were made by the Lieutenant-Governor (Sir George Kirkpatrick), Sir Oliver Mowat, Lieutenant-Colonel Denison and others. Sir George Kirkpatrick's speech was a synopsis of the historical incidents which preceded the division of the old province of Quebec into Upper and Lower Canada in 1729, and a retrospective sketch of the progress of the province since then. Sir Oliver followed, dealing at large with the relations of Canada to the Empire. He spoke as follows:—

‘At this great gathering of Reformers and Conservatives, in which both are equally active, I may be permitted to express at the outset a hope that there will be no attempt in any quarter to make party capital out of this historic event, or out of anything which may be said or left unsaid, either in my own case or that of any other of the speakers. (Hear, hear.) I am glad to be here to-day. I am glad to take part in a patriotic celebration in the old town of Niagara, so rich in historical and patriotic associations.

‘That proclamation issued by Governor Simcoe at Kingston a hundred years ago this day was the first step in the political history of the

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province, and was doubtless an event of intense interest, as it was of great importance to the white population of the province at that time. That population was small, only 10,000 souls, as some estimate. These early settlers of Ontario were distinguished for industry, courage and a sense of religion and its duties. Take them all in all, they were a noble ancestry, of whom a country may well be proud. Whether their loyalty was a mistake and a misfortune—(Cries of “No, No!”)—as some elsewhere aver, or whether, on the other hand, it is to be rejoiced over, as the people of Canada generally have felt, there can be no denial that it was at all events a profound sentiment. According to their view, they were acting on principle and performing duty in allowing this sentiment to guide them.

‘They were as fond of the good things of this life as were their neighbours. They were as much attached as others to their houses and lands, their goods and their chattels, and as desirous of success in life for themselves and their children. But when the provinces in which they lived ceased to be British provinces, and became part of a new nation, hostile to the old, they forsook all the material advantages and prospects which they had in their old homes, and followed the flag of Britain into the wilds of Canada, preferring the privations and hardships and poverty which might be their lot there rather than live under the flag of the Revolution. The material sacrifices

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which they made at the call of what they believed to be duty and right as well as just sentiment, constitute a glorious record; and that record has influenced the sentiment and conduct of the Canadian people ever since. Those early settlers had been born British subjects. They loved the British name. British subjects it was their determination under all temptations to remain, and on British soil to live out their lives, whatever that determination should cost them.

‘In 1812 there came to Canadians and Canadian sentiment a new trial. Great Britain was engaged in a great European war; and a majority of the people of the United States of that day deemed the occasion fitting and opportune for adding Canada to the Republic by force, if necessary, or by persuasion if the inhabitants could be persuaded. They offered to Canadians freedom from British domination. But Canadians had no grievance against the father-land. Such of the U.E. Loyalists as still lived had not changed their minds since they came to Canada. Their sons and the newcomers into the country shared the old preference for British connexion; and all sprang to arms to defend the land of their choice, at the peril, and, in many cases, at the loss of their lives. That feature in human nature which permits men thus to fight for their country even to the death is one of the noblest in our nature. It is a necessary incident of a national spirit.

‘As a Canadian I feel proud of the display of that spirit which Canadians have made at every stage of

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their history. I am glad to know that it exists still. I am glad of the illustrations of it which we have had in our volunteers,—God bless them—as well as on the part of our people generally as they have had opportunity. I am glad to know that Canadians of the present day are, as a body, not disposed to say of the sturdy, self-sacrificing men who were the first settlers of our province that they were blunderers and wrong-doers in the sacrifices which they made of property and prospects and material interests generally, and, in so many cases, of life also. I am glad to know that Canadians of this day have, as a body, no inclination to undo the work of these founders of the provinces. On the contrary, we are British subjects here in Canada; and we live here on British soil.

‘We have at the same time a special love for Canada, and feel a special interest in Canada’s future. Canada is a grander country than was realized at the time of its early settlement; and the Constitution of the country has since then received great developement in favour of the resident population. A century ago it was thought best that the several colonies of British North America which remained loyal to the Empire should have separate governments, and, at first, separate legislatures; and the Imperial authorities, with the approval of the colonists, retained in their own hands the executive power and a veto on colonial legislation. But, as the population advanced and the colonists acquired

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experience in the limited amount of self-government which the Imperial Act of 1791 had secured to them, larger powers and popular control over the executive became necessary or desirable and were from time to time obtained, until the Confederation Act of 1867, which was passed at the request of the principal North American provinces, formed them into one great Dominion, under a Constitution framed in all respects by their own representatives, the representatives of all political parties. For half a century now the policy of the father-land has been not to interfere in our affairs, except to the extent that we ourselves ask; and we have all the self-government that, through our representatives, we have ever asked, or that Canadians as a people have hitherto desired. The father-land has also given to us, without money and without price, all the Crown lands in British North America, amounting to millions of square miles, the Crown lands outside of the old provinces having been given to the new Dominion as a whole, and the other Crown lands to the several provinces in which they lie.

‘Thus Canada has now an area of 3,610,000 square miles—about equal to the United States (including Alaska,)—and nearly as large as the whole continent of Europe. Our own province alone is larger than the aggregate areas of the New England States and New York and Pennsylvania. Half a million square miles of this territory is well-timbered land or prairie

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land, and is suitable for the growth of wheat—a larger wheat-growing area than there is in the United States or in any other country in the world. Another million square miles is fairly timbered and suitable for grasses and the harder grains. As a wheat-growing country our own province equals or excels every State of the neighboring Union; and in Manitoba and the Canadian Northwest the wheat grown is the finest in the world. Our fisheries and mines are other sources of wealth from which considerable profit is derived now, and untold riches will result in the future. Canada is also unsurpassed in the adaptation of its climate and soil for raising and maintaining a vigorous and active population; and this is the most important consideration of all.

‘Such is Canada; and this great country, won in the last century by British blood and British treasure, has by Britain been confided to its present population for developement and use. It was in this great and growing country, so extensive in territory, so rich in resources, and so abounding in advantages for future developement, that most of its present inhabitants were born; and it is the land of adoption to the rest of its population. In view of our relations to it, and in view of the history of the country and of what is now known of its immense possibilities, there has grown up amongst the people of Ontario, alongside of the old attachment to the British name and British nation and of the pride felt in

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British achievements in peace and war, a profound love for Canada also, a pride in Canada, and hopes of Canada as one day to become a great British nation; British, whether in a political sense in connexion with the United Kingdom of Great Britain and Ireland or not; British, because Britain is the nation of the birth or origin of most of us, and has the profoundest respect and admiration of us all; British, because we Canadians retain more of British institutions and British peculiarities than are possessed in other lands; British, because most of our people are more attached to Britain and more anxious for her well-being than they are with respect to any other nation in the world. (Cheers.) As a native Canadian, I am glad to know that this sentiment is not confined to natives of the old land who reside here, but is the sentiment of their descendants also. It is not birth alone which is the ground-work of national sentiment. Following the example of our fathers, we who are Canadians by birth lovingly call the old lands "home" as they did; and those old lands are as dear to us as they were to our fathers who were born there.

'But however content we may be with our present political position in the Empire, people of all parties, both at home and here, are satisfied that our political relations cannot remain permanently just what they are. As the Dominion grows in population and wealth, changes are inevitable and must be faced. What

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are they to be ? Some of you hope for Imperial Federation. Failing that, what then ? Shall we give away our great country to the United States as some—I hope not many—are saying just now ? (Cries of “Never!”) Or, when the time comes for some important change, shall we go for the only other alternative, the creation of Canada into an independent nation ? I believe that the great mass of our people would prefer independence to political union with any other people. And so would I. As a Canadian I am not willing that Canada should cease to be. Fellow-Canadians, are you ? (Cries of “No !”) I am not willing that Canada should commit national suicide. Are you ? (Cries of “No !”) I am not willing that Canada should be absorbed into the United States. Are you ? (Cries of “No !”) I am not willing that both our British connexion and our hope of a Canadian nationality shall be forever destroyed. (Cheers.) Annexation necessarily means all that. It means, too, the abolition of all that is to us preferable in Canadian character and institutions as contrasted with what in these respects our neighbours prefer. Annexation means at the same time the transfer from ourselves to Washington of all matters outside of local provincial affairs. Ontario’s will is powerful at Ottawa now. But at Washington the influence of our 4,000,000 or 5,000,000 of people would be nothing, though Ontario’s representatives were unanimous. If we want free trade now we have only to elect representa-

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tives favouring it, and free trade we may have. If we want not free trade but a revenue tariff, we have only to send to Ottawa representatives favouring a revenue tariff, and a revenue tariff we shall have. But in case of annexation to the United States, Canadians might be unanimous for either policy, or for any other policy, and their unanimity would amount to nothing unless a majority of the 65,000,000 of other people should also favour it. By annexation we should thus practically be giving up to our neighbours forever the absolute, uncontrolled, and uncontrollable right of dealing throughout all time with all our federal affairs as our neighbours might deem best for their own interest, whether their interest were ours or not. Our interest or our opinion, as opposed to theirs, would not be of the slightest moment. Even a question of peace or war with the father-land would be decided by others. The war might be most unjust, as other wars have often been; our children and our money might be taken from us in the prosecution against the nation of our affections of an unjust war, the outcome perhaps of hatred or jealousy.

Then, again, if the question of mere material advantage were the only question for us to consider, it is at least doubtful whether the masses of our people would, all things considered, derive any material advantage from the sacrifice of ourselves and our country to our neighbours. But I speak without one particle of animosity towards the United States. Some

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of my most esteemed friends are natives and citizens of that country, and but for the animosity of their nation towards our father-land I should hold the whole people in most affectionate brotherhood. Like the people of Ontario, they are an English-speaking people. They come from the same mother-nation that we do. There is much that is common to us in literature, in laws, and in religious faith. They are, in an important sense, our brothers; and I should be glad to promote the freest intercourse with them in every way. But I don't want to belong to them. I don't want to give up my allegiance on their account, or for any advantage they may offer. As a Canadian, I don't want to give up my aspirations for Canadian nationality as the alternative of political connexion with the father-land. I cannot bring myself to forget the hatred which so many of our neighbours cherish towards the nation we love, and to which we are proud to belong. I cannot forget the influence which that hatred exerts in their public affairs. I don't want to belong to a nation in which both political parties have for party purposes to vie with one another in exhibiting this hatred. I don't want to belong to a nation in which a suspicion that a politician has a friendly feeling towards the great nation which gave him birth is enough to ensure his defeat at the polls.

'If we are not for annexation, our policy as Canadians is, for the present, to cherish British connexion, whatever else any of us may be looking

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forward to in our political and national future. Canada is not yet prepared for independence. If as a people we want it, if anything like the same proportion wanted it as did of the American colonies at the time of the revolution, and if this were made clearly to appear in a constitutional way, the father-land would beyond doubt give its consent. Naturally it would be given much more readily for our independence than for annexation to another power, even if that other were not a hostile power. Consent to either measure would probably be given reluctantly and regretfully on the part of most British electors, and would probably be given willingly on the part of some. But the provinces of the Dominion are not yet sufficiently welded together to form Canada into an independent nation. There is something of a Canadian spirit in every one of the provinces; and there is reason for the hope that a Canadian spirit will be constantly growing stronger in them all. But, outside of the Constitution, the strongest tie which up to this moment binds the provinces together is their common British connexion, their common history as British colonists, the common status of their people as British subjects, and their common allegiance to our noble Queen, who has lived long enough and well enough to obtain the respect and admiration of all the civilized nations of the world. These elements of unity are valuable helps for one day consolidating the provinces into a nation; but as yet they are not sufficient for this purpose.

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'If any of us desire Canada to become in time an independent nation; if any of us are for "Canada first"; if we prefer our own people to any other people; if we prefer our own institutions to those of other people; if we prefer—as many of us do—the character and the sentiments and the ways of our own people to those of any other people; if we do not wish that as a political organization our dear Canada should be annihilated; if we do not wish to be ourselves parties to its receiving its death-blow as a nation—our proper course is plain—plain for Conservatives and Reformers alike. It is to cherish our own institutions; to foster the affections of our people towards the father-land; to strengthen their appreciation of the greatness and the glories of the Empire; to stimulate their interest in its grand history, in the cause of freedom and civilization; and to give now and always to the Dominion and the provinces the best administration of public affairs that is practicable by our best statesmen and best public men, whoever these may be.

'No, I do not want annexation. I prefer the ills I suffer to the ills that annexation would involve. I love my nation, the nation of our fathers, and shall not willingly join any nation which hates her. I love Canada, and I want to perform my part, whatever it may be, in maintaining her existence as a distinct political or national organization. I believe this to be, on the whole and in the long run, the best thing for

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Chap. XX      Canadians, and the best thing for the whole American continent. I hope that when another century has been added to the age of Canada it may still be Canada, and that its second century shall like its first be celebrated by Canadians, unabsorbed,—numerous, prosperous, powerful, and at peace. For myself, I should prefer to die in that hope than to die President of the United States.’ (Cheers and applause.)

Quoted and discussed by almost every newspaper in Canada, from Halifax to Vancouver, and also by the leading journals of Britain and the United States, Sir Oliver Mowat’s speech at the Niagara Centennial celebration sounded the death knell of the annexation movement in Ontario.

Once, and only once again did Sir Oliver refer to the subject. This was at the annual banquet of the Toronto Board of Trade, which was held in the Horticultural Pavilion on January 5, 1893. The chair was occupied by R. S. Baird, Esq., President of the Board, and speeches were made by the Governor-General (Lord Stanley of Preston, now Earl of Derby), the Lieutenant-Governor (Sir Geo. A. Kirkpatrick), the Premier of the Dominion (Sir John S. D. Thompson.), the Hon. (now Sir) Wilfrid Laurier, M.P., the Hon. Geo. E. Foster, M.P., Sir William Van Horne, President of the Canadian Pacific Railway, the Hon. Frank Smith, Senator, and Sir Oliver Mowat.

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Sir Oliver, in responding to the toast of 'The Provincial Legislatures,' spoke as follows :—

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'Mr. President, your Excellency, ladies and gentlemen,—I thank you on behalf of the Legislative Assemblies of the provinces of Canada for that share in the toast which belongs to them. I am to speak for the local legislatures of the country; and in regard to them I may say that they are exercising a very important part in consolidating the Dominion. But for the provision for local assemblies and local governments, the union of the provinces would not have been agreed to and would not have taken place. Even if popular sentiment had permitted the experiment of a purely legislative union, it is now, I believe, the conviction of all thinking politicians that the experiment would, long ere this, have proved a confessed and hopeless failure. The local legislatures have done good work. They have an important jurisdiction to exercise, a jurisdiction which in some respects may be said to affect the daily life of the population more closely, more constantly, more extensively than even the jurisdiction of the Dominion. But the whole jurisdiction, Dominion and provincial, is necessary for the well-being of our people; and the strengthening of the Confederation will always depend upon the wisdom and honesty with which both jurisdictions are exercised.

'I am glad that it formed from the first a part of our Constitution that the provinces as well as the Dominion should have responsible govern-

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ment, government by an Executive Council responsible to the legislature. I am satisfied that such a government is far better, both for the provinces as well as for the Dominion, than the rival plan of an executive for a fixed term, not responsible meanwhile to the representatives of the people. I have now, as you have been reminded, been a good many years in the position which I occupy at present. (Applause.) The Dominion premier, I think, told you I had occupied it for some twenty years. During that time my friends and myself have been sitting on the right of the Speaker in the old building which we have just left; and I take this opportunity of saying that I will make no violent objection to occupying the position for twenty years more in the new building to which we are going. (Great cheering and laughter.) I limit what I say to twenty years because I am now seventy-two; I think in twenty years more I shall begin to be an old man. (Laughter.) But in the meantime you will bear in mind that our opponents are Conservatives. Conservatives do not like unnecessary changes. (Renewed laughter.) They have done splendid duty for twenty years on the left of the Speaker, and I call upon them as Conservatives, acting upon good sound Conservative principles, to stay on the left of the Speaker. (Laughter.) They have a very able leader, and a man as eloquent as he is able; and he has very able supporters. Under our system it is the duty of the Ministers to frame and bring to the legis-

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lature from time to time such measures as they think public interests require. It is the province of the Opposition to criticize, and they point out from time to time with indignation, or perhaps with triumph, every supposed or seeming error in the government measures or any governmental action. The result is, that between us we have managed to give to the province a system of laws and administration which are considered pretty generally by you all, I believe, to be creditable to the province,—(Applause.)—and portions of which our sister-provinces from time to time pay us the compliment of adopting.

‘Allusion has been made by almost every speaker who has preceded me—and we have been listening to very instructive and able speeches—allusions have been made in every one to the present talk about annexation. (Hear, hear.) May I say a word on that subject too? (Applause.) Let me say that since I have been in public life there has been in the Legislative Assembly of Ontario but one annexationist; and though, Sir, you are a Conservative, I do not think you will quarrel with me when I remind this great audience that that annexationist does not belong to the Liberal side of the House. (Applause.) I notice, also, that at the recent municipal elections he was a candidate for mayor in the town of Windsor, where he resides, and that he has been rejected by his constituents by a very large majority. (Applause.)

‘I read a few days ago in a New York paper a letter from the President of the Continental

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Union Association, whose name His Excellency has done him the honour to mention to-night. In that letter he told the people of the United States that the Liberal party is now as distinctly American as the Tory party is distinctly anti-American and British. I take this, the first public opportunity which I have had since reading that letter, of publicly denying that statement. (Applause.) Neither one nor the other is an American party—(Hear, hear.)—if the expression can be used. Both parties are Canadian parties; and both parties are resolved not to give away their half of the continent to the United States or to anybody else. (Applause.) They will never permit the name of their beloved Canada to be blotted out. (Hear, hear.) The same distinguished gentleman has said that there is a bitter hostility—a “hatred” (that is his word)—on the part of Americans towards our nation, the British nation, to which we are all proud to belong. That hatred—as we know very well—does not exist in the minds of all Americans. But the allusion was, no doubt, to the great majority—the dominant majority—of American citizens living in the United States; and he said that so inveterate is that hatred that it will probably take a generation or more before Americans will cease to identify hostility to Great Britain with patriotism. If he is right in that statement—and perhaps he is—then I say that that generation will have to pass before Canadians will regard this question of annexation as worthy of

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the smallest consideration. (Applause.) They will never give their consent to doubling the territory, and perhaps more than doubling the jingoism of a nation, which their chief advocate in Canada declares to be so inveterately hostile to the mother-land, the land of our origin and of our affection. (Hear, hear.) I have thanked you on behalf of the Legislative Assemblies of the provinces for their share in the toast, and now I thank you for the kind way in which you have received my response.' (Applause.)

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## CHAPTER XXI

### LAURIER MOWAT VICTORY

IN order to understand the reasons which 1896 induced Sir Oliver Mowat, at the age of seventy-six, to abandon the premiership of Ontario and enter the wider arena of federal politics, it may be necessary to say a few words about the political situation which existed in Canada just before the general elections of 1896.

The death of Sir John A. Macdonald in 1891 was a blow from which the Conservative party never wholly recovered; though the crisis was postponed for a time by the leadership first of Sir John J. C. Abbott, and afterwards that of Sir John Thompson, who must always be ranked as one of our greatest public men. But when, after the tragic death of the latter at Windsor Castle in December, 1894, Sir Mackenzie Bowell was chosen to fill the vacant leadership, signs of the coming *débâcle* were already evident; and the new leader, though possessing many public and private virtues, was unable to control his followers, or to fuse into a harmonious whole the discordant elements of a once united and powerful party; while even in the Cabinet itself there was dissension and disloyalty. The so-called 'National Policy' had ceased to be a popular fetish; tariff reform

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Chap. XXI was in the air; and the demand for new avenues of trade and a revision of our fiscal relations with the rest of the world was by no means confined to the Liberal party.

But all these were, for a time, overshadowed by another and less prosaic question; and those sections of the British North America Act which relate to provincial control over public education became once more the battle-ground of parties, and, as in 1871-2, gave rise to one of those problems which, by reason of our racial and religious differences, the governing of Canada so often presents.

The Manitoba School Question has lately been much discussed; often by men who seem scarcely to apprehend the real point at issue between the Liberals and Conservatives with regard to it. It has been represented as a question of public *versus* separate schools, or as one of provincial *versus* federal rights. *Au fond* it was neither the one nor the other, but simply a difference of opinion as to the manner in which the undoubted power of the federal government, under the education clauses of the British North America Act, could be best and most successfully exercised. Both parties agreed to the necessity of federal intervention to protect the rights of the Roman Catholic minority. The question between them was whether that intervention should take the form of coercion or that of conciliation.

Manitoba had been admitted into Confederation in 1870; and at the first Session of its Legislature

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(in 1871) the provincial legislature passed an Act which established a system of denominational education in the common schools. Of the twenty-four electoral divisions into which the province was then divided for the purpose of representation in the Legislative Assembly, twelve, 'comprising mainly a Protestant population,' were to be considered Protestant school districts, and twelve, 'comprising mainly a Roman Catholic population,' were to be considered Roman Catholic school districts. The management and control of all the schools was vested in a Board of Education, which was to be divided into two sections, Protestant and Roman Catholic, each section having under its control and management the schools of its religious denomination, with power to prescribe what books relating to religion or morals should be used therein. The moneys appropriated by the Legislative Assembly for educational purposes were to be divided equally between the Protestant and the Roman Catholic sections of the Board. 1871-96

The laws relating to education and the number of members of the Board were altered from time to time; but the system of denominational education was maintained until 1890. In that year, however, the system was wholly changed by two Acts, one of which abolished the Board of Education and created a 'Department of Education,' consisting of the Executive Council, or a committee thereof, and also an 'Advisory Board' of seven members, four to be appointed by the Department, two by the teachers of the province and one by the

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Chap. XXI University Council. One of the duties of the Advisory Board was 'to prescribe the form of religious exercises to be used in schools.'

The other important Act of 1890 was the 'Public Schools Act,' which repealed all former Statutes relating to education, and provided that the public schools should be entirely non-sectarian, that no religious exercises should be allowed therein except according to the regulations of the Advisory Board; that any school not conducted according to the provisions of the Act and the regulations of the Board should not be deemed a public school and should not participate in the legislative grant, and that no teacher should use or permit to be used as text-books any books except those authorized by the Board.

The power of the Manitoba Legislature to make laws respecting education was and is subject to the condition that 'nothing in any such laws shall prejudicially affect any right or privilege with respect to denominational schools which any class of persons had by law or practice in the province at the Union.'<sup>1</sup>

Proceedings were at once taken on behalf of the Roman Catholic Church, and afterwards on behalf of the Anglican Church also, to have it determined that the Education Acts of 1890 were invalid, as prejudicially affecting rights or privileges with respect to denominational schools which members of these two churches had enjoyed at the time of the Union. After passing through the Manitoba

<sup>1</sup> Manitoba Act, 33 V., (Ca) c. 3, s. 22 (1); B. N. A. Act, s. 93 (1).

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Courts and the Supreme Court of Canada, these cases finally reached the Judicial Committee of the Privy Council, which upheld the validity of the Education Acts of 1890, on the short ground that the only right or privilege with respect to denominational schools which existed at the time of the Union was the right to maintain such schools at the expense of those who chose to do so, and that the exercise of this right did not carry with it exemption from taxation for the support of non-sectarian public schools.

But the advocates of denominational schools had not yet exhausted their resources. The sections of the B. N. A. Act and of the Manitoba Act relating to education provide that :—

‘An appeal shall lie to the Governor-General-in-Council from any Act or decision of the legislature of the province, or of any provincial authority, *affecting any right or privilege of the Protestant or Roman Catholic minority of the Queen’s subjects in relation to education*’; and that ‘In case any such provincial law as from time to time seems to the Governor-General-in-Council requisite for the due execution of the provisions of this section is not made, or in case any decision of the Governor-General-in-Council on any appeal under this section is not duly executed by the proper provincial authority in that behalf . . . the Parliament of Canada *may make remedial laws* for the due execution of the provisions of this section, and of any decision of the Governor-General-in-Council under this section.’

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Memorials were accordingly presented to His Excellency, asking a declaration that the Education Acts of 1890 affected the rights and privileges of the Roman Catholic minority of the Queen's subjects in Manitoba in relation to education, and praying that they should be restored to the rights which they had formerly enjoyed.

The Dominion Government, anxious to avoid the responsibility of intervention, submitted to the Supreme Court of Canada certain questions substantially raising two points, viz.: (1) whether an appeal lay to the Governor-General-in-Council, and (2) whether he had power to make "the" declarations or remedial orders asked for. The Supreme Court determined both these questions in the negative. The memorialists then appealed to the Judicial Committee of the Privy Council, which reversed the decision of the Supreme Court and declared (1) that the appeal would lie, and (2) that the Governor-General-in-Council had power to make the declarations and remedial orders asked for.

This decision placed the Government of Sir Mackenzie Bowell in a most embarrassing predicament. On the one hand they were urged by their Roman Catholic supporters to restore to the Roman Catholic minority in Manitoba the rights which they had enjoyed prior to the passing of the Education Acts of 1890. On the other hand, most of their Protestant supporters were entirely opposed to any action which would force upon Manitoba a system of separate schools to which the large majority of its electors were invincibly hostile.

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In this dilemma the Government took the worst possible course. To use a colloquial phrase, they 'wobbled'; and a question which might have been settled without arousing racial and religious prejudices was allowed to drift into a condition which threatened to revive once more the flames of sectarian bigotry. Instead of conferring with the authorities of Manitoba as to the best method of conciliating the Roman Catholic minority, the Bowell Government, after much hesitation and indecision, finally took the extreme step of issuing in the name of the Governor-General a Remedial Order by which they declared that 'It seems requisite that the system of education embodied in the two Acts of 1890 shall be supplemented by a provincial Act, or Acts, which *shall restore to the Roman Catholic minority the rights and privileges of which such minority has been deprived*'; and the Order commanded Manitoba to restore these rights and privileges to the Roman Catholic minority, and to modify the Education Acts of 1890 so far as might be necessary to restore to the Roman Catholics of the province (a) the right to maintain Roman Catholic schools in the manner provided for by the Statutes which had been repealed in 1890; (b) the right to share proportionately in any grant made out of public funds for the purposes of education, and (c) to exemption from all payment or contribution to the support of any other than their own separate schools.

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As Mr. J. S. Willison truly observes : ‘ This was the language of menace and of intimidation, and was ill-fitted to moderate public feeling in the province, or to form a good disposition for the consideration of a subject which touched the passions and prejudices of a very great body of citizens.’<sup>1</sup>

In June, 1895, the Legislature of Manitoba adopted a memorial in reply to the Order-in-Council of the Dominion Government. They pointed out that, owing to the circumstances of the province, it was difficult to maintain an efficient system of primary education; that the school taxes bore heavily upon the people, owing to the large amount of land exempt from taxation and the sparse settlement of many portions of the province. They declared that Roman Catholic schools, as conducted prior to the Act of 1890, had been inefficient, and that, as a consequence, a large proportion of the population were not receiving a proper education. They submitted, however, that the Remedial Order had been passed by the Dominion Government without full and accurate information on these points, and they asked for a full investigation of the facts.

It is unnecessary to record in detail the various dispatches, and the negotiations (or pretended negotiations) between the provincial and Dominion authorities during the succeeding twelve-month. In January, 1896, a general election took place in Manitoba, which immensely strengthened the

<sup>1</sup> J. S. Willison, *Sir Wilfrid Laurier*, vol. ii, p. 211.

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position of the provincial Government, thirty-three out of the forty constituencies of the province declaring in favour of the Education Acts of 1890. Thereupon the Dominion Government hesitated no longer, and at the succeeding Session (January-April, 1896) 'The Remedial Act, Manitoba' was introduced by the Bowell Government.

It recited the appeal of the Roman Catholic minority against the provincial Education Acts of 1890, the Remedial Order and the failure of the legislature of Manitoba to comply therewith; and it proceeded to establish a Separate School Board of Education for the province of Manitoba, consisting of nine members, which Board was to have substantially the powers conferred by the Act of 1871 upon the Roman Catholic section of the Board of Education.

Municipal councils were empowered to establish separate school districts, and the property of any Roman Catholic within any such district was to be assessed for the support of the separate school, unless he had given notice to the contrary effect. No Roman Catholic assessed for the support of a separate school was to be assessed or liable to taxation or to be required in any way to contribute to the support of a public school; and lands owned by Roman Catholics, but occupied by non-Catholics, were to be assessed for separate schools and were not to be liable to contribute to the support of public schools.

The introduction of such a measure by the Cabinet of Sir Mackenzie Bowell caused great

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This was, in brief, the situation when the seventh Parliament of Canada ceased to exist, and Sir Charles Tupper was called upon to succeed Sir Mackenzie Bowell as leader of the Conservative party.

The Cabinet of Sir Charles Tupper was pledged, as that of Sir Mackenzie Bowell had been, to the passing of the Remedial Bill; and it became evident at once that this would be the crucial question in the impending struggle. Mr. Laurier's position in regard to the Bill had been bold and uncompromising. In spite of the *mandement* of the Roman Catholic Bishops, and of the inflammatory addresses of many of the clergy of his Church, he had voted against the second reading of the Remedial Bill, declaring it to be first duty of the Government to investigate the com-

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plaints of the minority and to ascertain the facts, and that in attempting to coerce Manitoba without inquiry, and without information, their course had been weak, unconstitutional and dangerous.

Precisely the same position was taken in the Legislature of Ontario by Sir Oliver Mowat; and, in accordance with a resolution moved by him, the House declared its opinion that no proposal for remedial legislation by the Parliament of Canada should be entertained until after the request of the Manitoba Legislature for a thorough investigation of all the facts had been acted upon and after all reasonable and proper efforts at conciliation had been made.

But, notwithstanding the strong opposition offered in Parliament by the Liberal Opposition and by a large portion of the press of the country irrespective of political predilections, Sir Charles Tupper declared his intention of passing the Remedial Bill in case he should carry the country at the general elections. He relied for success chiefly upon the support of the province of Quebec and the influence of the Roman Catholic clergy. In these circumstances Mr. Laurier naturally sought support from Liberal provincial leaders whose Protestantism was undoubted, and whose local influence might off-set the powers thus arrayed against him; and, he fortunately succeeded in inducing three provincial premiers, viz.: Sir Oliver Mowat in Ontario, the Hon. W. S. Fielding in Nova Scotia, and the Hon. A. G. Blair in New Brunswick, to cast in their lot with him and agree

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Chap. XXI to become members of his Cabinet in case of a Liberal victory in the coming elections.

It was not without misgiving, nor until after much deliberation, that Sir Oliver Mowat, at the age of seventy-six, determined to abandon the position of premier of Ontario and cast in his lot with the Liberal Opposition in the Dominion Parliament. He had no ambition for political preferment; and his work as premier of Ontario was every year becoming easier by reason of the confidence reposed in him by the House and the country, and the familiarity which his colleagues had acquired with the administration of their respective departments. Moreover, all his interests were centred in Toronto. There he had resided for more than fifty years; and there his children had grown up and made their homes around him. To abandon all this, to remove to a new city, to undertake new and onerous duties, to serve, where he had been accustomed to lead, and to become one of a minority in the Senate, instead of as heretofore the leader of a majority in the Assembly—all these were strong reasons against the change. But now, as in 1872, he felt the call to be one of duty, and, once convinced of that fact, he no longer hesitated. On May 2, 1896, he wrote to the Hon. Wilfrid Laurier as follows :—

‘My dear Mr. Laurier,—

‘When first the application was made to me some weeks ago to give up my position as premier

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of Ontario and become a candidate for a seat in the House of Commons, with a view to accepting a position in the Dominion Reform Government which is confidently expected to follow the general elections, the proposal seemed to me to be out of the question, there being already many able men in Parliament under your leadership, and the general elections being likely to add to their number. 1896

‘I disliked what was proposed, because, first of all, it involved severing my connexion with North Oxford, which has stood by me at so many elections, and where I have so many esteemed personal friends. Then, again, no position which practically could be assigned to me in the Dominion Government would be equal in popular estimation or in my own to that of premier of Canada’s greatest province; and there were many other reasons important to myself and my family which appeared to forbid my making the change suggested. One of these was that the assumption of new duties in a new field would involve an increase of work and worry, while a public man nearly seventy-six years of age, however full of health and strength he may be, might reasonably be looking for less work and less worry rather than voluntarily taking more upon himself. While I am now abundantly equal to my present duties, and my medical adviser tells me that if I do not take too much upon me I may yet look forward to years of active life, it seemed to me that I could not count as nothing the addition of a

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contested election in a new constituency, and afterwards annual sessions of Parliament twice as long as in Ontario, and with much later hours. To remove this objection to some extent, it has been suggested that I might take a seat in the Senate instead of the House of Commons. I perceive the advantages of this, both as regards myself personally and as regards the consideration of future constitutional changes which would add to the usefulness of that body, assuming that a second chamber for the Dominion is to be retained. But how a second chamber, consisting so largely of the nominees of one party, as the Senate now does, can be just to a new Government of another party, remains to be seen; and the necessity of early constitutional changes may depend on this.

‘Besides my correspondence with yourself and my personal interview with you, I have during the last few weeks, had many communications from and conversations with other representative Liberals, and it has been made plain to me that it is the general opinion of the party to whose favour and confidence are owing my twenty-four years of the premiership of Ontario, that the crisis is so grave that every personal sacrifice has to be made, and every incidental risk run, if the country is to be rescued from the mis-government from which the Dominion has long been suffering. From the reasons laid before me, I perceive that my long experience and my success in official life in this province are thought to be a guarantee

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that I could render useful service in the new Government and Parliament of the Dominion. I feel that I have to consider the matter in the light of these opinions.

‘I am happy to know that you and I are, and, I believe, have always been in substantial accord as regards Dominion questions. Our national origin is not the same, our religious creeds are different, but we are both of Canadian birth; we both love Canada and the Empire, and we both rejoice in our British connexion. We both desire the prosperity of Canada and the well-being of all classes, conditions and creeds in its population; and I believe that we agree as to the best means of securing these objects.

‘We are, I believe, at one with respect to the tariff. I think, with you, that the introduction of the protective system was a mistake on the part of our people. But you, like myself, are a Reformer, not a revolutionist, and you recognize the necessity of legislation on the tariff being gradual and cautious. Adopting that policy, I am glad that you see your way meantime to changes which will be a relief to our farmers, and at the same time will not injuriously affect, but will rather benefit, manufacturers and their workmen. A Government owes a duty to all classes of the people.

‘I quite see that one difficulty in legislation on this subject is the fact that considerable capital has been invested in manufactories, on the faith that a system which our people unfortunately

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sanctioned for eighteen years should not be abrogated hastily, or without due regard to the interests which have arisen under that system. I quite see, also, that the difficulty of legislation is greatly enhanced by the enormous debt which the present Government has created during the last eighteen years and the large revenue which is needed for the payment of the annual charges incident to the debt. Almost every year millions have been added to our liabilities, while hundreds of thousands of dollars of the people's money have been going into the election funds of the party, and still more have been wasted by extras and indifference, incompetency, or worse.

'The Manitoba School Question will occupy a good deal of attention during the elections. In the light of past events I should not despair of the question being settled in a manner acceptable to the reasonable people of Manitoba and the reasonable Roman Catholics of the Dominion.

My opinion in regard to it, and that of the Liberals of the Ontario Legislature was expressed in the resolution passed on the subject during our last Session. We have had in Ontario questions of various kinds which seemed as difficult of solution as this question is, and they have been dealt with satisfactorily by the Ontario Legislature.

'On these questions, and on most others, intelligent Conservatives now agree with Reformers whether they vote for Reform candidates or not. If the Reform platform were less acceptable than it is to intelligent and independent-minded non-

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Reformers, the scandals which have come to light afford more than sufficient ground for all men to condemn and to join in displacing all the men who were parties to the scandals, whatever they arose from. In view of all such facts, it is plain to many Conservatives that the usefulness of a Conservative government, under its present leaders, is gone, and that a few years of opposition would do the party and the country much good. I venture to concur in that opinion.

‘For myself, in the interest of Canada, I desire greatly to see a government in power under your leadership, being confident that it would be a good government, honest and economical, thoughtful with respect to every province and to all classes of the people, giving to all their just rights, and promoting harmony and good-will everywhere. It would be an honour to assist you in this patriotic work, and, therefore, in deference to your opinion, and that of so many other representative Liberals, I have made up my mind to forgo all considerations of a personal kind to the contrary, and to join you in what will be the second Reform Government since Confederation, if such should continue to be your wish. Everyone recognizes the merits of the first Reform Government, of which the noble-minded Alexander Mackenzie was leader, and which, unfortunately for the country, the hard times overthrew in 1878. Permit me to say that, in common with my fellow-Liberals throughout Canada, and in common, also, with many candid

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Conservatives, I have the same confidence in you as we all had in Mr. Mackenzie; and in the interest of the country I trust that you will have a much longer term of political power for the good of the people of Canada than fell to the lot of our lamented friend.

‘Very faithfully yours,

O. MOWAT.

Notwithstanding his advanced age, Sir Oliver took a prominent part in the campaign, speaking first in North Victoria, on behalf of Mr. George McHugh, a Roman Catholic, and afterwards at Toronto, London and Berlin. At Berlin he discussed the situation at length, taking up first the reasons why the existing Government should not be returned to power, and then outlining the policy of the Liberals with regard to the tariff and to the Manitoba Separate School Bill. The following extracts from his speech will indicate its tenor:—

‘It would be a misfortune, a great misfortune, if the people of Canada were to divide on racial and religious lines. It is because I wish to prevent such a division that I am opposed to the Coercion Bill. (Cheers.) We Liberals respect the decision of the highest Court of the Empire, and are prepared to take the law and the interpretation of the Constitution from the Privy Council. When that Court said there was a grievance, a grievance that should be removed, we accepted the statement. The Court, however, did not state how that grievance was to be re-

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moved, or the exact extent of the grievance. The question required the most careful consideration. There is a question between the Protestants and Catholics of Manitoba. It can be healed, but never by the Coercion Bill. That settlement must be brought about by conciliation, and it will be done in that way. (Cheers.) Similar questions have been settled before. Prior to Confederation there was a similar issue before the country, and a settlement was by some thought impossible. The Hon. George Brown, the great Protestant champion of that day, thought it could be brought about; and the school compact of the Confederation Act was the result. Under that law the Catholics of Ontario have been fairly treated. There has been no more strife on the old religious lines; scarcely a voice has been raised by our best public men, by churches, or by clergymen, against the conditions prevailing under that settlement. (Cheers.) If the Protestants of Ontario have been fair to their Roman Catholic brethren, the people of Manitoba, who are the same people, will be fair also. (Cheers.) The difference between Sir Charles Tupper and Mr. Laurier on the school issue is just this: the former wants to force a coercive measure on the province at a time of great excitement, while Mr. Laurier desires conciliation, not coercion. (Cheers.)

The general elections, held on June 23, 1896, resulted, for the first time since 1874, in a Liberal victory.

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In the previous Parliament there had been 123 Conservatives, out of a total of 213; and the Government had a majority in every province except Quebec and Prince Edward Island. In this election only 89 Conservatives were returned, as against 119 Liberals; and even if the three Patrons and the two Independents had cast in their lot with Sir Charles Tupper he would still have been in a minority. In the province of Quebec, upon which he had chiefly relied for support, he lost 28 out of 65 seats; in Ontario 6 out of 92; in Nova Scotia 5 out of 20; in New Brunswick 4 out of 16; in British Columbia 4 out of 6, and in the Territories 2 out of 4.<sup>1</sup>

Recognizing the hopelessness of the situation the Tupper Government resigned on July 8, 1896, and on July 13 the Laurier Ministry was sworn in as follows :—

Premier and President of the Council, Hon. Wilfrid Laurier.

Minister of Trade and Commerce, Sir Richard Cartwright.

Minister of Justice, Sir Oliver Mowat.

Secretary of State, Hon. R. W. Scott.

Minister of Marine and Fisheries, Hon. Louis H. Davies.

Postmaster-General, Hon. William Mulock.

Minister of Militia and Defence, Hon. F. W. Borden.

<sup>1</sup>On the first party division in the following Session the Government of Sir Wilfrid Laurier had a majority of 34; on the second 37, and during the Session of 1897 this was increased to 44. There had been no such political upheaval in Canada for more than twenty years.

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Minister of Agriculture, Hon. Sydney A. Fisher. 1896

Minister of Finance, Hon. W. S. Fielding.

Minister of Public Works, Hon. J. Israel Tarte.

Minister of Railways and Canals, Hon. A. G. Blair.

Minister of the Interior, Hon. Clifford Sifton.

Without portfolio, Hon. C. A. Geoffrion and Hon. R. R. Dobell.

The office of Controller of Customs was filled by the Hon. William Patterson; that of Controller of Inland Revenue; by Sir Henri Joly de Lotbinière, and that of Solicitor-General by the Hon. Charles Fitzpatrick.

A few days later Sir Oliver Mowat was called to the Senate. He had already resigned his seat in the Legislative Assembly of Ontario and published his farewell address to his constituents in North Oxford, in a letter which reviewed his political history for the past twenty-four years, and showed how strongly he felt the severance of the tie which had so long existed between him and his constituents in that Riding. Indeed, outside his own home, there was scarcely any place in which Sir Oliver was more happy and beloved than among his friends in North Oxford. Many, if not most, of them were of his own creed and nationality. Coming to them first in 1872, an almost total stranger, he had gone in and out among them for almost a quarter of a century, had visited them in their homes, attended their public gatherings and their places of worship, and seen a new generation arise and grow to manhood. During

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Chap. XXI all this time it had been his custom to attend regularly the annual autumn fairs at Woodstock, and in the townships of Blenheim, East and West Zorra, and East Nissouri; and his interest in these and in all the local affairs of the Riding gave great satisfaction to his constituents, with most of whom he thus became intimately and personally acquainted, and who came to regard him with warm affection, not less than with political pride. Often he spoke to his own family and intimate friends of the uniform kindness which he had received from all classes of people in the Riding, and said that the assurance of their unwavering confidence and approval had been to him a great source of strength and inspiration; more especially as the county had never unduly pressed its claim upon him for public favours, and had, indeed, in this respect been singularly unselfish.<sup>1</sup>

I could name many, very many, houses where he was warmly and heartily welcomed. In Woodstock he was most frequently the guest of his friend Mr. George R. Pattullo, who largely shared his political confidences, and in whose beautiful residence ('Burnside') he often found rest and refreshment during political campaigns and between public meetings.

Early in August, 1896, Sir Oliver removed from Toronto to Ottawa, where he took a house situ-

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<sup>1</sup>The location of the Western Normal School at London in 1899 is a case in point. Woodstock, in Sir Oliver's own constituency, had strong claims as a site for the school, yet, in the interests of the province, the Government chose London, which was represented in the Legislature by Mr. (now Sir) W. R. Meredith.

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ated on the corner of Cartier and Maclaren Streets, where he lived while he was Minister of Justice. Few members of the Cabinet had yet become residents of the capital; and Sir Oliver devoted himself with pleasure to the social duties of his new position. No one knew better than he how much political asperities are softened and political alliances strengthened by social intercourse; and the house of the Minister of Justice soon became known, and will be long remembered by citizens of Ottawa and visitors to the capital, for its genial atmosphere and its generous hospitality.

On August 19, 1896, Parliament assémbled for the first Session after the elections, and Sir Oliver Mowat took his seat as leader of the Senate. In his opening speech he referred to the vacancies recently created in the Upper Chamber by the death of the Hon. Robert Read (whom he had succeeded), of Sir Alexander Campbell (who had been his life-long friend), and of Sir David L. Macpherson. He assured the members of the Senate that it was his sincere desire to avoid anything like acrimonious or personal discussion, and that he would endeavour as far as possible to keep an open and judicial mind in regard to all questions coming before the House. The speech elicited warm applause from both sides of the Chamber, and a most kindly response from Sir Mackenzie Bowell, who, speaking as leader of the Opposition, said :—

‘I take this, the first opportunity in my power, of congratulating my friend the Minister of

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Justice upon what I consider to be the just promotion which he has received. He and I have both been long in political harness. It has been my good fortune to know him ever since Confederation. We have battled, not together, but in political warfare in opposition to each other, for more than a quarter of a century; and I say this, and I say it in all sincerity and truth, that the longer I have known the honourable Minister the higher is the opinion I have formed of him. I have no doubt that he will perform the duties pertaining to his high and responsible office in a manner that will be satisfactory to his own party and, I trust, to the country generally.'

The Senate was at that time strongly Conservative. Only fifteen out of its eighty-one members could be counted as Liberals; but party spirit in the Red Chamber does not run so strongly as in the House of Commons, and divisions are much more rare. During the Session of 1896 there were but four of these, and not one of them was upon a question of political importance.

The House had no sooner risen than the new Ministers addressed themselves to the solution of the problem presented by the Manitoba School Question. A sub-committee of the Privy Council (of which Sir Oliver Mowat and Sir Wilfrid Laurier were members) was appointed to deal with the matter, and the provincial Government of Manitoba were requested to send delegates to confer with them as to a settlement. Accordingly, in October, 1896, three out of the five members of

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the Manitoba Cabinet came to Ottawa for that purpose,<sup>1</sup> and negotiations were at once opened which lasted until the middle of November, when an agreement was arrived at and approved by the two Governments. This I have printed as Appendix XII. 1896

It was, on both sides a compromise, but one which commended itself to all reasonable and unprejudiced men, including such leading members of the Opposition as the late E. F. Clarke, M.P. for West Toronto; and, though it was strongly and bitterly opposed by many members of the Roman Catholic hierarchy, especially in the province of Quebec, it was adopted by a large majority in Parliament. Unlike the Remedial Bill of the late Government, it did not restore to the Roman Church the position which it had occupied under the Manitoba Statute of 1871; but the non-sectarian system established by the provincial Education Acts of 1890 was so far modified as fairly to protect the rights of the minority and restore to them the privilege of having their children taught their own religious faith in the public schools of the province. Within three years every rural Roman Catholic school in Manitoba had accepted the new *regime*; and in spite of occasional mutterings of discontent—chiefly from episcopal palaces—it seems now unlikely that the Manitoba School Question will ever be re-opened.

<sup>1</sup>The Manitoba delegates were the Hon. Robert Watson, Minister of Public Works; the Hon. J. D. Cameron, Attorney-General; and the Hon. D. H. McMillan, Provincial Treasurer. The Premier, Mr. Greenway, was detained in Winnipeg by public business.

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It would be invidious, as it is happily unnecessary, to apportion among those concerned the credit for bringing about this permanent and peaceful settlement of a question which had already wrecked one Government, and which seemed for a time seriously to threaten the existence of another. Sir Oliver Mowat himself attributed the result chiefly to the influence of Sir Wilfrid Laurier; and it is certain that no one but he could have succeeded in winning the assent of the members from the province of Quebec to a compromise which denied to the Roman Catholic Church the separate school system to which they are so warmly attached. With the members from other provinces, and with those of the Manitoba Legislature, Sir Oliver's name undoubtedly carried weight; and the fairness with which he had always treated the Roman Catholic minority in the province of Ontario now received its reward in the acceptance of the settlement by the Roman Catholic clergy and laity of that and other provinces.

The second Session of the eighth Parliament of Canada began on March 25, and ended on June 29, 1897. The chief measure of general interest was the Act establishing the British preferential tariff, which Sir Oliver warmly supported, but concerning which there was little or no discussion in the Senate.

Among the Bills introduced by Sir Oliver Mowat during this Session was one respecting the employment of children, somewhat on the lines of his

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own legislation on this subject in the Ontario Legislature; but, after considering the matter further he withdrew it, being of opinion that the Dominion Parliament had not jurisdiction to pass it. Another Act of his, amending the 'Criminal Code, 1892,' passed through the Senate, but reached the Commons too late to be considered there. Some of its provisions were subsequently adopted but after Sir Oliver had ceased to be Minister of Justice.

Four other measures introduced by him became law during this Session, viz.: The 'Act respecting Interest';<sup>1</sup> the 'Act respecting forged indorsements of bills';<sup>2</sup> the 'Act respecting trials by jury in the Northwest Territories';<sup>3</sup> and the 'Act respecting the Supreme Court of Ontario.'<sup>4</sup>

On June 1, 1897, it fell to the lot of Sir Oliver Mowat, as leader of the Senate, to move an address of congratulation to Her Majesty on the completion of the sixtieth year of her reign; and a few extracts from his speech on that occasion may not be uninteresting. He said :—

'It is, I am sure, the common sentiment of all of us that the Parliament of Canada should, on behalf of the Canadian people, unite with the other Parliaments and Legislatures and peoples of the Empire, in presenting congratulations to our Most Gracious Sovereign, on the happy event of her attaining, by the good providence of God the sixtieth year of her reign—the longest and most glorious reign in our nation's history; glorious

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<sup>1</sup>60-61 V. c. 8.

<sup>2</sup>60-61 V. c. 10.

<sup>3</sup>60-61 V. c. 32.

<sup>4</sup>60-61 V. c. 34.

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as regards progress in everything that constitutes a nation's greatness and a people's well-being.

'As respects our Queen herself, Canadians rejoice to recognize her many excellencies: the practical wisdom and prudence which during all her long reign she has manifested; her unceasing interest in the welfare of her subjects everywhere; the noble example which she has always shown to them and to the world; and the good influence which she has exerted as a Christian, as a Sovereign, and as a personal friend. I am about to move, seconded by Sir Mackenzie Bowell, that an humble address be presented to Her Majesty, giving expression to these sentiments.

'Compared with any similar period of British history, Her Majesty's long reign of sixty years has been pre-eminently a reign of peace. During her time there has been but one war between Great Britain and any European nation; and it is specially pleasant here in Canada to remember that the two countries to which the great majority of our people belong, by birth or descent, were allies in that war, and that throughout that war British and French soldiers fought side by side in the common cause. It is pleasant for us further to remember that between the two nations there has been peace for eighty years; and also that for a long time there has been peace also with the neighbouring Republic, and peace with all nations of the world which have any considerable representation in our population. Need I say that every Christian hopes and prays that this

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peace may be lasting. It was as a step toward this end that the official representatives of Great Britain and the United States recently agreed upon a treaty which provided for the settlement of future differences by arbitration instead of by war. Unhappily that treaty has not been accepted by one of the representative bodies whose concurrence is necessary in the part of our neighbours. But it is the glory of our nation that its Queen, and its Parliament, and its peoples, hailed the agreement with unanimous approval. Men of patriotism and humanity everywhere realize more than in former times what a dire calamity is a great war; and that it is a calamity to both the successful and to the unsuccessful nation. They realize how burdensome to a nation is the cost of war, how intense the individual suffering which it occasions, how great and extensive the miseries which it inflicts, and, above all, how it intensifies and perpetuates international hates.

'I have said that our Queen's reign, as compared with any previous period of the same length, has been a reign of peace. It has been also a reign of great material and moral progress. The territory of the Empire has been greatly extended, its population has been enormously increased, and its wealth has not only multiplied but has become more widely diffused. Millions of square miles of territory have been added to the Empire; and now Russia is the only country in the world which compares with ours in extent.

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‘As regards population, the advance is still more striking. It is a common notion that on this side of the Atlantic alone do cities grow rapidly now-a-days; but take some of the great cities of England during Her Majesty’s reign. The population of London proper has increased from 1,700,000 to about 5,000,000; of Liverpool, from 200,000 to 600,000; of Manchester, from 220,000 to 405,000, and of Newcastle, from 68,000 to 190,000. The population of the Island of Great Britain has more than doubled during this one reign, or, adding Ireland, the population of the United Kingdom has advanced from 26,000,000 to 40,000,000, notwithstanding a large emigration.

‘In developed wealth the increase has been even greater. If in the Queen’s reign the population of the British Islands taken together has increased fifty per cent., their wealth, according to the best estimates, has increased not less than two hundred per cent., and, according to some estimates, even as much as three hundred per cent. While nearly all other nations have during the present generation increased their debts with appalling rapidity, Great Britain since the Crimean War has actually paid off nearly £160,000,000 of her debt. Her credit as a nation stands to-day higher than ever before, and higher than that of any other country.’

Sir Oliver then went on to point out the progress made during Her Majesty’s reign in the development of railways, of ocean steamships, of telegraphs and of the postal system, and continued :—

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'More important still than all these matters is the progress of the nation in religion and morality. If there is more infidelity than there was sixty years ago, there is also more of deep faith in Christianity, more of spiritual life, more of religious zeal, more of active morality and more liberality in contributions to religious objects. There was never a time in which all these more abounded in the British Empire than to-day. One of the signs and results of this state of things is furnished by the criminal statistics. Shortly before Her Majesty's reign began, the convict population of Great Britain was estimated at 50,000, but though the population of the country has doubled since then the number of the convict population has actually dwindled to 6,500, including convicts out on ticket of leave.'

After discussing the progress of Canada during the Queen's reign, Sir Oliver concluded as follows :—

'Canadians are a mixed people. Besides the two great nations from which most of our population is derived, there is amongst us a representation of many other nations and races; yet all our people, to whatever nationality or race they may belong, unite in respect and affection toward our country's Queen. We all believe and know that she has been a great blessing to the nation, and not to ours alone but to many other nations of the world. By her wisdom, her thoughtfulness, and her firmness, she has more than once been instrumental in preventing wars

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from which the nations engaged, including her own, could not but have suffered much, victors as well as vanquished. Her own subjects in every land she has cared for and loved, as they have loved and revered her. She has rejoiced when they rejoiced, and sorrowed when they sorrowed. In every relation of life, and as regards every duty, she has been an example of goodness. Those who have been her constitutional advisers, and have thus been brought into closer intimacy with her in public matters, testify to her keen sagacity and her clear intellect, and to the careful, personal attention which she gives to public affairs. In executing the functions of her high office she has adapted herself frankly and cordially to the requirements of popular government and thereby, as well as by her whole conduct, public and private, she has greatly strengthened the British Monarchy in the estimation of the nation and of the world. When in God's good time Her Majesty shall have passed from this world to another, she will long be remembered as Britain's Good Queen Victoria, and in common with British subjects everywhere we as Canadians may thank God for her long and blessed reign.'

Sir Mackenzie Bowell seconded the motion in an admirable speech, and it was carried by a standing vote.

On June 22, the Diamond Jubilee of the Queen, Sir Oliver's name was, for the second time, included in the list of Royal honours, and he was

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promoted to the rank of Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George (G.C.M.G.). The only other surviving Canadians of this rank are the Right Honourable Sir Wilfrid Laurier, and the Right Honourable Sir Richard Cartwright. 1897



## CHAPTER XXII

LIEUTENANT-GOVERNOR OF ONTARIO

LITTLE more than a year had elapsed after Sir Oliver's acceptance of the portfolio of Minister of Justice for Canada before he came to the conclusion (which was not shared by his colleagues) that the work of the new office was too heavy for a man of his age and strength. As early as 1890 he had been warned by his family physician (Dr. Temple) that it was necessary for him to give up a portion of his work, and accordingly, during the last six years of his premiership in Ontario, much more of it than before devolved upon his colleagues. Any government business of which he had charge was brought on in the afternoon instead of the evening; and very frequently he did not return to the House after dinner. The duties of Minister of Justice were much more exacting and multifarious than those of Attorney-General of Ontario. They involved almost daily attendance at Cabinet meetings, the preparation of a large amount of legislation on subjects less familiar to him than those with which he had been dealing for the past twenty-four years; and the sessions of the Senate, though not so long as those of the House of Commons, or even of the provincial legislature, required a large amount of diplomacy and *finesse*, in order to avoid antagonizing the hos-

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Chap. XXII tile Conservative majority in that Chamber. All this he found most fatiguing, and, although he was still fond of political life and held both his leader and his colleagues in the highest esteem, he felt it to be necessary, in the interests of his health and his family, to leave the Cabinet. To this his colleagues and many friends, both within and outside the House, strongly objected, but Sir Oliver was firm. He writes to a friend at this time :—

‘My only reason for giving up office is my age, and all that it implies. I am in my seventy-eighth year, and while (humanly speaking) I may have a chance of living a dozen years more, the probabilities, according to the statistical tables, are against my living half that time. I have no desire to pass this time in idleness. What I want, for the short remainder of my life, is freedom from the worries incident to the position of a Minister, liberty to choose my own subjects for study and work, and to work from day to day no more than I may choose to do. I desire also to return for the rest of my days to the place where my children and grandchildren are, and where I shall be surrounded by the associations and friends of more than half a century.

‘The diminution of my departmental work, if it were practicable, would not affect the situation. The strain incident to my position here cannot be diminished. The Solicitor-General (the Hon. Charles Fitzpatrick) has kindly

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consented to relieve me of the applications for pardons and remissions of sentences,<sup>1</sup> but such applications are only a fraction of the work of my department, and I do not see what else I could be relieved of so long as I continue to be Minister of Justice. Even if it were possible to make a further reduction in my work, I do not desire that my whole time and thoughts should continue to be absorbed in political and official affairs. I think I have given already to these matters my full share of attention, and now I want to be afforded the opportunity of thinking about and doing other, and to my mind, more important, things.'

It was with reluctance that the Premier and the Cabinet were brought to the conclusion that Sir Oliver was right.

Two months later the office of Lieutenant-Governor of Ontario became vacant, and was pressed upon his acceptance. Again he hesitated.

In a letter written at the time he said:—

'The office of Lieutenant-Governor is not one to my liking—quite the contrary. The supposed dignity has no attractions for me, and its duties and functions are much less agreeable than those of Minister of Justice. I fear also that the expenditure incident to the office may exceed my income.'<sup>2</sup>

<sup>1</sup> These numbered nearly six hundred a year, and involved in every case a report to the Governor-General-in-Council, which could only be made after careful perusal and consideration of evidence, petitions, etc.

<sup>2</sup> This proved to be the fact. During his term of office as Lieutenant-Governor he spent nearly double his official income.

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Chap. XXII He did, however, accept the appointment and was sworn in as Lieutenant-Governor of Ontario by the Governor-General, Lord Aberdeen, at Government House, Toronto, on November 18, 1897. Owing to the illness of his predecessor, Sir George A. Kirkpatrick, Sir Oliver did not take up his residence at Government House until the following February, but his first official reception was held at Government House on New Year's Day, 1898, and was very numerously attended. Indeed, no appointment could have been more popular; and throughout the whole of his *regime* the reputation of Government House for hospitality was fully and generously maintained. Many distinguished people were among his guests, including four members of the Royal Family, viz.: the Prince and Princess of Wales (then the Duke and Duchess of York), the Prince of Teck, and the Princess Aribert of Anhalt, daughter of the Princess Helena and granddaughter of Queen Victoria.

On November 30, 1897, Sir Oliver opened the fourth Session of the eighth Legislature of Ontario in the presence of an unusually brilliant assemblage, including Lord and Lady Aberdeen and Lady Marjory Gordon. The first paragraph of his speech on that occasion was written by himself, and may be regarded as his farewell to political life. He said :—

‘It gives me much pleasure to meet again the members of the Legislative Assembly of this province with whom I was so long associated in a different capacity. While it was my good



HIS HONOR THE HON. SIR OLIVER  
MOWAT, G.C.M.G., ETC.

Lieutenant-Governor of Ontario

*From a photograph taken in 1902*



## LIEUTENANT-GOVERNOR

fortune to be for many years the leader of the majority of the Assembly, I am glad to know that I always had the friendship and good-will of many members who were politically opposed to me, and that during all my long premiership I had the personal enmity of none. As Lieutenant-Governor, and no longer identified with any political party, I hope to possess the confidence of all; and I trust that my long familiarity with public matters, as a member of Canadian and provincial legislatures and governments, may enable me to render valuable service to my native province in the performance of the important constitutional duties which belong to the office of Lieutenant-Governor.' 1897

On July 5, 1898, he attended at Stella, in the township of Fredericksburg, the centennial celebration of the arrival in Canada of the Rev. Robert McDowall, the pioneer Presbyterian minister of the Bay of Quinté District. After divine service in the beautiful church, erected in memory of Mr. McDowall, the large company present adjourned to a neighbouring grove, where an address was presented to the Lieutenant-Governor by members of the Synod of Toronto and Kingston, and citizens of the Bay of Quinté District. It was, in part, as follows :—

'We remember with pride that you were born in Kingston, and that you are thus a citizen of this part of the province over which you now preside as the representative of Her Gracious

## SIR OLIVER MOWAT

Chap. XXII

Majesty Queen Victoria. During your long and busy career, while you always sought to promote such legislation as secured to the fullest extent the civil and religious rights of the people, and thus showed yourself to be a Catholic in the truest sense of the word, you have always adhered loyally to the Church of your fathers. We are sure that you will join with us in honouring the memory of the brave pioneer missionary, the Rev. Robert McDowall, and the United Empire Loyalists to whom he came to minister in the gospel. We need not remind your Honour of the self-denial and hardship endured by these brave founders of Upper Canada. Their heroism is written in history; and, better still, on the face of the country which, by the help of God and their sturdy arms, they transformed from dense forests to the fruitful farms which we see around us to-day. Their loyalty was no passing sentiment: it was of the essence of their life. This flag represented the inspiring ideas for which their fathers had struggled and died. When the call came to them in the war of 1812-15 they responded as willingly as they had responded in the previous century, when they proved their readiness to sacrifice country and home rather than be false to their convictions.'

(Signed) J. CUMBERLAND, *Chairman*.

W. W. PECK, *Secretary*.

Sir Oliver replied, referring at some length to the early history of the province, and

## THE McDOWALL CENTENARY

especially that of the Bay of Quinté District. He 1898  
said :—

‘I thank the members of the Synod of Toronto and Kingston, and the citizens of the Bay of Quinté District, for their kind welcome and for all the kind and appreciative words which their address contains.

‘I heartily concur with all that it says of the brave pioneer missionary, in honour of whose memory we are here, and of the United Empire Loyalists, who were the founders of our province. I have great pleasure in taking part in the proceedings of this day; not simply because of my being a Presbyterian, but also because it was by the Rev. Mr. McDowall that I was baptized seventy-seven years ago at Kingston, where my parents resided. I am one of the few living now who knew Mr. McDowall. I recollect him almost as long as I remember anybody. I was present at the last service he conducted, and I heard the last sermon he preached. It was in St. Andrew’s Church, Kingston, of which the pious and venerated Dr. Machar was then pastor.

‘Mr. McDowall was of Scotch extraction and was full of Scottish sympathy. He was born in the province of New York in 1767, before the thirteen colonies separated from the father-land. He was thus a British subject from his birth, and Presbyterianism had been the religion of his fathers. A hundred years ago—viz.: in the year 1798—he was sent by the Dutch Reformed Church of the United States (a Presbyterian body) as a

## SIR OLIVER MOWAT

Chap. XXII

missionary to this province. Its population was then small and scattered. British settlers had begun to come into it from the United States immediately after the close of the Revolutionary War, and especially after the final separation of the Republic from the father-land in 1783. The number that came to Upper Canada during the first year after the separation is estimated at 10,000. More went to Nova Scotia, New Brunswick and Prince Edward Island, and many more came to all the British provinces in subsequent years. History records of the United Empire Loyalists of that day, that "there were among them the better educated of the population of the colonies, and they could justly be counted among the best part of the communities to which they belonged." A very distinguished American writer has said that "they were above the average in education and refinement," and that "to the general interests of the country (*i.e.*, the United States) the loss of such people was in every way damaging, the immediate detriment wrought at the time being perhaps the least important." The average of the United Empire Loyalists thus belonged to the cream of the population among whom they had lived—the cream of it as regards culture, energy and all the other qualities which make valuable citizens; and many of them, as we know, had acquired considerable possessions in the homes they were abandoning. They came with their wives and children and with such of their goods as they

## THE McDOWALL CENTENARY

1898

could take with them, encountering by the way great fatigues, hardships and privations. What they contemplated was to settle down somewhere—in the wilderness it might be—under the British flag, and in British possessions, where they could still be English subjects, and where their children and descendants for generations might be British subjects too. They loved their own nation, the nation of their forefathers, distinguished as it was and is above all other nations in the history of the world; and they were more than willing to endure all things rather than lose for themselves and their children their British citizenship. . . . Mr. McDowall was the first Presbyterian minister to visit the Bay of Quinté. This he did in the year he came to the country. Two years afterwards (viz.: in 1800) he accepted a call to the congregations which he had organized in the townships of Ernestown, Fredericksburg and Adolphustown, and he continued to be their pastor until his death in 1841.

‘During the early years of which I have been speaking, there were no steamboats, no railways, no macadamized roads, no good roads of any kind. A “blazed trail” was often the traveller’s only guide through the wilderness. The population was sparse, their houses were small log huts of the rudest kind, and even of these there were but few and at considerable distances from one another. Travelling by water was generally by canoes and small boats, and, when by land, on horseback or on foot. The traveller on

## SIR OLIVER MOWAT

Chap. XXII

horseback had to carry in his saddle bags food for himself and his horse. There were few bridges. Rivers too deep to be forded could be crossed only by swimming. On one occasion Mr. McDowall is recorded to have walked all the way from the Bay of Quinté to York, following the lake shore and swimming the rivers which could not be forded. For twenty years—from 1798 to 1819—he performed all his work at practically his own expense. Something may have been advanced toward his expenses when he was first sent to the province; and in 1806, eight years afterward, the Dutch Reformed Synod at Albany expressed the high sense they entertained of “the zeal, fidelity and exertions of the Rev. Robert McDowall, in the discharge of his ministerial duties in the destitute parts where he resides,” and recommended that “as some assistance toward defraying his expenses he be authorized to receive from the treasurer of the Synod the sum of \$60.”

‘In those days there was nothing but zeal for the Master’s service to attract any one to the clerical profession in this country. It was all work, and, in an earthly sense, no pay. It is said of one esteemed Presbyterian clergyman of that day, whose field of labour was east of Mr. McDowall’s, that his stipend never exceeded \$100 a year, and that he had no private means. In that day, as this servant of God said, “it was no easy matter for a minister to live and bring up a family.” Of the pioneer preachers of the

## THE McDOWALL CENTENARY

1898

various denominations he was not the only one who had that experience; and even at the present day I am afraid it has not altogether disappeared.

'It is satisfactory to know that Mr. McDowall's abundant and trying labours were not without good fruit from their very beginning. He was an interesting as well as a faithful preacher; and the people seem to have heard him gladly. Speaking of the whole country where he preached, he himself stated that "he found the inhabitants very desirous of having the gospel preached to them." And again, "he found the people very hungry for the Bread of Life, and very attentive under the preaching of the Word."

'In Dr. Canniff's *Settlement of Canada*, the author, who was not himself a Presbyterian, says of Mr. McDowall: "No man contributed more than he to fulfil the divine mission, 'Go and preach the gospel'; and it was at a time when great spiritual want was felt that he came to minister among the hardy settlers. The spirit of Christianity was by him aroused to no little extent, especially among those who in their early days had been accustomed to the teaching of Presbyterianism;" and the Rev. Dr. Gregg, in his *History of the Canadian Presbyterian Church*, says that "the long continued and faithful labours of the Rev. Robert McDowall were of pre-eminent importance in establishing Presbyterianism in the province of Canada."

'Such was the man whose memory we have to-day come together to celebrate. When he

## SIR OLIVER MOWAT

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came in 1798 to what is now the province of Ontario, its entire population from the Ottawa to the Detroit river is estimated to have been only about 50,000 persons; it is now over two millions. In the year 1800 its clergy of all denominations were but seventeen; now they number several thousands. The progress of the country has been correspondingly great in education, in home comforts, in facilities for travelling, and in everything else which increased wealth can procure and which advancing civilization and human knowledge now include.

‘In this advanced condition of our country the faithful, laborious and self-denying pioneer clergy of all denominations deserve to be well and gratefully remembered by us all. They did good not only to the generation of their own time, but, through that generation, to all those that have followed. The memory of the Rev. Mr. McDowall and his fellow pioneer missionaries of all the denominations can never cease to be dear to all who appreciate Christian charity, Christian zeal and the usefulness of Christian ministers. Of all his contemporaries in this noble work I know not one who deserves better to be remembered and revered than the Rev. Robert McDowall.’

On the return journey from Bath to Kingston the steamer *Jubilee* which carried a large number of those who had been present at the celebration, including Sir Oliver and his family, took

## OFFICIAL FUNCTIONS

1898

fire; and for a short time a panic seemed inevitable. A boat was launched, filled with ladies and pushed off; and the yawl from a passing schooner came over and transferred the rest of the ladies and children. One woman seized a life preserver and attempted to jump from the upper deck, but was prevented by one of the crew. 'Sir Oliver,' says the *Kingston Whig*, 'was the coolest man on board. He said afterwards that he was somewhat surprised at his own coolness, for he felt that the passengers were in great danger and it was the first experience of the kind he had ever met with in his life.'

On July 19, 1898, he was present at the laying of the corner stone of a new Methodist Church at Jarvis (South Norfolk), received a very flattering address and made an interesting speech in reply.

The autumn of the year was spent in attending various agricultural fairs and similar public functions. On August 30 he opened the Toronto Industrial Exhibition, and afterwards attended the annual meeting of the Ontario Historical Society, where he opened the proceedings by presenting to the society on behalf of the York Pioneers a portrait of the Rev. Dr. Henry Scadding. In the few words which accompanied the presentation he reminded his hearers that he had himself been for many years a member of the York Pioneers, and expressed the pleasure which it gave him to take part in the presentation to the

## SIR OLIVER MOWAT

Chap. XXII Society of the portrait of one who had done so much to preserve the history of Canada, and who was indeed the originator of historical research in this province.

Later, he attended the Western Fair at London, the Northern Exhibition at Walkerton, the Essex Fair at Windsor, the Ontario and Durham Fair at Whitby, and the Oxford Fair at Woodstock. At each of these he was presented with addresses, to which he made suitable replies. At the Woodstock Fair, in his late constituency, he was especially at home, and in reply to a very interesting address presented by his friend, Mr. George R. Pattullo, President of the Board, he made a most happy speech, alluding to his long connexion with the county and to the changes which had taken place since he first became the representative of the North Riding.

But in attending these functions Sir Oliver over-estimated his strength. He often left Toronto at seven o'clock in the morning, journeyed by train to the place of meeting, spent most of the time on his feet, and returned home late at night thoroughly exhausted. It was too much for a man of seventy-eight; and nature soon avenged herself. On October 10, 1898, Sir Oliver had a slight paralytic seizure, which affected his speech for some days; and though, after a few weeks, he seemed to have entirely recovered, his medical advisers insisted that he should in future appear in public only when his presence was absolutely necessary.

## EVIDENCES OF CHRISTIANITY

1897-1903

The remaining years of his life were therefore spent very quietly; and he never again went outside of Toronto. Until 1903 he was able to transact all necessary official business, to open and close the annual Sessions of the Legislative Assembly, to hold his usual New Year's Day reception, and to fulfil all the social duties incidental to his position. During these years he spent many hours in his study, engaged in an undertaking which he had very much at heart and to which he refers in a letter that I have quoted at page 671.

The study of theology, and especially that department of it which relates to the life and works and claims of Jesus Christ, had for many years formed a favourite occupation of his leisure hours. He had read and thought much upon the subject, and in 1890 he committed to writing some of the results of his study in a lecture on *Christianity and some of its Evidences*, which he delivered in Knox Church, Woodstock, on October 23 of that year. The lecture is an attempt to present, within a compass of less than 100 pages, the principal arguments to prove that Christianity is a unique and Divine revelation,<sup>1</sup> made by a Divine Man. These arguments are collected under two heads : (1) the admissions as to Christianity by unbelievers

<sup>1</sup>'For us, the paganism of the Greeks and Romans is nothing; for us Confucianism is nothing; Brahminism is nothing; Buddhism is nothing; Zoroastrianism is nothing; Mohammedanism is nothing, and every other cult is nothing. If Christianity is a delusion, the whole human race is, and has always been, without a true religion; men know nothing of the world of spirits; nothing of the relations between God and man; the protection which religion has heretofore afforded to morality and order is at an end; and the whole subject of a future life is in thick darkness.'

## SIR OLIVER MOWAT

Chap. XXII therein and (2) the conclusions which may fairly be drawn from the life and teaching of Christ himself, and from the miracles, especially the miracle of His Resurrection from the dead. He concludes as follows :—

‘In view of the whole subject, I trust I may say with all sincerity for myself, I know I may say for many of you—I wish I might say for all—that in the great battle of religion and morality we and all ours take the side of the Man of Nazareth. The history of the world has presented no leader like him. He is the only leader worth a thought. We gladly take him for our leader, and for our King, our Master, our Example, our Guide. We gladly recognize him as God-Man, a messenger from Heaven, the Redeemer of the world. Believing what the New Testament tells of Him, we love Him dearly. In the light of His teachings we mourn over the imperfections and short-comings and sins of our lives. It is our earnest desire that (God helping us) we and all ours should be like Christ, should possess His spirit, should be doers of the Father’s will, and should be able to live and die in the blessed hope that after our earthly lives are over we shall be forever with the Lord who bought us, and with those who on earth are dear to us as we know, or believe, they are dear to Him.’

Again in February, 1898, addressing the medical students of Toronto University and Trinity Medical School, he said :—

## LECTURE TO MEDICAL STUDENTS

1897-1903

‘Students of medicine have chosen for their life-work a profession than which no other, having to do primarily with things earthly, is more honourable or more useful, or brings to those who follow it a larger amount of esteem, respect and gratitude. How could it be otherwise? The purpose and efforts of the profession are to save life, and to remove or allay pain and misery. All of us well know that a medical practitioner, in the exercise of his profession, often knowingly runs great risks, risks to his health, and risks to his life, in visiting and treating patients suffering from contagious and infectious diseases, as well as in other ways; but he no more thinks of preferring his personal safety to the duty which his profession demands of him than the soldier shrinks from his dangerous duty when called on to face human foes armed for his destruction.

‘By the relief which the medical man gives to his patients, and the attention which they receive from him in the discharge of his duty, he becomes an object of gratitude and affection both to his patients and to others to whom his patients are dear; and in this way he acquires, with both classes, influence in matters outside his profession. The fact of his being a man of education above the average of those with whom he has to do is a further occasion of influence with them. His influence from all these causes is both an unsought influence, arising in part from what is known of his character,

## SIR OLIVER MOWAT

Chap. XII

opinions and opportunities, and also an influence which he may exert by express effort. Whatever the influence is, it is a "talent" to be used for good. Whatever power of this kind you may have, most of you I hope—all of you—would like to employ worthily. That, I think, I may assume to be the present sentiment of each of you. You would not like to use your influence for harm, nor to throw it away unused for good. You would like that, in some way or other, and in every way practicable, the world may be the better for your having lived in it; that your country may be the better for your having been its citizen; and that your family, your mother and your father, your sisters and your brothers, and all others whom your love or like, may be the better for your relation to them. I should be glad to be able to say something that may help any of you to use in the most beneficial way practicable the influence which you may possess or acquire.

'With this object, then, my first remark is, that if in the course of my long and active life I have learned one lesson more distinctly than another it is that the influence of a man or woman for good, even as regards this world, is immensely promoted by faith in Christianity. Many of you know that to be so; and many of you are, I hope, acting on that knowledge, and mean, with God's help, to act on it to the end. It would be delightful if this were the case with all of you. The average medical student, and the average medical practitioner in our prov-

## LECTURE TO MEDICAL STUDENTS

1897-01

ince, is said to compare favourably with the average of such students and practitioners anywhere, both as regards both the learning of the profession and skill in its application. This is gratifying to all Canadians. It would be still more gratifying to all the best of them if it could also be truly said that our medical men, young and old, were distinguished above their fellows throughout the world for hearty acceptance of the Christian faith, and for Christian conduct and character.’

And after presenting the principal arguments for the truth of Christianity (somewhat on the line of his former lecture) he concludes as follows:—

‘As the conclusion of the whole matter, my sisters and brothers, I exhort you—being, as a layman, one of yourselves—that you hold fast the Christian faith as being a faith necessary and good for both worlds; for this world, as we know; and for the next world, as for strong reasons, and in common with a multitude of the world’s greatest thinkers and best men and women, we heartily believe. Hold fast to the Christian faith, as good for yourselves, good for those whom you love, and good for those whom from time to time you may influence. Above all, hold fast to your Christian faith, from gratitude and love to the loving Father and God of all, and to His loving Son, who from love laid down his life for us.’<sup>1</sup>

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<sup>1</sup>As may be judged from the extracts above given, his creed was by no means a narrow one. In 1892, his friend, Miss Agnes Machar, sent for

## SIR OLIVER MOWAT

Chap. XXII This was the subject which chiefly occupied Sir Oliver's thoughts during the last five years of his life, and it is the one to which he refers in the letter which I have already quoted, as being more important and interesting to him than any political question. Of the results of his thought and study during these years no vestige remains. Shortly before his death he destroyed all the notes he had made, feeling himself unequal to the task of completing the work which he had contemplated; but it is pleasant for those who loved him to remember that up to the last the two chief objects of his life were the service of God and his country, and that he thought and lived and believed so that, in Bryant's beautiful words he might,

'Sustained and soothed  
By an unflinching trust, approach the grave,  
Like one that wraps the drapery of his couch  
About him, and lies down to pleasant dreams.'

A few months later came a second attack of paralysis. Sir Oliver had been in fairly good health for some months; but suddenly, on June

his perusal a recent book of hers entitles *Roland Graeme*. Those who have read the charming story will remember that the hero, brought up in a Presbyterian manse, revolts at some of the teachings of the Higher Calvinism, and describes himself as 'agnostic' an attitude of mind from which he finally escapes. Writing to Miss Machar about the book, Sir Oliver says: 'I do not regard as very serious a heterodoxy which consists in nothing more than abandoning the strictly Calvinistic views which distinguish the Westminster Confession from other Christian creeds; although I do regard with profoundest reverence and affection the many good and great men who have held these Calvinistic views, their noble characters, and the inestimable services which they rendered in their respective days and generations.'

## REV. DR. JOHN B. MOWAT

25, 1899, the old difficulty in speaking recurred and was more severe than on the occasion of the first attack. It was accompanied by giddiness; but there was no apparent failure of the heart's action. Nevertheless he grew distinctly feebler day by day; restless nights were common, and insomnia had to be combated by drugs. 1825-1900

Less than a year afterwards (May 15, 1900) came a new blow in the death of Sir Oliver's only surviving brother, the Rev. Dr. John Mowat, Professor of Hebrew at Queen's University.

Dr. John Mowat was born at Kingston on June 8, 1825; educated at Queen's University (B.A. 1845, M.A. 1847), and at Edinburgh University (1846-1848). Returning to Canada, he became for two years assistant to the Rev. Dr. Machar in St. Andrew's Church, Kingston. In 1850 he was called to the pastorate of St. Andrew's Church, Niagara, and there he remained for seven years. In 1857 he was appointed Professor of Oriental Languages, Biblical Criticism and Church History in Queen's University, Kingston. In 1883 the work of his chair, which had become too heavy for one man, was divided, Dr. Mowat retaining Hebrew, Chaldee and Old Testament Exegesis; while Apologetics and New Testament Criticism were constituted a separate chair, and Church History was made a lecture-ship. In 1885 he received the honorary degree of D.D. from Glasgow University. On May 1, 1900, the fiftieth anniversary of the beginning of his ministerial work was celebrated in connexion with the Con-

## SIR OLIVER MOWAT

Chap. XXII vocation of Queen's University, and Sir Oliver Mowat collected and printed for private circulation a record of the proceedings from which I have gleaned the facts here recorded. It will already have appeared from the letters quoted in this book how close and intimate the relation between the two brothers had always been; and, naturally, Dr. Mowat's death was a shock which seriously affected Sir Oliver's already enfeebled health.

Nevertheless, he continued to discharge his public duties until the beginning of 1903, when he was incapacitated by an accident. On January 8, while walking up and down the large hall of Government House, watching his grand-children at play, he tripped on a loose tile and fell heavily, fracturing the neck of the right thigh bone. This made it impossible for him to take any exercise for some time; and it was weeks before he was again able to support his weight on the injured limb.

On April 12, 1903, while being lifted from his chair by an attendant, the right thigh bone was again fractured about the middle of the shaft. This was a much more serious accident than the first one, necessitating the administration of chloroform, the use of splints, and confinement to his bed, from which he never rose again. Heart failure supervened, and he gradually sank until the morning of Sunday, April 19, 1903, when he peacefully passed away, all his children being present at his bedside.<sup>1</sup>

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<sup>1</sup> 'He left his honours to the world again,  
His blessed part to Heaven; and slept in peace.'

## HIS FUNERAL SERVICE

1903

Until the afternoon of Wednesday, April 22, the body of the late Lieutenant-Governor lay in state in the great drawing-room of Government House, surrounded by silent sentinels.

Meantime, from press, and pulpit, Judges and politicians, came thousand of tributes to his character. A few of these I have printed in Appendix XIII.<sup>1</sup>

On Wednesday he was committed to the tomb.

The funeral service was simple and impressive. After prayer by the Rev. Alfred W. Gandier, minister of St. James's Square Presbyterian Church, of which Sir Oliver had been for many years a member, the Rev. Armstrong Black, D.D., of St. Andrew's Church, read a Scripture selection, and the Rev. Principal Caven, D.D., of Knox College, delivered the funeral address. He said :—

'We are here to pay the last tribute of respect to one who deserves well of his country; and who, after a long and eminently useful life, has passed to his rest honoured and revered by all.

'The public life of Sir Oliver Mowat extended over forty-six years, all of which were filled up with valuable services to his native province and to Canada. This is not the occasion for giving any detailed account of his public services, or attempting any critical estimate of his intellectual qualities which enabled him to do so much and to do it so well. Sir Oliver Mowat was so long before the country, took so prominent a part in

<sup>1</sup> See Appendix XIII.

## SIR OLIVER MOWAT

Chap. XXII

its public life, and was, withal, so sincere and transparent in character, that very few men were known as he was. The amount and quality of the work done by him, in every position that he filled, abundantly attest both his industry and his great abilities. He ever showed penetration of mind, soundness of judgement, and extreme caution when dealing with any complex question or situation; and his public speaking reflected very truly the qualities of his mind. It was always direct; it put aside whatever was irrelevant to the matter in hand, and it presented with great completeness the arguments for his conclusion or the reasons for the procedure which he proposed to adopt.

‘But we are thinking to-day rather of his admirable moral qualities. To say it all in one word, Sir Oliver Mowat was a good man: he was truthful, upright, fair-minded, just; he was generous and kind, and he sought the good of all as he had opportunity. The first question he asked regarding any course of action was, “Is it right ?” Conscience was consulted first of all, and he would resolutely obey its command. He knew well that without support from it, public opinion, a government, or a legislature, could not do all the good things which it might wish to do; but he would not, at the dictation of public opinion, do anything which he thought to be wrong. Most circumspect and wary in determining his line of action, he was absolutely firm in adhering to it once the course of duty was decided; and

## HIS FUNERAL SERVICE

1903

with this strength of purpose was united charity and courtesy toward those who differed from him.

'Sir Oliver Mowat was quite incapable of parading his religion; but he never concealed the fact that he believed the gospel and placed his hope in the Son of God. He was a humble and consistent follower of Christ, to whom alone he looked for salvation. The integrity, the purity, the beneficence which we admired in his course were more than ethic virtues; they came out of the depths of his character and were Christian graces. This is by far the most important thing that I can say regarding him whom all trusted and admired, and whom all who knew his kindness and gentleness sincerely loved.'

The closing prayer was offered by the Rev. Professor Maclaren, D.D., one of Sir Oliver's most intimate friends, after which the procession moved out in the following order:—first, the honorary pall-bearers: Hon. George W. Ross, (Premier of Ontario), the Hon. J. M. Gibson (Attorney-General), Sir John A. Boyd (Chancellor), Chief Justice Moss (Administrator), the Right Hon. Sir Wilfrid Laurier (Prime Minister of Canada), the Hon. R. W. Scott (Secretary of State), Sir William Mulock (Postmaster General), and Senator Cox. At the request of the family, six members of the Toronto Caithness Association took the position of bearers. They were Messrs. Daniel Rose, Sen., William Banks, Sen., Daniel Rose, Jun., Donald Inrig, D. A. Rose, and Gilbert L. Sutherland. Then followed

## SIR OLIVER MOWAT

Chap. XXII the procession, more than a mile in length, including, besides the members of the late Lieutenant-Governor's family and household, representatives of nearly every branch of the civil, military and municipal governments of Canada and Ontario, clergy, judges, the staffs of the universities and colleges, the legal and medical professions, the civil service, the Board of Trade, national and other societies, etc. The Parliament of Canada and the Legislative Assembly were adjourned; every college and school in the city was closed, and along the route of the procession, through King Street and Yonge Street, business was entirely suspended; flags were at half-mast; and amid uncovered heads and mourning faces, and in a silence broken only by the mournful notes of the 'Dead March,' Sir Oliver's funeral moved through the streets of the city which had so long been his home, and which now paid its last tribute of respect to a man who had many friends and no enemies.

At the grave-side prayer was again offered by the Rev. Alfred Gandier, and the mortal remains of Sir Oliver Mowat were laid in Mount Pleasant cemetery, beside those of the wife whom he had lost ten years before. Over his grave is erected a monument: a square shaft of grey Scotch granite, surmounted by a Greek cross. On one side, in a medallion encircled by oak-leaves—the badge of the Mowat family—is their crest, an oak tree growing out of a rock; and below

## HIS GRAVE-STONE

this are cut his name and Lady Mowat's, with 1903  
the dates of their birth and death.

On the other (the western) side is the inscription :—

IN MEMORY OF

SIR OLIVER MOWAT, G.C.M.G.,

Born at Kingston, 22nd July, 1820;

Died at Toronto, 19th April, 1903;

who was

One of the Founders of the Confederation  
Of the Provinces of the Dominion of Canada;  
Who devoted 39 years of his life<sup>1</sup>  
Uninterruptedly to the public service.

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From 1857 to 1864

MEMBER OF THE LEGISLATIVE ASSEMBLY  
Of the Province of Canada.

30th June, 1864,

POSTMASTER-GENERAL

In the Government of Canada;  
Formed for the purpose of effecting the Political  
Union of British North America.

From 19th Nov., 1864, to 25th Oct., 1872,

VICE-CHANCELLOR OF THE COURT OF CHANCERY.

From 25th Oct., 1872, to July 13th, 1896,

FIRST MINISTER OF THE PROVINCE OF ONTARIO  
AND ATTORNEY-GENERAL.

From 13th July, 1896, to 18th Nov., 1897,

MINISTER OF JUSTICE FOR CANADA  
AND A MEMBER OF THE SENATE.

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<sup>1</sup>If the time of his Lieutenant-Governorship were included, the period of his public service was more than 45 years (Dec. 31, 1857, to April, 1903).

## SIR OLIVER MOWAT

Chap. XXII

From 18th Nov., 1897, until his death,  
LIEUTENANT-GOVERNOR OF ONTARIO.

Another monument to Sir Oliver Mowat is to be erected by the Province of Ontario in the Queen's Park at Toronto near the Parliament Buildings. It will be a large portrait-statue of him, the work of a well-known sculptor, Mr. W. S. Allward.

On the pedestal are to be two figures in relief: Justice, symbolizing his career as lawyer and Judge; and Jurisprudence, that larger part of his life which was devoted to governing and the making of laws. At the base of the pedestal there are to be two inscriptions:

PREMIER OF ONTARIO

1872-1896

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LIEUTENANT-GOVERNOR

1897-1903

The monument will probably be in position before these lines are in the hands of those who may do me the honour of reading this book.

## CHAPTER XXIII

### CONCLUSION

**I**N the foregoing pages I have quoted largely from Sir Oliver's letters, speeches and dispatches; because what he said and what he wrote discloses more clearly the real character of the man than any words of mine could do. But it may be well, in conclusion, to attempt a brief analysis of those characteristics which made him 'sit so high in the people's hearts,' and enabled him to hold so long and so successfully the position of a political leader in a generation of men including many who served their country with exceptional ability and zeal, and with whom it is no small honour to have been associated. To say that Oliver Mowat fought side by side with George Brown, A. A. Dorion, Edward Blake, Alexander Mackenzie and Wilfrid Laurier, and that he measured swords, on no unequal terms, with John A. Macdonald, George Etienne Cartier, Matthew Crooks Cameron, William Ralph Meredith, Alexander Morris and William McDougall, is of itself to give him a leading place among the Canadian politicians of the past half century. But his claim to be remembered and revered by the people of Ontario is stronger than this. It rests upon a record of nearly fifty years of distinguished public service, given at a most critical period in the history of this

1820-1903

## SIR OLIVER MOWAT

Chap. XXIII province, during all of which he kept his honour unstained and his Christian character unspotted. 'A good life, nobly lived': that was the expression of one of the six Caithness men who carried him to his grave; and that, I believe, will be the verdict of posterity.

In many ways he was a fortunate man. He had inherited from his Caithness ancestry a sound mind in a sound body; and until he had passed the allotted span of life, no work, mental or physical, seemed to exhaust his powers. In 1894 a well-known writer said of him in an article contributed to the *Canadian Monthly* :—

'Sir Oliver may be said to be in his prime at seventy-four, a mellow middle age, and though, as he daily walks from his house on St. George Street to his office in the Parliament Buildings, he walks with slow and cautious step, this is chiefly because of short-sightedness; and it only needs a conversation or a speech to convince one that the mentality, the keen perception, the legal ability to analyze a question, the readiness and skill in debate, and the vigour of attack or defence in political and parliamentary warfare are as much his to-day as when he first entered the lists nearly fifty years ago.'

It was certainly from his father, and perhaps also from more remote ancestors, that he inherited the genial, happy disposition, the keen sense of humour and the optimistic temperament, which, with his sincere interest in and sympathy with his

## HIS SYMPATHY

1820-1903

fellow-men, made him such a good companion alike for old and young. Wherever he was and wherever he went he made friends. He loved to talk—or rather to listen—to all sorts and conditions of men; and he had the rare faculty, which only true sympathy can give, of getting them to talk to him about what concerned them most: their work, their plans, their hopes and beliefs, their wives and children.

‘He threw himself spontaneously, apparently without effort, and yet irresistibly, into the griefs and joys, the needs and interests of others. He was never inattentive. As you talked to him you always felt that he was listening and really trying to understand your case. His was not the cheap sympathy of an outward manner but the true emotion of the inward self. In sympathy with the lowliest, forbearing with the most unreasonable, often interrupted, but never resenting it—the sacrifice of self crowned all.’<sup>1</sup>

He possessed, in no stinted measure, that charity that never faileth, that suffereth long and is kind, that vaunteth not itself nor is puffed up, that doth not behave itself unseemly, seeketh not her own, is not easily provoked, thinketh no evil, rejoiceth not in iniquity but rejoiceth in the truth, beareth all things, believeth all things, hopeth all things.<sup>2</sup>

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<sup>1</sup>The Bishop of Carlisle, *Bishop Fraser's Lancashire Life*.

<sup>2</sup>“The spectrum of charity has nine ingredients: (1) *Patience*, “charity suffereth long”; (2) *Kindness*, “and is kind”; (3) *Generosity*, “envieth not”;

## SIR OLIVER MOWAT

Chap. XXIII

And in the narrower sense of the word also he was a charitable man. His heart was 'open as day to melting charity.' What he gave away nobody knows but himself and his Maker; and though he was often deceived, and not infrequently disappointed with the results he never lost his faith in mankind. As to his manner of giving, making it appear a favour to himself rather than the recipient, I need only refer to a letter which I have printed at pp. 40-42. It is a sample of many others which, for reasons which will naturally suggest themselves to the reader, I deem it inadvisable to publish.

On the day of the funeral one of my sons met, at the gate of Government House grounds, a teacher in one of our city schools who had brought an Easter lily which she wished to place with her own hands on Sir Oliver's coffin, because, she said: 'He helped mother and me when we were in trouble; and he always took an interest in us.' She was allowed to pass the sentry at the gate and to offer her tribute of gratitude and affection, which she did with a heart-break of tears.

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(4) *Humility*, "vaunteth not itself, is not puffed up"; (5) *Courtesy*, "doth not behave itself unseemly"; (6) *Unselfishness*, "seeketh not her own"; (7) *Good Temper*, "is not easily provoked"; (8) *Guilelessness*, "thinketh no evil"; (9) *Sincerity*, "rejoiceth not in iniquity, but rejoiceth in the truth." These make up the supreme gift, the white ray, the stature of the perfect man. You will observe that all are in relation to men, in relation to life, in relation to the known to-day and the imminent to-morrow, not to the unknown eternity . . . Religion is not a strange or added thing, but the inspiration of the secular life, the breathing of an Eternal Spirit through this temporal world.—Henry Drummond, '*The Greatest Thing in the World.*'

## CHARACTERISTICS

1820-1903

One of his last acts was a request to Chief Justice Moss, then Administrator of the Government, to obtain a pension for a woman whose name is intimately indented with the history of Upper Canada. These are little things; but they show the man.

Such were the qualities which made him lovable and beloved; but with them he combined others which made him successful; and these, too, may be traced, at least in part, to his Scottish ancestry. His convictions, both religious and political, were not made hastily, but when once made were unalterable. It was not lightly or unadvisedly that, when he came to man's estate, he forsook the political faith of his family and his dearest friends, and cast in his lot with a party which many leading Conservatives half a century ago regarded with a hatred not unmixed with contempt. It was a very different thing to be a Reformer then from what it is at the present day, when society is no longer dominated by the opinions of those High Tory Anglicans, of whom the 'Family Compact' was made up.<sup>1</sup>

But firm convictions, and the courage of these convictions, led him to break his political connexions with friends like Sir John Beverley Robin-

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<sup>1</sup> True it is, that the rebels of 1837 were Radicals, and that as Radicals they were Reformers; but it is an atrocious libel to say, as many people then said, and some still think, that all Reformers were Radicals, and, therefore, all were, at least at heart, rebels and annexationists. To such, Sir Oliver Mowat's life, like those of his family and my own, who took up arms for the Queen against the rebels, and like the lives of Robert Baldwin, Sir Louis Lafontaine, George Brown, Alexander Mackenzie, Sir A. A. Dorion, Sir Wilfrid Laurier, George W. Ross, James Young, and thousands more ought to be answer enough.

## SIR OLIVER MOWAT

Chap. XXIII son, Sir John A. Macdonald, Philip Van Koughnet, and Sir Alexander Campbell, and join the ranks of an apparently hopeless opposition to the Government and the party which they belonged to.<sup>1</sup>

Again, in the provincial rights cases, to which I have so often had occasion to refer, and especially in the Boundary Dispute, how often did he risk both his professional reputation and his political life for the sake of principle, in the face of odds and in spite of opinions which only a man of convictions and courage would have dared to dispute.

Lastly, at a critical period in the history of this country, when men whose judgement was held in high esteem declared for commercial union, and when some among the prophets to whom the people looked for light and leading were themselves deceived by false visions, Sir Oliver Mowat kept his head, declared firmly against annexation and for British connexion, threw his whole weight into the scale, and showed by deeds, as well as by words, the strength of his convictions and the firmness of his courage.

Mr. J. S. Willison<sup>2</sup> has spoken of the 'prescience' of Sir Oliver Mowat as one of the factors, which, with the 'splendid optimism of George Brown' and the 'sympathetic and sagacious nationalism of Sir Wilfrid Laurier,' were among the consolidating and unifying forces of the Liberal party. But the word, as applied to Sir Oliver Mowat, is, I humbly venture to think, inaccurate. It was not pre-

<sup>1</sup>See *ante*, pp. 75, 78.    <sup>2</sup> *Sir Wilfred Laurier*, p. 1.

## CHARACTERISTICS

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science which distinguished him so much as soundness of judgement; and I have elsewhere indicated by what slow and patient processes his conclusions were arrived at. In no true sense were they prophecies or political weather-forecasts, but simply the results of a clear, logical and unprejudiced mind working upon all available data.

Next to his judgement, as a factor in his success, I should place his industry. His capacity for work was enormous.<sup>1</sup> By rising early, he generally managed to accomplish something before the family breakfast at eight o'clock; at nine came his private secretary<sup>2</sup> with the morning's budget of correspondence, and from this

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<sup>1</sup>One who was his private secretary while he was Postmaster-General writes:—'Sir Oliver, as an office-man, was the most incessant worker I ever knew. From early morning—I have often been with him at six o'clock, and in winter, too—until late at night, frequently after ten, his pen never seemed to rest. These long hours, however, were at his private house: the last house facing Durham Terrace, and close to the Citadel. Every letter received had to be promptly answered, within the day if possible; and he was a master in the art of courteous correspondence. He had one habit, however, which was a sore trial to his private secretary: he would not let his sentences as first written rest in peace. His method of acquiring material for a report or a speech was by question and answer, and he had interrogation reduced to a fine art—so complete that Socrates might have claimed him for his own. So far as I can now remember, Sir Oliver never disturbed the serenity of the Department by any interference with the staff: his chief officers were men to whom he could give his confidence; and he did give it. In after years I was always touched with a sense of pride at the respectful way in which his name was mentioned by them.'

<sup>2</sup>From Sept., 1880, until July, 1896, when Sir Oliver resigned the premiership of Ontario, his private secretary was Mr. S. T. Bastedo, now Deputy Commissioner of Fisheries for Ontario, of whom Sir Oliver thought so highly that he wished Mr. Bastedo to accompany him to Ottawa, but the new premier, the Hon. Mr. Hardy, opposed his removal from Toronto.

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Chap. XXIII until three or four in the afternoon (except during the luncheon hour) he worked in his study. He did not dictate or write *currente calamo*. There were long intervals of reflexion, and then the dictation was rapid, and transcription was rendered more difficult at each successive reading; for he was without exception the most fastidious man in the use of words that I have ever encountered. Indeed, when he was Minister of Justice, it used to be a complaint among the clerks in the Department that one never knew when Sir Oliver's reports had been finally copied. Each time he read them he changed a word or a phrase; and he never signed anything until he was perfectly satisfied that he had said all on the subject that should be said, and had used the best words to express his meaning. In preparing an argument, a judgement, a dispatch, or a political memorandum, he seemed to be desirous to exhaust everything that could be said on the subject, even at the expense of what often seemed to be an unnecessary prolixity.

An example which occurs to me is the memorandum on the separate school legislation of his Government which he prepared in December, 1886, and from which I have quoted *ante* at pp. 467-473.

A well known editorial writer, in an article contributed to a leading journal shortly after Sir Oliver Mowat's death, tells us that just before the provincial elections of 1886 he was employed by the Conservative party managers to write a pamphlet on this subject for campaign use, and that Sir

## CHARACTERISTICS

Oliver's memorandum having been handed to him in order that he might answer it, he gave up the task, saying that it was unanswerable. 1820-1903

During the latter years of his premiership, and while he occupied the office of Minister of Justice, his correspondence was very large, amounting to not less than six thousand letters a year. It covered a great range of subjects. Intricate and difficult matters were constantly referred to him by the various departments of Government for decision; and a great deal of legislation had to be considered, framed and seen through the House. On the Administration of Justice Bill of 1880 his brief for the Legislature consisted of two large quarto volumes, in which every section of the Bill was pasted, with notes in his own handwriting, showing the object of the clause from which it was taken, and the result of any decisions upon the corresponding section in England or Canada.

'It is always,' says a writer from whom I have already quoted, 'a source of wonder to easy-going people how Sir Oliver Mowat, at the age of seventy-four, succeeds in accomplishing such a vast amount of work and still retains an exceptional degree of health. But the explanation is simple: trained habits of thought and labour enable him, by concentrating his mind on the work before him, quickly to seize upon and dispose of the salient points of a case; while a life of regular and abstemious habits, temperate in the broadest sense of the word, has its reward in a high degree of mental virility and physical strength.'

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Chap. XXIII

‘Another key to the secret is the premier’s yearly holiday. An ocean voyage that leads to John o’ Groat’s and the country of his ancestors in Caithness-shire is as effective a tonic as a summer in the White Mountains, or a resting-time by the sea. Last summer [1893] he made an extended trip to the Lake of the Woods district, and afterwards to the World’s Fair—a programme of travel that might have given pause to a younger man; but the premier undertook it in the highest spirits and returned with them undiminished. In 1880 and 1881 he spent several months in Europe; and again in 1883, 1884, 1888 and 1889, he visited England in connexion with the Mercer Escheat case, the Boundary Award dispute and the Indian Lands argument before the Privy Council.’

I have said that he was a man of gentle nature, courteous manners, and a temper very seldom ruffled; but his was not the gentleness of weakness, but of conscious strength.<sup>1</sup>

During the twenty-four years of his premiership he had many colleagues, beginning with the Hon. Adam Crooks and ending with the Hon. E. H. Bronson.<sup>2</sup> Several of these were men who might themselves have been premiers. Two of them actually became so. All were men of proved ability and high reputation. Yet among such as these,—

<sup>1</sup>‘In him were united gentleness and strength—marks of true manliness and nobility of character.’—Lord Aberdeen, *Preface to the Life of Sir John Thompson*.

<sup>2</sup>See Appendix XIV.



HON. ADAM CROOKS, Q.C., LL.D.

First Minister of Education



## HON. ADAM CROOKS

and by men such as these,—he was always 1872-83  
frankly recognized as the actual, as well as the  
titular leader; and from 1872 to 1896 it was in  
fact, as well as in name, ‘The Mowat Govern-  
ment.’

A keen judge of character, he selected his col-  
leagues with caution and wisdom; and in not a  
single instance did he make a mistake. There  
was never a ‘nest of traitors’ in the Ontario Cabi-  
net. Every man served his leader loyally; and  
each, on abandoning political life, remained a  
steadfast friend and loyal supporter of his former  
chief. Sir Oliver Mowat could say with Mr.  
Gladstone: ‘I am thankful to have been the  
leader of a Liberal party at a period in the  
history of this country when it has been my privi-  
lege and my duty to give the word of advance to  
able coadjutors and to trusted and gallant adher-  
ents.’<sup>1</sup>

Mr. Crooks, who had been Attorney-General  
in the Blake-Mackenzie Administration, became  
Provincial Treasurer in the first Cabinet of Mr.  
Mowat. He had no previous experience with mat-  
ters of finance; but his untiring industry, and his  
capacity in mastering details (born perhaps of  
long practice at the Chancery Bar), soon enabled  
him to master the subject of our provincial finances.  
His ‘budget speeches’ are models of lucidity,  
They read as if they might have been dictated  
without the change of a word; but those who  
remember listening to them from the gallery will

<sup>1</sup> Morley's *Gladstone*, Headnote to Chap. VII. of Book VI.

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Chap. XXIII not have forgotten how difficult, if not impossible, it was for a reporter to follow his rapid and somewhat jerky utterances. Thoughts came too quickly for his tongue to form the words; and had not the speeches been given to the press-gallery in type-written form, it would have been impossible for even the most expert reporter to 'take' them.

When Mr. Mowat formed his first Executive Council he retained from the Blake-Mackenzie Cabinet Messrs. Crooks and McKellar; but the resignation of Messrs. Blake, Mackenzie and the Hon. Peter Gow left another vacancy to be filled, viz.: the Provincial Secretaryship. For this office Mr. Blake suggested the name of one of the most eminent Chancery lawyers in Ontario, who soon afterwards became a Judge; but Mr. Mowat, after consideration, determined that it would be preferable to select the new Minister not from Toronto but from the western part of the province; and his choice fell upon Mr. Timothy Blair Pardee, who had been practising law for ten or twelve years in Sarnia.

No better selection could possibly have been made. Mr. Pardee accepted at first the office of Provincial Secretary; but within a year he became Commissioner of Crown Lands, an office which he held until failing health compelled him to resign it in 1889.

I have referred elsewhere to Mr. Mowat's characterization of his Cabinet as 'a band of brothers'; and in no case more than in that



HON. T. B. PARDEE

Commissioner of Crown Lands



## HON. T. B. PARDEE

1872-89

of Mr. Pardee was the expression an apt one. Like his chief, Mr. Pardee possessed in an eminent degree the judicial mind. He looked at every question dispassionately, not from a partisan's point of view; and he asked himself in every case, whether the 'free and independent' voter, the 'man in the street,' would think it a fair, just and necessary measure. It is an open secret that, in the Cabinet of Mr. Mowat, he took the *role* assigned by the Roman Church to the '*advocatus diaboli*.' When any measure was proposed, it was Mr. Pardee who found all the objections which a clear and subtle intellect could suggest; and not until the measure was so amended as to remove these objections did he give his concurrence. If Mr. Mowat was for many years the Nestor<sup>1</sup> of his Cabinet—as he was often styled—it would not be too much to say that Mr. Pardee was its sage and prudent Ulysses.<sup>2</sup>

Again, the ability with which he administered his Department to the satisfaction of political opponents as well as that of political friends, made him a most valuable colleague. I have already referred to the crusade initiated by the Hon. William McDougall in 1876 against the administration of the Crown Lands Department, and to its utter failure.<sup>3</sup> This was due in great measure to the fact that Conservative as well as the Reform members of the House felt such implicit confidence in the integrity and ability

<sup>1</sup> 'The sage whose counsels long had swayed the rest'—Pope's translation of *The Iliad*, Book VII., l. 390.

<sup>2</sup> 'The great in counsels, Ithacus the wise.'—Pope *Ibid*, Book XIX, l. 154.

<sup>3</sup> See *ante* p. 283.

## SIR OLIVER MOWAT

Chap. XXIII of the Minister; and it was one of Mr. Pardee's great political triumphs.

He was not a fighting man like Mr. Hardy or Mr. Fraser. He spoke seldom and always briefly; but his speeches were listened to with attention; and his statements were received by both sides of the House with respect and confidence.

Few tributes to any Ontario public man have ever been more spontaneous and touching than that which was paid to Mr. Pardee on January 25, 1889, when the premier, in a voice broken by emotion, announced the resignation of his friend and colleague, who was then lying on his death-bed. He said: 'Both sides of the House will agree with me when I say that we part from him with reluctance and sorrow. He is known to us all as the very warmest of friends, and one of the kindest-hearted of men. ("Hear, hear," from Mr. Meredith.) In Council with his colleagues, and as the head of a most important Department in the public service, we have found him invaluable; and his intercourse with persons of every political party and creed has been always most agreeable. Though a strong party man and an uncompromising adherent of his own political views, I suppose there was no man more popular than Mr. Pardee with his political opponents in the House.' At this point Mr. Mowat—for, I think, the only time during his premiership—was obliged to break off his speech and sit down, overcome by emotion. Mr. Meredith followed in a speech which rose far above party limita-

## HON. C. F. FRASER

1873-1894

tions, and showed his generous sympathy with a generous man. He said: 'I hope the day will never come in this country when political opponents will refuse to recognize one another's merits. I can say that this side of the House shares fully in the sympathy accorded to Mr. Pardee. I have always given him credit for being a man of honest intentions and admirable abilities. His colleagues, the House and the country will miss him greatly; and I desire again to express my sympathy with the Government in the sad circumstances which have led to the resignation of so able and capable a Minister.'

Another of Mr. Mowat's first lieutenants was the Hon. Christopher Finlay Fraser. Trained in the hard school of adversity—setting up type in the office of a country newspaper, teaching school, winning his way to an education and a position against tremendous obstacles—Mr. Fraser learned early in life the art of controlling men. Of mixed Scotch and Irish ancestry, he had inherited the Celtic temperament, and he possessed, more than almost any other provincial politician of his time, 'the hand of steel in the glove of velvet.' His management of the Private Bills Committee of the House during many years was a delight to those who looked beneath the surface. Patient to the last degree, and 'suffering fools gladly' during hours of debate, he knew by a certain psychological instinct the moment when the patience of the committee was exhausted. At that moment the vote was taken, and almost always with the result that

## SIR OLIVER MOWAT

Chap. XXIII the chairman desired. Few public men in Ontario had greater opportunities to benefit themselves at the expense of the country; and none ever passed through the ordeal with a more sun-clear record than the Hon. C. F. Fraser. As Minister of Public Works, his Department was often vigorously and bitterly attacked, but always unsuccessfully and to the confusion of the attacker. His best monument stands to-day in the Queen's Park—the only great public building in any country which has been constructed within the estimates and without the faintest suspicion of favour or partiality attaching to those who had to do with its construction.

Next among Mr. Mowat's lieutenants one naturally thinks of his immediate successor in the premiership, the Hon. Arthur Sturgis Hardy, who joined the Administration in 1877, and continued, during the remaining nineteen years of Mr. Mowat's premiership, to be one of his most valued colleagues. Straight-forward, frank, fearless, fertile in resource and possessed of tremendous energy, Mr. Hardy had no superior in the House as a ready and effective speaker. His characteristics as a debater were facility in detecting the weak points of an opponent's argument, quickness in repartee, and personal enthusiasm. He could 'think on his legs;' and he was, therefore, never at a disadvantage, even against the most carefully elaborated attack; but his style had unfortunately been formed too much upon the model of the late

## HON GEO. W. ROSS

1883-1896

Edmund Burke Wood, the 'Big Thunder' of South Brant, and he never entirely escaped from that dominating influence. Again, his brusqueness of manner too often obscured his true kindness of heart and those high qualities of leadership which he undoubtedly possessed. His speeches in introducing the Jurors Act (1879), the Bill to extend the jurisdiction of the Division Courts (1880), and on the Redistribution Bill of 1885, are models of lucid and powerful argument. But he was at his best when his fighting powers were called into requisition, as they were in defence of the Liquor License Bill of 1881, on Mr. Lauder's motion (Jan. 25, 1883), condemning the centralizing policy of the Government, or (in the same Session) on Mr. Meredith's motion to abolish the office of Minister of Education.

The Hon. G. W. Ross has been described by a keen observer of public affairs as 'a master of platform oratory . . . in some respects almost without a superior in the Parliaments either of the country or the Church'; and by another—a leading political opponent—as 'a Canadian whose patriotism is as great as his eloquence.'

Perhaps more than any other of Mr. Mowat's colleagues he followed the traditions of his old leader. His answers to deputations were always courteous as well as diplomatic; and his speech in introducing the Liquor Bill of 1902 was a master-piece. Steering between Scylla and Charybdis, he placed the position before the

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Chap. XXIII House and the country fairly and without apparent partiality; and, though the result of the 'referendum' may not have been what he desired, the wisdom of his action was fully justified by the event. One of his characteristics appeals most strongly to men of Scottish blood: he is first and always a 'bonnie fechter.' Though constantly a sufferer from rheumatism, his energy of mind over-rides all physical obstacles and enables him to share in the joy of combat where a man of less courage would have become a valetudinarian. In the general elections of 1902 it was his gallantry and courage which, in spite of many adverse circumstances, 'plucked the flower safety out of the nettle danger.' Like Roderick Dhu, 'one blast upon his bugle-horn was worth a thousand men.' The successful result of the subsequent bye-elections was chiefly due to his personal magnetism; and the crushing defeat of the provincial Liberal party in January, 1905, was due to causes beyond his control, and for which others were responsible. 'Mr. Ross came to the premiership at a time when the Liberal star was in the descendant. A variety of causes conspired to make it a time of crisis. Nothing but the acknowledged incapacity of the Opposition had saved the Hardy Government from defeat in 1898; and nothing but the same incapacity, together with the personal qualities and platform campaign of the premier, saved the Ross Government from defeat in 1902. The exceptionally long premiership of Sir Oliver Mowat, while it was unmarked by political scandal, left as an inheritance to those

who came after not only an example worth following but also a legacy of difficulties which only radical reconstruction or a term in opposition could solve. It may be that long continuance in office begets, even in a Liberal Government, the spirit and attitude of conservatism and reaction; it certainly is true that with the burden of patronage in its hands and a small majority in its support a Government's chief danger is not from its opponents, but from its eager office-seeking supporters. If there were no patronage or other rewards to be coveted, a change of Government might be more frequently effected; and, even were there no change the Government would not be so openly exposed, as it now is, to the indiscriminating devotion or the vindictive disappointment of any section of its supporters. The successive Liberal Governments in Ontario, through a third of a century, could not expect to be exempt from the ills besetting all other governments. Had the majority in 1898 or in 1902 been adequate, the lowering tendencies at work in both political parties might have been arrested; and such a reconstruction might have been effected as would have rid the Liberal party of the parasites and granted the Government a new lease of life. But the majority was inadequate. Then came a series of political incidents, which, in their cumulative weight, became intolerable. The Liberal Convention of November, 1904, did much to inaugurate a new era in Ontario Liberalism. But it was too late to save the Government. Re-organization and a return to truer ideals were

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Chap. XXIII certainly possible, and would have been brought about along the lines laid down by the Convention. But the country chose the shorter method. It was Mr. Ross's lot to be leader at the time when the inevitable defeat came. But the beginnings of that defeat were before his day, and the forces that made it inevitable were, for the most part, beyond his control.'

One of the most accomplished and versatile of all Mr. Mowat's Ministers was Lieut.-Col. the Hon. John Morison Gibson, M.A., LL.B., K.C.; Prince of Wales prizeman at Toronto University; winner of the Prince of Wales' prize and badge at Wimbledon in 1879; commandant of the Canadian team which defeated the British team in the competition for the Rajah of Kolapore's cup in 1881; President of the Ontario Rifle Association, of the Canadian Military Rifle League, and, since 1893, of the Dominion Rifle Association; President of St. Andrew's Society of Hamilton, and Grand Master of the Masonic Grand Lodge of Canada. He has in his time successfully played many parts. First returned for Hamilton in 1879, he was re-elected in 1885-86, and entered the Government as Provincial Secretary in 1889, in succession to the late Hon. T. B. Pardee. It was expected at the time that he would take the portfolio of Minister of Education, for which his training and scholarly turn of mind seemed especially to fit him; but, to the surprise of many, he accepted the more modest position of Provincial Secretary.

## HON. J. M. GIBSON

From that he migrated to the Crown Lands, a department more frequently and bitterly attacked than any other in the Administration. His management there left nothing to be desired; and on the resignation of Mr. Hardy he succeeded to the portfolio of Attorney-General. That a man of his versatility and ability should have held office so long is not wonderful, but it says much for the tone of our political life that the gravest charge which has ever been brought against Lieut.-Col. Gibson is that his advice is sought and valued by those engaged in extensive financial concerns, and that he is a director of some of those companies which are developing, to a degree hitherto unprecedented, the yet unrealized resources of this province.

To characterize faithfully and in detail the various Ministers who from time to time were Mr. Mowat's colleagues during the twenty-four years of his premiership, would perhaps be tedious. I have named those who have served under him longest, and whose names will be most prominently associated with his when the history of the first thirty years of Ontario comes to be written. The legislation of the Administration is sometimes spoken of as if it were the sole work of the premier; but he of all men would have been the first to deprecate such an idea. In speaking at the great banquet at the Granite Rink, in honour of the successful termination of the Boundary Dispute, he said :—

## SIR OLIVER MOWAT

Chap. XXIII

‘I desire to recognize on this occasion—as I have upon all similar ones—that a large part of the good which I have been able to accomplish as premier has been owing to the able and zealous colleagues with whom I have always been associated. I have been exceptionally fortunate in this respect. During the whole of my premiership there have been from time to time changes in the *personnel* of the Administration, but I have always found the new men quite equal to those whom they succeeded; and my colleagues and myself have always been a band of brothers.’

And again in 1893—when he was presented with the portrait of himself which now hangs on the grand staircase of the new Parliament Buildings—he expressed in words not less sincere than eloquent, his sense of obligation to those who had been content to serve under him as their chief. He said :—

‘I am glad that you appreciate, as I do, the merits of all my colleagues in the Government. It gives me pleasure at all times to bear witness that to them and their predecessors in the Administration the success of my long premiership has very largely been due.’

Nor was it the least of Mr. Mowat’s pieces of good fortune that, during nearly the whole of his premiership, the Opposition in the Ontario Legislature was led by men who personally, if not politically, commanded the confidence and respect of the country. From 1873 to 1878 the onerous and

## SIR M. C. CAMERON

unremunerative post of leader of Her Majesty's Loyal Opposition was filled by the Hon. Matthew Crooks Cameron, who had, with Mr. Mowat, been a member of the Legislative Assembly of old Canada prior to Confederation, and who, during the short Administration of the Hon. John Sandfield Macdonald, had held successively the posts of Provincial Treasurer and Commissioner of Crown Lands. Mr. Cameron was a Tory by birth, by education and by instinct. Law reform, franchise reform, indeed reforms of almost any sort appeared to him both dangerous and unnecessary; and his faculty for destructive criticism was often most helpful to the Government in searching out weak points in the legislative suggestions of too enthusiastic radicals. Yet he was not an ideal parliamentary leader. Had he devoted himself to politics as he did to his profession, he would have been a most formidable opponent; but the game of politics requires entire and undivided attention on the part of those engaged in it, and this Mr. Cameron was never able to give. Again, he was not in sympathy with many of his followers, and was intimate with only a few of them. His attendance at the House was fitful; but his readiness in debate, his wonderful quickness of apprehension, and his tenacious memory, enabled him, at a moment's notice, to detect the sophistry of an argument, and to expose it with rare force and ability. Politically no two men could have differed more widely in their views than Mr. Cameron and Mr. Mowat, yet their differences in no way affected their

1873-1878

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Chap. XXIII long-standing personal friendship, and the debates of the second Parliament of Canada will rank with those of any deliberative assembly in the Empire. 'Mr. Cameron,' says the late Mr. D. B. Read, Q. C., who knew him well, 'was a Tory of Tories, but one to whom Toryism spelt *noblesse oblige*; manly, open, generous, a lover of men, he was nevertheless lacking in *bonhommie*, and therefore was somewhat a failure as a political leader.' Mr. Read illustrates this by a story: 'Mr. Cameron was asked to run for the mayoralty of Toronto in 1860, and was introduced to several prominent electors, who naturally desired to shake hands with the candidate. When this had occurred a few times, he said to me, "Read, must I shake hands with everybody in this way? Is it necessary in a candidate for the mayoralty?" I said, "Yes, certainly, Mr. Cameron." "Then," said he, "if that's so, I won't run;" and he abandoned his candidature.' This disinclination to go about shaking hands seriously affected Mr. Cameron's influence as a political leader. In his time the caucus was almost an extinct institution on the Conservative side of the House. The leader gave the cue, and the followers had to accept the situation. As Mr. Dent truly says: 'Mr. Cameron was not seen at his best on the floor of the House. Some of his political ideas were wholly at variance with the prevailing tendencies, and many of his parliamentary utterances had an unmistakable flavour of the lamp. He was sometimes commonplace, and too often carping and fretful.'

## SIR WILLIAM MEREDITH

1878-1894

Upon Mr. Cameron's elevation to the Bench in 1878, he was succeeded in the leadership of the Opposition by Mr. William Ralph Meredith of London, who held the position from 1878 until 1894, when he, like his predecessor, became a Judge. There was no man in the ranks of the Opposition upon whom the choice could more worthily have fallen. Mr. Meredith, at great personal sacrifice, devoted himself to politics; and he was in many respects an almost ideal leader. His industry was untiring, and his knowledge of political affairs exhaustive and complete. Always ready in debate, and judicial in the tone of his arguments, he was a generous and formidable opponent. Especially in Committee of the Whole House, where details of legislation are worked out and party issues are for the moment forgotten, Mr. Meredith's services to the province were simply invaluable. His personal popularity was great. The *Montreal Witness*, a Liberal journal, declared him to be 'perhaps the most popular public man personally we have ever had in Canada'; and the House testified its appreciation of his services by voting him a salary of \$2,000 per annum, which, however he declined to accept.

Unfortunately, however, for Mr. Meredith, especially during the later years of his leadership, he was trammelled by political alliances of such a character as to make him a 'governmental impossibility' in Ontario. His attacks upon the separate school system, and the use of the French language in the public schools alienated from him and his

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Chap. XXIII followers a large measure of Roman Catholic support. On the question of provincial rights he upheld, from first to last, the cause of the Dominion Government. He supported and justified their repudiation of the Boundary Award, their disallowance of the 'Act respecting Rivers and Streams' and their transfer of provincial railways to Dominion control. His conception of the intention of the British North America Act was in fact similar to that of Sir John Macdonald, which would have reduced the provincial legislatures to the level of mere county councils. As a natural result, he was for years on the unpopular side; but his indomitable courage never failed; and, now that the smoke of battle has cleared away, we are better able to judge the wisdom which underlay many of his suggestions, when these were not influenced by the exigencies of Dominion politics.

Like the Hon. M. C. Cameron, Mr. Meredith was not in entire sympathy with his environment : Mr. Cameron, because he was more Tory than his followers: Mr. Meredith, because he was what a recent biographer of the late Lord Beaconsfield calls 'an aristocrat-democrat.' Almost alone among his followers, he demanded manhood suffrage years before the country was ripe for that measure; he declared himself in favour of the appointment of county officials, registrars, sheriffs, licence commissioners, etc., by county councils instead of by the central Government; he advocated biennial sessions of the legislature, after the example of some of the American States,

## MR. G. F. MARTER

1894.96

and he was an active advocate of labour legislation. Again, like Mr. Cameron, he was not sufficiently patient with the slower mental processes of less active intellects among his followers. The caucuses of the Opposition during his leadership too often resembled those which were held in Ottawa under the premiership of the Hon. Edward Blake. It was a case of 'Eclipse first, and the field nowhere.' The party leader had made up his mind, and the rank and file of the Opposition, though somewhat reluctantly, had to follow. One remembers something of the same sort in the history of Lord Beaconsfield's third Administration, when in the debates on the Reform Bill of 1867, the party never knew what line their leader intended to take, or what amendments he was willing to accept from the other side of the House.

At the beginning of the Session of 1895 Mr. G. F. Marter succeeded Mr. Meredith in the leadership of the Opposition, and continued to hold that position until April, 1896, the last Session of Mr. Mowat's premiership. He was a man of blameless private character, strong convictions and genial manners; but, his education having been commercial rather than legal, he was unfitted to cope with the Attorney-General on many of the questions which came before the House, or to lead a party which contained stronger wills than his own. The chief measures by which he will be remembered were the introduction in 1893 of a 'Bill to prohibit the sale by retail of intoxicating liquors,'

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Chap. XXIII and an attempt in 1894 to discontinue the maintenance of Government House. It may be said for him, as for his predecessors, that he did all in his power to maintain the high traditions of the Legislative Assembly. Very seldom indeed was the decorum of debate disturbed to such an extent as to call for the intervention of the Speaker; and it is partly due to the influence of such men that not until very recently has the Legislature of this province witnessed anything like the disgraceful scenes which marked the Sessions of the Assemblies of Nova Scotia in 1865, of New Brunswick in the same year, and of Manitoba and British Columbia in still later days.

Lastly, Sir Oliver was fortunate in the Lieutenant-Governors under whom he served and in the officials who served under him. During his premiership Ontario had six Lieutenant-Governors, viz.: Sir W. P. Howland, the Hon. John Crawford, the Hon. D. A. Macdonald, the Hon. John Beverley Robinson, Sir Alexander Campbell, and Sir George A. Kirkpatrick. Every one of these had been, and continued to be, a personal friend of the premier. Two of them, like himself, were Kingston men; and one, the Hon. D. A. Macdonald, had been not only a personal friend but a political ally. Every one of them was imbued with a high sense of the responsibility attaching to the office of a constitutional Governor; and, fortunately, we have never had in Ontario anything like those difficulties which arose in Quebec between the Hon. Luc

## LIEUTENANT-GOVERNORS

1872-1891

Letellier St. Just and the De Boucherville Ministry, and, in the province of New Brunswick, between Lieutenant-Governor Gordon and the Administration which was led by the Hon. A. J. Smith.

Speaking at St. Thomas in 1891 of his relations with the Lieutenant-Governors under whom he had thus far served, Sir Oliver said:—

‘I have had to do in my present position with five Lieutenant-Governors, of whom one only, the Hon. Donald Alexander Macdonald, was appointed under a Liberal Dominion Administration. That gentleman was in political sympathy with his advisers here and their party; but no one in the Conservative party ever suggested, or had occasion to suggest or suspect, that he did any act as Governor to give an unjust or improper advantage to his party.

‘Sir William Howland was the Lieutenant-Governor by whom I was called upon to form an Administration. Up to the time of his appointment he had been a member of the Coalition Government of 1864, and afterwards of the first Confederation Government under the premiership of Sir John Macdonald; yet his perfect impartiality and fidelity to constitutional duty towards the government of Mr. Sandfield Macdonald, as well as to that gentleman’s successors, has never been questioned or doubted, though he had an important and difficult governmental crisis to deal with in the middle of his term. The other three Lieutenant-Governors under whom I have had the honour to serve were the Hon. John Crawford,

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Chap. XXIII the Hon. John Beverley Robinson and Sir Alexander Campbell. They had all been active and zealous Conservatives, fighting against the Liberal party with all their might. Two of them were members of the House of Commons at the time of their appointment, and the third had been the Conservative leader in the Senate for many years; yet I am able to say, and I have pleasure in saying, that every one of the three acted always with scrupulous care the part of a constitutional Governor, wholly uninfluenced by party feelings.

‘The position of each of them may sometimes have been trying; for on important questions between the Reform party of Ontario and the Conservative Government of the Dominion there has been active antagonism on the part of the Lieutenant-Governor’s advisers in this province towards the party to which the Lieutenant-Governor formerly belonged; yet we have never once had to complain of partisanship, or the shadow of it, or a disregard, or even a forgetfulness in any respect of a Governor’s constitutional obligation.

‘In provincial affairs our Lieutenant-Governors were the Queen’s representatives; and, as was their duty, they always used their powers with perfect freedom from partisanship, and according to the constitutional rules governing Her Majesty in like cases. The contrast between these cases and the one which occurred in Quebec some years ago is all the more remarkable, in that not one of our Lieutenant-Governors had the advantage of an interval of absence from

## THE CIVIL SERVICE

politics as a Judge or otherwise, before being appointed Lieutenant-Governor.' 1872-1896

And with the officers of the Ontario Civil Service his relations were of an equally cordial character. In 1882 he writes :—

'When the Reformers came into power in this province, almost all the officers of the Government were of another political party, and many of them had been appointed for that very reason. Apprehension was not unnaturally felt by Reformers, that some of these officials might be spies for the political friends from whom they had received their appointments; and that it would be disagreeable to have to work with officers in whose fidelity the Ministers had not yet acquired confidence; but not a single officer was discharged on that account, nor was his position in the public service changed. Most of them hold their offices still;<sup>1</sup> and I am bound to say that I am not aware of a single instance from that day to this, in which any officer played the spy. A different policy would have involved the adoption of the American system, and every new Government would feel at liberty to remove all officers not appointed by themselves, or by their political friends.'

I have now done my task; not as I would, but as I could; and, to conclude my book, I insert some

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<sup>1</sup> Official returns shew that when Sir Oliver Mowat resigned the premiership fourteen years afterwards (July, 1896), there were still no less than 37 out of 64 officers of the Ontario permanent Civil Service who had been appointed before he became premier in November, 1872. Of the remaining 27, 20 had died in the service, 6 had resigned or had been superannuated, and 1 had been dismissed.

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Chap. XXIII reminiscences and sketches of Sir Oliver Mowat by other pens. One of his most intimate and valued friends, Miss Agnes M. Machar ('Fidelis'), whose name has already appeared more than once in these pages, writes as follows :—

“There are few people of whom one could more pleasantly recall characteristic reminiscences than of Sir Oliver Mowat. His sincere, genial nature, his genuine goodness and kindness of heart, and his sunny temperament—dwelling by preference on the bright side of things and people—made him a friend whom it was always a pleasure to meet, and none of the memories of whom one would wish to forget. The only pain entering into them is that the intercourse which they recall is now a thing of the past. My first remembrances of him are almost lost in the mists of childhood. But I can clearly recall an epoch-making visit paid to his pleasant home in Toronto, when he, as a rising lawyer, had but recently settled down with his young and charming wife in a pretty cottage on Church Street. My mother was with me,—whom Sir Oliver always regarded as one of his most revered friends, as he did my father, also, his first pastor, to the end of his life, long after both of them had preceded him into “the silent land.” He and his amiable wife on this occasion did all that kindness could do to make our visit pleasant : driving us about the city—then so much smaller than now—and taking us to see the old Parliament buildings, which were to witness so much of his

## MISS AGNES M. MACHAR

1903

public career, and eventually, under his supervision, to be replaced by the massive pile which now fulfils their office. In after days I had the privilege of being a frequent guest at the successive homes which he occupied in Toronto, and of forming, for a time, one of the happy family circle—treated almost as a daughter—in a household whose atmosphere always seemed to me to be mellow with the “sweetness and light,” the culture and refinement characterizing the happily mated pair who presided over it, and in which the current of daily life seemed to be “That constant flow of love, that knows no fall; Ne’er roughened by those cataracts and breaks That humour,<sup>1</sup> interposed, too often makes.”

‘Indeed, it may be safely said that to the bright serenity of his well-balanced nature, no less than to his shrewd intuitions and capacity for hard and unremitting work, Sir Oliver owed his success as a politician and a ruler, as well as, in all probability, his reaching the good old age to which he attained.

‘This bright serenity was securely founded on his firm faith in God, and in the high hopes and ideals of the Christian religion.

‘It happened that I was a guest in his house on Simcoe Street, in Toronto, when the call came to him to leave his congenial work and secure position as Vice-Chancellor in order to enter the troubled arena of public life and take office as Attorney-General of Ontario. It could hardly

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<sup>1</sup> Cowper—*My Mother’s Picture*. In Cowper’s time ‘humour’ meant ‘caprice,’ ‘oddness of mood or manner,’ ‘freakishness.’—*Century Dictionary*.

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Chap. XXIII have been predicted then that he would hold the reins of power in his native province for so many years; and he was giving up a safe, pleasant and lucrative post which he might naturally have expected to hold for life. He and all his friends knew that it was a venture. But he felt that the good of his country needed the help he could give; and, critical as he knew the decision to be, it was made with a cheerful readiness that took no heed of merely personal considerations. That he had no reason to regret it, the record of the succeeding years has shown. But at that time the future was an uncertainty. He took the step simply because he believed it was his duty to his country.

‘It was in the same spirit that, years after, when he had been so long firmly seated as Premier of Ontario, he once more stepped out of his secure position, and entered the then tumultuous sea of Dominion politics, at the call of patriotism, which he felt he could not resist. In this, some of his friends thought he dared too much; but here again, his ungrudging and cheerful response to what he felt the call of duty, was amply justified by the result. And when, having served the need of the time, he finally left the Dominion Cabinet for the honourable office of Lieutenant-Governor of Ontario, all felt that this was an appropriate, even an ideal, close for a life of patriotic activity; of which it might be said, in a special sense, that “the end crowned the work.”’

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'Sir Oliver's sense of humour was one of his most prominent characteristics; and it served a useful purpose in lightening the burden of responsibility that he carried so long without injury. In his private life it lighted up his conversation, and gave added geniality to his always kindly manners. For it was a kindly humour, from which everything that savoured of sharpness or bitterness was absolutely remote. It was a trait that he always enjoyed in others: especially in the frank social intercourse which was one of his favourite recreations, when his playfully genial mood would light up his face with the characteristic sunshiny smile, in which humour and benevolence seemed equally blended. This was to a great degree characteristic even of his later days at Government House; days when his life had become clouded with the shadow of heavy bereavement, and when the burdens of infirmity and pain must have weighed heavily upon him.

'But his peace of mind was not disturbed even by the experience of the disabilities of age which, like all men of much vitality, he had always dreaded. For the peace which possessed his soul and kept him ever serene and gracious, was established on sure foundations, beyond the "changes and chances of this mortal life." He had from his early youth been an earnest believer in the great verities of the Christian faith; and in old age he found spiritual strength from the same faith which had carried

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Chap. XXIII him through the difficulties and complexities of life,—when his most pressing public duties never kept him from availing himself of the privileges of Sabbath rest and worship. To his early pastor, the Rev. Mr. Machar, and his later Toronto pastor for many years, the Rev. Dr King, and to others whose preaching he valued, he often referred gratefully as his spiritual benefactors.

‘There were other elements of happiness, too, to cheer his gradual descent into the “valley of the shadow :” The “*mens conscia recti*,”—the day’s work well done—the love and devotion of his children and friends and the bright companionship of his grand-children, the warm sympathies and affections that held him closely by the ties yet remaining, the recognition by his country of his life of faithful service, all these combined with his firm faith in the love of God and the Divine Sacrifice for sin to keep his spirit bright and serene to the last, enabling him to realize in his own experience, the truth of the words, “The path of the just is as the shining light that shineth more and more unto the perfect day.”’

The Hon. James Young (M.P., 1867-1878; M.P.P., 1879-1886; Provincial Treasurer, June 2-Nov., 1883) writes as follows:—

‘My reminiscences of Sir Oliver Mowat might fill a volume, instead of two or three pages. Next to Macdonald and Brown, he was probably the greatest Canadian who helped to found our

## HON. JAMES YOUNG

Confederation at the Quebec Conference in 1864; and in constructive statesmanship he deserves to be ranked foremost among all our legislators. 1903

‘Beneath a quiet, unassuming manner, which sometimes misled superficial observers, he was a man with natural abilities of the highest order, immense force of character and unusual quickness of perception. A man is said to be seldom a hero to his valet, but the more one came into contact with Sir Oliver the more brilliantly did his fine qualities shine forth.

‘Whilst I was a member of his Cabinet, his chief lieutenants were the Hon. T. B. Pardee, the Hon. C. F. Fraser, and the Hon. A. S. Hardy, men themselves conspicuous for ability, personal forcefulness and tenacity of purpose.

‘The period was critical. For a short time even bloodshed was feared at Rat Portage over the disputed Boundary Question. Nevertheless, when, after listening patiently to Cabinet discussions,—always dignified and never hurried or flurried—Sir Oliver finally expressed an opinion, discussion invariably and immediately ceased, so supremely correct was his judgement regarded by his colleagues.

‘Some Canadians have surpassed him in brilliancy and eloquence; but none as a jurist, statesman and political leader. It is not generally known that at the Quebec Conference he was chosen by Sir John A. Macdonald, and entrusted with the duty of putting its decisions into con-

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Chap. XXIII stitutional and legal shape; and the charter of our Dominion is largely the work of his pen.<sup>1</sup>

‘That he was a great lawyer is further attested by his invariable success before the British Privy Council, in his legal controversies with Sir John Macdonald, Sir John Thompson, and other Dominion Ministers.

‘The statute-books of our province are a lasting monument to his wisdom and remarkable industry as a legislator.

‘For Ontario he was an ideal political leader, an able debater and a clever tactician; combining dignity with cordiality, and firmness with courtesy. No other Canadian leader ever enjoyed more fully the admiration and attachment of his followers, or so much of the respect and good-will of his opponents. His success was unprecedented, and his Administration governed Ontario with signal ability and without a single stain for nearly a quarter of a century; a period longer than the rule of Lord Liverpool’s famous British Ministry, or, indeed, any other known to constitutional history.

‘Like Mr. Gladstone in England, Sir Oliver Mowat won for himself the name of ‘Canada’s Christian statesman’; and he has left behind him a brilliant and inspiring example. It was fitting that such a man should never know defeat by the people; and as he grew gray in their service

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<sup>1</sup> Mr. David Matheson, of Ottawa, says that nearly every one of the original resolutions of the Quebec Conference of 1864 is in the handwriting of either Sir John A. Macdonald or of Sir Oliver Mowat.

as Ontario's Prime Minister, it was fitting that he should have been called to be a Senator and the Minister of Justice for the Dominion, and that he should close his successful career as Lieutenant-Governor of Ontario, universally honoured and respected by all classes of our people.'

The Hon. Geo. W. Ross, LL. D., late Premier of Ontario, and one of Sir Oliver Mowat's most valued colleagues, writes:—

'Any analysis of the character of a successful public man, no matter how impartial or accurate, will not disclose the secret of his power, any more than the scalpel of the anatomist will disclose fully the physical power of the person whose nerves and muscles are opened to inspection. When analysis is exhausted, either as to mental or physical qualities, there remain the intangible elements of tact and judgement, by which the most extraordinary results are accomplished, which admit of no explanation by any ordinary powers of reasoning. It is when the thing is done, when the success has been achieved, that the onlooker, to whom the situation was perplexing, if not mysterious, recognizes how simple are the methods of genius, and how short are the processes by which its purpose is attained. That Sir Oliver Mowat possessed this wonderful gift of solving difficulties, apparently insurmountable, is obvious from the facts set forth in the preceding pages. Take one illustration: the settlement of the Municipal Loan Fund

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Chap. XXIII problem. Here was a proposition of extraordinary magnitude. A large number of the municipalities of the province were indebted to the treasury for sums so large that to enforce a settlement in full would mean bankruptcy. Not only was the payment of the principal sum beyond their means, but the annual interest was found to be a burden. How were they to be relieved; that was the *cru*x of the situation. Simply to cancel their indebtedness would be unjust to the municipalities that had not borrowed from the treasury; or, having borrowed, had paid principal and interest. To enforce payment would mean confiscation to the ratepayers; to allow the debt to accumulate was to aggravate their trouble. Happily for Sir Oliver's Government, the province had at this moment several millions in the treasury which were available for immediate use. By crediting all the municipalities of the province *pro rata* with a certain sum per head, of this surplus, the defaulting municipalities would have their debt reduced, while the non-defaulters would have placed at their disposal an equivalent sum *per capita*; thus settling a most vexatious question without cancelling the obligations of defaulting municipalities, or doing injustice to those municipalities that were not creditors of the Government.<sup>1</sup>

‘Many other instances might be given of similar judgement and foresight. To do so, however, would involve needless repetition.

<sup>1</sup> See *ante*, pp. 200-210.

'But while a detailed analysis of Sir Oliver's character would still leave undisclosed the secret of his power, there were certain elements without which, humanly speaking, success would have been impossible, which are worthy of examination, and which were strikingly characteristic of the man as a statesman and a leader of men.

'(1.) He was a man of exceptional patience and earnestness. Like the philosopher in his laboratory seeking for the solution of some chemical or physical problem, he was never baffled by difficulties. If one method failed, another was tried; and so on, until the results obtained were conclusive. If the information required was offered by a deputation, every member of the deputation was encouraged to speak. Even those to whom criticism was more congenial than suggestion, were allowed the fullest liberty of speech.

'In the House, his patience under discussion was equally conspicuous. He was for many years confronted with an Opposition, exceptionally vigilant and active; and although it cannot be said that on any large question his critics ever proposed an alternative policy that was entitled to public confidence, they nevertheless were most persistent and often microscopic in their dissection of details. Among the most formidable and large-minded of these might be mentioned Sir Matthew Crooks Cameron, Sir William R. Meredith, the Hon. Wm. McDougall, and the Hon. Alex. Morris; and among the minor critics, but no less troublesome and

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Chap. XXIII destructive, might be mentioned Mr. John C. Rykert, member for Lincoln; Mr. David Creighton, member for North Grey; Mr. James Clancy of East Kent, and Mr. E. F. Clarke of Toronto. The eminent position held by many of these men before they entered Parliament, or after their retirement, is ample proof of their superior ability and general attainments. Few men could dissect a Bill or expose the weakness of a rival's position better than Sir Matthew C. Cameron or Sir William Meredith; and when it came to a criticism of a financial question, both Mr. Creighton and Mr. Rykert were troublesome and oft-times exasperating opponents.

'It is not the business, or perhaps the best policy, of an Opposition always to be reasonable. Often, more is accomplished by tactics that have nothing to recommend them except that they are destructive as well as obstructive. Not that a policy of this character should be the rule; but, as in the case of the Home Rule party in the British House of Commons in the early days of Mr. Parnell, or in the discussion of the Remedial Bill in the Canadian House of Commons in 1896, nothing short of the utmost liberty that the rules of parliamentary procedure allowed would suffice to make the desired impression on the country. Sir Oliver was more than once confronted with similar tactics, although perhaps in a somewhat narrower sphere. Scarcely a Session passed without a debate prolonged far beyond the necessity of the case, either for in-

struction or elucidation; but through it all, he bore himself with patience and courage, neither doubting the goodness of his cause, nor dreading the consequences of the attack.

Lord Rosebery, in his *Life of Pitt*, refers to a conversation which was said to have taken place as to the quality most required in a Prime Minister. While one said "eloquence," another "knowledge," and another "toil," Pitt said "patience." Those most closely allied with Sir Oliver assert that they hardly ever knew his temper to be ruffled, either by the pressure of his friends for favours, or by the assaults of his adversaries. To refuse an unreasonable request gracefully and firmly, and yet to leave on the mind of the applicant that he is warranted in making such a request is an art possessed by very few. It was said of Canning that he never learned the first lesson essential to one who aspires to lead a party, viz : "to suffer fools gladly." This expression, if taken literally, may involve a reflexion, but it nevertheless suggests that a leader must respect the foibles of his own followers, and even assume that their motives are not dishonourable, when their opinions and advice are obviously erroneous.

(2.) Sir Oliver Mowat was pre-eminently fair-minded. Although a strong and unswerving Liberal, he never acted as a partisan. Towards his political opponents he always maintained an attitude of personal good-will; and, although a keen debater, he never indulged in "flouts and gibes" which rankled in the mind long after the

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Chap. XXIII occasion on which they were uttered was forgotten.<sup>1</sup> Indeed, he was so tolerant of his political opponents, and so considerate regarding their record and traditions, that on many questions he was regarded as more averse to change than Conservatives themselves.

It must not be assumed, however, that Sir Oliver was not a Liberal in the truest sense of the word. Till the close of his active public career, his mind was very open to all questions of practical reform. Indeed, it may be said that no legislator in Canada ever inaugurated so many reforms in the administration of justice, in municipal law, or in the organization of public institutions, as were adopted during his term of office, and which have stood the test of experience.

'But while his fair-mindedness gained for him the respect of his opponents, it was also one of the chief sources of his strength in the country. It particularly affected the attitude of the Roman Catholics of the province towards the Liberal party. The strong ground taken by the Hon. George Brown against separate schools, and his vehement denunciations of the hierarchy, had arrayed the great bulk of the Roman Catholic electors against the Liberal party. Sir Oliver's association with Mr. Brown naturally excited their distrust; and it was not until he undertook the improvement of separate schools that that distrust was overcome. That he succeeded in gaining their confidence without any

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<sup>1</sup> See *ante* p. 212.

loss of his own following, shows how justly he meted out legislation necessary to the efficiency of separate schools, and without injury to the public school system of the province. Sturdy Protestant as he was, and premier of a province overwhelmingly and aggressively Protestant, he was able to do justice to a minority, and do it so openly and so evenly as not to offend the Protestant majority, on which his political existence depended. No more signal triumph of tact and even-handed justice is to be found in the political records of the country; and no better illustration of Liberalism, as defined by a writer in the *Nineteenth Century*, has ever been offered: "True Liberalism is a tendency working for righteousness, for liberty, for equity, between class and class, and between nation and nation. It is the unselfish temper in public life, the spirit of wisdom and sagacity in politics."

'(3.) His courage and loyalty. "Timidity is not the language of politics." So said D'Israeli early in his own career; and to that idea his own success was largely owing. And what was true of D'Israeli was equally true of Sir Oliver Mowat. Nothing but the most undaunted courage could have carried him through a decade of conflict with Sir John Macdonald, on the constitutional rights of the province. When the prestige which Sir John Macdonald possessed, as one of the Fathers of Confederation, is considered; his dominant influence in the Parliament of Canada, and his large majority, even in Ontario, on which

## SIR OLIVER MOWAT

Chap. XXIII

Sir Oliver was solely dependent, it will be apparent that more than ordinary courage was necessary to throw down the gage of battle and to challenge his contention in the Courts, and, still more, at the polls. Sir Oliver had to contend against a tactician of ability unsurpassed in the history of Canada, with the patronage of a strong Government in his hands, and with a following as loyal and enthusiastic as any leader could wish. He could command the best legal talent in the country to carry out his purpose. He was a lawyer of vast experience and resource. To question his knowledge of constitutional law was to arouse the Conservative party in Ontario; yet this was what Sir Oliver did when he appealed to the highest tribunal in the British Empire for rights which were denied him by Sir John Macdonald, and in some cases by the Courts of this country. Any one who reads the speeches of those days can see how Sir Oliver's attitude was regarded by the leader of the Conservative party. Sir Oliver must not only be beaten in the Courts but he must be driven from power; "he must go," because of his resistance to the will of the Conservative chieftain. But Sir Oliver never flinched in either case; and both the Courts and the country ultimately vindicated his judgement and sustained his contention.

But perhaps the crowning feature of his political career, and the one for which he will be held in highest esteem, was his genuine British loyalty. It required no interpreter of political opinion

to explain that in the early 90's a strong pro-American sentiment had insidiously pervaded Ontario, the source of which it is not easy to determine. It made itself known occasionally at public gatherings; and though muffled and incoherent, its existence was unmistakable. All it wanted was leadership, or opportunity and time to give it power. On the other hand, by a timely exposure of its plans and intentions, it might be possible to stifle it in the cradle. Sir Oliver was not long in deciding as to his own course at such a crisis; and, in a letter to the Hon. Alex. Mackenzie, he declared his position on the relation of Canada to the mother-country, and its duty to the Empire. His dismissal of an officer of the Government for publicly avowed annexation sentiments accentuated this view; and the advocates of absorption in the United States felt that their cause was hopeless against such a powerful champion of British connexion. Here, as in other cases, he proved his capacity for leadership by appealing to the better sentiments of the people, and by the disinterested enthusiasm with which he presented his arguments.

'Few men possessed to such an extent the power of winning the respect of all with whom he came in contact. His well-known convictions regarding the verities of Christian doctrine and his own pure and blameless life, won for him the confidence of all Christian denominations. Even those who thought him mistaken in judgement acquitted him of selfish motives. His unas-

## SIR OLIVER MOWAT

Chap. XXIII suming manner and the unostentatiousness of his life relieved him of all charge of self-seeking. His speeches were entirely free from the appearance of presenting himself rather than his theme to the public. While respectful to friends and foes he was never obsequious. He could take and give the blow of a combatant without apology or reservation; and when the battle was at its highest, he was as serene of countenance as if he were a disinterested spectator.

‘His personal friendships were sincere and tenacious. The cares of office never chilled the impulses of a nature naturally kind and generous, and those who shared his hospitality always felt the glow of his kindly disposition. The description given by Hazlitt, in his *Men of Letters* of a friend, applies very aptly: “One of those few persons who are what they would be thought to be. Sincere without offence; firm but temperate; uniting private worth to public principle; a patriot without an eye to himself; one who never betrays an individual or a cause he pretends to serve; in short, that rare character—a man of common sense, and common honesty.”’

May I not fitly close this volume with two sentences, one from the *Life of the late Bishop of London* (Mandell Creighton), who says:<sup>1</sup>—“In no vocation in life so much as in politics is a man’s character influential, even apart from the things which he may be able to do”; the other

<sup>1</sup> *Life and Letters of Mandell Creighton*, by his wife, vol. ii., p. 475.

## CONCLUSION

from the biography of a great Canadian statesman, whose ancestry, environment and political and religious creed were all as different as possible from those of Sir Oliver Mowat, yet whose memory, like that of the subject of these memoirs, is to-day revered as well by Protestants as by Roman Catholics, by Liberals as by Conservatives, by Upper Canadians as by Nova Scotians—the late Sir John Thompson—whose biographer thus concludes his very interesting work :—

‘The leading features of his character—love of country and love of home, reverence for religion and regard for justice, loyalty to the Empire and devotion to duty—may be considered as the basis of his success in life; the root from which sprang popular approval and regard; the means by which his reputation grew from more to more; the source of the honours conferred upon him by his Queen and his country; the reason for the example his career affords to all young Canadians and to all loyal citizens of this great Dominion.’



## APPENDIX I

THE FAMILY OF JOHN MOWAT, ESQ., OF KINGSTON, ONT.

(See p. 8.)

The children of John Mowat and Helen Levack were :—

1820-1861

Oliver, born July 22, 1820; married May 19, 1846, Jane, daughter of John Ewart; died April 19, 1903; seven children.

George Levack, born March 27, 1823; married Sept. 13, 1848, Jessie, daughter of Robert Bruce; died April 20, 1871; four children.

John Bower, born June 8, 1825; married (1) Sept. 24, 1825, Janet, daughter of Rev. Dr. McGill (she died Dec. 26, 1856); (2) June 26, 1861, Emma, daughter of Hon. John McDonald; died July 15, 1900; five children.

Catherine Ann, born June 11, 1828; married Sept. 13, 1848, to John Fraser (he died Jan. 27, 1889); ten children.

Jessie, born March 24, 1833; married Aug. 2, 1854, to John Duff (he died Oct. 10, 1902); four children.

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The children of Oliver Mowat and Jane Ewart were :—

Jane Helen, born June 19, 1847; married Sept. 7, 1875, to Charles Robert Webster Biggar; eight children.

Jessie, born Nov. 29, 1849; died the same day.

## APPENDIX I

See p. 8      Frederick, born Feb. 23, 1851; married Sept. 30, 1891, Lily Waterson, daughter of Major George Greig; three children.

    Laura, born May 23, 1853; married Jan. 11, 1882, to Thomas Langton; one child.

    Arthur, born Oct. 29, 1855; married Sept. 30, 1881, Elizabeth Barnett, daughter of Rev. William MacLaren, D.D. ; four children.

    Edith, born Jan. 13, 1859.

    John, born Aug. 1, 1860; died Oct. 2, 1861.

## APPENDIX II

Extracts from report of Hon. O. Mowat, Postmaster-General, to the Executive Council, August 12, 1863, on the application of the Grand Trunk Railway Co. for an increased postal subsidy.

(See p. 119.)

‘The company’s representatives state in their correspondence “that the Grand Trunk Railway was brought before the public of England, and their subscriptions asked towards its cost as *an undertaking guaranteed by the province of Canada*”; that “the statements of the prospectus were put forth by the authority of the leading statesmen of this country, confirming the assertions that the capital was *practically guaranteed by Canada*”; that “this was done for the purpose of inducing Englishmen to find the money for building the road”; that “by representations made upon official authority—representations which were echoed throughout the length and breadth of Canada, both in the columns of the public press and in the halls of Parliament,” Canada induced English capitalists to find that money which the country itself, by its Acts of Parliament, had undertaken to find”; and it can hardly be seriously urged that the province, which has reaped such vast benefits from the outlay connected with the building of the Grand Trunk Railway, should now seek, in defiance of every pledge and promise, to avoid all responsibility for

## APPENDIX II

See p. 119    the *official statements* by which third parties were induced to subscribe their money.”’

‘As to these allegations the Postmaster-General remarks that: without observing on the language which the company’s agents have thus deemed it for their interest to employ, he begs to say, that in regard to this whole argument he concurs in the view expressed by his predecessor in his report of October 29, 1862, viz.: that—

“Past communications between this Department and the company have been greatly complicated by claims preferred by the latter, on grounds of a purely political character. References are constantly made to promises published in the original prospectus issued by the promoters of the undertaking, and to the nature and scope of various arrangements subsequently entered into with the provincial Government, the aim being to establish some special right to favour or recompense on the part of the railway. The undersigned deems it his duty to say, that with matters of this description he has, in his present capacity, nothing whatever to do. Whether promises originally put forward have been fulfilled or not; whether the Government or the province can be held to be equitably or morally liable for those promises or not; whether the stockholders and bondholders of the concern have any peculiar claims to Canadian generosity, are questions which it is proper to exclude from view in any attempt to arrive at just conclusions in regard to a purely

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business contract' . . . . 'The undersigned, as head of the Post Office Department, feels bound to confine himself to the single question of postal service, and with this, too, he is bound to deal only upon its merits. The province requires certain mail facilities. The railway may fairly be asked to afford them; not only because they come within the scope of its legitimate enterprise, but because they may be regarded as in part the price paid by a powerful corporation for the privileges with which it has been invested by Parliament. Extraneous considerations must, then, be excluded from the account, and the question to be settled resolves itself into one of a strictly commercial character. What is the mail service performed by the railway company worth? What is the money-value of the facilities afforded to the Department? What should the Department be required to pay for the accommodation and the service provided and rendered by the company? In this light the undersigned proposes to deal with the matter before him."

Mr. Mowat then proceeds :—

'But an examination of the ascertained facts seems to the undersigned to demonstrate that the claim is not well founded on the part of any known portion, small or large, of the present shareholders and bondholders; that Canada has done everything it undertook to do; that no representation was made in the prospectus that the capital was "guaranteed" or even "practically

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See p. 119 guaranteed" by the province; that no authorized representation to that effect was made anywhere; that there was no pledge or promise by the Parliament or Government of the province before the stock was subscribed which has not since been more than redeemed; that the prospectus, even had it afforded any solid ground for the claim in case the province had been responsible for that document, was not prepared under the sanction of the Canadian Parliament, nor by the Canadian Government, and in fact was not prepared in Canada at all, but was prepared in England by gentlemen in whom, with a knowledge of the facts, the company has, up to this moment, entire confidence.'

'What the province did guarantee—what the province did undertake to do—what promises it did make—what pledges it did give—are all set forth in legislative enactments, the meaning of which is obvious and undisputed; and from these it distinctly appears, that the policy of Parliament and the country was merely to lend the credit of the province in the building of railways, and to do even this to a limited extent only, and and upon the security of a first lien on a railway. Nothing more than this was contemplated; no guarantee to share holders of their stock, nor to bondholders of their advances, was thought of.'

Mr. Mowat then enters into a minute examination of Canadian railway legislation from 1864 to 1863, and recalls in detail the successive steps

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in the construction of the various subsidiary lines which were ultimately amalgamated under the name of 'The Grand Trunk Railway.' He proceeds :—

'To make out, in view of all these plain and positive enactments, that Canada is under the responsibility, "moral and equitable," for which the Grand Trunk officials contend, it must be assumed that, under a parliamentary Government, Statutes, however explicit, are nothing; that a member of the Cabinet, or a few persons who are not even members of the Cabinet, may, of their own will, set aside every restriction, every condition, every enactment of the three branches of the legislature; may, on the most important matters engaging public attention, reverse the policy deliberately adopted by Parliament and recorded in the statute-book, and impose on the country an unrestricted, unconditional "responsibility, moral and equitable,"—if however illegal and unconstitutional—to any amount however enormous, that they may choose; and even to an amount, as in this case, many times greater than that which alone Parliament would or did sanction, even conditionally—an amount equal, in fact, to several years' purchase of the gross revenue of the country, from all sources. . . . Then as to the prospectus itself. It really contains no such representations as are alleged. If it speaks of the guarantee of the province, it tells also of the extent and condition of that guarantee. The total capital required for the

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works contemplated is said to be £9,500,000, and of this sum the amount to be raised is put at £7,250,000. One of the items constituting this sum is a provincial aid, amounting to £1,811,500, which is said to be in the form "debentures convertible into bonds of the Government of £100 each". . . . .

'Again, in Lord Elgin's dispatch, which was printed in the appendix to the prospectus, it is distinctly stated that "the Provincial Act, 12 Vic. c. 29, provides that the sums advanced on the credit of the province *shall in no case exceed one-half of the amount actually expended on the work, and that the whole resources and property of the Company shall be pledged for the redemption of the bonds and for the amount of the interest thereon.*"

'It is further said, as enhancing the "grave responsibility, moral and equitable," which Canada was thus assuming by means of the prospectus, that the representations, affirmed by the company's advocates to have been made in that document, were also "echoed both in the columns of the public press and in the halls of Parliament."

'But the truth is that there were great differences of opinion expressed in the Canadian Parliament and in the "columns of the Canadian press," as to the whole scheme. Some were of opinion that the whole line, taken together, would be more profitable than the detached portions; some hoped it would be; whilst others argued,

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both in Parliament and in the press, that the whole undertaking would prove a commercial failure; and for that reason and other reasons they opposed it. Of those Canadians who imagined that the road would pay, the undersigned has not been able to find that any one stated, either in Parliament or in the press, a belief that the profits on the outlay would amount to the sum stated in the prospectus, viz.: 11½ per cent. The calculations from which that result was worked out appear, from all the evidence there is on the subject, to be those of experienced men in England, who, having looked closely into the matter, were so well satisfied with the undertaking as to invest in it a considerable portion of their own means. It can hardly be supposed, however, that any speeches in the Canadian Parliament, or any articles in the Canadian newspapers, are seriously relied on as sustaining the claims of the company on this point, or as sufficient, "morally or equitably," to reverse the policy determined upon by the three branches of the legislature and distinctly embodied in Acts of Parliament.

'It is said that if the Act of 1849 had not been subsequently changed the province would now have about £6,000,000 sterling invested in the Grand Trunk Railway, instead of £186,760 sterling; and in the paper of August 13, 1862, the company's agents speak of the company's expenditure on the road as "money which by the enactments on the statute-book of Canada,

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Canada herself was bound to provide"—and again as "money which the country itself by its Acts of Parliament had undertaken to find."

"The entire groundlessness of these strange statements appears on a simple reference to the Statutes. To listen to such idle clamours in one instance, would but encourage a repetition of them in others.

"The next argument for the company's claim refers to the advantages which Canada derives from this and other railways, and to the losses of the shareholders. This would be a very indefinite element to introduce into the calculation of what a country should pay for postal services rendered by railways, and the undersigned does not find that it has been anywhere taken into account for this purpose. The province certainly does derive important advantages from its railways; though it must be added that these advantages are greatly exaggerated in the general expressions which the company's agents have ventured to employ in reference to the Grand Trunk Railway as a whole, as well as in the statements they make in reference to particular portions of the road. There appears to be no good reason for supposing that the advantages are greater than those which other countries derive from their railways. In England, for example, it has been officially observed that the railways there afford facilities to commerce and to the business of life which can hardly be exaggerated. It is to be remembered too, that if the Grand Trunk Com-

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pany has been of service to the country—as no doubt it has been—so has every other railway in the province; and so too has every English or Canadian company that has established a bank or other trade in the country; so indeed has every immigrant that has settled here, and so has every honest worker with brain or hand amongst our population. Some of these have been gainers and some of them losers. Further, if railways have been of service, so has every macadamized road; every bridge that has been built; every ship; every manufactory or mill that has been established; every house that has been erected; every barn that has been put up; and every acre of land that has been cleared up in the country. Some of these works have yielded a profit to those who executed them, and some have not. When loss occurs from any of them it is deeply to be regretted, but there is certainly no moral or equitable obligation on the part of the Government or the province to indemnify the losers. Railways only differ from other works in that railways may be larger undertakings. Their profitableness, or their unprofitableness, is the risk which those who embark in them expect to encounter, and for the chance of profit they accept the chance of loss.

“There is now to be considered the case of the rates paid in the United States, which are relied upon by the company as affording, to a certain extent, a guide to the remuneration to which they are entitled here; but it must be noted that in the United States there is no such provision as with

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us that these rates shall be fixed by any executive authority. The company's agents say that the Grand Trunk is to Canada what the four great trunk lines are to the northern portion of the United States, lying between the Atlantic Ocean and the Mississippi Valley; and it must be acknowledged that in one sense this is true, just as a cart with a single horse may be the same to one man as many horses and many waggons are to another. One horse may suffice for the business of one man, while many horses and many waggons are required for the business of another man. The four railways referred to connect the great cities of the Atlantic with the Western States, and it is the great cities which supply most of the mail matter everywhere. It has been computed that the residents of the city of New York, before the war, wrote one-tenth of the letters written in the whole country, and contributed one-tenth of the whole postal revenue of the country. But so far from the Grand Trunk rendering us a service equal to the services rendered by the four American railways referred to, as is strangely asserted by the Grand Trunk agents, the fact is, that each of these four American roads carries postal matter greatly exceeding in bulk, weight, and value, the whole postal matter carried by the Grand Trunk, besides carrying it at greater speed, and with greater frequency. On the New York Central alone, which is one of the four lines alluded to, the weight of mail matter carried is about ten times

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as great as that carried by the Grand Trunk. The daily weight of mails on that road alone averages eight tons, while the Grand Trunk does not average that amount in a week. The weight of mail matter between Montreal and Toronto, passing Point St. Charles station, in a week, was found to be less than five tons; and yet the mails on this section of the Grand Trunk are heavier than on any other.'

'The company's agents rely on seven principal considerations in support of the enormous claim which is set up :—

'1st. The expectations said to have been formed by some of the shareholders from the company's prospectus, and for which, they contend, the province is responsible.

'2nd. The saving which the province is said to have made in consequence of the railway having been built by the Grand Trunk Company, instead of having been built under certain Statutes previously passed.

'3rd. The advantages which the province derives from the railway.

'4th. The increase of the Post Office revenue, through the facilities which the railway affords.

'5th. The expense of working the railway from the severity of our Canadian climate; and, on the other hand, the small earnings of the railway as compared with its cost and expenses, and as compared with mileage elsewhere.

'6th. The rates paid to the British railways by the Imperial Post Office.

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'7th. The rates paid United States railways by the Post Office of that country.

'The undersigned has now to state what has occurred to him on these various points.

'1. The argument founded on the alleged sanction by the Government of 1852 and 1853 to the prospectus of the company, and the obligations said to have been thereby imposed upon the province, is the first for consideration.

'This argument is so persistently urged, and in language so strong, and involves so great a liability, (if it involves any) that the undersigned has thought it his duty to give it as full an examination as the public documents at his command render possible.

'It may be observed that before the arbitration was entered upon by a former Government what was demanded on behalf of the company was, "that a *just payment* should be made for the postal service." What was asked was "*bare justice.*" Before the arbitrators, however, the claim was somewhat enlarged. It was then a "liberal," as well as a "just," payment that was insisted upon. It was then maintained that the country should "*pay in the most liberal manner* for all the services she required of the company." It was then said that the reasons on which the company demanded a much higher rate of remuneration than the Department had allowed, were "greatly affected by the past history of the transactions between themselves and the Government and people of Canada"; that "a reference

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to these, on the part of the company, was necessary to show that the company are equitably entitled, beyond a shadow of a doubt, to every assistance which the Government and Parliament can render; indeed, if the company came for an actual money contribution, it would be deserved."

'After giving a false version of the transactions referred to, the Grand Trunk advocates proceeded to say to the arbitrators: "How then can a just, a liberal payment for postal work performed be, with any degree of good faith or propriety, withheld?" When rates were fixed by the Governor-in-Council in 1858, the company's solicitor was the premier of the Government; and he continued so to be for some years afterwards. Their president was another prominent member of the Government; and was, in fact, the Government leader in the Legislative Council, as their solicitor was leader in the Assembly. But the company's agents, referring to the rate named for the principal service, under circumstances so favourable to the company, speak of it as a "reduction made in defiance of justice, and involving a lowered appreciation of the good faith of Canada." This "reduction," and something else—not very clearly indicated, but which seems to be the payment of even the unreduced rate of \$110 named by the company itself—were denounced to the arbitrators as "attempts to screw down the company by any means"; and the arbitrators were further

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told that "if there was faith in men of business of high class, like the arbitrators in this case, these attempts would fail of their intention."

"The undersigned would add, that if the province is under all this liability, the method by which the company now desires a portion of it, to be paid, viz.: by an enhanced postal rate, would be the most expensive method which the province could select for the purpose; as the other railways will, no doubt, demand remuneration at a corresponding rate, having reference to the comparative value of the service they perform; and it would be practically impossible to refuse such a demand.

'Some of the railways have received no aid whatever from the Government. All of them have been beneficial to the country, and would claim to have been quite as beneficial, in proportion to their length and cost, as the Grand Trunk; and the advocates or friends of none of them would admit that the Grand Trunk was entitled to greater consideration in determining the amount to be paid for postal service than they were. If the province owes anything to the Grand Trunk, beyond a fair remuneration for the postal service it performs, the undersigned is of opinion that it would, beyond all question, be better and cheaper for the province to pay it as a separate transaction, instead of mixing up the claim with the claim for postal service.

'In the managing director's reply of the 26th November, 1862, he reiterates the argument

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from the company's prospectus, with even greater distinctness than before; and he further affirms that the Government of 1852-3 "endeavoured to induce British capitalists to embark in the undertaking by making great promises as to the extent to which Canada had practically guaranteed a large return upon the outlay"; that, "with that view, members of the Government proceeded to London, and the result of the negotiations is to be found in the prospectus of the Grand Trunk Railway of Canada, which was published in England in the spring of 1853"; that "that prospectus was prepared and issued *under official authority*"; and "that the prospectus so issued promised 11½ per cent. return upon the share capital, after paying the interest upon the bond debt." The claim founded on the prospectus is certainly one of great magnitude. A guarantee of the capital must mean a guarantee of the profit expected from its investment; and the so-called "promise" of the prospectus is stated to have been 11½ per cent.

'Now, to pay that sum and the interest on the bond debt, profits to the amount of three or four millions of dollars would be necessary, and (according to Mr. Brydges's argument) must in effect have been guaranteed, beyond the million of dollars which the province now pays annually for interest on the provincial debentures issued to the company, the two sums being together nearly equal, at the time, to the gross revenue of the country from all sources. A "liberal

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allowance” for postal services, founded on the claim, would pay but a fraction of it and would provoke and insure, rather than exclude, future demand.

‘It is to be observed, however, that the claim, if it were well founded, could only be set up by a small portion of the shareholders and bondholders. It could never have been set up by all. It could never have been set up, for example, by the contractors and others who knew all the facts, and who aided in preparing the prospectus, and could not have been misled by it. A large part of the shares and bonds was taken by them, and a large part of the other shares and bonds has passed from the original holders into the hands of other persons as purchasers, and who confessedly did not buy on the faith of the prospectus.

‘However, after the Grand Trunk Railway Company had commenced their works, Parliament was from time to time induced to do more than was contemplated when the stock in the company was subscribed. This arose chiefly from the danger with which the company’s representatives from time to time threatened the province (whether on sufficient grounds or not), that what had been advanced by the province would otherwise be lost; and that without further aid from the province, the company, for reasons which were stated, could not fulfil the engagements into which it had entered.

‘The entire groundlessness of these strange statements appears on a simple reference to the

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Statutes to which they allude, and which have already been set forth. In making these statements the agents of the company kept out of view that by the Act of 1849 the province was not to advance one shilling unless it was well secured; that there was to be no guarantee until half the entire road was first completed by the company itself; nor unless the amount to be guaranteed would then be sufficient to complete the road; that the payment of the interest on this amount was to be the first charge on the tolls and profits of the whole road; that there was thus to be, for the Government advance or guarantee, the security of works worth twice the amount; that on this condition only was any offer made by Parliament to find half the capital by provincial funds; that so far from this being now the position of the advances we have made, we have on the contrary given the company provincial bonds and not a mere guarantee; and further, we have given up our lien for this amount; so that instead of making advances on the security of a railway worth twice the amount of them, we have made our advances, without any security, on a railway which is declared not to be paying, and we have postponed our lien even to dividends to the shareholders.

'The condition of the company, instead of being worse than if the Act of 1849 had not been changed, is to all this extent, better than it would have been under that Act; that though the Act of 1851 provided for building the main trunk line (but that only) at the expense of the Govern-

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ment, this was only to be done if the imperial guarantee could be obtained, so as to reduce the interest the province would have to pay for the money.

‘In no event, even should the whole railway be built from Hamilton to Halifax, was the contribution of the Government alone, nor were the joint contributions of the Government and the municipalities, to exceed four millions currency. It is clear that careful provisions were introduced to prevent the possibility of a larger liability; that Canada had never, in any sense whatever, “by enactments on the statute-book,” bound herself to provide more, either at her own cost alone or at the joint cost of the country at large and of the municipalities through which the railway ran; and that, if the subsequent Act of 1851 had been carried out, we could not possibly have been called on to provide a shilling for the road west of Toronto, for the Victoria Bridge, or for any of the branch roads; nor, for the remainder, more than 4,000,000 currency, which is considerably less than the province has now furnished; that if, either the Act of 1849 had remained unchanged, or if the Act of 1851 had been carried out, Canada would have good security for every shilling invested in the road; that although it was felt and acknowledged by the Legislature to be highly desirable to “afford every possible encouragement to the construction of railways in all parts of the country, yet, for the purpose of confining the liability of the province within

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proper limits, and at the same time ensuring effectual aid to those undertakings which are most necessary to its progress and developement," it was declared to be "expedient to restrict the provisions of the 'Railway Guarantee Act of 1849'" to the main trunk line, viz.: the line from Montreal to Hamilton, the St. Lawrence and Atlantic Railway, and certain others, which have been already named and which form no part of the line of the Grand Trunk. 1863

'Canada, in fact, never thought of expending on railways one-third of the amount which, whether through extravagance, mismanagement, or otherwise, the Grand Trunk Company has managed to sink in the undertaking, and the province has now a larger investment in the line than the Acts in question contemplated, assuming even had the railway extended to Halifax.'

Then follows a table compiled from the returns of the Postmaster-General of the United States, for the year ending June 30, 1863, showing, as to nineteen of the United States, the number of daily trips made by each railway carrying mails, the distance in miles covered in these trips, and the annual cost per mile to the Post Office Department of the postal service.

The above extracts are sufficient—perhaps more than sufficient—for my purpose, which is simply to show how thoroughly Mr. Mowat went to the bottom of any question with which he had to deal, and how clearly and trenchantly he could express

### APPENDIX III

See p. 119 his conclusions. It would be outside the scope of this sketch to go further into the question at issue in this particular case; but I may add that in consequence of Mr. Mowat's report the amount claimed by the Grand Trunk for their postal service, which varied from \$300 to \$850 per mile, was fixed by the Governor-General-in-Council at \$60 per mile, that it remained at that figure for some years, in spite of a 'most solemn protest' by Mr. Brydges, who begged 'to have the whole subject referred to the legal tribunals of the country,' and that, according to a high official in the Dominion Civil Service, 'the lines laid down by Mr. Mowat, in his report of Aug. 12, 1863, have governed the policy of the Department for the past forty-two years.'<sup>1</sup>

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<sup>1</sup>It may also be interesting to know that according to Mr. Mowat's report there were, from 1856 to 1860, 'generally two passenger trains a day between Montreal and Toronto, a day train and a night train, occupying on the road 14 and 16 hours respectively,' and that when the above report was made (August 12, 1863) 'two through trains are now run between Montreal and Toronto, a day train and a night train, each in about 15½ hours either way.'

### APPENDIX III

Memorandum by Lieut.-Col. White, C.M.G., 1859-1863  
late Deputy Postmaster-General of Canada, as  
to the Trans-atlantic Mail Service prior to 1863.

(See p. 121.)

'The Trans-atlantic service was not only a project of the first importance to Canada, but was also, for some years a source of much misunderstanding and ill-feeling between Great Britain and this country. It was the completing section of the great transportation scheme, in the development of which practically the whole debt of Canada in 1860 had been incurred. The Canadian Government at that time had full faith in the superiority of the Canadian to the American trade routes; and the construction of the Grand Trunk Railway and of the canal system was undertaken with a wide outlook. In 1859, when the Canadian Trans-atlantic service was made weekly, the Postmaster-General, Mr. Sidney Smith, put himself in communication with the United States, France, Belgium and Prussia, with a view to securing the carrying of the mails between the rapidly growing western, south-western and north-western States, and the principal countries of Europe. On the American side, the Grand Trunk and its connections provided uninterrupted communication between Quebec—or Montreal—and Chicago during the summer, and between Portland and Chicago

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during the winter; and from Chicago prompt conveyance was made by railway as far south as New Orleans. In order to shorten the distance on this side during the summer, it was arranged that the mails would be put on and off of the steamers at Rivière du Loup, the terminus of the Grand Trunk Railway; and on the British side the mails were landed at Cork, and forwarded by special trains and ferry steamers. As a result of all these arrangements the time occupied between New Orleans and Liverpool was rather less than fifteen days: and in November, 1859, Mr. Smith had the gratification of seeing the mails from Chicago delivered in London within twelve days. The United States Government was discontinuing a subsidy of large proportions, which it had been paying to the Collin's line, and it took up the Canadian scheme eagerly, arranging to send not only the western mails, but also those from New York, Boston, and the East generally. The continental countries mentioned extended an equally cordial welcome to the new line; and everything looked fair for the venture, when difficulties appeared where they were least looked for, viz.: in Great Britain. The Canadian Government, first, wished to reduce the charges on letters carried by their line. This was not permitted, on the ground that it might injure the business of the Cunard line, which enjoyed a subsidy amounting practically to £200,000 a year. The Canadian Government then wished the British Post Office to act as inter-

## TRANS-ATLANTIC MAIL SERVICE

1859-1863

mediary for the transmission to Canada of the sums due by France for the conveyance of the mails. This was deemed necessary by France, under the convention between Great Britain and that country, respecting the conveyance of letters by British packets. The British Post Office declined to undertake the trust, as it could not recognize the Canadian steamers as British packets. In fact it insisted on regarding these steamers as United States packets. It was quite willing to accept the money due by France, if that view were admitted, and it would pay the money over to the United States, that country handing it over to Canada. This was the practice adopted, though the Canadian Government protested energetically against the view, and the French Government expressed itself as unable to comprehend what standing the United States had in the matter.

“These evidences of ill-will, where only goodwill was expected, produced some resentment in Canada; but there seemed to be no disposition to judge harshly. The difficulty, however, was that, though the schemes set on foot by Canada were proving the wisdom of their projectors, the service was far from meeting its expenses. As early as 1856 the Canadian Government pointed out to the British Government that the heavy subsidies to the Cunard line were no more than subsidies to the United States ports in their competition with the Canadian ports, and that while convinced of the natural superiority of the

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ports of Quebec and Montreal, they found it be impossible to keep up the competition against the United States ports, favoured as the latter were by Great Britain. The Canadian Government in that year asked that before the current Cunard contract, which would not expire until 1862, came up for renewal, the Canadian Government should be given the opportunity of presenting the advantages of their own ports. A promise was made; but in 1859 Mr. Smith had the mortification to learn that in disregard of this promise, the Cunard contract had been renewed in 1858, though it had still four years to run. He also learned that another contract had been made for a Trans-atlantic service without Canada being consulted, and, as it afterwards appeared, in violation of a pledge given to the Inman line, that such should not be given until public tenders were invited. This contract was for a fortnightly service between Galway and Boston and New York, the subsidy being £3,000 a trip. A select committee of the House of Commons, which was appointed in 1860, reported that these two transactions, which certainly had an unpleasant appearance, were due, not to bad faith, but to the failure of the several departments of Government, which concurred in the making of these contracts, to inform one another of the communications addressed to each. The committee expressed regret that Canadian interests had been so neglected, but was of opinion that the burdens imposed on the British people were

## TRANS-ATLANTIC MAIL SERVICE

1859-1863

too great to admit of any assistance to a Canadian line. They stated that the Atlantic service presented the spectacle of the mother-country and her colony competing against each other, the colony paying much more than she would have otherwise to do if it were not for the amount of the subsidies to the British lines sailing to American ports. The lately subsidized Galway company were quite unequal to the service they had undertaken; and Mr. Smith, the Canadian Postmaster-General, set about securing the transfer of the contract to the Canadian company. Negotiations were entered upon with the full knowledge and apparent approval of the Post Office and Treasury. The Secretary of the Treasury even assured Mr. Smith of Lord Palmerston's sympathy with the scheme. £3,500 a year was the consideration which was to be paid to the Galway company for the transfer; the contract was to stand in the name of the Postmaster-General of Canada, and the service to be performed by the Allan line. The deeds of transfer were executed and everything complete except the formal consent of the British Government; when, to the surprise of everybody, this was refused. Mr. Smith addressed a strong remonstrance to the Secretary of the Treasury, reminding him that he had been privy to every step taken in the negotiations, and that he had led Mr. Smith to believe that Lord Palmerston had concurred in the arrangement. The Secretary of the Treasury expressed regret, declaring

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that what he had said was true, but that it could not be regarded as in any way binding. The Postmaster-General of Canada also wrote to Lord Palmerston setting out the situation, but got no satisfaction whatever.

'When the Canadian public became apprised of the attitude taken by the British Government to the Canadian scheme, it was an easy matter for the Government to enlist sympathy for the Allans; and when in 1860, Mr. Smith presented to the House a statement from the Allans as to the financial results of the enterprise, there was no opposition to the resolutions authorizing payment of a subsidy of \$416,000 a year, the amount which the Allans stated was required to cover the actual expenses of the service. The service had scarcely started under these auspices when disaster began. The series of losses to the fleet made compliance with the terms of the contract impossible, and the Canadian route was so discredited that the Government, of which Mr. Mowat was Postmaster-General, had no option but to cancel the contract.'

## APPENDIX IV

### SIR JOHN A. MACDONALD AND THE CONFEDERATION ACT

(See p. 147)

‘We should concentrate the power in the federal Government; and not adopt the decentralization of the United States.’<sup>1</sup>

‘According to Macdonald it was the aim of the fathers of the Constitution to form a strong central Government. He says:—“In framing the Constitution care had been taken to avoid the mistake and weakness of the United States system, the primary error of which was the reservation to the different States of all the powers not delegated to the general Government. We must reverse the process by establishing a strong central Government, to which shall belong all powers not specially conferred on the provinces.”’<sup>2</sup>

‘It is difficult to make the local Legislatures understand that their powers are not so great as they were before the Union. In fact, the question that convulsed the United States and ended in the Civil War, commonly known as the “States Rights” question, has already made its appearance in Canada.’<sup>3</sup>

<sup>1</sup> Sir John A. Macdonald at the Quebec Conference—Pope, *Confederation Document*, p. 86.

<sup>2</sup> Dr. A. D. DeCelles, *Sir George E. Cartier*, pp. 59-60.

<sup>3</sup> Sir John Macdonald to Sir John Young (Lord Lisgar), quoted in Pope’s *Memoirs of Sir John A. Macdonald*, pp. 297-8.

### APPENDIX III

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‘How then can the proposed object [Irish Home Rule] be attained without danger to the Empire? I think it can be done on the “*divide et impera*” principle. My plan is shortly this: that the members from each of the four provinces of Ireland who are elected to the Home Rule Parliament should form Grand Committees, to meet in their several provinces in annual sessions; that in these committees all measures of a local and private character should be initiated, and upon them should be conferred limited powers of direct taxation.’<sup>1</sup>

And, as to the statement that Sir John Macdonald had always preferred a legislative to a federal Union,

‘It is generally believed that the most serious estrangement [between Sir John A. Macdonald and Sir George Cartier] occurred in London while the British North America Act was before Parliament’ [*i. e.*, in 1867]. ‘John A. Macdonald desired, it is said, to have it [the Bill] so modified that a legislative union should be substituted for the proposed federation. To this Cartier objected strongly, and made no mystery of his intention to return to Canada, if his colleague persisted in his determination to alter the Constitution as it had been adopted in Quebec.’<sup>2</sup>

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<sup>1</sup> Sir John A. Macdonald to Lord Lisgar—Pope, *Memoirs of Sir John A. Macdonald*, vol. ii, 223.

<sup>2</sup> Dr. A. D. DeCelles, *Sir George E. Cartier*, p. 102.

## APPENDIX V

### SIR OLIVER'S CONSERVATIVE SUPPORTERS

(See p. 163)

Mr. Mowat always received a large number of Conservative votes. In provincial politics, party lines have never been so strongly drawn as in Dominion elections; and I personally know scores of Conservatives who for years voted with their party in elections for the House of Commons, but for Mr. Mowat in the provincial elections. One of these was the late Colonel McLean of Cornwall, one of the strongest Tories in Canada, who always declared that 'Mowat was just as strong a Tory as himself.'

In 1875 Col. McLean nominated Mr. John G. Snetsinger, who was elected M.P.P. for Cornwall, and did much to secure his election as a supporter of Mr. Mowat's. In 1879 he went into the adjoining county of Stormont and canvassed for another of Mowat's supporters, Mr. James Bethune, Q.C. No doubt every reader of this book knows of similar cases.



## APPENDIX VI

EXTRACTS FROM AN EDITORIAL ARTICLE  
BY THE LATE CHRISTOPHER TYNER, IN THE  
HAMILTON TIMES, Nov. 8, 1872

(See p 181)

‘That a man should be a Judge and a party politician at the same time, is looked upon as something abnormal and outrageous. We hold it to be one of the commonest things in the world. In doing so we might safely and convincingly refer to those Englishmen who are both Judges and politicians; engaged in active political life at one and the same time. But powerful and conclusive as that example is, it is not necessary in this case. Take our own Canadian Bench, and we do not believe there is a Judge on it who is not a party politician.

‘It is utterly impossible for them to be otherwise if they are men of thought at all. No man who has had the training of a lawyer, and whose whole life is taken up in the interpretation of the law, can fail to take a deep interest in the work of legislation. Unless they be the most shallow of men, they must be interested in the creation of the laws which it is their life-long duty to interpret and enforce. And what is the legislature that makes laws but the product of political parties; and what are the laws they make but the outgrowth of political principles? We use those words in their largest

## APPENDIX VI

See p. 181

sense, and we infer that, as every Judge must watch the making of laws with interest, he must also, if he be a man of any mind at all, either favour or condemn the laws that are being made, and must therefore form opinions on the men to whose views and actions the making of the laws is due. It is that formation of opinions on the goodness or badness of existing or proposed laws that makes up political parties in a State, and we can no more imagine an intelligent Judge indifferent to the creation of new laws than we can imagine a skilful doctor indifferent to the discovery of new cures for disease.

‘A very trifling amount of thought will show that it is impossible to suppose Judges to be free from political tendencies. Nearly all our Judges have been taken from the political arena. Does any one suppose that the moment a man dons the judicial ermine he parts forever from all his political views; that he throws off his life-long growth of political thought and judgement with the careless ease with which he might throw off his dressing-gown? Does any man believe that the late Chief Justice Robinson was one whit less a Tory when he became Chief Justice than he was the day before it? Did any one ever think that Mr. Mowat ceased to have faith in the principles of the Reform party because he was a Vice-Chancellor? Because Mr. Morris is now a Judge in Manitoba, instead of a member of the Ottawa Government, does any one think that he has changed his political belief, or that

## JUDGES AND POLITICS

1872

Colonel Gray, because he is now on the Bench, has ceased to be friendly to the Administration of his friend Sir John A. Macdonald? No one believes any of these things, for the simple reason that such a peremptory dropping of a man's opinions is simply impossible. It is useless to say it ought to be so; because it cannot be so. If a man is honest in his political faith, he will continue in it so long as he lives; and the mere fact that he has been made a Judge can no more alter or silence his mental convictions than could the fact of his putting on a drab coat instead of a black one. We may then safely make up our minds that every one of our Judges is possessed of such political opinions as make him a believer, to some extent, in one or other of the political parties of the day. He must be so, if he thinks at all; and if he does not think, he is not fit to be a Judge.

'It is not that a Judge shall not be a party politician,—that is impossible—but that he shall not allow his party views to influence his judicial acts; and that is really all that British subjects expect from their Judges, and it is what they believe in all parts of the Empire that they get. Though the Lord-Chancellor of the Gladstone Government is necessarily an ardent and active Liberal, yet the hottest Tory in England, having a suit in Chancery, would be ashamed to suggest that, on account of the politics of the Chancellor, he could not expect justice. They know, and we know, that whatever be the politics

### APPENDIX III

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or the religion of a British or Canadian Judge, when they are on the Bench and administering the law they know neither religious sects nor political parties. It is this power and this practice of dissevering personal opinions from the judicial office, and being, when on the Bench, a cold, impartial Judge, and that only, that has created for our judiciary so profound a respect.

‘Were Sir John A. Macdonald to be made a Judge to-morrow, we would consider him to be still as ardent a hater of the Reform party as he was last summer; but there is not a Reformer in the country but would believe that, while acting as a Judge, he would be as impartial and just between Reformer and Tory (were such a case to come up) as any Judge on the Bench. He would be a Judge still, and a thorough-going party politician at the same time (for Sir John could not be anything else), yet he would be able to do as all our Judges have done, and do yet—keep the two parts distinct from one another on the Bench. That is all the people expect from a Judge; it is all they can get from one—and it is enough.’

## APPENDIX VII

### THE REDISTRIBUTION ACT OF 1874

(See p. 254)

Speaking to his constituents during the provincial election campaign of 1894, Mr. Mowat said of the Redistribution Act of 1874 :—

1874

‘The changes made in 1874 by the Ontario Legislature in the electoral divisions of the province for the purpose of elections to the Legislative Assembly have in recent years been untruly spoken of by the Conservative press and Conservative politicians generally as “gerrymandering”; and the Ontario Act is in consequence referred to as being a precedent for the undeniable gerrymandering accomplished by the Dominion Act of 1882.

“Gerrymandering” I understand to mean illegitimate changes, unjust towards one political party, and founded on no principle except the party advantage of the other. That the changes made by the Ontario Act were not of that character is easily shown, notwithstanding the objections of our opponents; and I have thought it expedient to put together the facts for future reference and remembrance. While the measure was in preparation, over-zealous friends in various parts of the province proposed some changes which would have been “gerrymandering”; and these they urged us to make because our opponents would be sure to “gerrymander” when it should become their interest to do so. The

## APPENDIX VII

See p. 254

Government rejected every one of them, and acquiesced in no change which was not defensible and proper from its possible or probable political effect, and no change which was not in accordance with the just rule laid down by Sir John Macdonald in 1872 as to county boundaries; though, as our friends foretold, that rule has since been rejected by his party and himself.

‘I had charge of the Bill in the Legislative Assembly; and to refresh my memory I have also recently examined the Journals and the contemporaneous newspaper reports. I am thus familiar with the provisions of the Act, and the reasons for them, as well as with the proceedings of the Assembly, in the passage of the Bill through its several stages.

‘The Act came about in this way. By the B.N.A. Act the province was to have the same constituencies in the first instance, and to be represented in the House of Commons and in the provincial legislature by the same number of members, namely, 82. After the census of 1871 the province became entitled under the B.N.A. Act to six additional members in the House of Commons; and the Dominion Parliament passed an Act accordingly. In consequence of the increase of population, the inequalities of population in the several constituencies had increased; and there was a general feeling throughout the province that six additional members should be given to the provincial House also, and that something should be done towards removing such of the inequalities as might be found practicable.

## THE REDISTRIBUTION ACT

1874

‘That the Act was a fair Act, and had no gerrymandering purpose, is shown by the results of the general elections which took place in the following year (1875), for—contrary to what has recently been asserted or insinuated by our opponents—at that election the Opposition, and not the Government, were the gainers. The territory affected was, before the Act, represented by 17 Ministerialists and 14 Oppositionists. At the next election after the changes the same number of Ministerialists were returned as before, and 20 Oppositionists were returned, instead of 14. Need anything further be said ?

‘The principle acted upon in preparing the Ontario measure was thus stated by me in moving the second reading of the Bill, according to the report in the *Globe*. I am reported to have said that “the Government had rejected in the preparation of the Bill every suggestion which was sustainable only on party grounds; that every proposition in the Bill was sustainable on public grounds, and would not otherwise have been made so far from having made the arrangements more favourable than they ought to be to their own political friends, the Government felt that they almost owed an apology to political friends for the effect that the Bill would have in some respects. No proposition with reference to redistribution could be made which would not meet with ingenious objections from honourable gentlemen opposite, but if anyone unaffected by party bias would

## APPENDIX VII

See p. 254

take the trouble to examine the Bill, he would say that if any mistake had been made in it, the mistake was against the political friends of the Government, and not in their favour."

"The result of the general election which followed is an illustration of this.

'I have said that our measure conformed to the just and proper rule laid down by Sir John Macdonald in 1872. This is what he said when introducing the Dominion Act of that year: "With respect to the rural constituencies, the desire of the Government had been to preserve, as far as possible, the present sub-division of the counties . . . . When a county was too large, the principle was to divide into Ridings, rather than to create a new county. The rule was broken by the B. N. A. Act in but three instances, viz.: Bothwell, Cardwell and Monck—these electoral divisions not being electoral counties—and he did not think that experiment had been successful. It was a very great advantage that the same persons who associated together in municipal matters should also associate together in parliamentary elections, because in many cases the candidate became acquainted with the people, and became trained to public life by serving in the township and county councils. All that advantage would be lost by cutting off a portion of two counties, and adding them together for electoral purposes.'"

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<sup>1</sup> *Toronto Globe*, June 3, 1872.

## APPENDIX VIII

### THE ONTARIO BOUNDARY AWARD

(See p. 375)

'To all to whom these presents shall come:—

'The undersigned, having been appointed by the Governments of Canada and Ontario as arbitrators to decide as to the boundaries of the province of Ontario, do hereby determine and decide that the following are and shall be such boundaries, that is to say : Commencing at a point on the southern shore of Hudson's Bay, commonly called James's Bay, where a line produced due north from the head of Lake Temiscamingue would strike the said south shore, thence along the said south shore westerly to the mouth of the Albany River, thence up the middle of the said Albany River and of the lakes thereon to the south of the said river at the head of Lake St. Joseph, thence by the nearest line to the easterly end of Lac Seul, being the head waters of the English River, thence westerly through the middle of Lac Seul and the said English River to a point where the same will be intersected by a true meridional line drawn northerly from the international monument placed to mark the most north-westerly angle of the Lake of the Woods by the recent Boundary Commission, and thence due south following the said meridional line to the said international monument, thence southerly and easterly following upon

1878

## APPENDIX VIII

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the international boundary line between the British possessions and the United States of America into Lake Superior.

‘But if a true meridional line drawn northerly from the said international boundary at the said most north westerly angle of the Lake of the Woods shall be found to pass to the west of where the English River empties into the Winnipeg River, then and in such case the northerly boundary of Ontario shall continue down the middle of the said English River to where the same empties into the Winnipeg River, and shall continue thence in a line drawn due west from the confluence of the said English River with the said Winnipeg River until the same will intersect the meridian above described, and thence due south following the said meridional line to the said international monument, thence southerly and easterly following upon the international boundary line between the British possessions and the United States of America into Lake Superior.

‘Given under our hands at Ottawa, in the province of Ontario, this third day of August, 1878.

‘ROBT. A. HARRISON,

‘EDWARD THORNTON,

‘F. HINCKS.

‘Signed and published in the presence of

‘E. C. MACK,

‘THOMAS HODGINS.’

## APPENDIX IX

### REPORT OF THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL IN THE ONTARIO BOUND- ARY CASE.

(See p. 375)

1884  
‘Your Majesty having been pleased by your Order in Council of June 26, 1884, to refer unto this Committee the humble petition of Oliver Mowat, your Majesty’s Attorney-General for the province of Ontario, as representing that province, and of James Andrews Miller, Your Majesty’s Attorney-General for the province of Manitoba, as representing that province, in the matter of the boundary between the provinces of Ontario and Manitoba, in the Dominion of Canada, setting forth that the question has arisen, and is in dispute, between the provinces of Ontario and Manitoba respecting the western boundary of the province of Ontario, and it has been agreed between those provinces to submit such question to Your Majesty in Council for determination, the following Special Case has been agreed upon between the petitioners as representing the two provinces aforesaid :—

#### SPECIAL CASE.

‘The province of Ontario claims that the western boundary of the province is either (1) the meridian of the most north-westerly angle

## APPENDIX IX

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of the Lake of the Woods, as described in a certain Award made on the 3rd of August, 1878, by the Honourable Chief Justice Harrison, Sir Edward Thornton, and Sir Francis Hincks; or (2) is a line west of that point.

‘The province of Manitoba claims that the boundary between that province and the province of Ontario is (1) the meridian of the confluence of the Ohio and Mississippi Rivers: or (2) is the portion of the height of land dividing the waters which flow into Hudson’s Bay from those which empty into the valley of the Great Lakes and lying to the west of the said meridian line.

‘It has been agreed to refer the matter to the Judicial Committee of Her Majesty’s Privy Council, and an Appendix has been prepared containing the materials agreed to be submitted in this case for the adjudication of the dispute. Each and every of the particulars in the said Appendix is submitted *quantum valeat*, and not otherwise.

‘In addition that the particulars set forth in the Appendix, any historical or other matter may be adduced which in the opinion of either party may be of importance to the contention of such party, and (subject to any rule or direction of the Judicial Committee in the behalf) such additional matter is to be printed as a separate Appendix by the party adducing the same, and copies are to be furnished at least ten days before the argument.

‘The book known as the Book of Arbitration Documents may be referred to in the argument

## THE BOUNDARY JUDGEMENT

1884

for the purpose of showing in part what materials were before the arbitrators.

‘It is agreed that in the discussion before the Judicial Committee of the Privy Council reference may be made to any evidence of which judicial notice may be taken, or which (having regard to the nature of the case and the parties to it) the Privy Council may think material and proper to be considered whether the same is or is not contained in the printed papers.

‘The questions submitted to the Privy Council are the following :—

‘(1) Whether the Award is or is not under all the circumstances binding ?

‘(2) In case the Award is held not to settle the boundary in question, then what, on the evidence, is the true boundary between the said provinces ?

‘(3) Whether, in case legislation is needed to make the decisions in this case binding or effectual, Acts passed by the Parliament of Canada and the provincial legislatures of Ontario and Manitoba, in connection with the Imperial Act, 34 and 35 Vict., cap. 28, or otherwise, will be sufficient, or whether a new Imperial Act for the purpose will be necessary ?

‘O. MOWAT, Attorney-General of Ontario.

‘JAMES A. MILLER, Attorney-General of Manitoba.

‘And humbly praying that Your Majesty in Council will be pleased to take the said Special

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Case into consideration, and that the said Special Case may be referred by Your Majesty to the Lords of the Judicial Committee of the Privy Council to report thereon to Your Majesty at the Board, and that such order may be made thereupon as to Your Majesty shall seem meet. THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said humble petition and Special Case into consideration, and having heard counsel for the province of Ontario and also for the province of Manitoba, their Lordships do this day humbly agree to report to Your Majesty as their opinion :—

‘(4) That upon the evidence their Lordships find the true boundary between the western part of the province of Ontario and the south-eastern part of the province of Manitoba to be so much of a line drawn to the Lake of the Woods, through the waters eastward of that lake and west of Long Lake, which divide British North America from the territory of the United States, and thence through the Lake of the Woods to the most north-western point of that lake, as runs northward from the United States boundary, and from the most north-western point of the Lake of the Woods a line drawn due north until it strikes the middle line of the course of the river discharging the waters of the lake called Lac Seul, or the Lonely Lake, whether above or below its confluence with the stream flowing from the Lake of the Woods towards Lake Winni-

## THE BOUNDARY JUDGEMENT

1884

peg, and their Lordships find the true boundary between the two provinces to the north of Ontario and to the south of Manitoba, proceeding eastward from the point at which the before mentioned line strikes the middle line of the course of the river last aforesaid, to be along the middle line of the course of the same river (whether called by the name of the English River or, as to the part below the confluence, by the name of the River Winnipeg) up to Lac Seul, or the Lonely Lake, and thence along the middle line of Lac Seul, or the Lonely Lake, to the head of that lake, and thence by a straight line to the nearest point of the middle line of the waters of Lake St. Joseph, and thence along that middle line until it reaches the foot or outlet of that lake and thence along the middle line of the river by which the waters of Lake St. Joseph discharge themselves, until it reaches a line drawn due north from the confluence of the rivers Mississippi and Ohio which forms the boundary eastward of the province of Manitoba.

‘(5) That, without expressing an opinion as to the sufficiency or otherwise of concurrent legislation of the provinces of Ontario and Manitoba, and of the Dominion of Canada (if such legislation should take place), their Lordships think it desirable and most expedient that an Imperial Act of Parliament should be passed to make this decision binding and effectual.’



## APPENDIX X

AN ACT RESPECTING THE EXECUTIVE ADMINISTRATION  
OF THE LAWS OF THIS PROVINCE (51 V. c. 5).

(See p. 512)

‘Whereas by Section 65 of the British North America Act, 1867, it was provided among other things that all powers, authorities and functions which under any Act of the Parliament of Great Britain, or of the Parliament of the United Kingdom, or of the Legislature of Upper Canada, Lower Canada, or Canada, were before or at the Union vested in or exercisable by the respective Governors or Lieutenant-Governors of the province, so far as the same were capable of being exercised after the Union . . . shall be vested in and exercised by the Lieutenant-Governor, *subject nevertheless to be abolished or altered by the Legislature of the province, etc. :*

1867

‘And whereas by Section 92 of the said Act it was provided that in each province the Legislature may exclusively make laws in relation to the matters coming within the classes of subjects hereinafter mentioned :

‘Therefore Her Majesty, etc.

‘(1) In matters within the jurisdiction of the Legislature of the province, all powers and functions which in respect of like matters were vested in or exercisable by the Governors or Lieutenant-Governors of the several provinces under commissions, instructions or otherwise at and before

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the passing of the Act are and shall be (so far as this Legislature has power thus to enact) vested in and exercisable by the Lieutenant-Governor or Administrator for the time being of this province, in the name of Her Majesty or otherwise as the case may require; subject always to the royal prerogative as heretofore.

‘(2) The preceding section shall be deemed to include the power of commuting and remitting sentences for offences against the laws of this province, or offences over which the Legislative authority of the province extends.

‘(3) Nothing in this Act contained shall be construed to imply that the Lieutenant-Governor or Administrator has not had heretofore the powers, authorities and functions in the preceding two sections mentioned.’

## APPENDIX XI

### THE BALLOT BILL

(See p. 521)

Speaking in 1890 on the Ballot Bill introduced by Mr. A. E. Wood, M.P.P., Sir Oliver said :—

1890

‘The Opposition have given me the credit for devising the numbered ballot; and, of course, for a dishonest purpose. The fact is that it was devised thirty years ago in the Australian province of Victoria and has worked well there ever since that time. It has also been adopted in other Australian colonies and in New Zealand, and has worked well in them all. The only other Australian system is that which was first adopted in the colony of New South Wales, and was followed afterwards in the less populous colonies of Tasmania and South Australia. Two years before our Act was passed the Victorian ballot had been adopted by the Imperial Parliament for England, Ireland and Scotland, for both municipal and parliamentary elections; and it is still the law there to-day. The Ontario Act of 1874 was preceded by a Bill introduced in the Session of 1873 by a private member—my friend Lieut.-Col. Clarke—who is still, I am glad to say, a member of this House. His Bill was on precisely the same lines as the Imperial Act; and this feature of it as to numbering the ballots was specially dwelt upon by him in moving the second reading. Not one member of the

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See p. 521 House objected to it then. The Hon. Mr. Cameron, the distinguished Opposition leader of that day, with some of his principal followers, objected to the ballot altogether on the grounds that secret voting was un-British and unmanly.<sup>1</sup> Mr. Meredith did not speak on the Bill, but he voted with his party leader and twelve others against the principle of a secret vote, even with that degree of secrecy for which the Bill provided.

‘Now it is contended that the vote is not secret enough. My own Bill, introduced in the following Session, contained the same provisions as Mr. Clarke’s Bill had contained, and the clause as to the ballot was copied word for word from the Imperial Act. While it was before the House, neither Mr. Meredith nor any member of the Opposition suggested the slightest objection to that feature of it which now, in the hope of frightening a few ignorant or timid electors, our friends of the Opposition have discovered to be most objectionable.

‘In moving the second reading of the Bill I said: “There is a contrivance by which, without interfering to any important extent with the secrecy of the voting, it can be ascertained by scrutiny, and through the medium of the Courts, whether any man has given a vote without having a right to give it; and, on its being adjudged the voter had no right to vote, it can be ascertained for whom that vote was given . . . . If the majority in an election is small, and if proof is given

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<sup>1</sup>See *ante*, p. 192.

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that there are, say, one hundred bad votes out of a majority of less than a hundred, it can be ascertained for whom these unqualified persons voted. The advantage of a scrutiny of bad votes is very great; and it has never been found, so far as I am aware, to lead to any interference with the secrecy of the ballot. I have thought that it would be more agreeable to the House and to the country to adopt the English ballot system than that which prevails in the United States where there is no such provision.”

“The Hon. Mr. Cameron in like manner pointed out that the Bill did not provide for absolute secrecy; but neither he nor anyone else suggested that an un-numbered ballot should be adopted in preference. Indeed, the Hon. Stephen Richards, who had been a member of Mr. Sandfield Macdonald’s Government said that he had at one time some fears as to the working of such a Bill [a Ballot Bill], seeing the manner in which these things were done in the United States; but that the success of the ballot in England had to a great measure removed his prejudices. It was the English system, and the working of the English system in England, which had converted Mr. Richards.

‘By the Bill as introduced by me in 1874, there was to be no counting of the ballot papers by a deputy-returning-officer at the polling place. The deputy-returning-officers were simply to seal up the boxes and deliver them unopened to the returning-officer, by whom the counting was to

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be made of all the ballots for the whole electoral division. This plan I favoured in order to secure increased security for the secrecy of the voting; but I found that many members on both sides of the House desired that there should be a counting of ballots at each polling place; and I ultimately yielded to their opinion.

‘This is what I said on the third reading of the Bill :—

“Hon. Mr. Mowat said that he thought that the Bill should be made as much an instrument for the preservation of secrecy in voting as possible; but it might be true that the interest which would be given in a particular district by the knowledge of the result of the election in that division, and the increased number of votes which would be polled in consequence, were matters of no small importance. He therefore accepted the proposed amendment, viz.: the amendment which provided that the counting should take place at every polling place by the deputy-returning-officer in presence of the candidates or their agents.”

‘The Dominion Election Act of 1874 (37 Vic. c. 9), was prepared by the Hon. Mr. Dorion, who was then Minister of Justice for Canada. He adopted the New South Wales system, apparently overlooking the fact that the greatest of the Australasian colonies had used the English system for many years.

‘When his Bill came before the House several members on both sides expressed their preference

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1874-90

for the English system, as providing under certain circumstances for a scrutiny. Among those who expressed their preference for the numbered ballot were Sir John Macdonald, then leader of the Conservative party in the House of Commons, and Sir Alexander Campbell, then Conservative leader in the Senate. Sir John Macdonald said :—

“He felt last year when the Ballot Act was adopted in England that it was a foregone conclusion that it would be adopted here also, and he therefore incorporated the principle in his own Election Bill.<sup>1</sup> He was in favour of such a system as would afford the opportunity of a scrutiny; and he hoped the Minister of Justice would alter this portion of the Bill so that this advantage might be secured.”

“The present Government leader in the Senate, the Hon. J. J. C. Abbott, who was then a member of the House of Commons, spoke to the same effect. The *Mail's* report of what he said is as follows:—

“Mr. Abbott advocated the system in force in Ontario and Great Britain, on the ground that it afforded greater facility for the punishment, if not the prevention, of personation and fraudulent voting. He moved in amendment that each ballot paper shall have a number on the back, and shall have attached a counter-foil with the same number on the face.” ’

Sir Oliver then goes on to quote from an article by a distinguished American publicist which had

<sup>1</sup> 36 Vic. c. 27 (D).

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just appeared in *The North American Review*; and in which the differences between the British and the American systems of ballot are contrasted, much to the disadvantage of the latter. He proceeds :—

‘In a good ballot law two objects are desirable : first, secrecy; and, secondly, the defeat of frauds. The American ballot has in practice lost all pretension to secrecy. Even the New South Wales and Dominion system is far superior to the American.

‘One of the principal evils which led to the adoption of the British and Ontario systems was the personation of voters. It is a well-known device at elections for men to personate voters who are not known to the returning-officer and agents at a polling booth—voters who are dead, voters who are absent, and even voters who are alive and intend to vote. By means of these fraudulent votes the minority in a close constituency may be turned into a majority. But the Dominion system makes these fraudulent votes, once deposited in the box, impossible of identification and as good as any others.

‘So also as to bribed voters. The modern device is for the bribing to be done by strangers whose agency cannot be proved and whose very names may be unknown; yet the votes bribed by them are, under the New South Wales and Dominion system, as good as the vote of the best and most honest voter in the constituency. A system which makes this possible gives an impetus to personation and encourages bribery.

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‘Lastly, the system places the whole result of a close election in the hands of a dishonest returning-officer. If I was a dishonest Minister; if I wished to have the power of tampering with the voting through dishonest deputy-returning-officers, I would favour the unnumbered ballot; for see what power the omission of the numbers gives to a dishonest official! If he slips into the ballot-box papers with his initials which no voter marked or presented, or if he connives at a friend of one of the candidates slipping in such papers, they must be counted with the genuine ballot papers, they rank for all purposes as genuine votes and there is no way of distinguishing afterwards. They may turn an election; and the only possible remedy is a new election for the whole division, in which new election the very same tactics may be adopted again.’

The honourable gentleman then went on to discuss the provisions of the Act providing for secrecy in voting, and the penalties imposed on returning-officers, ballot clerks, etc., for failure to observe the provisions of the Act. He resumed his seat amid loud applause.



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MANITOBA SCHOOLS

(See p. 569).

An agreement was at last arrived at, which, as embodied in the Manitoba Statute (60 Vic. c. 26), is as follows :—

1897

‘Agreement made by the Government of Canada and the Government of Manitoba for the settlement of the school question, presented to Parliament, March 29, 1897.

‘(1) Legislation shall be introduced and passed at the next regular Session of the Legislature of Manitoba, embodying the provisions hereinafter set forth in amendment to “The Public Schools Act,” for the purpose of settling the educational questions which have been in dispute in that province.

‘(2) Religious teaching to be conducted as hereinafter provided shall take place in any public school in Manitoba

‘(a) If authorized by a resolution passed by a majority of the school trustees of the district in which the school is carried on, or,

‘(b) If a petition be presented to said school trustees, asking for religious teaching and signed by the parents or guardians of at least ten children attending the school in the case of a rural district, or by the parents or guardians of at least twenty-five children attending the school in a city, town or village.

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‘(3) Such religious teaching shall take place between the hours of 3.30 and 4 o’clock p.m., and shall be conducted by any Christian clergyman whose charge includes any portion of the school district, or by any person duly authorized by said clergyman, or by a teacher when so authorized.

‘(4) Where so specified in such resolution of the trustees, or where so required by the petition of the parents and guardians as aforesaid, the religious teaching may take place only on certain specified days of the week, instead of every teaching day.

‘(5) In any school in towns and cities where the average attendance of Roman Catholic children is forty or upwards, and in villages and rural districts where the average attendance of such children is twenty-five or upwards, the trustees shall, if required by the petition of the parents or guardians of such number of Roman Catholic children, employ at least one duly certificated Roman Catholic teacher in such school.

‘In any school in towns and cities where the average attendance of non-Roman Catholic children is forty or upwards, and in villages and rural districts where the average attendance of such children is twenty-five or upwards, the trustees shall, if required by the petition of the parents or guardians of such children, employ at least one duly certificated non-Roman Catholic teacher.

‘(6) Where religious teaching is required to be carried on in any school in pursuance of the foregoing provisions, and there are Roman Cath-

## MANITOBA SCHOOLS

olic and non-Roman Catholic children attending such school, and the school-room accommodation does not permit of the pupils being placed in separate rooms for the purpose of religious teaching, provision shall be made by regulations of the Department of Education (which regulations the board of school trustees shall observe), whereby the time allotted for religious teaching shall be divided, so that the religious teaching of Roman Catholic children shall be carried on during the prescribed period of one-half the teaching days in each month. 1897

‘(7) The Department of Education shall have the power to make regulations for carrying into effect the provisions of this Act.

‘(8) No separation of the pupils of religious denominations shall take place during the secular school work.

‘(9) Where the school-room accommodation permits, at the disposal of the trustees, instead of allowing different days of the week to different denominations for the purpose of religious teaching the pupils may be separated when the hour for religious teaching arrives and placed in separate rooms.

‘(10) No pupil shall be permitted to be present at any religious teaching unless their (*sic*) parents and guardians so desire; and, in case the parents or guardians do not desire the attendance of pupils during such religious teaching, then such pupils shall be dismissed before the exercise, or shall remain in another room.

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‘(11) Where ten of the pupils in any school speak the French language (or any language other than English) as their native language, the teaching of such pupils shall be conducted in French, or such other language, and English upon the bi-lingual system.’

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(See p. 690).

Out of many kind words said and written 1903  
about Sir Oliver Mowat, on the day of his  
death and during the rest of that week, I select  
the following :—

The Rev. Dr. Armstrong Black, at the morning  
service in St. Andrew's Church, Toronto, on  
April 19, 1903, spoke as follows:—

‘After standing these six days holding its  
breath over an expiring life, the province has  
the silence and awe of death on its heart to-day.  
Grass and trees awoke to the spring this morning  
and the lake glistened in beauty hard by; and  
to-morrow the husbandmen will go afield, and  
statesmen and politicians will arise to their  
uneasy tasks all across the continent; but Oliver  
Mowat is dead; and that will make a great differ-  
ence to thousands. The province that has so  
long known the throb of his life will not so much  
hear of as feel his death; and our country, to its  
remotest township and homestead, will lament  
him. Ontario has not another so great to lose;  
perhaps she has never had a nobler to mourn.

‘We speak not of him as either politician or  
partisan; only of his essential self. A Saxon in  
staying power; almost a Celt in his immediate  
resource; with a unique opportunity in circum-  
stance and national developement; with an ex-  
haustless reserve of fact and tact—the very length

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of his life at last giving leverage to his power and adding to his name the glory of tradition and the halo of a personal veneration—all these things combined to make him our most conspicuous man. How wonderfully he commanded the faith and affection of the people out of one generation into another. He was an ideal to the men in the busiest street and on the loneliest farm; and, in spite of his distinction, the poorest and humblest claimed him as their own representative and the trustee of the people's rights. What a strong man he must have been to have so long held together and so deftly balanced these many extremes, appealing to and working with so many incongruous and almost incompatible elements in the national life—the finer culture of the schools and the ruder instinct of the cabin, the most exclusive Romanism, and the most strident Protestantism, and much else between. Had there been any secret flaw in his nature, the stress of such a life-task would have publicly revealed fissure and failure. Whatever some men may say of his policy, only one thing will all men say of his character: the man himself was true and good. His very name stands for integrity. This man lived and laboured for his country.

'None of us can realize the magnitude of the work he has accomplished. It towers above us and spreads itself over us in the life of the province; and we do not see the proportions or the mass of it, because we are so much under

## KIND WORDS

the shadow of it. We are like children looking up into the mystery of light and shade in the leaves and boughs in a great tree, unable to grasp the great bole that holds and steadies it all. His contribution of personal effort for the good and honour of his country seems to me to have been as ample and magnanimous as any Canada has ever received from a son. May God still give us men who will sway the people with moderation, who will chasten and stay the sacred name of liberty by a cultured reverence for the past, who will restrain themselves when they are tempted to agitate or aggrandize, and who will temper and subdue all prejudice and passion by a decisive appeal to the moral order of God and the moral nature of man !

‘Sir Oliver Mowat, with all his public virtue and service, was as conspicuous for the large elemental virtues of human character, personal and domestic. His fortitude and strength sprang of self-control and obedience to the voice of duty. He owned himself a humble follower of Jesus Christ; enduring hardness for His sake as a good soldier, disciplining his moral nature, revering the Sabbath, haunting the sanctuary, studious of God’s Word, observed of all as a man of faith and prayer, ever giving to Cæsar the things that are Cæsar’s and to God the things that are God’s. We need many kinds of men to do the world’s work—men of splendid and daring gifts who shine and dazzle at their work, as well as those of modest mien and unassuming

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perseverance and constancy. Sir Bors sat at the Table Round as well as Sir Galahad, and "Sir Bors it was who spoke so low and sadly at our board; and mighty reverent at our grace was he; a square-set man and honest, and his eyes smiled with his lips—a smile beneath a cloud."

'Such a knight, of unobtrusive, chivalrous devotion to duty and his country's weal, was he who passed this morning from amongst us into the spiritual city and the service for which earth's strenuous life was to him a long preparation.'

Rev. Dr. G. H. Milligan of Old St. Andrew's Church referred to the death of Sir Oliver on the same morning during prayer, expressing thankfulness for the example of his life and a hope that the family would profit by that example and be inspired to reflect honour upon the name. In the evening, preaching from the passage in Genesis where Jacob exclaims that his days have been few and evil, Dr. Milligan pointed out how influential Jacob was when he became truly religious. He then referred to the late Sir Oliver Mowat, pointing out that his parents, who came from Caithness, Scotland, had so often spoken of the old land, its customs and religious habits, with such affection and reverence that it showed an attachment almost romantic. The minister of Canisbay told Dr. Milligan that in the late 70's or the early 80's he received a letter from Sir Oliver, who was then in London, asking when the next communion would take place in

the parish. As it would be on the following Sabbath, the minister wired to that effect, and late on Saturday night Sir Oliver arrived from London. He joined the people at communion on Sabbath morning, remained throughout the service—which, in accordance with the old custom, lasted for the rest of the day—and returned to London on the following morning. Sir Oliver had thus travelled over seven hundred miles to take the holy communion in the parish of his parents. The incident showed that he had been brought up in a religious atmosphere and was thoroughly grounded in those principles of conduct that imparted the fidelity of service and the thoroughness of work that characterized his whole career.

Referring to other characteristics of Sir Oliver, Dr. Milligan dwelt on his wise and sane political instincts, and pointed out that he early saw the importance of the imperial ideas that are now so widespread, and did much to initiate them when they were not as popular as now. In his work he was laborious and cautious, examining every question thoroughly; and three times out of four he was absolutely correct. Dr. Milligan appealed to young men to take example from the patient, plodding, cautious, patriotic, religious characteristics which formed the basis of the late statesman's success.

The Rev. Canon Welch, M.A., D.C.L., at the morning service in St. James' Cathedral (April 19, 1903), said :—

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‘It is this hope of the life of the world to come which will assuredly sustain and help the loving hearts whose anxious watching round the sick-bed of the aged statesman, the representative of the King, is now ended, and for whom, in this hour of their sadness and separation, we all desire to offer our heartfelt and respectful sympathy, and our earnest prayers that the God of all comfort will give them in His own time His own true consolation. This hope it is, which, if we have made it our own, will be a staff to comfort us as we ourselves walk through the valley of the shadow of death, as I am sure it has been to him of whom our thoughts are full at this moment, and who this morning, having served his generation faithfully, loved by friends and respected by opponents, in a good old age full of years and honour, has passed from the service of an earthly monarch into the presence of the King of kings.’

The Rev. Canon Cody, M.A., LL.D., in St. Paul’s (Anglican) Church on the same day, referred to the death of the venerable Lieutenant-Governor. ‘In a new country,’ he said, ‘we look back with especial reverence and regard to those who were the protectors of the nation and made its foundations broad and deep. They occupied of necessity a distinctive position in the history of the country; and, however long may be the course of Canadian history, we shall always look back to those great, strong, patriotic men

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whom we call the 'Fathers of Confederation.' Sir Oliver Mowat was one of the fathers of his country: one of the few surviving grand old men of that great age of national patriots and true national heroes. His career was noble in the extreme. As lawyer, as Judge, as Minister of the Crown, as Minister of Justice, he bore himself without reproach.

'Both Conservatives and Liberals will join to-day in paying a due and proper meed of admiration to the character of the grand old man who has gone from us; a man of integrity and balance. May God give this country many more such men on both sides of politics! He was essentially loyal to the Crown, loyal to his own country, a patriot through and through; a man who by his timely truths not many years ago turned the whole tide of our national life, that seemed to be flowing in the direction of simple continentalism, back again into the old channel of true, worthy, noble imperialism.'

At the opening of the Court of Appeal on Monday, April 20, Chief Justice Moss said :—

'We meet this morning in the shadow of a great sorrow. We, with his fellow-countrymen, mourn the death of the late Lieutenant-Governor of the province. He was such a prominent and central figure in our national life that he will be mourned by all; and his memory will long be revered. We venture no attempt to review his career, for it would be a review of the history of the

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province for the last half-century. We who knew him as a lawyer and a Judge have learned especially to respect his judgement, his knowledge, and his fair-mindedness. His judgements still remain to help the Judge, the lawyer, and the student. All classes will honour his memory and his uprightness as long as the province of Ontario lasts. To his family we offer our sympathy.'

At the opening of the Royal Commission on the same morning Sir John Boyd made the following reference to Sir Oliver Mowat's memory on behalf of himself and his associate, Chief Justice Falconbridge :—

'The sad event which has been expected for some days has actually happened, and Sir Oliver Mowat is now no longer a leader among us. I now speak for myself and my colleague. He has passed away full of years, crowned with well-deserved honours as Lieutenant-Governor of Ontario, the chief executive officer of the province, and the representative of His Majesty. He was the leading man of his province. He was also first in the point of noble character and genuine personal worth. He had profound convictions of truth in its highest and deepest aspects, and by virtue of these his course was shaped. Whether at the bar or on the Bench, alike in the field of politics, or in the dignified quiet of his later years, he did his duty thoroughly. He served his country faithfully; he leaves the record of an upright life; and no man needs a better memorial.

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‘He rests from his labours, his works follow him. Nay—they do not—they remain with us as a people to stimulate to faithful service and renewed sincerity in public and private life. In this man are again verified the ancient words of wisdom: “Though the righteous be prevented in death, yet shall it be in peace.”’

Mr. Justice Britton, of the King’s Bench Division, said :—

‘It is fitting before entering on the work of the day that I should make a brief reference to the sad event of yesterday, which is in the thought of all ages, and fills our heart with sadness. In the passing away of Sir Oliver Mowat, Canada has lost one of her truly great and good men. A statesman he was whose name will stand out more and more prominently upon the page of history as the years go by. He was a wise administrator in the important offices which in and under different Governments he held. He was an indefatigable worker, a painstaking, able, and upright man; a conscientious lawyer, in whose hands clients’ interests were absolutely safe; a man of scholarly attainments, a faithful friend, a Christian gentleman. Canada mourns the loss by his removal; but Canada is much better and richer by his life, and especially by his having been given a life full of years and in full possession of all his faculties. I speak these words in grateful and affectionate remembrance of Sir Oliver Mowat.’

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Judge Hodgins, in the Admiralty Court, concluded his remarks on the death of the Lieutenant-Governor by saying :—

‘I have known him when he was a politician, and I was a politician, to refuse a policy that he felt would not be in the public interests; and therefore in the propositions that he brought forward I felt all the stronger confidence in his leadership. I think we all can realize from the high character he maintained professionally, publicly, and politically, an object lesson, giving us a type which we may all safely seek to follow. It has been said more than once that those who do good to the country, whether of their adoption or of their birth, are men who are the gifts of Providence to the nation to which they belong.’

In moving the adjournment of the House of Commons, the premier, Sir Wilfrid Laurier, said :—

‘Mr. Speaker, before we proceed further with the business of the House, it is my painful duty to inform it officially of the death of the Lieutenant-Governor of the province of Ontario. Although Sir Oliver Mowat never was a member of this House, he was for some time a respected member of another branch of the Legislature; and for more than forty years he occupied in the national life of this country a position of such prominence that the House would be remiss to a proper sense of its own dignity if it failed in some way to record this appreciation of the great loss the country has sustained.

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'This loss will be all the more keenly felt, because Sir Oliver Mowat was one of the last few survivors of that generation of exceptionally strong men who, after the union of Upper and Lower Canada in 1840, contributed to revolutionize, peaceably but thoroughly, the relation which had previously existed between the colonies and the parent state, and to shape our destinies and institutions to the form and condition which we now enjoy. In that remarkable galaxy of men, which included Macdonald, Cartier, Dorion, Mackenzie, Holton, Galt and McGee, Sir Oliver Mowat was one of the most remarkable; because his is the undisputed distinction that he gave more continuous years to the service of the State than any other man in our history. When we examine his career, we realize what gigantic strides have been made in the comparatively short period of a single life from those old days when the provinces of British North America were a number of small and scattered Crown colonies, to the present time, when Canada is a nation. His life embraces the whole space which has elapsed from those old days when the rights, the opinions, the sentiments, and the feelings of the people were hotly scored and trampled upon by an audacious oligarchy, to those happier days of our own time when questions arising from the conflict of opinions and sentiments which are inseparable from human affairs are settled by the regular and normal action of constitutional government.

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‘He was a mere youth when the abuses of the former regime culminated in the rebellion of 1837, and one of his last official acts was to help to obtain, without violence, legitimate, honourable and fair concessions to the just claims of the minority in the province of Manitoba.

‘During the whole of that space covered by those two extremes, Sir Oliver Mowat took an active and ever-growing part in the contests, agitations, and struggles which eventually brought about Confederation. His was a remarkably successful career. It can be said of him, as was said of the Duke of Wellington, that “he scarcely ever met a reverse, and never lost a battle.”

‘Whatever purpose or career he applied himself to, he easily came to the front rank. After having completed his classical studies he chose the bar as his profession, and rapidly rose to great eminence as a lawyer. He entered politics at a time of perturbation, and at once took a prominent part as a debater, in an Assembly composed of men capable of adorning any Assembly in the world. His abilities were such as to make him equal to any emergency.

‘Then he was appointed to the Bench, where he showed all the distinguished qualities of an able and learned Judge. After a time he entered politics again, and became the premier of his native province, in the face of very strong opposition, a position which he maintained for twenty-four years, and only abandoned it to enter, at my invitation, the Dominion Government, in order

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to give us the benefit of his advice and his distinguished ability in the settlement of very important and irritating questions.

‘During the twenty-four years that he was premier of the province of Ontario, every man must agree that he gave to that province a Government which can be cited as a model for all Governments: a Government which was honest, progressive, courageous, and tolerant.

‘If there was one thing in particular which, I think, would mark his career at this time of life it seems to me it would be found in the policy he always maintained of giving a broad, generous, and tolerant treatment to the minorities of that province. In this, it seems to me, he performed a great service, not only to the province of Ontario, but to the whole people of the Dominion of Canada. Still, if I were called on to say what in my estimation is the one characteristic which will particularly mark the career of Sir Oliver Mowat, when it comes to be reviewed by the historian of the future, it seems to me that not even that generous treatment which he gave to the minorities would be that characteristic.

‘In my estimation, the one special feature of his character and career which will stand out in bolder relief than any other is that of all the men who contributed to shape our institutions and bring them to the degree of excellence they have now reached, he perhaps performed the largest share. I do not believe that this statement can

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be successfully disputed, for there is abundant authority to justify it.

‘Though he took an active part in the preparatory work which eventually culminated in Confederation, yet when Confederation had become an accomplished fact, he did not take the prominent part that was taken by some of his compeers at that time; for after the principle had been affirmed by the Quebec Conference in 1864, he withdrew from the arena to become a Judge, and for some years he was removed from political contests. George Brown has the credit of having by his powerful agitation, forced the issue of Confederation; Sir John Macdonald has the merit of having brought Confederation into active operation; but it seems to me that to Sir Oliver Mowat belongs the credit of having given it its character as a federal compact. Shortly after the Confederation had been launched: when its fundamental principle was still on trial: when its elucidation was still uncertain: when it was doubtful whether a union of the provinces would be in reality a federative union as it was in name, or a legislative union, though federative in name, he re-entered the arena, and gave up the quiet and dignity and repose of a judicial life to become the leading champion of the federative principle.

‘At that time Sir John Macdonald was the most commanding personality of our national life. Perhaps it may be said that he was in the zenith of his fame and power; and for nearly twenty years his

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most successful opponent was Sir Oliver Mowat. For nearly twenty years Sir John Macdonald as the head of the Government of Canada, and Sir Oliver Mowat as the head of the Government of the province of Ontario, were engaged in a contest which, whether it was nominally one point or another, always centred around the federative principle of the Constitution, and terminated in its actual triumph. It is a well-known fact that Sir John Macdonald was not at heart a federalist; he was a legislative unionist. It is a matter of history that if Sir John Macdonald had had his own way at the Conference of 1864 at Quebec, the union of the provinces, instead of being federalist would have been legislative. It is a matter of history that after he had become the leader of the new Government of the Confederation, his constant efforts were directed towards centralization.

‘It is equally a matter of history that it was a part of his policy on every occasion to claim for the federal Administration powers which under the compact of union seem fairly to belong to the provinces. Sir Oliver Mowat, on the other hand, was a very pronounced federalist; and Sir John Macdonald found on every occasion the premier of Ontario before him, determined and resolved to uphold and maintain the federal principle of our Constitution. It is a matter of history that in all these contests Sir Oliver Mowat was invariably successful. The interpretation he gave our Constitution is invariably maintained by

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the Courts; and he is certainly entitled to the honour of being pronounced the most correct interpreter of it that Canada had yet produced.

‘Of course, on those questions men differ; and opinions are not identical. There are, undoubtedly, men who believe that the views held by the late Sir John Macdonald were correct. There are others who think that the views held by Sir Oliver Mowat more accurately interpreted our Constitution. But whatever may be the opinions we entertain, whether we agree with Sir John Macdonald or Sir Oliver Mowat, we must admit as between both the two great men who did so much for Canada that, at all events, the merit of constitutional ability in the interpretations of the Constitution seems to belong rather to the gentleman whose loss we so deeply deplore.

‘There was, however, one point upon which Sir Oliver Mowat and Sir John Macdonald were in perfect agreement. Much as they differed on the question of the interpretation of the Constitution and other questions, they were both extremely devoted in their attachment to their mother-land, and the land of their ancestors. On every occasion it was their motto to be true to British connexion. As far as Sir Oliver Mowat was concerned, he was true to the province of which he was the premier, true to this Canadian Confederation, the Dominion of which he was one of the architects, and true to the Empire of which we form a part.

‘It is, no doubt, the wish of every one of us to do what we can to show our respect to his memory. Unfortunately, we can do very little in this way. I am informed that his funeral will take place on Wednesday, and no doubt every honourable gentleman in the House will wish to be present if possible. To meet this desire I would move, seconded by the leader of the Opposition :—

“That when this House adjourns to-morrow it do stand adjourned until Thursday next, in consequence of the death of the Hon. Sir Oliver Mowat, Lieutenant-Governor of Ontario, and out of respect to his memory.”’

Mr. R. L. Borden (Halifax,) who seconded the motion, said :—

‘I consider, Mr. Speaker, that the motion which my right honourable friend the Prime Minister has proposed, is an eminently proper one under the circumstances; and I give it my most cordial support. In the death of His Honour, the Hon. Sir Oliver Mowat, a great figure has passed off the stage, a man who links the present generation with the generation to the great men of the past, to which my right honourable friend has referred. Sir Oliver Mowat truly had a great public career; not only in the sense of the unusual success which attended his efforts as a public man, but in this sense also, that he has left behind him an honourable name, a name absolutely unstained. He leaves behind

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him a name which commands the respect, the esteem, and the affection of all his fellow-countrymen, regardless of political opinion. I therefore second the motion which the right honourable gentleman has proposed, and endorse the sentiments he has expressed.'

Mr. E. F.  
Clarke.

Mr. E. F. Clarke (West Toronto), said :—

'Mr. Speaker, if I might be permitted to add my humble testimony to the eloquent tributes which have just been pronounced upon the passing of Ontario's "Grand Old Man," I would say that in Sir Oliver Mowat's death Toronto has lost its foremost citizen, the province of Ontario its most highly-honoured and cherished son, and the Dominion a patriot whose fidelity to the interests of Canada and of the Empire never wavered. As one of the representatives of this House of the city of which for more than three-score years Sir Oliver Mowat had been a resident, I am happy to know and to feel that on this occasion I speak for all parties, all creeds, and all classes, in Toronto, when I say that from the moment he first entered the arena of public life as a member of the City Council, until at the close of a long and useful and honourable career, full of years and of honours, he was called to enter into his eternal rest, he deservedly enjoyed the respect and esteem of his fellow-citizens.

'The record of Sir Oliver Mowat's life work will be an incentive and an inspiration to the

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rising generation, as well as to future generations of Canadians, to strive to emulate his example, and to devote themselves to the advancement of their country's welfare. It only remains for me to join most sincerely in the eulogies which have been passed upon the deceased statesman, and for myself, as well as for my colleagues, to respectfully tender an expression of our deep sympathy to the bereaved family, whose grief will be shared by Canadians from end to end of the Dominion.' 1903

In the Senate Hon. R. W. Scott referred to the death of Sir Oliver. He said it was not customary to refer to the death of Canadians unless they were Senators, but the present occasion was an exception. He then briefly and sympathetically traced the career of the deceased statesman whose life, he said, had been a most valuable one to the country. He moved that on Tuesday the Senate stand adjourned until Thursday. Hon. R. W. Scott.

Hon. D. Ferguson regretted Sir Mackenzie Bowell's absence, and concurred in the eulogium pronounced by Hon. R. W. Scott, and supported his motion, which at once carried, *nullo contradicente*. Senator Ferguson.

In the Legislative Assembly of Ontario the Hon. Geo. W. Ross (Premier) said :— Hon. Premier Ross.

'I think it is proper at this stage of the proceedings of the House that I should offer some ob-

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servations with regard to the decease of our late esteemed Lieutenant-Governor. His ripe years and long services have endeared him to the whole people of Ontario, particularly; endeared him to the people of Canada, for he was a Canadian, and was known wherever the institutions of the country were known; endeared him to the members of this House, who shared with him, in a greater or less degree, the responsibilities as well as the pleasures of legislation; endeared him in a special sense to those of us who were his colleagues, who knew his zeal in the public service, his great desire to maintain in its fullest integrity the honour and dignity of the Assembly, and his unremitting efforts to maintain at a high level the legislation of this House. Sir Oliver Mowat will be remembered by those who were closest to him in the work of legislation as a most faithful and capable executive officer; he will be remembered by the Liberal party as a capable and courageous leader; he will be remembered by all good citizens as a man whose walk and conversation were worthy of all imitation.

‘In writing the history of this province, or in writing the biography of the distinguished gentleman, there are two or three features of his life which I think will come out in very bold relief; and the first that occurs to me is closely related with his work in the Legislative Assembly, and with his far-sightedness in establishing the constitutional precedents (I have no doubt for all time to come) governing the status of the province of

## PREMIER ROSS

1903

Ontario as a member of the great federal compact. It is to Sir Oliver Mowat's foresight, and his keen appreciation of the status of the province in the federal compact, that we owe, to a large extent, the entire independence of this province from entangling constitutional alliances with the Dominion Government—I speak of the Government not as a political body, but as an element in the interpretation of our Constitution. cursorily read, or superficially read, our Constitution would seem to indicate that at the top and by logical gradation would stand the Imperial Parliament; subsidiary, the Dominion Parliament; third and lowest of rank, the provincial Legislature. This was not the view entertained of our relation to the federal compact by the late Sir Oliver Mowat. He interpreted the British North America Act to mean that the secret springs of our power were as directly connected with the Crown as those of the Dominion Government, and, therefore, as our Statutes show, all Legislation in this House is enacted "By and with the advice of *His Majesty* and the Legislative Assembly." In some of the other provinces—as Prince Edward Island, Nova Scotia and New Brunswick—the recital is "the Lieutenant-Governor, by and with the advice of the Assembly and Legislative Council," as the case may be.

'Sir Oliver Mowat contended from the very inception of federation that the provinces stood in the same relation to the Crown as the Dominion Parliament or the House of Commons; and it

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was the tenacious grip which he took of this proposition which led, in some instances, to those contests for constitutional interpretation, and perhaps, some might say, for constitutional supremacy, which were carried to the Judicial Committee of the Privy Council, and which happily resulted in the recognition by the Judicial Committee of the Privy Council of the complete sovereignty of this House within its constitutional limitations.

‘It is very gratifying to feel that in the early interpretation of the Constitution of the province there was a statesman placed—shall I say providentially?—in such a position as to maintain the sovereignty of this Legislature, and in this way give to the provincial Assembly a dignity and importance which otherwise it should not have. We could not brook the idea now that this Legislature is in any sense subordinate to the Dominion Parliament. The Crown, as represented by the Lieutenant-Governor, is a source of honour, as much as His Majesty is a source of honour in Great Britain.

‘This is the fundamental principle in the decision of the Escheats’ Case; this is the fundamental principle which gave to the province of Ontario the ownership of its mines and timber. These decisions, therefore, indicate at once the attitude of the late Lieutenant-Governor towards the Constitution, in the framing of which he had something to do, and the full advantages of which we can scarcely appreciate.

We could only appreciate them to the full should it happen at any time that there was a Government in power at Ottawa which would endeavour to encroach upon our prerogative. 1903

‘In one respect Sir Oliver Mowat filled largely the place in Ontario which Judge Marshall filled in the United States. It was reserved for Judge Marshall in the early 20’s to establish the sovereignty of Congress; and so to co-ordinate the Constitution of the United States that Congress, within its own sphere could only be an effective instrument of government by being made independent of State control. In the same sense Sir Oliver laid the foundations of our Constitution; for it is by the interpretation of a Constitution that its length and its breadth and its height and depth are fully measured. He to whom was entrusted the duty of laying its foundations, and who laid them as widely and well and as broadly as he has laid them, ought not to be forgotten by this Assembly, ought not to be forgotten by any one who values the full, free, undisturbed control of all provincial legislation, by any one who values the dignity of a seat in this House.

‘Another distinguished feature of the honourable gentleman was his versatility as a legislator. I do not know that there is on record another instance of such wonderful versatility as he possessed. For demonstration of this, one has only to take up the twenty-four volumes of the Statutes

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which passed through his hands. I have looked at them to-day, and they average five hundred pages to the volume—twelve thousand pages of law—and law essential to the complicated conditions of society in this province.’

Continuing, Mr. Ross examined some of Mr. Mowat’s early measures, among the first of them being the settlement of the Municipal Loan Fund Debts. This was arranged by Sir Oliver with a genius worthy of one of the most experienced financiers of the day. His next great work of legislation was the Judicature Act, by which the procedure of the different Courts of the province was simplified and unified. Routine was abandoned where it was not necessary; the law’s delays, so far as practicable, were overcome, and a system of judicature very much after the method of the English system was applied to the province, to the benefit of the profession, and certainly to the benefit of the suitor. That work of itself was sufficient as a work of half a life-time for any man, and yet it was but a part of the great work of legislation to which he set his hand. Then they had the Franchise Act, the laws regarding labour, agriculture, and the administration of justice. They had the Controverted Election Act modified and revised. There was no relation in life, no occupation or profession that the speaker could mention to which, in some form or other, his legislative genius did not apply itself. The rights of married women were extended, the rights of

property made more secure, and the liquidation of debts facilitated. Of his fame as a legislator any half-dozen men might be proud; but it was only one phase of his fame; and it showed a breadth of knowledge which indicated a close and intelligent study of not only the laws of this country, but the laws of other countries, and a skill in law-framing and law-making which was one, and perhaps the greatest, of the achievements of the honourable gentleman whose memory they now recalled.

Somewhat more sentimental, but equally useful in his character as a public man, I should mention his attachment to Canada and the Empire. I say "somewhat more sentimental"; and yet, without a certain amount of sentiment, what would even as practical a man as Sir Oliver Mowat have been? His attachment to Canada was not the attachment of a mere optimist; although an optimist in a certain sense he was. Few public men whom I knew had less of the pessimist. To his eye the rainbow was always in the cloud. Never have I seen him depressed with public cares. In the busiest hours of his life he was ready to discuss matters brought before him by his colleagues with a simplicity, an attention and a humility almost remarkable.

His attachment to Canada seemed to be based on two or three grounds. Though he was a Canadian born, that would not account for it. He had seen the growth of this country; in fact his span of

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life covered its most marvellous growth, particularly that of Ontario. In his early age Ontario contained 100,000 to 200,000 people. He saw it grow to over 2,000,000. He saw two separate provinces united into the Parliament of Canada. That was a step which must have gladdened his heart, judging by what we know of him in later years. He had obtained the confidence of a constituency, South Ontario, and I can imagine him exclaiming in the words of Burke, that he "sought to enter Parliament for the good he could do and the evil he could restrain." He had been in Parliament for seven or eight years when he was called to the councils of the old Parliament of Canada. Through his comprehensive statesmanship, combined with that of the great men with whom he was associated—for that was a period of great men in the history of this country—the two Canadas blossomed into the compact of the four provinces. He was a member of the Quebec Conference to consider and form the basis of Confederation; and although he retired for a season from the field of active politics, he no doubt rejoiced to see the growth of that Canadian confederacy which he had helped to establish, until it covered the whole land from one ocean to the other. And who that has seen the energy which he displayed in maintaining the integrity of this Dominion from time to time will not say that he spent his best efforts for the development and strengthening of our Dominion ?

‘Sir Oliver Mowat,’ Mr. Ross went on, ‘was 1903  
eminently a man of peace. He believed in the bonds of Empire, as well as in the bonds of Dominion. So, in every sphere in public life his effort was to create an effective sympathy, a common sympathy, between the provinces in carrying on their legislation and in maintaining a high standard of efficiency. When a disagreeable quarrel threatened with Manitoba over the boundary he said in effect to Attorney-General Miller of that province: “Come down, Mr. Miller, let us settle this quarrel if we can.” He came and they soon laid the foundation for an adjustment of the difficulty. Had he been more aggressive he might have made it uncomfortable for his weaker antagonist. With him peace and concord were greater than victory; and the integrity of Confederation was more important than the successful judgement of the Privy Council. He stood for unity of provinces; more, for unity of races and unity of creeds. New Brunswick is sending a wreath, and the Lieutenant-Governor of Quebec is on his way to attend the funeral. Unity of races, in association with such men as Dorion, in laying the common foundation for our new nationality; unity of races, as we saw him endeavouring to soothe the troubled elements, endeavouring to promote concord where seeds of bitterness were being sown, so that all races in the province over which he presided might unite harmoniously for its further advancement.

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‘And what applies to the unity of races equally applies to the unity of creeds. A fervently religious man himself, he believed that whatever religion a man possessed was that for which he alone, and no other, was responsible, and he was willing to accord to all the same religious liberty which he claimed for himself; and so, during his whole career in Ontario, he seemed to bear in mind the fact that minorities had their rights as well as majorities, and that all classes of Her Majesty’s subjects, so far as he was concerned, should share equally in the advantages of Government. This view, Sir, gives us great satisfaction. Those of us who sat beside him, and those who took a little of their inspiration from him, and perhaps should have taken more, feel with him that the future of this country is bound up in the unity of the provinces and in the suppression of those racial and religious differences which are always subversive of public character and detrimental to the public weal.

‘And, lastly, I shall say of the distinguished statesman that he was conspicuous to those who knew him intimately as a man of exceeding great strength of character. Under that mild exterior there was the force of a giant. That soft and gentle grip of the hand at times was a grip of steel. That smile, scarcely ever absent, represented a resolute heart, filled—always filled—when necessary, with determination and courage. He could ridicule without malice, as we know; he could argue without resentment.

There was no phase of character which he could not represent in its best form. His patience under trial was unailing and was well known to all who knew him; and above all and over all, there was that conscious devotion to duty which never forsook him, whether it was in dealing with private legislation, or whether it was in leading his followers.

‘The party has lost a great leader, the country has lost a great man. While the history of this country is read; while the institutions of our country are being studied in the formative condition, there is no doubt in my mind that the work which he did and the place which he filled will for many years to come be considered as one of the most important places filled by any Canadian. His strength was in his sincerity. As it was said of Sir Galahad :—

“His strength was the strength of ten  
Because his heart was pure.”

‘He was true to his convictions of policy and principle; he was true to his convictions of duty; he was true to his country. That conviction he impressed upon all who knew him; and that conviction has never been shaken by any act in his career. Carlyle said, speaking of Shakespeare, that he was “an English king, whom no time or change, no Parliament or combination of Parliaments, could ever dethrone.” We can say of Sir Oliver Mowat that he was a Canadian patriot, whose influence on the history of his country no time or change, no Parliament or

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combination of Parliaments, will ever efface.  
In the words of Tennyson :—

“We have lost him: he is gone;  
We know him now: all narrow jealousies  
Are silent; and see him as he moved,  
How modest, kindly, all-accomplished, wise;  
Not making his high place the lawless perch  
Of winged ambitions, nor a vantage ground  
For pleasure; but thro’ all that tract of years  
Wearing the white flower of a blameless life.

For where is he,  
Who dares foreshadow for an only son,  
A lovelier life, a more unstained, than his?” ’

Mr. J. P. Whitney, leader of the Opposition, referred to the loss which this province, and indeed all Canada to-day deplored. The greater the place which any public man occupied in connexion with the events which happened in his country, the more difficult it was to form a proper appreciation of the man, of the circumstances under which he worked, of his services, or of his merits. Therefore he wished to add just a word or two to the language used by the premier. Sir Oliver Mowat was a great party leader and a great public man, and he was also a good man, with all that those two words implied; and it was due to that, as much as to any other quality which he possessed, that he occupied at the time of his death the position that he did in the estimation of the people who knew him best.

## HON. J. P. WHITNEY

‘It seems to me,’ said Mr. Whitney, ‘that in order to arrive at a proper estimate of the character and services of Sir Oliver Mowat, we must start at these premises, viz.: that he desired the continuance and perpetuation of British institutions on the continent of North America; and this was the basis or foundation on which the public efforts and public life of Sir Oliver Mowat were offered, and on which he desired to rest his reputation.’ 1903

‘Like the “Grand Old Man” of Canada, Sir John A. Macdonald, Sir Oliver Mowat, too, believed that the British Empire was the greatest secular influence for good. Hence both men loved the British Empire. Hence, each one in his own way strove for the advancement and perpetuation of British institutions on the continent of North America; and each in his own way was enabled to be of great use and advantage to the people who were comprised in the population of the Dominion of Canada. Sir Oliver Mowat was a strong party man, and he (Mr. Whitney), as one who had belonged, and still belonged, to the opposite party, was glad to be able to make this statement, because he believed, and he was convinced that Sir Oliver believed, that under our system strong party men who believed in the principles which their party advocated were not only a political necessity, but that their existence was productive of the greatest possible good, and therefore he was glad to say, as he would of a political opponent who was, perhaps, not so great a man as Sir Oliver Mowat,

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See p. 690: that he was glad that he was such a strong party man.

‘The members on the Opposition side of the House, and they who thought with them throughout the country, did not propose to allow the political friends of Sir Oliver Mowat to be the only mourners on this occasion. He believed he had a right to say that the political opponents of Sir Oliver, who often differed with him, who often criticized him, nevertheless realized and believed that under our system the greatest good to the people was the result of the antagonistic position taken by political parties in reference to the great political questions. Those who occupied that position would say with all earnestness and sincerity that they were thankful that Sir Oliver Mowat had lived. They, too, were proud of his services; they, too, deplored his death, and offered their earnest sympathy to the family which he left behind.’

Mr. J. S. Willison, in the *Toronto News*, (Independent), April 20, 1903, wrote:—

‘A remarkable career has closed in the death of Sir Oliver Mowat. For nearly half a century he had a conspicuous place in the public life of the country. In its unbroken success his career has no parallel in British history. He had office under the old regime. His was an influential voice in the making of confederated Canada. He sat upon the Bench in the early days of the union. He administered the affairs of the chief

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province of Confederation for nearly a quarter of a century. He carried his Government triumphantly through five successive general elections. He held throughout all that period the undivided allegiance of his party, and he commanded also the sympathy and support of an influential wing of Conservatives. He withdrew at last to become Minister of Justice at the federal capital; and he thence returned, when four-score years had settled upon his head, to the familiar surroundings of his vigorous manhood. And there as Governor of his native province he maintained until his life's end his active connexion with public affairs. He goes to his grave honoured by Canadians of all parties, classes and creeds, and he leaves a record of service and achievement as fragrant and as honourable as any that Canadians are permitted to cherish.

'Sir Oliver Mowat's career covers many of the most eventful chapters in Canadian history. In 1857 he entered the old Parliament of United Canada as member for South Ontario. George Brown was then at the zenith of his power; and under his strong and aggressive leadership the Liberals of Upper Canada were waging a strenuous fight against the preponderant power of Quebec in the common legislature, and against the introduction of the separate school system into Upper Canada. The election literature of Mr. Mowat's first contest was of an exceedingly vigorous character, and was, perhaps, hardly consistent with the temper of the candidate. He was never so much of a zealot as was George

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Brown, and he had none of the qualities of an agitator. But, as Brown's candidate, he seems to have heartily accepted Brown's policy; and his first contest was marked by all the passionate enthusiasm for popular government, and by all the unrestrained denunciation of sectarian institutions and ecclesiastical pretensions for which Brown was distinguished.

'Sir Oliver Mowat came of Conservative stock. He was reared in Conservative surroundings. He was, perhaps, always a Liberal-Conservative rather than an orthodox Liberal. In Great Britain, in earlier times, he would have stood with Peel. There he would have been of the Whig school. Here, he was of the school of Baldwin and Lafontaine. He was a member of the short-lived Administration formed by Brown and Dorion in 1858, and was Postmaster-General in that of John Sandfield Macdonald, which came into office a few years later. He was probably more at home with Sandfield Macdonald than he could have been in a Cabinet under Brown's leadership. He and Macdonald seem to have had very similar qualities of prudence in action and of steadiness in administration. During his long tenure of office in Ontario he governed very much according to the methods which Sandfield Macdonald had introduced. He seems, however, to have been a federalist from the outset, and in complete sympathy with Brown's agitation for representation according to population and for a federal

union of the Canadas. He seconded Brown's motions in 1864, declaring that the old legislative union was a failure, and could not be advantageously maintained, and that the remedy for the unsatisfactory conditions which then prevailed was to be found in the formation of two or more local governments, with some joint authority charged with such matters as were necessarily common to both sections of the province. This was the germ of Confederation; and it was natural that he should be selected as one of Brown's colleagues in the great Coalition Cabinet. Owing, however, to his appointment to the Vice-Chancellorship of Upper Canada he was for a time unable to advise upon the actual details of the British North America Act; and it is no doubt owing also to this incident that all his later years of political activity were devoted to provincial rather than to national affairs.

He was, however, greatly instrumental in determining the federal character of the Constitution. If he had remained in the Coalition Government he would doubtless have been the staunch ally of George Brown and Sir Geo. E. Cartier in resisting Sir John Macdonald's project of a legislative union, and in engrafting the principle of federalism firmly upon the new Constitution. His greater political achievements centre in his long and triumphant struggle with the Conservative leader to establish the ample constitutional powers of the provinces, and in particular to maintain the legislative

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and territorial rights of Ontario. He had a sure grasp of the letter of the Constitution, and a keen perception of its spirit; and he initiated and directed many of the great legal contests by which its federal character was developed and established. In virtue of the guarantees of the Constitution and the principle of federalism, he resisted those racial and sectarian agitations which more than once threatened to destroy his Government. It was upon these grounds that he defended the separate school system, and persuaded the party which George Brown had created to accept the perpetuation, if not to sanction the extension of separate school privileges in this province. It was upon these grounds that he resisted the attempt of the federal authorities to establish control over liquor licences and provincial railways, and to despoil Ontario of timber, minerals and territory. Nor is it clear that his provincialism was inconsistent with a sincere and tolerant nationalism. He rejoiced in the accomplishment of Confederation.

‘He was thoroughly devoted to British connexion. He had no dearer ambition than that Canada might become the happy and prosperous home of millions of British freemen, united in indissoluble bonds to the mother-country. Here, especially, he was insistent and dominant in fashioning the temper and character of the Liberal party, and in maintaining and strengthening British sentiment in Canada.

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'He rejected the policy of commercial union at the outset, and while, like Brown and Holton and Galt and Sir John Macdonald, he was favourable to generous reciprocal trade with the United States, he was probably more deeply prejudiced against American diplomatic methods, and more keenly critical of American institutions than any other Canadian statesman of his generation. This had its root in his sincere devotion to British connexion, and his unwavering confidence in the successful upbuilding of a great British Confederation on this continent. Hence, while there was nothing professional or calculating in his loyalty, his attitude towards the neighbouring country and his deep-rooted British sentiment gave him an exceptional popularity in his own province and an exceptional influence in national affairs. It is not true that he was chiefly instrumental in designing the preferential British tariff; but he, more than any other Liberal leader, voiced and maintained the sentiment among Liberals which made its adoption so thoroughly welcome to the masses of the party.

'As a legal and constitutional authority Sir Oliver Mowat ranked with the Hon. Edward Blake and Sir John Thompson. Neither, however, had his rare gifts for party leadership. He was cautious to a degree, remarkably sure-footed, and inflexibly resolute in the prosecution of his ends. It is a striking fact that during many years of his leadership of the Liberal party in Ontario he was opposed by an Opposition chief

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who, while wearing the Conservative label, promulgated and practised a creed of sympathetic and progressive Liberalism. It would not be wide of the truth (if it is permissible to discuss the by-gone politics of a Judge) to describe Sir William Meredith as a Radical; and there is not the least doubt that many old-fashioned Conservatives looked with more kindly eyes upon Sir Oliver Mowat than upon the official chief of the Conservative party. This preference rested wholly upon political grounds. In sterling rectitude of character, and in capacity for affairs the Conservative leader ranked with any man who has ever figured in the public life of Ontario. But his liberal and reforming tendencies sometimes distressed and even shocked the Tory element in his party. To this fact, and to the further fact that during almost the whole of Mr. Mowat's premiership the Conservatives held power at Ottawa, may be partly ascribed his exceptional strength with the more sober elements of the population. There was no doubt that his Government was thrifty in its financial management, capable in its departmental administration, and resolute in its defence of provincial interests; and with these characteristics and this quality of performance, even a great percentage of Conservatives was content so long as a Conservative administration held power at Ottawa.

'Except during the period when the two leaders were in direct conflict over provincial rights and the boundary question, Sir Oliver Mowat

had cordial relations with Sir John Macdonald, while his Liberal relations with Sir John Thompson were even more intimate. It is known to have been the view of Sir John Macdonald that the existence of a group of Conservative administrations in the provinces would not make for the permanence of Conservative rule at Ottawa; and while Sir Oliver Mowat heartily co-operated with Mr. Mackenzie, Mr. Blake, and Mr. Laurier, he doubtless understood that the existence of a Conservative Government at Ottawa operated to the advantage of the Liberal party in this province. The more independent element of the electorate in Ontario have never been disposed to maintain Conservative governments alike at the provincial and at the federal capital; and their attitude towards the Liberal party is not likely to be different from that which they maintained towards the Conservative leaders.

‘In his management of the Liberal party in the legislature, and in the country, Sir Oliver Mowat showed keen knowledge of his fellows and rare insight into the dominant tendencies and prevalent sympathies of the community. He employed with remarkable skill all the arguments and influences which tend towards the consolidation and extension of a governing organization. He was an adept in the use of patronage, but seldom made an unworthy appointment.

‘He held to the great traditions of Liberalism, but was always careful to keep in touch with the

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settled opinions and conservative sentiment of the province. His labour legislation was progressive, but never revolutionary. His legal reforms were carried out with the sympathetic co-operation of the profession. He called able colleagues to his side. He demanded clean and efficient administration. He was the absolute master of his political household. He was not an orator; in fact, he was not even a good platform speaker. But he was a strong and convincing debater in the Assembly, and no question of policy or legislation was ever quite exhausted until he had spoken. He had a complete mastery of the business of the Legislature. He had an intimate acquaintance with the details of every question discussed, and of every measure submitted to the Assembly, and was seldom forced to retreat from any position he had once deliberately occupied. In Parliament, as in private life, he was gracious and courtly in demeanour, apt in compliment and in retort, and scrupulously faithful in the observance of compacts with his opponents.

‘His standard of personal conduct was high. His was essentially a religious temperament. He was old-fashioned in his ideals of living. He gave dignity and character to public life, and maintained a rare integrity through all the vicissitudes and exigencies of his long and fruitful public career. And as he passed to his rest in the serene atmosphere which sur-

MR. J. S. WILLISON

rounded his closing years, he could surely have 1903  
said with Whittier :—

“ How softly ebb the tides of will; how fields once  
lost or won,  
Now lie behind me green and still beneath a level  
sun;  
How hushed the hiss of party hate, the clamour of  
the throng !  
How old, harsh voices of debate flow into  
rhythmic song.”’



## APPENDIX XIV

### THE MOWAT ADMINISTRATION

1872-1896

PREMIER AND	Oct. 25, 1872—May 24, 1892	HON. O. MOWAT
ATTORNEY-GENERAL.	May 24, 1892—July 13, 1896	SIR O. MOWAT
PROVINCIAL TREASURER.	Oct. 2, 1872—Mar. 24, 1877	HON. ADAM CROOKS
	Mar. 24, 1877—June 2, 1883	HON. S. C. WOOD
	June 2, 1883—Nov. 1, 1883	HON. JAMES YOUNG
	Nov. 2, 1883—June 14, 1890	HON. A. M. ROSS
	Sept. 30, 1890—July 13, 1896	HON. R. HARCOURT
PROVINCIAL SECRETARY.	Oct. 25, 1872—Nov. 25, 1873	HON. T. B. PARDEE
	Nov. 25, 1873—April 4, 1874	HON. C. F. FRASER
	April 4, 1874—July 24, 1875	HON. A. MCKELLAR
	July 24, 1875—Mar. 24, 1877	HON. S. C. WOOD
	Mar. 24, 1877—Jan. 18, 1889	HON. A. S. HARDY
	Jan. 18, 1889—July 13, 1896	HON. J. M. GIBSON
CROWN LANDS.	Oct. 25, 1872—Nov. 7, 1873	HON. R. W. SCOTT
	Dec. 4, 1873—Jan. 25, 1889	HON. T. B. PARDEE
	Jan. 25, 1889—July 13, 1896	HON. A. S. HARDY
PUBLIC WORKS.	Oct. 25, 1872—April 4, 1874	HON. A. MCKELLAR
	April 4, 1874—Feb. 28, 1894	HON. C. F. FRASER
	May 30, 1894—July 13, 1896	HON. WM. HARTY
AGRICULTURE.	Oct. 25, 1872—July 24, 1875	HON. A. MCKELLAR
	July 24, 1875—June 2, 1883	HON. S. C. WOOD
	June 2, 1883—Nov. 1, 1883	HON. JAMES YOUNG
	Nov. 2, 1883—May 1, 1888	HON. A. M. ROSS
	<sup>1</sup> May 1, 1888—Sept. 30, 1890	HON. CHAS. DRURY
	Sept. 30, 1890—July 13, 1896	HON. JOHN DRYDEN
EDUCATION.	Feb. 19, 1876—Nov. 23, 1883	HON. ADAM CROOKS
	Nov. 23, 1883—July 13, 1896	HON. G. W. ROSS
WITHOUT PORTFOLIO.	Sept. 30, 1890—July 13, 1896	HON. E. H. BRONSON

<sup>1</sup>Sec 51 V. c. 8, passed March 23, 1888.



## APPENDIX XV

### AS TO SPELLING AND PUNCTUATION

By way of humble protest against the Americanization of the English language, by the introduction of unauthorized (? 'fonetik') spelling, I have endeavoured in this book to follow the *Rules of the Oxford University Press*, edited by Horace Hart, M.A., printer to the University of Oxford, J. A. H. Murray, M.A., D.C.L., editor of *Murray's Dictionary of the English Language*, and Henry Bradley, M.A. (Oxon.), one of the editors of the *New English Dictionary*.

Author's  
Note

Therefore, I retain the 'u' in such words as 'endeavour,' 'favour,' 'honour,'<sup>1</sup> and the final 'e'

<sup>1</sup>For this there is also good Canadian authority, viz. : a minute of the Executive Council of Canada, passed on the recommendation of the Right Hon. Sir John A. Macdonald, as follows :—

"The undersigned . . . has the honour to report : that, in his opinion, the only question with respect to the spelling of such words as "honour," "favour," "labour," "honourable," and the like, is the mode now accepted by the best authorities in England. It appears to him to be obvious that the same system should obtain in all portions of the British Empire. On a reference to the best dictionaries and encyclopædias now in use in England, it will be seen that these words are spelt with a "u," and that such forms as "labor," "favor," "honor," "honorable," etc., are apparently confined to the United States, with the exception of some few instances where they have been adopted in Canada.

"In consequence of this reference the undersigned has taken occasion to inquire into the mode of spelling these words in official and legislative use in England, and he has ascertained that the 'u' is in all such cases retained.

"The undersigned, therefore, recommends the issue of instructions to the effect that in all official documents, in the *Canada Gazette*, and in the Dominion Statutes, the English practice be uniformly followed.

'All of which is respectfully submitted.

'Ottawa, May 30th, 1890.

JOHN A. MACDONALD.'

—Pope. *Memoirs of Sir John A. Macdonald*, vol. ii, p. 349.

## APPENDIX XV

Spelling and  
Punctuation

of the root-word in 'abridgement,' 'acknowledgement,' 'development,' 'judgement,' and kindred words.<sup>1</sup>

I use 'forgo' instead of 'forego' in the sense of 'abandon' or 'relinquish,' 'licence' (noun), 'license' (verb), and 'story' (of a house).<sup>2</sup>

As to punctuation, I have tried to follow the best available English authorities; but this seems to be very much a matter of individual predilection.

<sup>1</sup> Though this is not approved by Mr. F. Howard Collins, *Author and Printer* (Henry Frowde, April, 1905).

<sup>2</sup> In this all the authorities agree.—*Oxford Rules*, pp. 12, 13, 15: *Author and Printer*, pp. 127, 216, 362.

C. R. W. B.

Sept. 7, 1905.

THE END

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