

MOWAT, Sir OLIVER, lawyer, politician, judge, and office holder; b. 22 July 1820 in Kingston, Upper Canada, son of John Mowat* and Helen Levack; m. 19 May 1846 Jane Ewart, daughter of John Ewart*, in Toronto, and they had three sons and four daughters; d. there 19 April 1903.

Oliver Mowat's father and mother were natives of Caithness, Scotland. John Mowat, a Peninsular War veteran, came to the Canadas with the British army in 1814; upon his discharge he settled near Kingston, then the chief mercantile centre of Upper Canada. At the time of Oliver's birth, he was a partner in a general store in the town.

Oliver was educated by various schoolmasters, and he experienced a Presbyterian upbringing as a member, with his family, of St Andrew's Church. "In early life," Mowat later recalled, "I studied the Evidences of Christianity very earnestly . . . and came to the conclusion that Christianity was no cunningly devised fable, but was very truth." The historical image of Presbyterianism is one of sober orderliness, but in Mowat's youth the Church of Scotland in Upper Canada was part of an unstable continuum which included dissenting Presbyterians, Baptists, and Congregationalists – sectaries who exalted the claims of the individual conscience, prized a questioning rather than an unquestioning faith, and leaned in politics towards the reformers. Similar propensities pervaded the Kirk itself even before the Free Church schism of 1844 [see Robert Burns*]. Their reflection in Mowat's own life would be apparent in the course of study that engendered his reform convictions; in his pledge, on first standing for election, to conduct himself as became "a Christian politician"; in his constant pains as a politician to reconcile his actions with his principles; and perhaps also in the contrast that contemporary commentators discerned between his conservative instincts and his reform politics.

Mowat took the entrance examination of the Law Society of Upper Canada in November 1836. In January he had become an articled clerk in the office of John A. Macdonald* in Kingston, and he remained with Macdonald until November 1840. After being articled for three terms to equity specialist Robert Easton Burns*, in Toronto, he was called to the bar in November 1841. He went into partnership with Burns, and they were joined in 1844 by Philip Michael Matthew Scott VanKoughnet*. Burns left the partnership in 1845, but Mowat and VanKoughnet stayed together for two or three years more. After a brief association with his brother-in-law Thomas Ewart and John Helliwell in 1850–51, Mowat practised alone until 1856.

In 1841 Mowat had confessed to a friend, Alexander Campbell* of Kingston, his fear of "never being anybody." It is proof of Mowat's ambition that he set up as an equity specialist in Toronto rather than engage in a general law practice in Kingston. The Upper Canadian Court of Chancery had been created only in 1837, and the chancery bar was small and select. The main business of equity was the determination and enforcement of property rights, a field that could be expected to flourish as the provincial economy grew. By 1850 Mowat was the busiest equity practitioner in the province and was being retained in cases of the highest value. At least two of his victories were upheld by the Judicial Committee of the Privy Council in Great Britain. In July 1854 he conservatively calculated his net income for the preceding 12 months as £3,500 (\$14,000). His practice was large enough to occupy five articled clerks.

The case that earned him the greatest celebrity arose from the scandal known as the "£10,000 job." Mowat and VanKoughnet were retained in 1853 by five Toronto ratepayers to sue the mayor, John George Bowes*, for recovery of Bowes's share of the profit he

was suspected to have made, in collaboration with co-premier Francis Hincks*, out of a speculation in city debentures. Mowat's caustic and aggressive examination of Bowes reveals the steel his mild manner usually hid and illuminates his admission, in 1858, that "I cannot speak with much force unless I have an opponent, and things are said by others which I do not altogether coincide with." He and VanKoughnet invited the Court of Chancery to embrace a stern standard of public trust, of which Bowes was culpably in breach. The scandal did much to discredit Hincks and terminate his administration. The decree against Bowes was upheld by both the provincial Court of Appeal and the JCPC.

As his professional standing grew, Mowat began to take part in public and professional life. He became in 1847 a director of the Upper Canada Bible Society (of which he was to be a vice-president from 1859 until his death) and in 1851 a director of the newly formed Anti-Slavery Society of Canada. He was repeatedly urged to become an elder of St Andrew's Church (Scottish), Toronto, in which he had remained after the schism of 1844, but he refused on the ground that he had not studied theology sufficiently to be able to uphold wholeheartedly the Westminster Confession. In 1852 he was appointed to the senate of the University of Toronto and chaired the committee set up to consider the government's controversial bill to reform the university. His membership was ended by the University Act of 1853, which reconstituted the senate, but he would be reappointed in 1857 and remain a member until he became premier of Ontario in 1872.

In 1853 Mowat was elected a bencher of the Law Society of Upper Canada. He soon began to figure prominently in its affairs. In 1854 he chaired a committee that devised stricter standards for the call to the bar: the long-lasting "Mowat Rule." Two years later he chaired the committee that made the first large accession of American legal materials to the law society's library; his lecture guiding Upper Canadian practitioners in their use was printed in the *Upper Canada Law Journal*. In January 1856 he was created QC and in February he was appointed one of the commissioners to revise and consolidate the provincial statutes. At this time he began to reorganize his practice in order to devote more time to public life.

In 1857 and 1858 Mowat was an alderman of the city of Toronto. He served on council's most important standing committees, finance and railways, and in 1857 he was a harbour commissioner. As chairman of the committee on public walks and gardens, he promoted the establishment of municipal parks in a city suffering from the appropriation of its traditional recreation grounds (the waterfront and the garrison reserve) to residential, commercial, and railway uses. Another enduring achievement was his institution of administrative procedures designed to ensure fiscal responsibility on the part of council and to prevent fraud and conflict of interest on the part of council members and municipal employees.

In January 1857, just after his election as alderman, Mowat attended a political convention organized by George Brown* and was appointed to the central committee of the Reform Alliance formed by the convention. In view of his upbringing and associations, his decision to join the Reform party was a surprising one. Kingston's mercantile community, in which his father had prospered, was traditionally conservative. Mowat himself had stood to arms in the Frontenac militia during the rebellion of 1837-38. In 1857 his old principal, Macdonald, was leader of the governing Liberal-Conservative party, his former partner VanKoughnet was a cabinet minister, and the government to which they belonged had just secularized the clergy reserves - surely a sufficient concession to a Presbyterian who had rejected the Free Church schism. Brown, on the other hand, was an intemperate polemicist, whose passionate promotion of the Free Church secession had caused Mowat at first to view him with reserve. All these things might have been expected to incline Mowat towards the Liberal-Conservative party, and

Macdonald was not alone in charging in 1857 that he had joined the opposition out of ambition rather than principle.

Mowat was ambitious, of course, but for him politics was very much a matter of principle, and his adhesion to the Reform party was the culmination of a process of political reflection that had long since separated him from the mainstream of conservative politics – if ever he had belonged to it. As early as December 1843, during the political crisis that followed the resignation of the administration of Louis-Hippolyte La Fontaine* and Robert Baldwin*, Mowat had proclaimed himself “neither radical nor tory nor whig, though with the radicals who know me I get the credit of being a tory and with the tories for being a radical. This arises from my occasionally resisting some of the absurdities to which talking politicians of all parties are not infrequently giving expression.” He dismissed Tory claims that Reform leader Baldwin posed a threat to the British connection, but he abstained at the general election of 1844 because he had so far “been too idle to study politics; and until I have studied them I am resolved not to vote.” In 1854 he voted in Toronto for two Conservatives who were standing against J. G. Bowes, but there was no Reform candidate and a talk with VanKoughnet that year left Mowat still a political agnostic: “There is evidently no coming to a sound conclusion without reading and reflecting as well as talking.”

Party alignments were unusually fluid at this time, owing to the disintegration of the Reform party under Hincks, and Mowat was tempted to think that he might be able to pursue an independent political career. He soon concluded otherwise. “Every man must take a side,” he told Alexander Campbell in 1858. “Then he helps to mould the future policy of that side. His motions have the support of his party. He is more powerful for good, if good is his object. He gives his adhesion to the only principle on which free government appears to be capable of being worked, viz.: a distinction of parties.” One of his strongest reasons for joining the Reform party was the belief that the ministry of George-Étienne Cartier* and Macdonald would do anything to keep office. He specified the secularization of the clergy reserves, which Macdonald and VanKoughnet had at one time vehemently opposed. He was no doubt influenced, too, by their support for the Separate Schools Act of 1855, a measure warmly advocated by Bowes. Mowat’s letters to Campbell at this time are the first to disclose that mistrust of Macdonald which was to be a leitmotif of his career. “Our friend Macdonald does not pretend to patriotism,” he wrote in January 1858. “In private, he laughs at it, as you must have heard him do yourself.” Such a government corrupted public men and the public itself; it was every man’s duty to oppose it.

In December 1857 Mowat had found himself standing for election at once as an alderman in Toronto and as a parliamentary candidate in Ontario South. The Ontario South nomination was apparently unexpected; the Liberal-Conservatives’ choice of Receiver General Joseph Curran Morrison* had prompted the riding’s Reformers to replace their own candidate with someone more prestigious and better able to unite the local party. Mowat’s campaign address proclaimed his support for a secular public-school system and parliamentary representation by population, as well as a broad commitment to administrative reform and an undertaking to purge the law of useless technicalities. It ended with Mowat’s promise, which later became famous, to conduct himself “in the spirit and with the views which become a Christian politician.” He outpolled Morrison by more than two votes to one in the first of the five successive elections he was to win in the riding before his appointment to the bench in 1864. The sectarian animosity that marked the election would not soon be forgotten. In later years it would be asserted that Mowat had campaigned under the slogan: “Vote for the Queen and Mowat, not for the Pope and Morrison.”

Even in 1857 Mowat was secretly advising Brown on the legislation necessary to punish and prevent corrupt practices by railway promoters and conflict of interest on the part of MLAs and government officials. Between 1858 and 1864 he made himself Brown's chief lieutenant in the Legislative Assembly. In 1858 he moved an amendment to the reply to the throne speech, which asserted Canada's claim to the Hudson's Bay Company lands. That August he took office as provincial secretary in the two-day administration of Brown and Antoine-Aimé Dorion*. At the Reform Convention of 1859 he helped Brown persuade the delegates to adopt a policy of representation by population within some deliberately undefined form of Canadian federation, rather than abandon rep by pop in favour of a dissolution of the union of the Canadas. On learning in 1864 that Mowat had been offered a seat on the chancery bench, Brown would remark: "I fear he will take it & leave me in the lurch."

In 1860, faced with the legislature's imminent removal to Quebec and the prospect of leaving Toronto indefinitely should he accept cabinet office, Mowat terminated the second of the two brief law partnerships he had joined between 1856 and 1859 and formed a more enduring association with a Hamilton lawyer, James MacLennan. At the general election of 1861, besides contesting Ontario South, he challenged John A. Macdonald in Kingston but lost heavily. He could also be pugnacious in the legislature, yet he displayed a caution that might be thought pusillanimous in refusing to lead the Reform caucus during Brown's absence from the house in 1861 because of illness and in 1862 as a result of electoral defeat. When the Cartier-Macdonald ministry was defeated in the legislature in May 1862, the governor general, Lord Monck*, turned to John Sandfield Macdonald* to form a ministry, and Sandfield felt able to ignore Mowat in doing so.

Mowat could not in any case have joined a government committed, like Sandfield's, to suppressing the question of representation by population, though he justified the Reform caucus's decision to give the ministry general support while continuing to advocate representation by population and the abolition of separate schools. Rep by pop could not command a majority in the legislature, Mowat told Brown in May 1862; he could not bear to see the Conservatives back in office and hoped the new ministers would unearth sufficient evidence of "administrative iniquity" to ruin their predecessors. However, he deplored Sandfield's abandonment, in representation by population, of "all that has been peculiarly distinctive in the policy of the U.C. Opposition." When the caucus voted by 11 votes to 10 not to raise the question, Mowat led several colleagues in proclaiming their determination to uphold the policy if it came before the house.

Mowat's first session as an MLA, in 1858, had coincided with the beginning of a legislative reaction against Baldwin's populist Upper Canada Jurors' Act of 1850. Mowat joined in a vain resistance to the amending act of 1858, which he condemned as calculated to facilitate the packing of juries; he also opposed a bill giving recorders powers of summary conviction without appeal to a jury. His own proposals to quiet professional discontent with Baldwin's act were confined to civil litigation. They included dispensing with a jury altogether if the parties consented and abolishing the requirement for a unanimous verdict otherwise. The first of these proposals would become law in 1868 under the aegis of Sandfield Macdonald, then attorney general and premier of Ontario, and Mowat himself would go further in 1873 in those offices by subjecting the right of trial by jury in most property-related issues to the discretion of the judge. Subsequently he changed his mind about the unanimity requirement, and it was not abolished until he changed his mind again in 1895.

In 1854 Mowat had urged John A. Macdonald, newly appointed attorney general, to introduce in Upper Canada the reforms comprised in the British common-law procedure acts of 1852 and 1854 and had offered to do the drafting himself. The offer is early evidence of an interest in institutional and procedural reform that was to reach fruition in

his Judicature Act of 1881. As was foreshadowed in his electoral address of 1857, however, most of his legislative initiatives from 1858 to 1863 concerned reform of the law of property. One is of special historical interest: a bill in 1859 to permit builders of milldams to flood upstream property upon payment of compensation. Such legislation was common in the United States and had been enacted for Lower Canada, but for Upper Canada Macdonald considered the bill an improper interference with common-law property rights and defeated it with the aid of the Lower Canadian members. As prime minister, Macdonald would attack Mowat's Rivers and Streams Act on the same ground in the 1880s.

In May 1863 the ministry of Sandfield Macdonald and Louis-Victor Sicotte* was defeated in the legislature and Sandfield was granted a dissolution. Anxious to strengthen his hand at the general election, he consulted Brown and Mowat, both of whom now accepted that no government could carry representation by population. Brown refused to join the cabinet but recommended Mowat, who became postmaster general on 16 May. The election produced a slim majority for Sandfield, now in alliance with the Lower Canadian Rouges under A.-A. Dorion. During his ten months in office, Mowat worked out new contracts for carrying the mails with both the Grand Trunk Railway and the Montreal Ocean Steamship Company. The Grand Trunk had demanded a rate incorporating what amounted to a huge subsidy, designed to help the railway satisfy its principal creditors. In 1861 Mowat had turned down a brief from the company in order to maintain his political independence. Now he wrote a report demolishing its claim to a subsidy, refused to submit the matter to arbitration because it was likely to favour the railway, and used the government's statutory power to set a rate by order in council that was far below what the company asked. His contract with the steamship line for carrying mail between Canada and Britain set a rate amounting to little more than half that of the old contract.

Mowat left office on 21 March 1864, when the Sandfield Macdonald-Dorion ministry resigned. In May he supported Brown's motion for a select committee on the constitutional crisis caused by Canada's sectional tensions and the resulting political instability. Mowat signed the majority report, which advocated "changes in the direction of a federative system, applied either to Canada alone or to the whole British North American provinces." On 14 June the legislature voted no-confidence in the ministry of Sir Étienne-Paschal Taché* and John A. Macdonald. Brown then secured an undertaking from the Conservative leaders to act on the select committee's recommendation, but he resisted their demand that he and two colleagues join the government. Mowat supported Brown in caucus; however, when it overruled them, he, Brown, and William McDougall joined the government on 30 June 1864, Mowat again becoming postmaster general. Although departmental duties excluded him from the delegation that visited Charlottetown in September in order to canvass British North American union, he took part in the Quebec conference in October and was said by James Young* to have been the delegate chiefly responsible for "putting its decisions into constitutional and legal shape." He moved a resolution defining the provincial legislative powers and two others that subjected provincial legislation to reservation and disallowance by the dominion authorities.

Mowat's contribution to the Quebec resolutions is important because of its bearing on his part in the provincial-rights controversy. From 1872 to 1896, as premier and attorney general of Ontario, he would advocate a construction of the British North America Act of 1867, the imperial statute that embodied the confederation settlement, which the majority of scholarly commentators since the 1930s have perceived as a radical departure from the original intent of confederation. In particular, his criticism of the Macdonald government's repeated disallowance of Ontario's Rivers and Streams Act in the 1880s and his conversion to the view that the federal veto should be abolished have been seen as contradicting his support for the veto in 1864. It must be stressed,

therefore, that Mowat's stand on the disallowance of the Rivers and Streams Act was inconsistent with nothing he is known to have done at Quebec and nothing he is reported to have said about the conference in later years. His contemporary view of the Quebec agreement is obscure because his elevation to the bench a month after the conference prevented him from commenting on it in the ensuing confederation debates or otherwise. In the 1880s, when the matter became controversial, he would admit that the federal government had an absolute right in law to disallow any and all provincial legislation, just as the imperial government had an absolute legal right to disallow any and all dominion legislation. He asserted, however, that it had been understood at Quebec that the federal veto was to be subject to the same constraints that governed the imperial power to veto the legislation of colonies enjoying responsible government. On this basis, he maintained that disallowance of the Rivers and Streams Act was no more acceptable, constitutionally speaking, than imperial disallowance of a similar federal act.

Responsible government presupposes autonomy, and Mowat's stand on behalf of provincial responsible government has sat ill with scholars who contend that the confederation settlement compromised provincial autonomy for the sake of strong central government. However, the modelling of confederation on the empire, a feature of the settlement which is commonly cited as evidence of the founders' concern for strong central government, itself implied provincial autonomy and responsible government. Mowat's position was consistent with the imperial model, the language of the relevant resolutions (language which was reproduced in the BNA Act), and the guidelines for disallowance which Macdonald himself set out as prime minister in 1868. Above all, it was true to what had been the fundamental principle of Upper Canadian Reform politics ever since the 1820s, the principle which legitimized confederation itself in Reformers' eyes: the attainment of self-government by the Upper Canadian community.

On 14 Nov. 1864 Mowat was appointed a vice-chancellor of the Upper Canadian Court of Chancery. He soon became known as a judge who was not readily thwarted by technicalities in rendering justice. His judgements were generally concise and unspectacular, consisting largely of quotations from the leading cases, which were almost always English, reinforced with brief statements of the principles they established, as in *Clarke v. Hawke* (1865) on the relationship between trustee and beneficiary. He condemned the common law's treatment of married women as "somewhat barbarous" and was one of two Ontario judges (the other being Adam Wilson*) who argued for a liberal construction of the Married Women's Property Act of 1859, which he himself had advocated in the legislature.

Historically speaking, his most interesting case may be *Dickson v. Burnham* (1868), in which a landowner sued a mill-owner for flooding his property. Despite his earlier efforts to legalize such encroachments, he upheld Sir William Blackstone's dictum, which he quoted, that "So great is the regard of the law for private property, that it will not authorize the least violation of it; no, not even for the greater good of the whole community." He noted, however, that parliament had sanctioned such violations in aid of building canals and railways and remarked that he saw no reason why the legislature should not do likewise to encourage the building of mills and manufactories. He himself, as premier, would contravene Blackstone's dictum in carrying the Rivers and Streams Act. His reluctance in *Dickson* to emulate American judges, who tended to modify the law in order to promote an acknowledged social good (often economic growth), manifested the idea, which was typical of the Upper Canadian judiciary, that making such changes was the business of the legislature.

Shortly after Mowat's elevation to the bench, judge James Robert Gowan of Barrie had commented to Macdonald: "I fancy Mowat would rather have held on in hopes that circumstances might have opened to him a chance of being [Chief Justice] of UC - his

chances for further preferment are now I fancy rather slim." Gowan was correct in supposing that the vice-chancellorship did not fulfil Mowat's ambitions but wrong in thinking that he aspired to a common-law post. Mowat wanted the chancellorship – "the great object of ambition to an Equity lawyer who loves his profession," as he described it in a letter of May 1868 to Macdonald. He had taken the lesser office as the only way of withdrawing from politics, he said, and only after requesting and receiving assurances from Macdonald that the appointment would not bar his way to the chancellorship should that office fall vacant. Why he had wanted to quit politics in 1864 he did not say, but his wife was seriously ill at the time.

Mowat's letter was evoked by the discovery that Macdonald intended to offer the chancellorship to Edward Blake*. His informant was probably the then chancellor, his old partner VanKoughnet, whom Macdonald wished to make chief justice of Upper Canada in place of William Henry Draper*. VanKoughnet wanted the chief justiceship, but felt unable to make way for Blake without the consent of his brethren in chancery. Not wishing to see their way to the chancellorship blocked by the much younger Blake, Mowat and the senior vice-chancellor, John Godfrey Spragge*, prevailed on VanKoughnet to remain in chancery until the expected passage of Macdonald's Supreme Court Bill created opportunities for promotion within the Ontario judiciary.

Although Macdonald complained in September of their "selfish vanity," Mowat's action is understandable if he believed Macdonald to have promised him the chancellorship in reversion. He was, however, his own first choice as chancellor and no one else's – not among Ontario's legal mandarins, at any rate. To Draper, who claimed to speak for others as well as himself, he was suspect as an "Equity fanatic," who "would go to Equitable extremes giving the go by to a positive statute as readily as to a common Law rule." VanKoughnet preferred Blake and Spragge to Mowat and told Macdonald that a court consisting of Spragge, Mowat, and John Wellington GWYNNE (the obvious choice as a new vice-chancellor) would generally be seen as a weak one. In 1869, when VanKoughnet died, Macdonald named Spragge as chancellor only after offering the post to Blake, since he doubted whether the court could command sufficient authority without Blake.

In his letter of 1868 Mowat had told Macdonald that the vice-chancellor's pay was proving inadequate and he was thinking of resigning his office in order to return to the bar. Spragge, however, infirm and 14 years Mowat's senior, did not pose such an obstacle to advancement as Blake, and about this time the Ontario superior-court judges began to receive a supplementary salary from the province. Mowat remained on the bench.

On 25 Oct. 1872, at the urging of Blake, George Brown, and Alexander Mackenzie*, Mowat became premier and attorney general of Ontario. He resigned as vice-chancellor the next day. There was no precedent in Canada for a judge resigning in order to lead a political party, and the move was deprecated by his political opponents. But the fact that the Reform party leadership was conjoined with the premiership enabled Mowat to advance a constitutionally impeccable justification: "Her Majesty has a right to call to her Council any of her subjects, whether he happens to hold a judicial or any other office." He likewise used constitutional forms to avoid any personal explanation for his decision and play down its party-political aspect. "I did not seek or desire the position, and on personal grounds I was reluctant to accept it; but I could discover no sufficient reason to justify me in refusing it," he said. Since nothing had happened in the last eight years to alter his political views, he had decided to form "a thoroughly Reform Administration."

Mowat's motives for accepting the premiership must therefore be guessed at, but the guessing is not difficult. The dominion general election in the summer of 1872 had

diminished John A. Macdonald's majority. Obligated by their own legislation to choose between membership in the House of Commons or a seat in the provincial assembly, Blake and Mackenzie, respectively premier and treasurer of Ontario, had opted for federal politics. However, their provincial administration was still insecure, having ousted Sandfield Macdonald's only ten months previously by a majority of one on a vote of no-confidence. No Reformer in the assembly combined seniority and talent enough to take over from Blake and Mackenzie, and – especially while John A. Macdonald remained prime minister – it was desirable to maintain a strong Reform administration at Toronto. Macdonald's renegotiation of the dominion's financial terms with Nova Scotia in 1869 [see Archibald Woodbury McLelan*], and his disallowance of certain Ontario legislation, had made Reformers doubt his commitment to what they understood to be the spirit of the confederation agreement. In 1872 their suspicions were strengthened when Macdonald implicitly asserted the constitutional superiority of the dominion over the provinces by questioning the lieutenant governors' prerogative power to create queen's counsel. His resistance to Ontario's territorial claims north of lakes Huron and Superior also rankled.

Mowat undoubtedly shared these concerns, but we may suspect more personal motives. Whether he benefited financially from his re-entry into politics is unclear; his income as premier was substantially less than the pay of a vice-chancellor, but he resumed his partnership with James MacLennan. He may in any case have felt few qualms at quitting an office he considered second-best, and his rebuff over the chancellorship must have sharpened his long-standing mistrust of Macdonald. Perhaps, too, he had a lust for combat. "Mild though he might appear in repose," Sir George William Ross* would recall, "he was a Mameluke when roused, and struck his opponent with the full purpose and intent of disabling and disarming him." The man who professed to speak best when he had an opponent, and who told Macdonald in 1868 "that I have energy enough yet to resume my old position in the professional contests I used to enjoy so much, and I am sure would enjoy again," may have found needs and ambitions in himself that judicial work did not satisfy. No office in Ontario was more honourable than the premiership, he declared, and it presented a greater field for public service than the vice-chancellorship. It would also afford the opportunity of engaging in the most protracted, and perhaps most enjoyable, professional contest of his career.

On 29 Nov. 1872 Mowat was returned unopposed for Oxford North, a riding he would represent until July 1896. The legislative session that opened six weeks later gave immediate evidence of his administrative prowess and political deftness. The Municipal Loan Fund Debts Act of 1873 ingeniously employed the province's financial surplus to solve, in a manner both equitable and economically invigorating, the previously intractable problem of municipal indebtedness to the provincial government. The Administration of Justice Act instituted important reforms while repudiating Blake's policy of fusing Ontario's common-law and equity courts at a stroke – a policy that was offensive to most of the province's judiciary and bar.

The most controversial measures of the session, private bills to incorporate the Orange associations of eastern and western Ontario, Mowat handled with characteristic finesse. He allowed his caucus a free vote, but after the bills passed he advised Lieutenant Governor William Pearce Howland to reserve them for consideration by the dominion government, thereby foisting upon Macdonald the thorny decision as to their becoming law. Macdonald refused to make any recommendation with respect to the bills, but the delay gave Mowat time to defuse the issue. In 1874 he carried a general incorporation act for charities and benevolent societies, under which the Orange order could become incorporated without any appearance of special consideration on the part of the provincial government. This act was itself camouflaged by its presentation as part of two broader reforms: a general reform of the law of incorporation, which included a

similar act relating to joint-stock companies, and a rationalization of government grants in aid to private charities.

Mowat's premiership coincided with an era of rapid urban and industrial growth counterbalanced by economic crisis and depopulation in the countryside, especially in the longer-settled regions that formed the Reform party's political bastions. This conjuncture posed special problems for what traditionally claimed to be the farmers' party, and Mowat's protracted tenure of power under such conditions was a singular feat. It rested on an anxious concern to conciliate the main social interests, a thorough but principled use of the government's power for electoral purposes, and the relentless blackening of the Liberal-Conservative party as the tool of vested interests and Ontario's enemies. Until 1890 these methods never won Mowat more than the slenderest electoral edge, but his successive victories so demoralized the Conservatives that in 1894, when the Reformers' rural following faltered under the influence of the agrarian blight, the opposition was quite unable to seize the advantage.

On taking power, the Reformers had inherited a sizeable financial surplus. Combined with statutory federal payments and the revenue from a buoyant timber trade, this surplus could sustain a modestly expansive mode of government with minimal recourse to taxation and borrowing. Mowat exploited this good fortune by founding his drive to form a pro-Reform consensus on a judicious activism: the use of public power to foster the provincial economy and mitigate the effects of urban and industrial growth. The government promoted the economy by liberal subsidies for railway construction, investment in land drainage, and the building of colonization roads on the frontier of settlement. The Ontario School of Agriculture and Experimental Farm at Guelph became the focus of a policy of promoting innovation and diversification in the troubled agricultural sector [see William Johnston*], and in 1888 the Department of Agriculture, which until then had been administered by the provincial treasurer, was given its own minister (Charles Alfred Drury). Two other institutions specializing in vocational training were founded in Toronto during the 1870s: the Ontario School of Art and the School of Practical Science. The Bureau of Industries, set up in 1882 to collect and publish data useful to farmers and manufacturers, soon expanded its activities to embrace lumbering, mining, and finance. In the 1890s the government responded to the growth of the mining sector by setting up the Bureau of Mines, under Archibald Blue*, and by taking educational initiatives such as the foundation of the School of Mining and Agriculture at Kingston.

Mowat's anxiety to encourage investment made him ever solicitous of the interests of capital, especially in the lumber and mining industries, where public charges were kept very low or even forgone, but he was careful to balance his pro-business policies with attention to the concerns of working people. This policy was consistent with the Reformers' claim to be the party of the people while the Conservatives were the party of special interests, but Mowat also credited his even-handedness to the sense of social justice that he claimed to derive from his Christian convictions. Whatever its origin, his attitude was politically shrewd: the working-class vote had long been significant in urban constituencies, and industrialization was increasing its importance in the province at large. Accordingly, Mowat marked his assumption of office in 1872 by abandoning a prosecution for conspiracy against the leaders of the recent Toronto printers' strike [see James Beaty*]. In 1879 he tried in vain to rally Ottawa's Reformers behind Daniel John O'DONOGHUE, the labour leader who had represented the city in the legislature since 1874. In 1885 the long-delayed building of new government offices, at Queen's Park, was begun after labour leaders had pleaded for it as a means of creating work during an economic depression.

In addition to ad hoc actions of this sort, Mowat's deference to the concerns of labour was expressed in a variety of measures – some of them first proposed by the opposition – that were beneficial to workers both within and without the workplace. A series of mechanics' lien acts progressively improved their security of payment for work done, and an act of 1874 shielded part of their wages from garnishment for debt. Another measure of that year established safety regulations for the operation of mechanical threshers. The Ontario Factories' Act of 1884 regulated hours of industrial employment for women and juveniles and set up the first system of safety inspection in Canada. The Workmen's Compensation for Injuries Act of 1886 made the first substantial modification of the common-law rules that had rendered employers virtually immune from liability for injuries in the workplace. Protective measures such as these were complemented by political reforms that were bound to strengthen labour's electoral power. Extensions of the franchise in 1874, 1877, and 1885 culminated in the introduction of adult male suffrage in 1888. Vote by ballot, a superior system of voter registration, and a better judicial procedure for combating electoral corruption were all instituted to enhance the purity of elections.

In 1876 the non-political Council of Public Instruction was abolished, and education was committed to a new government department with its own minister. Under Adam Crooks*, it met a critical shortage of teachers by setting up dozens of model schools, which provided a more localized – if less rigorous – source of teacher training than Ontario's two normal schools. Self-education was promoted by grants to municipalities for the establishment of free public libraries. In the 1880s Crooks's successor, G. W. Ross, imposed greater uniformity on the school system in various ways, including the introduction of standard textbooks prepared under his department's supervision. Ross encouraged the founding of kindergartens and developed secondary and post-secondary education to limits that the government judged politically acceptable, and in 1891 he carried an act making school attendance compulsory for children between 8 and 14 years of age. As for separate schools, which were protected by the constitution, Mowat's administration accepted them as a *fait accompli* and under both Crooks and Ross attempted to improve them.

In the field of social welfare, the government sponsored a number of measures for the benefit of the disadvantaged. Women were empowered to become their children's legal guardian and steps taken to compel delinquent men to support their families. The establishment of children's aid societies was promoted under the supervision of a superintendent of neglected and dependent children (John Joseph Kelso*), and a foster-home system was introduced for the protection of abused children. Child labour was progressively reduced in industry and retailing. Efforts were made to sort out the mentally retarded from the insane and train them to the limits of their ability. In the field of public health, a provincial board of health was set up under Peter Henderson Bryce* to gather medical statistics and discharge a variety of preventative functions. The Public Health Act of 1884 obliged each municipality to set up its own board of health, which was to be subject to the supervision of the provincial board.

In his special sphere of responsibility as attorney general, Mowat brought in a miscellany of reforms designed to provide new legal facilities and more expeditious remedies without damaging the professional hegemony of the bar. A sequence of judicial reforms culminated in the Judicature Act of 1881, which finally obliterated the ancient separation between the common law and equity. The Jurors' Act of 1879, however, omitted to reform the system of jury selection that he had denounced upon its introduction in 1858, although radical members of his caucus counselled such reform in the legislature. Mowat's most important reforms of substantive law included his general company incorporation act of 1874 and two acts, in 1881 and 1885, which ingeniously

afforded the province the practical benefits of bankruptcy law even though the BNA Act assigned bankruptcy legislation to the dominion.

All in all, Mowat's long-lived government compiled a bulky dossier of legislation, but the bulk was partly due to his penchant for reforming by instalments. The keynote of his administration was caution, and he preferred permissive to coercive action. As a result, legislation was sometimes futile. Acts of 1873 and 1890 to facilitate the arbitration of trade disputes were virtually unused. The Industrial Schools Act of 1874, which authorized urban school-boards to set up residential facilities for the training of disadvantaged children, remained a dead letter for a decade, until new legislation permitted the boards to delegate these powers to private charities. The factories' act of 1884 was not proclaimed for nearly three years on the plea that its constitutionality was doubtful, and afterwards it was administered with kid gloves. Even in the area of law reform, Mowat was sometimes chided for his timidity.

If Mowat was cautious, however, it was with the caution of cunning rather than timidity. "His sagacity in judging how far he could advance on any question without alarming the public mind was remarkable," recalled G. W. Ross. "Naturally conservative, when the psychological moment arrived, however, he would cast his idols to the moles and bats and lead a procession of the most advanced radicals with all the enthusiasm of a new convert." John Charles Dent* saw him as "an advanced Liberal" who did not believe that the time had come for carrying all his theories into practice. Such discretion was demanded by the exigencies of Ontario's political demography. In a province rife with racial, sectarian, and intense political animosities, the decline of the Reformers' rural electoral base made Mowat's position perilous enough without wanton risk-taking. He needed to make new friends without alienating old ones, but the prospective friends, and the means by which they might be won, made this task a very delicate one. As time passed, Ontario Conservatives tried ever more assiduously to undermine his rural support by harping on his friendship with the Roman Catholic hierarchy, his brazen use of patronage for political ends, and his government's vested interest in the liquor trade.

Like Mowat's labour legislation and electoral reforms, his sensitivity to the concerns of the Catholic hierarchy was designed to conciliate an element of society that was inclined towards the Conservatives. By his handling of the Orange question, his recruitment of Christopher Finlay Fraser* to the cabinet in 1873, and his willingness to consult the archbishop of Toronto, John Joseph Lynch*, on patronage and other matters affecting Catholics, Mowat formed the basis of an alliance that first yielded political rewards in the election of 1879. Some of Lynch's episcopal colleagues were less willing collaborators, and in 1885 the so-called Lynch-Mowat concordat was attacked by both ultramontane ecclesiastics and militant Protestants over what was termed the Ross Bible, a selection of readings from Scripture prepared for use in schools by Protestant divines at the behest of G. W. Ross and vetted by Lynch. The alliance was cemented by the anti-Catholic bigotry that took over the provincial opposition during the decade following Louis Riel*'s execution in 1885 [see Christopher William Bunting*]. In 1897 James Vincent Cleary*, the ultramontane archbishop of Kingston, would cite the folly of repudiating Mowat and the Ontario Liberals as the justification for the Ontario bishops' refusal to join their Quebec colleagues in objecting to the settlement of the Manitoba school crisis by Sir Wilfrid Laurier*'s federal government – a compromise to which Mowat had lent his prestige and perhaps his negotiating skills.

The importance of patronage to Mowat's alliance with the hierarchy is evident from the Conservatives' election propaganda, which condemned the government in 1883 for denying Catholics their fair share of patronage and in 1894 for giving them too much. Patronage was essential to Mowat's political system, as it was to Macdonald's, and Mowat's resources were greatly increased by the expansion of government in response to

the social exigencies of urban and industrial growth. The Conservatives reacted by accusing the government of a mania for centralization, hoping to detach it from its rural supporters by appealing to their traditional localism and loathing of patronage-based politics. A particular focus of this propaganda was the liquor licence act of 1876, known as the Crooks Act after Adam Crooks, the minister who carried it, though Mowat and Arthur Sturgis HARDY had shared in its drafting. The act shifted the licensing function from the municipalities to the province and set up a bureaucracy to administer it. This ingenious measure simultaneously created jobs for Reformers and deterred Conservative licensees from their customary political exertions, but in doing so it gave the government a vested interest in the continuation of the liquor trade, which the Conservatives might exploit in order to appeal to Reformers with prohibitionist leanings.

In 1881 the Conservative MP for York East, Alfred Boulton, told Macdonald that the Ontario government's control of liquor licensing and its alliance with the Catholics were the Conservatives' chief electoral handicaps. Unless the former could be cancelled by federal legislation, he advised, "a strong attack should be made on Mowat as allying himself with the RCs & the tavern keepers & I think if this were done thoroughly & stuck to Mowat & his govt. might be made to stink considerably in the nostrils of Ont. [T]here is a very strong Protestant feeling here growing stronger indeed every day and if you could ever get the people to understand that the sanctified old humbug Mowat is in league with the Pope & the rum sellers the farming class would go back on him like the mischief."

Boulton was discussing federal politics, but his remarks applied equally to provincial affairs. Indeed, the Mowat government's narrow pluralities suggest that the handicaps he mentioned may have been tipping the balance. In 1879 the Reformers had taken 58 seats out of 88, but they had won only 48 per cent of the votes to the Conservatives' 47 per cent. The majority was exceptional, but otherwise the result was typical of every election from 1875 to 1890: in each the Reformers secured adequate or ample majorities by winning 48 or 49 per cent of the vote, with the Conservatives trailing by one or two per cent except in 1890, when their share fell to 45 per cent. The state of dominion politics seemingly made little difference. In June 1879 Mowat was anxious enough, after the Conservatives' crushing federal victory eight months previously, to stand in Toronto East (where he lost narrowly) as well as in Oxford North. Yet the vote split much as it had in January 1875, when the Liberals were riding high in Ottawa and the Conservatives were still mired in the Pacific Scandal.

Macdonald never gave up on either the Catholics or the rum-sellers; he had votes to win where Mowat's writ did not run. Instead, in 1882, he gerrymandered the province. His failure to neutralize the Crooks Act, however, and the failure in 1883 of provincial Conservative leader William Ralph Meredith* to win back the Catholics, tilted the provincial party inexorably towards militant Protestantism and prohibitionism, that is, towards Boulton's strategy of wooing "the farming class." Although that position was disowned by Macdonald and never more than half-heartedly endorsed by Meredith, provincial Conservatives exploited the bigotry engendered by the controversy over Riel's execution, Quebec's Jesuits' Estates Act of 1888, and the rapid immigration of francophones into eastern Ontario in order to discredit Mowat's government for its collaboration with the Catholic hierarchy. At the same time, prohibitionists were unsettled by the government's interest in the survival of the liquor trade. Yet "the farming class" did not desert the Reformers *en masse* for the Conservatives.

One reason is Mowat's tact in the use of patronage, a tact that is evident in the measures the Conservatives resented most. The Crooks Act may have created jobs, but it had been set up in answer to the licensed victuallers' own petition for stricter enforcement of the licensing law and it served the cause of temperance. The Division

Courts Act of 1880, which transferred the power of naming division-court clerks and bailiffs from the dominion-appointed county judges to the province, was justified by the laxity of clerks and bailiffs under the old regime and by the great principle of responsible government, which was said to require that every officer charged with the administration of justice be appointed by the province. For a long time, Mowat's usual probity in the administration of patronage checked resentment at his government's centralizing policies. Yet, useful as his reputation was in holding Grit voters to their allegiance, it was insignificant when compared with his prestige as an exponent of the Reform worldview – above all, of the idea of Upper Canada's history as a struggle to throw off the oppression of outsiders and fifth-columnists – and with his triumphant defence of Ontario's liberties against the recrudescence of that oppression in the provincial-rights controversy.

Studies of elections in late-19th-century Ontario suggest that voting, especially in rural areas, was largely an expression of traditional political allegiances rooted in ethno-religious identity. From 1875 to 1902 – even in 1894, at the peak of the agrarian electoral revolt – the provincial government's majority rested on its predominance in the rural parts of southwestern Ontario, an old Reform stronghold. Mowat's own riding lay at the heart of the region, and he made his first speech there as premier, in 1872, an occasion for reciting the history of the great struggle for Reform principles to men whose kinsfolk, if not they themselves, had risen in rebellion 35 years before. Starting with the time when "we were ruled by the Family Compact" and "there was no legislative control of the public expenditure . . . a state of things to which no people could tamely submit and at the same time be free," he recalled in turn the responsible-government resolutions of 1841, the obstructionism of Governor Sir Charles Theophilus Metcalfe*, the political resistance by which at last "Responsible Government had been secured in all its verity," and then the period of "the domination of Lower Canada," from which the Brown-Dorion administration had promised deliverance only to be thwarted by "the refusal of the Governor-General to give them a dissolution." From this protracted struggle against oppression, punctuated by illusory triumphs, Upper Canada had been delivered by confederation, which had yielded "Everything for which Reformers had been struggling at that time."

Mowat's campaign to assert Ontario's political and territorial rights can be understood only in the light of his commitment to the Upper Canadian Reform tradition and the importance of confederation in that tradition. The standard view is that Ontario's constitutional grievances were little more than a side-effect of party-political animosities in general and the territorial quarrel in particular. On the contrary, both the constitutional and the territorial dispute posed a fundamental challenge to the Reform world-view. By refusing to ratify the northern boundaries of Ontario as defined by arbitration in 1878 [see Simon James DAWSON], and then by annexing part of the disputed territory to Manitoba in 1881, Macdonald resumed the part he had played in the Reform demonology before confederation: that of the chief Upper Canadian minion of "the domination of Lower Canada." By repeatedly disallowing the Rivers and Streams Act between 1881 and 1883, he flouted the idea that confederation had established the political autonomy of Upper Canada and presented himself to Reformers as a latter-day Metcalfe. Mowat's campaign for provincial rights was intended to secure constitutional rights that he was sure were guaranteed by the BNA Act and territory that he thought was Ontario's by law.

From the very start of his premiership, Mowat was confident that the BNA Act guaranteed provincial sovereignty. During his years on the bench, however, several imperial officials had expressed themselves to the contrary. In 1868 Macdonald had disallowed an Ontario statute precisely because it presupposed provincial sovereignty. Just before Mowat took office, the law officers of the crown in England had given their opinion that lieutenant governors could not create queen's counsel by exercise of the royal prerogative, a power incident to sovereignty, though they could be empowered to

do so by provincial legislation. Coolly advising Macdonald that "the Confederation Act creates peculiarities which of course cannot exist in England and which by the bye English lawyers . . . have (to say the least of it) no special competence to advise upon," Mowat at once carried a provincial act which declared that "it was and is lawful" for the lieutenant governor to do what the imperial law officers said he could not. He challenged Macdonald in vain to refer the question to the Privy Council. In 1874, after Macdonald's ouster over the Pacific Scandal, Mowat had an act passed concerning the administration of escheats and forfeitures, two other departments of the royal prerogative. The act was disallowed as *ultra vires* on the advice of Téléphore Fournier*, Alexander Mackenzie's minister of justice, but Fournier was soon replaced by Edward Blake, who agreed with Mowat and let his Escheats and Forfeitures Act of 1877 take effect. Blake too, however, declined a judicial test.

Mowat was to meet little opposition to his view of the BNA Act in either the Ontario courts or the Judicial Committee of the Privy Council, but between 1878 and 1881 he suffered a series of reverses in the Supreme Court of Canada, some of them in cases originating outside Ontario. In *Lenoir v. Ritchie* (1879), which came from Nova Scotia, the court demolished Mowat's position on provincial sovereignty by denying that lieutenant governors could create queen's counsel even when authorized to do so by provincial statute, and in *Mercer v. Attorney General for Ontario* (1881) it affirmed *Lenoir* in striking down Mowat's escheats act. In *Severn v. the Queen* (1878) and *The City of Fredericton v. the Queen* (1880), the Supreme Court justices construed the legislative powers of the dominion (especially the power to regulate trade and commerce) very broadly and those of the provinces very narrowly.

Mowat's one victory in these years came in *Citizens' Insurance Co. v. Parsons* (1880), in which, as in *Severn*, he appeared in person to advocate his view of the provincial jurisdiction. In this case a majority of the Supreme Court stepped back from a construction of the trade and commerce power which might have invalidated both the Crooks Act and the Rivers and Streams Act (the latter was yet to be passed). John Wellington Gwynne and Henri-Elzéar Taschereau*, the strongest centralists on the court, at once urged Macdonald to make sure the decision was appealed, since, said Gwynne, "the thin end of the wedge to bring about Provincial Sovereignty which I believe Mr. Mowat is labouring to do is inserted." A year later the JCPC affirmed the decision, after a hearing which Mowat influenced by having the province assume the respondent's costs and by briefing the respondent's lawyers to argue that the provincial legislative jurisdiction should be broadly defined and the dominion prevented from encroaching upon it.

About this time, two actions of Macdonald's government turned what had been largely a covert tussle into a major political question: the struggle over "Ontario's rights." One was the disallowance of the Rivers and Streams Act [see John Godfrey Spragge], which Mowat and his party condemned as an outrage against provincial autonomy. The other was the annexation to Manitoba of part of the northern territory claimed by Ontario, an action which Reformers ascribed to the influence of Quebec. As late as January 1879 Mowat could still maintain, as he had since 1872, that confederation had put "an end to French Tory domination in the local affairs of Ontario." Three years later he was declaring that if confederation was to be the means of denying Ontario's territorial and political rights, confederation must go. Reform politicians began rallying the troops once more to the old cause of self-government, or "Home Rule for Ontario."

The political battle intensified with the approach of federal and provincial elections. At first W. R. Meredith had backed Mowat on the boundary question, but in January 1882 he led his caucus in a volte-face, which he ascribed to Mowat's intransigence, though in fact it owed much to Macdonald's urging. Mowat offered to refer the dispute to the JCPC

provided that the disputed lands were surrendered to Ontario until it was resolved, a condition he insisted on lest the proceedings be made an occasion for indefinite delay while the dominion continued to plunder the territory's natural resources. Predictably, Ottawa rejected the condition, and Meredith had to follow suit, thereby exposing his subservience to Macdonald. Nevertheless, in the federal election of June 1882 the Conservatives won a slight majority of the Ontario vote, a result which Meredith saw as a rejection of Mowat's stand on territorial and constitutional questions.

A worse blow to Mowat, however, may have been the JCPC's decision, rendered three days after the election, in *Russell v. the Queen*. The judgement affirmed the validity of the Canada Temperance Act of 1878 (the Scott Act) in terms which seemed to imply that parliament possessed a vast and indefinite discretionary power to legislate for the peace, order, and good government of Canada. Macdonald, among others, read the decision as implying that the Crooks Act was invalid. Even if it did not go so far, it seemed to grant that parliament might pass an identical act, at once destroying Mowat's patronage-rich licensing system and setting one up under the government of Canada. The decision appeared, therefore, to vindicate Macdonald's audacity during the election campaign when, denouncing Mowat as "that little tyrant, who had attempted to control public opinion by getting hold of every office from that of a Division Court bailiff to a tavern-keeper," he had dismissed the Crooks Act as worthless and promised a licensing act of his own.

Despite these rebuffs, Mowat decided to make the provincial election a referendum on Ontario's rights. In doing so he was encouraged by Reform victories in six of eight provincial by-elections in October. The campaign was launched in January 1883 with a huge policy convention in Toronto. The moment was presented as a crisis; everything for which Reformers had fought for 50 years was in jeopardy. "The great evil we supposed had been corrected by the Confederate Act is still rife," Mowat told the 6,000 delegates, "and we are no more free than before – as much under the heel of others as when this complaint was first made." "Are the men of Ontario now less faithful in devotion to liberty than their fathers were?" declaimed the official record of the convention. "Or may Sir John Macdonald succeed where Sir Charles Metcalfe failed?" Meredith and his caucus were branded as traitors to Ontario for their turnabout on the boundary question.

A leading feature of the Reform campaign was the exaltation of Mowat as the wise, benign, and powerful protector of his people, yet one whose wisdom and power flowed from the people. The delegates were said to have assembled at his personal summons, issued in "a fearless appeal to them for their verdict on his public life." Mowat himself stressed the representative nature of the gathering, which comprised "men from all parts of the country, and from every portion of its population." The ceremonial centre-piece of the convention was the presentation of a formal address extolling Mowat's legislative achievements and fidelity to Reform principles. The delegates had assembled not merely to honour Mowat, declared the official record, but "to aid him by their counsel, and to strengthen him by a tangible assurance of their respect and confidence. . . . They came from the people, and were of the people."

The results were disappointing. In the election of February 1883 the government lost 15 seats and gained only 4, emerging with a majority of 9. Reformers spoke darkly of corrupt influences emanating from Ottawa. "Wherever . . . our friends can be beaten by money or fraud, money and fraud will not be wanting for the purpose," wrote Mowat to Charles Clarke in November 1883, in a letter explaining why he was making G. W. Ross minister of education instead of Clarke or another veteran of the provincial caucus. Ross was said to be the only Reformer who could win back Middlesex West, one of several seats vacated owing to electoral corruption. Every by-election was crucial, and it was thought that the appointment would secure Ross's candidature.

Many years later Ross opined that provincial rights had won the general election for the Reformers. Even at the time, there was no need for Reformers to suppose that the issue had been a liability: on a higher turnout of voters, and in face of the supposed Tory corruption, the party had secured its usual share of the vote and its usual slender edge over the opposition. The loss in seats amounted to a correction of the statistical freak of 1879, when the Reformers had won a majority of 28 seats on a province-wide plurality of less than one per cent. By the time the new legislature met, in January 1884, the party had retrieved three of the Conservative gains – Middlesex West among them – besides winning Algoma (which by statute could not be polled before May), and Mowat was assured of a comfortable majority.

Liability or not, the provincial-rights struggle raged on, the combatants too fiercely committed to disengage. In March 1883 Ottawa had disallowed the Rivers and Streams Act for the third time. Four months later Mowat asserted Ontario's administrative authority in the lands annexed to Manitoba, a move seen by Conservatives as a bid to win Algoma. In September the dominion's liquor licensing act (the McCarthy Act) set up throughout Canada a system like that of the Crooks Act in Ontario. The province imposed a punitive tax on dominion licences in 1884 and Ottawa disallowed it.

By then, however, thanks to the JCPC, Macdonald's position was collapsing. In July 1883 the Privy Council had found for Ontario in the appeal of *Mercer*, Mowat appearing in person for the province. The committee ignored the question of provincial sovereignty, but the decision kept the provincial case alive. In December it received a powerful boost from the JCPC's decision in *Hodge v. the Queen*: the Crooks Act was upheld partly on the ground that the dominion and provincial governments were of equal constitutional status, a finding which the Privy Council would ultimately construe as entailing provincial sovereignty. In the meantime, *Hodge* forced Macdonald to refer the McCarthy Act to the Supreme Court of Canada, which struck down most of its provisions. In 1885 the JCPC further reduced the menace implicit in *Russell* by condemning the act completely.

In the disallowance controversy, the JCPC undermined Ottawa's position early in 1884 by its judgement in the lawsuit that had evoked the Rivers and Streams Act, *McLaren v. Caldwell*. What Macdonald had repeatedly denounced as an outrage against private rights turned out to have been the law of the land by virtue of a statute of 1849. But Mowat's greatest victory came in the territorial dispute. In December 1883 he persuaded Manitoba to refer the boundary question to the JCPC in a form that precluded delay. Macdonald grudgingly complied with the provincial agreement, though he insisted on limiting the reference to the actual question of the boundary, excluding the question as to control of the disputed territory's natural resources. In the summer of 1884 Mowat went to London and presented Ontario's case on the boundary dispute to the JCPC with complete success.

Mowat returned to an ovation abounding in bellicose rhetoric. On 15 September, at Niagara Falls, illuminated signs proclaimed "See the Conquering Hero Comes" and "Ontario's Champion, Welcome." Mowat himself, artfully invoking the venue and the uel centenary, spoke of his "return from fighting the battle of Ontario" and noted that far smaller parcels of territory had often been the subject of long and bloody and expensive wars. The next day's triumph in Toronto featured a procession of twelve or thirteen thousand men, representing every part of the province, and a grand rally at Queen's Park. Triumphant rallies followed at Woodstock and Barrie. It was Mowat's finest hour.

Yet much remained to be done. The territorial dispute dragged on until 1888, when the JCPC decided in *St. Catharines Milling and Lumber Co. v. the Queen* that Ontario, not the dominion, owned the natural resources within the territory awarded the province four

years previously. In 1888, too, after Ottawa had refused yet another challenge to refer the matter to the Privy Council, Mowat carried a provincial statute designed to test the provinces' claim to constitutional equality with the dominion. The *coup de grâce* was delivered by a case originating in New Brunswick, the Maritime Bank case of 1892, but it was decided on the basis of *Hodge*. New Brunswick was represented before the Privy Council by Sir Horace Davey, who had been on retainer for Ontario since 1883 and had appeared in *Mercer*, *Hodge*, and the McCarthy Act reference.

The dispute over legislative jurisdiction presented peculiar difficulties because of its entanglement with the regulation of the liquor trade. In 1890, however, Mowat amended the Crooks Act to introduce a local option identical in principle to that provided for in the Scott Act. If the JCPC upheld this amendment – and *Hodge* and the McCarthy Act reference suggested that it might – it would be obliged to consider more narrowly the grounds on which, in *Russell*, it had upheld the Scott Act. In the decision of 1896 in the prohibition reference, a decision that mid-20th-century centralists were to bewail as a mortal blow to the federal power, the committee upheld Mowat's local option, overruled *Fredericton*, and adopted general rules for construing the distribution of legislative powers which were remarkably similar to those Mowat had advocated 15 years previously in the appeal of *Citizens' Insurance*. Once the JCPC had overruled *Severn* in 1897 and *Lenoir* in 1898, both in reference cases launched by Mowat, it could be said that Mowat had never lost a constitutional case or seen any of his statutes judicially invalidated.

Only in the matter of disallowance was Mowat less than completely successful. The quarrel over the Rivers and Streams Act had convinced him that the federal veto must be abolished; but according to the compact theory of confederation, which posited that confederation arose from an agreement among the colonies, the BNA Act could be amended only with the unanimous consent of all the provinces. Accordingly, Mowat accepted the invitation of Honoré Mercier*, premier of Quebec, to take part in a conference of Canadian governments at Quebec City in October 1887. Under Mowat's chairmanship, the conference adopted resolutions on disallowance and several other matters relating to the BNA Act, but the absence of representatives from Prince Edward Island and British Columbia enabled Macdonald to dismiss the resolutions as not expressing an interprovincial consensus. Nevertheless, the federal government was henceforth more reluctant to disallow legislation on political grounds, and disputes over jurisdiction were generally resolved by judicial reference.

Mowat's local option legislation of 1890 was the latest in a series of restrictive amendments induced by the growth of prohibitionist sentiment and the Conservatives' efforts to make a scandal of the Crooks Act. In the elections of 1886 and 1890 the liquor question yielded only to anti-Catholicism in the peril it posed to the government, but Mowat's standing as a provincial patriot and reputation for personal probity helped him to withstand the zealotry of militant prohibitionist and militant Protestant alike. The Reformers remained dominant in southwestern Ontario, and gains in Catholic – and especially francophone – support enabled the party to win its usual share of votes and an ample majority in each contest. It was in 1886, averred C. F. Fraser, that the party first won a considerable majority of the Catholic vote.

As the election of 1894 approached, however, Mowat found himself increasingly boxed in. The agrarian crisis was beginning to weaken the traditional allegiances of the agrarian electorate. Both parties suffered, but the Reformers had more to lose and the issues of the moment – prohibition, rural resentment of the National Policy, and sectarian hostility to separate schools [see D'Alton McCarthy*] – precluded their traditional posture as champions of Ontario's rights. Mowat still maintained, as he always had, that general prohibition was *ultra vires* the province. Tariff reform unquestionably was, and the province could hardly appease hostility to the separate schools without risking dominion

intervention under the BNA Act. Mowat managed to contain the prohibitionist threat by instituting, in 1893, a referendum on prohibition and a judicial reference on the province's jurisdiction, but the province could do nothing about the other matters unless it seceded from the confederation. In by-elections held in December 1893 the Reformers lost a safe seat to the nativist Protestant Protective Association and a more marginal one to a politicized farmers' organization, the Patrons of Industry [see George Weston Wrigley].

In the general election of June 1894, 94 seats were at stake, yet the Reformers nominated only 79 candidates, the Conservatives 65, and the Patrons 50. The PPA ran few candidates of its own, but a large number of the Conservative and Patron nominees were pledged to its platform. The initial returns gave Mowat's government 47, the Conservatives 27, and the Patrons 17 seats, with 2 PPA candidates and an independent taking the rest. The by-elections to be expected before the legislature met were of critical importance, and Mowat could do little to influence them. As so often, however, his opponents played into his hands. W. R. Meredith resigned as mpp for London, and the Conservative caucus replaced him as leader with George Frederick MARTER, a prohibitionist and ardent nativist, thinking that this move might win them Patron support in the legislature. The Reformers won the by-election by a landslide, and they subsequently captured one Patron and two Conservative ridings where the original returns had been judicially voided. The Conservatives and the Patrons proved to be incapable of combining to any effect in the legislature, and the Patrons at last became a virtual appendage of the Reform caucus.

After some weeks of negotiation, it was announced on 4 May 1896 that Mowat had agreed to join the federal Liberals under Wilfrid Laurier. This was not the first time a federal Liberal leader had tried to entice him to Ottawa. Mackenzie had offered him the Department of Justice in January 1878, when Blake quit the cabinet, but Mowat declined to accept because a federal general election was pending. In January 1887, on the eve of another election, Blake himself invited Mowat to succeed him as leader of the opposition. Blake backed off when Mowat and Timothy Blair Pardee*, Mowat's principal confidant in the provincial cabinet, let him know that his timing was unpropitious, especially since Mowat lacked private means, and, if he lost the election, would have to earn his living at the bar. In 1896 the auspices were different. In Ontario, Mowat had tamed the Patrons and reduced the number of Conservative seats in the legislature to a level as low as it was likely to go. In the dominion at large the Liberals faced a general election, in June, which they seemed more likely to win than those of 1878 or 1887, especially if Mowat championed the party's cause.

Mowat's contribution to the Liberal campaign was twofold. The Conservatives had promised to force Manitoba to revoke its abolition of the dual public school system [see Thomas Greenway]. Laurier's policy was to negotiate with Manitoba. Mowat's concurrence was a warrant that Laurier would show due regard for provincial rights and for the sensibilities of Catholic and Protestant, francophone and anglophone, alike. Secondly, his endorsement reassured Ontarians who were worried by the Liberals' trade policy and its political implications. At the interprovincial conference of 1887 he had carried a resolution declaring that unrestricted reciprocity with the United States would benefit the Canadian economy and need not threaten the imperial tie. In 1888 reciprocity was formally adopted as Liberal party policy [see Sir James David Edgar*]. During the dominion election campaign of 1891 Mowat rebutted Conservative charges that unrestricted reciprocity hid a secret commitment to commercial and even political union with the United States. He led the fight against the upsurge of unionism that followed the election, which the Conservatives won, and in May 1892 he demonstrated his fidelity to the empire by dismissing an annexationist, the crown attorney of Dufferin County, and accepting a KCMG, bestowed on 25 May. (He would become a gcmg on 22 June 1897.) In June 1893

he chaired the convention at which the Liberal party formally retreated from unrestricted reciprocity. His entry into dominion politics in May 1896 was a signal that the Liberals repudiated annexationism and respected the economic interests created in Canada by 17 years of tariff protection. In order to secure Mowat, Laurier had arranged a privately funded life annuity for him and even entertained the idea of making way for him to become prime minister in the event of electoral victory – though it is unlikely that Mowat desired, or Laurier expected to make, that sacrifice.

Victorious overall, the Liberals won only 43 of Ontario's 92 seats at the general election. Mowat was annoyed, but the Conservative government of Sir Charles Tupper* had been opposed by Patrons of Industry, dissident Conservatives, and followers of the Conservative renegade D'Alton McCarthy, as well as by the Liberals. Mowat's colleagues assured him that no better result could have been expected. He resigned his provincial offices in July and moved to Ottawa. He was sworn in as minister of justice on 13 July and two days later was called to the Senate, where he became government leader. Within months, however, Mowat was finding his new assignment a strain. About 1890 his provincial colleagues had begun to take on duties which previously he had discharged in person. He had been a widower since 1893. By the spring of 1895, Mowat, almost 75, was beginning to feel his age as never before, and A. S. Hardy dismissed a rumour that Mowat might become minister of justice in a Liberal government, declaring that he was unequal to the work. Feebleness restricted his part in the federal campaign of 1896. Still, in July of that year, G. W. Ross assured Laurier that Mowat could "put in more hours of hard work than any man you are likely to have in your Cabinet" and Hardy noted that the stimulus of the move to Ottawa seemed to have cut three or four years off Mowat's age. The following February Mowat himself wrote that "Ottawa's winter and work appear to be agreeing with me, for I have gained more than five pounds in weight."

By July 1897, however, he was ready to retire. He was working an average of ten hours a day without clearing his desk, and he found the compromises of dominion politics distasteful, as he told Edward Blake: "My colleagues are all able men but there is not that unity of sentiment amongst us to which I had for so many years been accustomed in Ontario, and much is done that I dislike and hate being responsible for." Lacking private means (the annuity arranged by Laurier may not have yielded sufficient income, if indeed Mowat had accepted it), he was forced to remain in justice until 17 Nov. 1897, when the lieutenant governorship of Ontario fell open. He took the office the next day with reservations, remarking "I shall become a cipher in politics for the rest of my life, and, old as I am, I do not like that prospect."

The timeliness of Mowat's retirement was demonstrated in October 1898, when he suffered a slight stroke. The following June another attack left him able to fulfil only the most necessary duties of his office. Nevertheless, as early as October 1899 he told Laurier that he hoped for a second five-year term for the sake of the salary. Public life had exhausted all his own savings, and the only private means left to him were what had come to him through his wife. He did not add that he was currently responsible for the family of his son Arthur, who had ruined himself by speculating in Manitoba real estate.

Remorselessly, the passing years sapped Mowat's powers. When Queen Victoria died in 1901, he found himself unable to gather his thoughts for a newspaper interview. In October 1902, as his term expired, he asked Laurier if it was possible to arrange for him to retire on full salary. His official duties were now much more of a burden than at first, and he wished to spend what short time remained to him in freedom from political cares. The prime minister kept him in office but did nothing to secure him a pension, nor did he appoint him to a second full term as Mowat otherwise desired. In December Mowat anxiously asked what was to become of him after a lifetime in public service. "I am a very old man," he confessed, "and with failing vigour of mind as well as body."

In January 1903 a fall fractured Mowat's thigh. It healed less quickly than expected, and in March he was unable to open the new legislature. As the scandal sparked by Robert Roswell Gamey burst upon Ross's government, with its tiny legislative majority, Laurier was attacked in the federal parliament for retaining an invalid in office and society papers complained of the lieutenant governor's failure to fulfil his social obligations. Mowat himself assured Laurier that he felt able to carry on, though now he was going blind. In April a second fracture presaged the end. As Laurier and Ross pondered whether to replace him, Mowat sank peacefully, surrounded by a devoted clan. He died at Government House on 19 April.

Mowat was dumpy and bespectacled, weak-voiced and colourless, but there was more to him than met the eye. To Sir John Stephen Willison*, editor-in-chief of the *Toronto Globe* in the 1890s, he was "a consummate politician with a genius for reconciling duty and opportunity. Crafty and longsighted, he was never in outward conflict with the Christian verities. No man ever was more cautious or bolder if the occasion required decision and action. He looked out from behind his glasses with engaging simplicity and candour, while the mind was busy with devices to confuse and confound the besieging forces." Together with his "keen insight into the vanities and frailties of his fellows" and the "guile and strategy" – the "deliberate, continuous method" – of his political art, these traits were the source of his "absolute" authority within the provincial Reform party and his standing in public opinion. These and his self-possession: "Sir Oliver Mowat never had a master nor ever was misled by adulation," Willison concluded.

The operations of Mowat's government were unquestionably informed by guile and strategy of the highest order, and not all of it was Mowat's. With Ottawa no rival for their services, long-serving ministers such as Fraser, Pardee, Hardy, and Ross formed the nucleus of what Willison called "a Cabinet perhaps as strong in personal distinction, in debating talent and in administrative genius as any that has held office in Canada." Willison ranked Fraser above any other politician he had known for "instant appreciation of the true significance of a complex situation," and he asserted that there was nothing that Pardee could not explain away. "Nobody could mistake the master touches of his skilful generalship in many of the actions of the Government," wrote Ross of Pardee. One cannot review the government's peaks of strategic achievement without noticing that Crooks and Hardy shared in the drafting of the Crooks Act, that Fraser made a crucial contribution to the Lynch-Mowat concordat, and that in his legal struggles with Ottawa, Mowat had imposing collaborators in Edward Blake and David MILLS.

Yet Mowat unquestionably had his share of guile. It was he whom Ross acclaimed for his skill in reading the public mind. Willison – a Liberal insider who had ample reason to know and no reason as a memoirist to hide what he knew – clearly saw him as the government's guiding brain, finding the measure of his political genius in "the fact that for so long he had a generous support from the liquor interest and a still more generous support from Prohibitionists." In Willison's view, he was dependent on neither Blake nor Mills in his conduct of the provincial-rights campaign, "nor persuaded by either against his own judgment."

Mowat's success owed much to his aura of amiable insignificance. He was never florid or profane like the theatrical Macdonald, or too clever like the nervously brainy Blake. A modest reticence, lapped in a disarming candour, veiled his powers and deceived his enemies. At the height of the battle over provincial rights, Macdonald dismissed him as "Blake's jackal." In 1888, on learning of Mowat's sixth successive win before the Privy Council, Macdonald exclaimed: "What luck Mowat has had with the PC! [D'Alton] McCarthy can't understand it." This ability to dissemble his genius was linked to an instinctive secrecy. He left instructions in his will that resulted in the destruction of nearly

all his papers. In a letter of 1876 he agonized interminably over the chance that he might have let slip in the legislature some views that Blake had communicated to him in private. "There is nothing about which I have all my life been more sensitive than the confidential obligations which attach to 'private' letters. . . . I must redouble my usual caution in future; though neither want of prudence nor personal reliability is one of the sins or weaknesses against which I have hitherto thought myself to require to be especially guarded or careful." Vexed as he may have been at this possible breach of propriety, one suspects that he was even more troubled by the lapse of reserve. His reserve was a thicket, from within which he moved men with skilful appeals to their better nature and no doubt, when necessary, to what Willison called their "vanities and frailties."

In 1889 Willison arranged a public meeting in Toronto for Laurier to explain his position on the Jesuits' Estates Act. Laurier managed by sheer force of personality to contain a hostile audience. Reading the meeting's mood, Mowat abandoned his prepared eulogy of Laurier and extemporized a speech in which he contrived to distance himself from the federal leader without repudiating him. "Wary and cautious, as he ever was, he felt the ground step by step, never going an inch too far, nor ever reaching the point of danger," Willison recalled. "Laurier at most carried only a portion of the meeting; for Mowat there was universal cheering and vast enjoyment of his smooth, deft, adroit handling of an audience which knew as well as he did himself that he was manoeuvring for safety." Mowat quietly told Willison to destroy the *Globe's* copy of the abandoned eulogy. "As he spoke his eyes twinkled behind his glasses."

Mowat's extraordinary manipulative skills and his relish in playing for high stakes gave him the makings of a first-rate confidence man. What kept him honest was a rigid sense of duty. Willison observed that his temperament was essentially a religious one. If so, it was not of the sort that sins the more easily because of its faith in salvation. A politician is necessarily an opportunist, but Mowat studied always to be "a Christian politician" – a principled opportunist. This concern to reconcile duty and opportunity was one of the secrets of his success. Strategic virtuosity demands vision as well as guile, and Mowat's guile was the more potent for being subordinate to an essentially moral vision.

Not that Mowat's vision was easy to define. Contemporary memoirists, among them Willison, G. W. Ross, Hector Willoughby Charlesworth*, and Mowat's son-in-law Charles Robert Webster Biggar, touched, without resolving the paradox, on the theme of the Liberal leader who was more conservative than his opponents. Willison, the most perceptive, seems to have meant that Mowat's values were essentially Baldwinite rather than Brownite – those of a conciliator rather than an agitator – and that he was not a populist: "He kept his hand upon 'the people' lest they should get out of control. He never believed that the voice of democracy was necessarily the voice of God." Though a Liberal partisan, writes historian S. F. Wise, "Mowat was at bottom a small 'c' conservative. . . . [He] assiduously used appeals to Ontario's past to justify his actions, and in doing so he synthesized the conservative and reform traditions, appealing without distinction to the memory of Robert Baldwin and [Sir] John Beverley Robinson[*]." According to Wise, Mowat was above all "an Ontario nationalist within the Canadian nation."

In fact, Mowat's political tenets were at bottom those which had animated the mainstream of the Upper Canadian Reform tradition since the 1820s, above all, the right of the Upper Canadian community to responsible government and the duty of fidelity to the constitution that supposedly enshrined this right. The principle was originally liberal rather than conservative; it was far from being populist, despite the populist appeal of the Reform vision of Upper Canada as wrongfully subjugated by vested interests with the aid of an external oppressor. Robert and William Warren* Baldwin were not populists, and their definition of Upper Canadian politics as a conflict between the community as a

whole (the people) and an administrative oligarchy could as easily accommodate a pluralistic or liberal definition of the people as it could a restrictive or populist definition. From the 1830s on, an unceasing flow of British immigrants made an inclusive definition a political necessity. Mowat's skill at synthesis was vitally important at a time when his party's traditional electoral base was being rotted by urbanization and rural depopulation, but the adverse demographic trend of the Mowat era was only a new form of an old problem.

The Baldwins insisted on the rights of the Lower Canadian as well as of the Upper Canadian community, and they loathed the Orange order. In the 1840s their respect for French and Catholic susceptibilities provided the moral underpinning for the reformers' alliance with francophone nationalism. That alliance lapsed after the advent of responsible government, when the Reform party split and the Bleus joined up with the new Liberal-Conservative coalition. George Brown thereupon recast francophone clericalism and Montreal business interests as the external oppressors of Upper Canada in a formula which appealed both to the anti-Catholicism and francophobia that informed mid-Victorian British patriotism and to the resentment felt by Upper Canadian businessmen at the financial hegemony of Montreal. The old hostility to oligarchy easily evolved under Brown into that general hostility to vested interests which was integral to mid-Victorian liberalism.

The principles of the Reform tradition proved to be marvellously suited to the needs of the Reform party in the era of confederation and industrialization. Mowat's campaign for Ontario's territorial and constitutional rights appealed to the old Brownite prejudices and to the commercial interests that wished to throw off Montreal's hegemony, and he contrived to yoke his territorial campaign to the loyalist tradition by comparing the dominion government to the invaders of 1812. This ideological coup supported his repudiation of annexationism in the 1890s as a betrayal of both the loyalist heritage and the principle of "Canada First." The duty of fidelity to the constitution also yielded electoral profit in allowing him to link his defence of the rights of Ontario's Catholics to the struggle against their old protectors, the "Quebec Tories"; like provincial rights, separate schools derived their legitimacy from what in 1890 he called the confederation "compact." At the same time, the Reformers' commitment to a liberal as opposed to a populist definition of the people justified an even-handed yet accommodating posture towards Ontario's Catholics and the other interests that had to be conciliated in order to broaden the party's electoral base.

In an obituary speech in the House of Commons, Laurier placed Mowat's policy of sectarian tolerance second in historical importance only to his role in giving confederation "Its character as a federal compact." Laurier's was a reasonable judgement. Regional discontents were rife in the 1880s, but Mowat's 25-year campaign to define the constitution was unique, and he probably did more than anyone to define the structure and style of dominion-provincial relations in the 20th century. Likewise, no one else could have done what he did, as Ontario's Reform premier, to contain the racial antipathies that plagued Canada in the decade following the hanging of Riel. The web of social dogmas and policies now called biculturalism may owe something to the Baldwinite tradition of tolerance, of which Mowat was the vital late-19th-century bearer. There was at any rate a basis in history for Laurier's declaration in May 1896, upon engaging Mowat to help oust the Conservatives and find a solution to the Manitoba school crisis which respected both Catholic sensibilities and provincial rights, that a return to "the great days of Baldwin and Lafontaine" was at hand. Mowat's scrupulous defence of separate schools had paved the way for his collaboration with Mercier in 1887 to promote provincial rights, just as the Baldwins' respect for French aspirations had underpinned the alliance with La Fontaine.

Laurier credited Mowat with giving Ontario "a Government which can be cited as a model for all Governments: a Government which was honest, progressive, courageous, and tolerant." It is fair to say that Mowat's government established standards of public conduct that were in salutary contrast to the excesses of Macdonald's government and those of several Quebec administrations. In addition, Mowat left his mark on Canada in ways which Laurier might not have discerned or seen fit to praise. His territorial conquests brought Ontario a vast accession of mineral and arboreal wealth, which ensured the province's lasting predominance within confederation. His government's cautious, calculating response to the problems of industrialization and urbanization was the prototype, if not the perfection, of the politics of consensus. Often niggardly or even futile in substance, his social measures helped to legitimize the state's intervention, in the name of the people, in transactions in the market-place, and even within the family. To this limited extent, Mowat was a pioneer of the regulatory and, it could be said, the welfare state in Canada.

Confederation had yielded everything for which Reformers had been struggling at that time, Mowat had told the electors of Oxford North in 1872. He failed to add that, if so, it was because Brown and he had persuaded the party in 1859 to struggle for federation rather than disunion. A moment of reckoning came when Macdonald's centralizing aspirations had been thwarted but the Brownite sectarian prejudices still lingered and farmers found themselves still saddled with the National Policy. Whatever Mowat might have done if stymied in his campaign for provincial rights, he was far from contemplating secession on any other grounds. Oddly enough, the Protestant zealots and agrarian tribunes of the 1890s do not appear to have considered it either, but even so the moment was one of crisis for the Ontario Reform party: it must become the voice of agrarian sectionalism or stand to lose much of its traditional following.

For Mowat, the ultimate exponent of the politics of Baldwinite provincial patriotism, there was no choice to be made. His career as premier had been dedicated to expanding his party's conception of the people, whose champion against vested interests it saw itself to be. Working people and Catholics – even French Catholics – had been brought into the fold. Mowat's adhesion to Laurier in 1896 on the basis of due consideration for the interests created by the National Policy registered the new tenor of Ontario Liberal politics. Agriculture was now an interest like any other, and the members of the Canadian Manufacturers' Association were people too.

[PAUL ROMNEY](#)

[The preparation of this article was aided by a research grant from the Social Sciences and Humanities Research Council of Canada. p.r.]

There are official portraits of Sir Oliver Mowat in the Government of Ontario Art Coll. at the Ontario Legislature Building, Toronto: an 1892 oil portrait by Robert Harris*, another, c. 1903, by John Wycliffe Lowes Forster*, a plaster bust executed by Walter Seymour Allward* around 1903, and a full-length bronze statue by the same artist, completed in 1905, in Queen's Park.

In addition, there are four original photographs of Mowat in the AO's Photographic Records Coll. Two are formal portraits, dated c. 1860 and c. 1897. The others are group shots: one of the members of cabinet in 1891, and an undated photograph featuring Mowat as lieutenant governor during a royal visit.

Oliver Mowat's study of American legal materials appeared as "Observations on the use and value of American reports in relation to Canadian jurisprudence" in the *Upper*

Canada Law Journal (Toronto), 3 (1857): 3–7. His publications also include *A letter on the bill for quieting titles to real estate in Upper Canada, addressed to the Hon. J. A. Macdonald, attorney-general for Upper Canada* (Toronto, 1865), as well as numerous speeches and memoranda issued during his term as premier. Listings of these works may be found in the CIHM Reg., *Canadiana, 1867–1900*, and O. B. Bishop, *Publications of the government of Ontario, 1867–1900* (Toronto, 1976), 367–69. Most concern political matters, notably government in Ontario and the sectarian schools issue, but he also produced an address on *Christianity, and some of its evidences . . .* (Toronto, 1890), and issued another, *Christianity, and its influence . . .* (Toronto, 1898), after his retirement from the legislature.

A collection of Mowat's correspondence to his brother John has been edited by Peter Neary and published as "'Neither Radical Nor Tory Nor Whig': letters by Oliver Mowat to John Mowat, 1843–16," *OH*, 71 (1979): 84–131.

AO, F 2, MS 20; F 3; F 23, MU 476, Mowat to Campbell, 25 Sept. 1883; F 26; F 1027; RG 4; RG 24, ser.8. NA, MG 24, B40; MG 26, A; B; G. *Globe*, 1853–84. *Mail* (Toronto), 25 Oct. 1872; 7 Jan. 1876; 7, 9 June 1879. *Toronto Daily Mail*, 2 June 1882.

Christopher Armstrong, *The politics of federalism: Ontario's relations with the federal government, 1867–1942* (Toronto, 1981). Fern Bayer, *The Ontario collection* (Markham, Ont., 1984). C. R. W. Biggar, *Sir Oliver Mowat . . . a biographical sketch* (2v., Toronto, 1905). Can., Dept. of Justice, *Correspondence, reports of the ministers of justice, and orders in council upon the subject of dominion and provincial legislation, 1867–1895 . . .*, comp. W. E. Hodgins (Ottawa, 1896). *Catholic appointments and the Mowat government* ([Toronto?, 1894?]). Ramsay Cook, *Provincial autonomy, minority rights and the compact theory, 1867–1921* (Ottawa, 1969). Dent, *Canadian portrait gallery*, vol.2. A. M. Evans, "The Mowat era, 1872–1896: stability and progress," *Profiles of a province: studies in the history of Ontario . . .* (Toronto, 1967), 97–106; "Oliver Mowat: the pre-premier and post-premier years," *OH*, 62 (1970): 137–50; "Oliver Mowat: vice-chancellor of Upper Canada, 1864–72," *OH*, 71: 75–82; "The Ontario press on Oliver Mowat's first six weeks as premier," *OH*, 56 (1964): 125–41; and *Sir Oliver Mowat* (Toronto, 1992). [M. W. Kirwan], *Facts for the Irish electors!: a faithful record of how the Reformers and Conservatives have treated the Irish people* ([Toronto, 1886]). J. C. Morrison, "Oliver Mowat and the development of provincial rights in Ontario: a study in dominion-provincial relations, 1867–1896," *Three history theses* ([Toronto], 1961). *Oliver Mowat's Ontario: papers presented to the Oliver Mowat colloquium, Queen's University, November 25–26, 1970*, ed. Donald Swainson (Toronto, 1972). Ont., Legislature, *Sessional papers*, 1870–71, no.3; 1874, nos.4, 19; 1880, no.20; 1888, no.37; *Statutes*, 1873–90. *Ontario elections, 1883; pamphlet no.1: legislative and territorial rights* ([Toronto, 1883?]). Paul Romney, "From the rule of law to responsible government: Ontario political culture and the origins of Canadian statism," *CHA Hist. papers*, 1988: 86–119; *Mr Attorney: the attorney general for Ontario in court, cabinet, and legislature, 1791–1899* (Toronto, 1986). G. W. Ross, *Getting into parliament and after* (Toronto, 1913), 192. R. C. Vipond, "Constitutional politics and the legacy of the provincial rights movement in Canada," *Canadian Journal of Political Science* (Ottawa), 18 (1985): 267–94; *Liberty and community: Canadian federalism and the failure of the constitution* (Albany, N.Y., 1991). Willison, *Reminiscences*. S. F. Wise, "Ontario's political culture," *The government and politics of Ontario*, ed. D. C. MacDonald (3rd ed., Toronto, 1985), 159–73.