CANADA'S GOVERNORS GENERAL

1847–1878

BIOGRAPHY AND CONSTITUTIONAL EVOLUTION

BARBARA J. MESSAMORE

CANADA'S GOVERNORS GENERAL, 1847–1878: BIOGRAPHY AND CONSTITUTIONAL EVOLUTION

Barbara J. Messamore

Often ignored in the study of Canadian history or dismissed as a vestige of colonial status, the governor general's office provides essential historical insight into Canada's constitutional evolution. In the nineteenth century, as today, individual governors general exercised considerable scope in interpreting their approach to the office. The era from 1847 to 1878 witnessed profound changes in Canada's relationship with Britain, and in this new book Barbara J. Messamore explores the nature of these changes through an examination of the role of the governor general.

The governors general of the time – Lord Elgin (1847–54), Sir Edmund Head (1854–61), Lord Monck (1861–8), Lord Lisgar (1868–72), and Lord Dufferin (1872–8) – wrestled with the implications of colonial self-government, guided by outmoded instructions and constitutional conventions that were not yet firmly established. The lack of definition of the viceregal role made the character of the appointee especially important, and therefore biographical details are essential to an understanding of how the experiment of colonial self-government was put into practice. Messamore's book marries constitutional history and biography, illuminating some of the key figures of nineteenth-century Canadian politics.

BARBARA J. MESSAMORE is an instructor in the Department of History at University College of the Fraser Valley.

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Canada's Governors General, 1847–1878

Biography and Constitutional Evolution

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Contents

Acknowledgments vii

1 Introduction: Biography and Constitutional Evolution 3

2 'Governor-Generalities' 10

3 Mary Lambton's Husband 31

4 The 'Great Experiment': Elgin, Grey, and Responsible Government 47

5 A Round Man in a Square Hole: Sir Edmund Head in the United Canadas 71

6 'A Cat into Hell without Claws': Monck and His Ministries, 1861–1864 94

7 'An Indolent Individual'? Lord Lisgar and Canadian Diplomacy 115

8 'A Matter of Instinct': Lord Dufferin and the Pacific Scandal 148

9 Character, Context, and the Constitution: Dufferin, Edward Blake, and the Role of the Governor General 177

10 Conclusion 214

Notes 221

Bibliography 281

Illustration Credits 297

Index 299

Illustrations follow page 152

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CANADA'S GOVERNORS GENERAL

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1 Introduction: Biography and Constitutional Evolution

Donald Creighton, the renowned Canadian historian of the last century, once observed that 'an historian's chief interest is in character and circumstance.'[1] Many would find such a remark quaintly old-fashioned today. Thomas Carlyle famously remarked that history was the study of 'Great Men'; to reflect on the lives of heroes and leaders of men could not but be profitable. 'On any terms whatsoever, you will not grudge to wander in such neighbourhood for a while.'[2] But in recent decades, other neighbourhoods have been preferred. Works of social history have proliferated, with the laudable goal of creating a picture of life among the less-celebrated majority. Such studies, by necessity tightly focused, inquire into the births, marriages, sexual mores, working lives, and deaths of those whose quiet deeds never attracted notice.

While the value of history 'from below' is indisputable, the hegemony of social history in the academic world over the last couple of decades has faced a number of challenges of late. History, as the study of human endeavour, as much as broad, impersonal forces, must take account of extraordinary individuals. Our understanding of change will not be complete if we focus solely on the disenfranchised many; it depends upon our grasp of the lives of the few – those who held power and were able to shape the course of events.

Political and constitutional history, the preserve of this favoured class, is thus essential to a sound historical view. The understandable reaction against history that concentrates exclusively on dead, white males should not lead us to dismiss this essential component of the past.[3] Far from being a tedious analysis of dusty documents, constitutional history itself requires intimacy with those people whose ideas

shaped the outlines of government. The inspiration for and interpretation of constitutional documents, the codification of evolved practices, and the overall composition of the political world rested in the hands of those who were placed – by circumstance or will – in positions of prominence.

This study, an analysis of the evolution of the role of the governor general of Canada between 1847 and 1878, aims to marry constitutional history and biography. Five British appointees held the position during this period: Lord Elgin (1847–54); Sir Edmund Head (1854–61); Lord Monck (1861–8); Sir John Young, later Lord Lisgar, (1868–72); and Lord Dufferin (1872–8). To a great extent, the important changes in the functioning of the viceregal role during those years were driven by character.

Some of these five have been the subject of isolated biographies; Elgin and Dufferin, who had the highest profiles during their terms of office, have also attracted the most attention historically. But no one as yet has attempted a study of the office itself and the changes it has undergone. The individual biographies are valuable in themselves, but a full understanding of the governor general's role demands an analysis of the term of more than one incumbent. Perhaps paradoxically, looking at more than one governor general better enables us to weigh the significance of the individual character of each. During the period in question, constitutional conventions governing the viceregal role were in a much more fluid state, and the degree of activism exhibited by the office holders was in large measure determined by their personal inclinations. The backgrounds of the men themselves are therefore of considerable consequence. Their past experiences, political convictions, social connections, and personal judgment all play a role. As the direct constitutional powers held by the governor general receded, his character did not suddenly become irrelevant. 'Character,' W.L. Morton observed in a study of Lord Monck, 'is of more than usual importance to a man who, by the nature of his office, must persuade rather than command.'[4]

Assessment of character is admittedly a very subjective business. When one's subject is an aristocratic male sent by virtue of his privileged birth to preside over a British imperial possession, the impulse to criticize and condemn is perhaps a natural one. But such facile judgments do not really promote understanding. An empathetic approach invites a more in-depth appreciation of the nuances of the subject. Fortunately, as members of a privileged class, the five men here consid-

ered left lingering footprints by which we may come to know them. In the nineteenth century, even the most highly placed political functionaries were not too busy to write long letters to colleagues, family, and other correspondents. There are archival collections of papers for most of these five. Sir Edmund Head and Lord Lisgar are the exceptions; their manuscript collections were lost or destroyed. But even in these cases, material has been available in the collections of those with whom they corresponded. There are of course copies of official correspondence, but these collections tend to be less rewarding as a historical source. Official dispatches, even secret ones, are generally quite spare; in this era, the real detail is found in the private letters, which can be surprisingly candid. Given that the governors were frequently acquainted with, or even related to, officials in the home government, it is not surprising that this is a rich resource. Family letters are available in some cases. The demands of service to the empire frequently necessitated long separations, and it is impossible to read a man's intimate letters to his wife and children without coming to know him as a person and developing some degree of empathy. Contemporary descriptions of these historical figures are another useful source, but these must be used with some caution, as they may be coloured by partisan considerations. Further, we can simply extrapolate about character based on actions taken. Photographs and portraits are an intriguing supplement, but it is easy to use them simply to confirm preconceived ideas. A firm jaw and steely gaze might suggest admirable determination or pig-headed inflexibility – or simply the difficulty of achieving the immobility demanded by nineteenth-century photographic technology. A portrait of Dufferin taken at a Government House fancy dress ball seems to speak volumes about his character: he is the picture of regal splendour as a Stuart king, James V of Scotland.[5] Despite the inherent limits, visual images provide a useful reminder that historical figures were flesh and blood people.

The absence of any comprehensive study of the governor general's office has contributed to a pervasive misunderstanding of Canadian constitutional history. Many Canadians imagine that Confederation in 1867 was in some respects a more peaceful equivalent of the Americans' 1776, that it heralded a separation from Britain and achievement of autonomous nationhood. The true hinges of Canada's constitutional history – the achievement of self-government in 1848 and the Statute of Westminster in 1931 – do not resonate with Canadians at all. The outward continuity of the governor general's office throughout Canada's

history masks the fundamental changes in function that occurred. Interestingly, while historians and other observers ignore the real and significant change that occurred in how the office functioned after 1848, they impose an artificial and misleading break in events at 1867. Lord Monck, the governor general at the time of Confederation, had in fact filled the role since 1861, yet most sources describe him as having assumed the office in 1867.[6] Confederation in 1867, the event usually seen as the watershed in Canadian history, did not herald any substantial change in the governor general's role. He was thenceforward officially styled the 'governor general,' rather than 'captain general and governor in chief,' but this adoption of the title that had long been used in practice was not immediately accompanied by any revised set of duties. The negotiation of the 'Great Coalition' government that was a key enabling force behind Confederation allowed the governor general to retreat from his former level of political involvement. But the coalition, and not Confederation itself, was the causal agent that brought this about. Going along with this fundamental distortion in the historiography of the office is a tendency to discount any continued role for the governor general after 1867. Even after Canada achieved responsible government, and even after Confederation, Canada of course remained a constitutional monarchy, with the Queen as head of state. The Crown is the centre around which Canada's parliamentary system operates. Yet any function carried out by the governor general as resident head of state and guardian of the constitution tends to be dismissed as merely ceremonial or, at worst, as a misguided attempt at imperial interference.

The period in question may seem impossibly distant to have any bearing on an understanding of the viceregal role today. Yet it was in this period, when the principles and practices of responsible government were being worked out, that constitutional conventions for the governor general began to take shape. The prevalent assumption in Canada that Confederation reduced the governor general to a purely ceremonial figure was most openly challenged in 1926, when Lord Byng refused the advice of his prime minister, William Lyon Mackenzie King, to dissolve parliament and call an election. The seeds of the crisis were sown in the 1921 federal election, when Mackenzie King's Liberals were in a minority government situation, the newly formed Progressive party having emerged as a viable third party in Canadian federal politics. In the following election in 1925, the number of Progressive seats declined, but the party continued to hold the balance of

power between the two traditional parties. Mackenzie King, having won fewer seats – 101 to the 116 won by the Conservatives under Arthur Meighen – continued to form the government, although he first had to secure a safe seat for himself in a by-election, having lost his own. Byng, as governor general, had no reason to interfere with this unusual situation, as long as Mackenzie King continued to command the confidence of the Commons with Progressive support. Unfortunately for King, that support began to evaporate in 1926 with revelations of a scandal involving the Customs department. It was then that King, in a bid to forestall defeat in the Commons, asked Byng to dissolve parliament for an election. Byng refused to do so, recognizing that Meighen, having won more seats in such a recent election, was entitled to a chance to at least try to form a government. King resigned, citing his disapproval of Byng's independent action, and proposed that the governor general should seek advice on this constitutional matter from the British Colonial Office. While Byng did keep British authorities informed by cable, he recognized that this decision was his alone to make and called upon Meighen. The Conservative administration was defeated within days, and in the election that ensued King drew much attention to the 'constitutional crisis' sparked by what he portrayed as heavy-handed imperial interference. Canadians swallowed King's version of events and he was returned to office, winning enough seats to form a minority government with Progressive and Labour support.[7]

As it happened, the periodic Imperial Conferences that had become institutionalized with the First World War had long been considering a formal definition of the relationship of the Dominions – the self-governing members of the empire – to the mother country. Implicit in this definition was an articulation of the evolved principle that the governor general was no longer answerable to the British cabinet, either in domestic matters – the principle established in Nova Scotia and Canada in 1848 – or in external affairs. The latter point was a more gradually evolved principle. From the early twentieth century, notably the 1909 establishment of a department of External Affairs in Canada, the sphere for Canadian autonomy had been widening. The soldiers of the Dominions distinguished themselves on the battlefields of the First World War – not Canadians alone, but Newfoundlanders, New Zealanders, Australians, and South Africans. The scale of this sacrifice made it all but inevitable that some readjustment of empire was necessary. The Imperial War Cabinet, which met for the first time in the spring of 1917, gave

Dominion prime ministers, such as Canada's Sir Robert Borden, a chance to participate in strategic planning and to vent their objections to ill-conceived tactics that senselessly squandered lives. The Imperial War *Conference*, which met concurrently on alternate days, yielded the resolution that a special conference should be held after the war to readjust the constitutional relations of the empire. This conference would be guided by the principle of 'full recognition of the dominions as autonomous nations of an Imperial Commonwealth.'[8] It was this principle, as articulated in 1917, that formed the basis of the Balfour Report of 1926; this was subsequently codified into law in the 1931 Statute of Westminster. Unfortunately in Canada, Balfour's report, coming as it did on the heels of the 1926 controversy, produced the mistaken impression that the governor general's role was being curtailed so as to prevent such actions as the one Byng had just taken. That was far from the case.

Byng recognized that refusal of advice was a potent weapon, not to be resorted to lightly. Perhaps the knowledge that this safeguard exists has prevented ministerial abuses of power; Canada has not had another incident so dramatic. Episodes elsewhere in the Commonwealth, however, can be instructive. The most controversial recent case involving the governor general's emergency powers came in Australia in 1975, when the governor general, Sir John Kerr, dismissed his Labour prime minister, Gough Whitlam, appointing the Liberal Malcolm Fraser in his stead. This move was a bid to resolve a deadlock in which the Liberal-dominated Senate would not pass the budget and the prime minister refused to request dissolution. The circumstances in Australia differ from those in Canada, notably in the presence of an elected senate, yet the pervasive view of the governor general as a figurehead is common to both nations, and Kerr's actions sparked an important constitutional controversy.[9] Perhaps even the experience of Sir Paul Scoon, governor general of Grenada, may be revealing. Scoon had the dubious distinction of presiding over the first government to fall to a coup d'état in the English-speaking Caribbean. Appointed to office in 1978, he carefully maintained his position when the Marxist opposition under Maurice Bishop seized power, only to help oversee the restitution of stable government after the U.S.-led military intervention of 1983. While Canadian crises of this magnitude have not, fortunately, occurred, Edward Schreyer, Canada's governor general between 1979 and 1984, drew controversy by reminding Canadians of the importance of the office in times of crisis and the role he could conceivably play. Involvement of the governor general was at least a possi-

bility during the unstable ministry of Conservative prime minister Joe Clark in 1979. Any action by the governor general to prevent the contemplated unilateral patriation of the Constitution under the subsequent Liberal administration of Pierre Elliott Trudeau would have been far more controversial.

The present study examines the way the role of governor general evolved in a critical earlier era. This evolution did not end in 1878, of course; nor did it begin in 1848. Jacques Monet goes so far as to assert that a succession of governors stretched in an 'unbroken line' back through the French regime in North America – a bit of ecumenical wishful thinking.[10] But it is undeniable that the era 1847 to 1878 marked a period of profound change. Elgin's implementation of responsible government in 1848 marked a clear point of departure and implied a more complex set of duties for his successors; Sir Edmund Head and Lord Monck were left to reconcile this new ideal with an as yet nascent party system. Lord Lisgar presided over a more stable self-governing dominion but found himself instead caught up in the conflicting goals of Canadian and imperial diplomacy. Lord Dufferin faced fresh domestic political controversies but had difficulty recognizing that his role was not to save Canadians from themselves. His failure to respect the limits of that role almost certainly contributed to the drafting of a permanent Commission and Instructions for the governor general that were more in keeping with evolved constitutional practices. These new documents, produced in 1878, represent an often-overlooked milestone in Canadian constitutional development. In the significant and far-reaching changes of these three decades, character and circumstance exerted their pull.

2 'Governor-Generalities'

Though it might be intriguing to attempt a kind of prosopographical study of the viceregal office to arrive at a profile of a 'typical' governor, previous efforts to do so have not yielded any clear findings.[1] The five office holders considered in this study did share a number of attributes, but they prove resistant to treatment as a 'type.' All were aristocratic, broadly speaking, seen in the Canadian context, but only Dufferin, and arguably Elgin, belonged in the innermost circle of the peerage. All, save Sir Edmund Head, originated in the Celtic fringe of the British Isles. Head was also unique in that he remained a baronet and was not made a peer. Of the others, Monck and Dufferin originally held Irish titles, while Elgin was a Scottish peer. Even before his Canadian appointment, Dufferin was a member of the United Kingdom peerage and enjoyed considerable wealth and influence in court. Elgin was rewarded for his service in Canada with a United Kingdom peerage and was well connected at court, but his estate was heavily encumbered. Although Monck and Lisgar were granted titles in the United Kingdom peerage, they did not have Dufferin's wealth or connections.

The five had varied backgrounds and experience, yet none seems to have been chosen for any specific skill. Up until the 1840s, governors general were frequently military men. In fact, Head recommended to the Duke of Newcastle, secretary of state for the colonies, that his successor should be 'a *distinguished* military man,' venturing that, given the climate of the American Civil War, an experienced military governor 'would be worth as much as 3,000 or 4,000 troops.' Newcastle resisted the idea, noting that 'the government of military men in Canada has not been upon the whole very encouraging for a repetition of the experiment.'[2] With the exception of Dufferin's brief adventure as

an observer in the Crimea, none of the five had any military background. In the event, military affairs occupied Monck to a great extent during his years in Canada. Three of these governors general had previous colonial experience, although the utility of that may be questioned. Elgin's stint in Jamaica or Lisgar's in the Ionian Islands and New South Wales may not have offered much useful basis for comparison. Although New Brunswick was a much smaller and less politically advanced colony, Head's experience there might have been marginally more useful. All five spoke French, Elgin with real facility. This offered the governor general a clear advantage in political negotiations and was an important social asset, something that would contrast sharply with the limitations hampering anglophone politicians.

Most of the problems that each governor had to contend with cropped up quite early in his term of office. Elgin arrived in 1847, and his struggle over responsible government reached its crisis in 1849. Monck and Dufferin were even less fortunate. The *Trent* crisis, which threatened to bring Britain and the United States to war, erupted when Monck had been in Canada mere weeks. Dufferin had to respond to the Pacific Scandal, which apparently implicated his Conservative ministry in deep-seated corruption, after less than a year in office. All except Head had some parliamentary experience, and Lisgar was distinguished by having a great deal of it. Ironically, Lisgar was the only one who faced a completely stable political climate in Canada, with John A. Macdonald solidly in office during the whole of his term. Head, who had never sat in parliament, had to cope with a highly factious and tumultuous political environment. Dufferin was the only one of the five with actual diplomatic experience at the time of his appointment, although both Elgin and Lisgar were drawn into diplomatic questions with the United States during their tenure.

The fact that the post carried a salary seems to have weighed heavily with most of the men who accepted the appointment. Yet Elgin was only the first of the five to discover that the financial rewards of the office were illusory. He found that he bore heavy expenses in maintaining his official residence and was constantly surprised as new costs were revealed. He learned that he was financially responsible for keeping the road to Monklands, his official residence in Montreal, clear of snow and that travel outside the capital, which was expected, was to be at his own expense. He was obliged to give frequent dinners for members of parliament – 'about 20 men' – two or three times a week.[3] 'The fact is,' he confided to his wife, 'that without care I do not think