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RACE AND RELIGION IN THE EARLY CAREER

OF CHARLES FITZPATRICK

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BIBLIOGRAPHY

I PRIMARY SOURCES

A MANUSCRIPTS

CANADA

1) Public Archives of Canada

a) Manuscript Group 26 (Prime Ministers' Papers).

G. Sir Wilfrid Laurier Papers.
H. Sir Robert Borden Papers.

b) Manuscript Group 27 (Political Figures 1867-1950).

I 1867-96.

D. Cabinet Ministers.

3 Caron, Sir Adolphe-Philippe.

F. Provincial Political Figures.


II 1896-1921.

C. Lieutenant Governors.

1 Sir Charles Fitzpatrick. 1851-1942.

The Fitzpatrick Papers were the most important source in the preparation of this thesis. Volumes 1-11 cover the years of Fitzpatrick's political career (1890-1906). His correspondence increased as his career advanced. For the period prior to 1896 there are not many letters but some of them do throw light on his relationship with Honoré Mercier. Once he became a member of the Laurier administration the correspondence is more interesting and there are
a number of letters discussing the mission to Rome and London in 1897. Other letters are concerned with his duties as Solicitor General and patronage problems in the Quebec City area. Volumes 3-11 cover his time at the Ministry of Justice. Although this is not the period discussed in this thesis there were a number of letters which contributed to an understanding of his personality and character. Certain letters referring to the Autonomy controversy of 1905 were also useful in assessing his attitudes towards separate education in Canada. Of the various other volumes in the Fitzpatrick papers, numbers 49-56 yielded interesting information. These volumes contained letters for the period after his retirement as Lieutenant Governor (1923-42) when Fitzpatrick wrote and received a number of letters which reviewed his career in retrospect. In volume 60 (which contained various memoranda) there was a draft of a speech which Fitzpatrick made to his constituency in March of 1897. This draft contained more details of his dealings with Archbishop Bégin than the speech which was actually delivered.

D. Cabinet Ministers.

15. Sifton, Clifford.
16. Tarte, Joseph-Israel.

E. Members of the House of Commons and Senate.

3A. Choquette, Philippe-Auguste.

c) Manuscript Group 30 (Twentieth Century Manuscripts).

D. Education and Cultural development.


E. Law Judiciary and Public Life.

8. Lucien Lemieux.

Lucien Lemieux, son of Sir François-Xavier Lemieux, worked in the library of the Quebec Legislature. He was interested in the history of the province. In volume 13 there is a long reminiscence of Charles Fitzpatrick as Lieutenant Governor of Quebec, written by Colonel D.B. Papineau who had served as Sir Charles' aide-de-camp at Spencer Wood. The Papineau reminiscence follows a letter from Papineau to Lucien Lemieux dated 21 December 1962. It contains a number of interesting details about the Fitzpatrick-Connolly family.
2) **Archives de l'Archdiocèse de Québec**

The documents of interest were letters between Charles Fitzpatrick and Archbishop Bégin on the Manitoba School Question of 1896 and the Sabbath legislation of 1906. There were also letters from Quebec, London and the Vatican discussing the Fitzpatrick mission of 1897.

3) **Archives Archiépiscopales de Saint-Boniface**

Letters commenting on the Fitzpatrick defence of Louis Riel.

4) **Archives du Collège de Sainte-Anne-de-la-Pocatière**

*Livres des rapports 1864-70.*

Letters from Charles Fitzpatrick, John Joseph Fitzpatrick and Mary Ellen Connolly-Fitzpatrick to the College administration.

5) **Archives Judiciaires de Québec**

*Registre de l'état civil. Notre-Dame de Québec.*

*Notre-Dame de Ste. Foye.*

6) **Archives Nationales du Québec**

a) René-Edouard Caron Papers.

Personal letters.

b) Henri Bourassa Papers.

Bourassa-Fitzpatrick correspondence 1901-1929.

c) Collection Pierre-Georges Roy.

Fitzpatrick file.

d) Recognizance of Charles Fitzpatrick 1881.

e) Section de Généalogie. In this section there is a bound, mimeographed volume written by P.E. Parent and entitled *Genealogical History of the Fitzpatrick Connolly, Peters and La Croix family*, ancestors of P.E. Parent. Ottawa 1931.

7) **Archives du Séminaire de Québec**

*Fichier du Grand Séminaire.*

*Fichier des Anciens.*
For all these archives, in cases where the collection is very large, such as the Laurier or Borden Papers, reference numbers are provided in addition to dates, years and names of correspondents.

ENGLAND

1) **Private Archives of His Grace the Duke of Norfolk, E.M., K.G. Arundel Castle, Sussex.**

The fifteenth Duke of Norfolk played a prominent role in the affairs of the Catholic Church during the nineteenth and early twentieth centuries and his correspondence is of considerable interest for the Church historian. The fifteenth Duke lent the weight of his authority to the Fitzpatrick mission to Rome. He and Fitzpatrick continued to correspond on Catholic affairs for many years afterwards. The Norfolk archives are not open to the public and thus it was only with the kind permission of the present Duke of Norfolk that the researcher was able to consult them. The researcher would also like to thank Mr. Francis Steer M.A., F.S.A., Archivist and Librarian to His Grace, for his valuable assistance and counsel whilst consulting these archives.

B PRINTED SOURCES

1) **Newspapers**

**CANADA**

The following newspapers were studied in detail:

The Quebec Daily Telegraph (From 15 December 1891 named The Daily Telegraph).

The Quebec Morning Chronicle (Prior to 1888, Morning Chronicle; 1888-October 16, 1898, Quebec Morning Chronicle; October 17, 1898-1924, Quebec Chronicle.)

L'Elector/Le Soleil (Québec).

L'Evénement (Québec).

La Patrie (Montréal).
The Globe (Toronto).
The Daily Mail and Empire (Toronto).

The following newspapers were consulted for particular purposes.

Le Courrier du Canada (Québec).
Le Devoir (Montréal).
The Gazette (Montreal).
Le Journal de Québec.
The North West Review (Winnipeg).
Le Nouvelliste (Trois Rivières).
La Presse (Montréal).
La Semaine Religieuse de Québec.
La Vérité (Québec).

ENGLAND

January, February and March 1897.
The Times.
The Pall Mall Gazette.
The Tablet.

2) Government Records

Canada, House of Commons, Bills.

Canada, House of Commons, Debates, 1896-1898.

Canada, Senate, Debates, 1897-98.

Canada, Sessional Papers, 1886, no. 43. Documents relating to the trial of Louis Riel.

Canada, Sessional Papers, 1895, no. 20. Documents relating to the Manitoba School Case.
Canada Statutes

Manitoba Statutes

Census of Canada, 1890-91, vol. 1 published by S.E. Dawson, King’s Printer, 1893.

Débats de la Législature de la Province de Québec 1890 publié par N. Malenfant, Belleau et Cie., Québec 1890.

Débats de l'Assemblée Législative de la Province de Québec 1892-3, publiés par L.J. Desjardins, L.J. Demers et Frère, Québec 1895.

3) Contemporary Works: speeches, memoirs, reminiscences and political pamphlets.


Choquette, Philippe-Auguste, Un Demi-Siècle de Vie Politique, Beauchemin, Montréal 1936.

David, L-O. Le Clergé Canadien, Sa Mission, Son Oeuvre, Montréal 1896.

David, L-O. Souvenirs et Biographies 1870-1910, Beauchemin, Montréal, 1911.


Tarte, Joseph-Israel, *Procès Mercier*, publié par Joseph et Eugène Tarte, Montréal, 1892.


II REFERENCE WORKS

A. BIOGRAPHICAL DICTIONARIES, GUIDES, INDICES AND DIRECTORIES.


*Annuaire de l'Université Laval pour l'Année Académique 1873-4* numéro 18, Augustin Côté et Cie, Québec 1874.

*Annuaire de l'Université Laval pour l'Année Académique 1876-77* numéro 20, Augustin Côté et Cie, Québec 1876.


*Catalogue des Élèves du Collège de Sainte-Anne depuis sa fondation en 1829 à 1867*, typographie Firmin H. Proulx, Sainte-Anne-de-la-Pocatière, 1867.

*Cherrier's Quebec City Directory*, Vols. XXVI-XXVIII, 1884-7, L.J. Demers et Frère, Québec.

III STUDIES

A. GENERAL STUDIES


Bourinot, John George, How Canada is Governed; a short account of its executive, legislative, judicial and municipal institutions with an historical outline of their origin and development, 3rd. ed., Copp, Clark, Toronto, 1897.


Hughes, Katherine, Father Lacombe, The Black Robe Voyageur, Moffat, New York, 1911.


Lamontagne, Paul-André, Quelques Notes sur St. Colomb de Sillery, Bergerville, 1941.


Lingard, Charles Cecil, Territorial Government in Canada; the Autonomy Question, University of Toronto, Toronto, 1946.


Morton, Desmond, introduction of *The Queen Versus Louis Riel*, University of Toronto Press, 1974.


B. ARTICLES


Butcher, W., "The English of Quebec City" Canadian Forum, October 1953, pp. 148-151.


C. UNPUBLISHED MONOGRAPHS


Désilets, Andrée, Une Figure Politique du 19e Siècle, François-Xavier Lemieux, thèse de maîtrise, Université Laval, 1964.

Lapierre, L.L., Politics, Race and Religion in French Canada: Joseph-Israel Tarte, Ph.D., Toronto 1962.


Rivet, Monique, Les Irlandais à Québec 1870-1968, thèse de maîtrise, Université Laval, 1969.

Charles Thomas Connolly Fitzpatrick had a spectacularly successful public career. A lawyer by profession, he represented the County of Quebec in the Quebec Legislature from 1890 to 1896. He represented the same constituency in the federal Parliament from 1896 to 1906 serving as Solicitor General and then as Minister of Justice in the Laurier administration. His political success paved the way for further eminence. On his retirement as Minister of Justice in 1906 he became Chief Justice of the Supreme Court. He received a knighthood in 1907, was made a member of the Imperial Privy Council in 1908 and served as Lieutenant-Governor of Quebec from 1918 until 1923.

For a period of almost forty years, from the time when he first came to public prominence as the defender of Louis Riel in 1885 until his retirement as Lieutenant-Governor of Quebec in 1923, Charles Fitzpatrick was close to the centre of power in Canada and, at times, wielded not inconsiderable influence and authority himself. Yet, despite his sixteen years in politics, despite his association with Honoré Mercier, his friendship with Wilfrid Laurier and his connections with the Borden Government as Chief Justice of the Supreme Court, Charles Fitzpatrick is not a well-known Canadian politician. In studies of the period he is always rather a peripheral figure. Even in his own day he did not attract a great deal of newspaper attention.
To a large extent this is due to the personality and character of Charles Fitzpatrick himself.

Charles Fitzpatrick was a careerist. Whilst he was interested in political principle and political policy his main efforts were directed towards securing his own advancement and he found it wiser to avoid public controversy. Although a Liberal for most of his life Charles Fitzpatrick was never an ardent partisan. Always publicly urbane and charming, he guarded his independence carefully and, in general, avoided too public a commitment on any issue which might damage his public career. He evaded, as far as possible, the fanaticisms of party principle and showed a remarkable ability to negotiate through the intricacies of racial and religious factionalism.

A career of such obvious worldly success in Canadian politics is of interest to the historian, not only because of the involvement with major national issues and prominent personalities of the day, but also as a study in the art of political manipulation and political survival of which Charles Fitzpatrick was an extremely skilled practitioner.

The last two decades of the nineteenth century, the period in which Fitzpatrick began his political career, were a time of increased racial and religious tension. The trial and execution of Louis Riel; the rise of aggressive Anglo Saxon-Protestantism as typified by the Equal Rights Association and the more pernicious Protestant Protective Association; the intensification of French Canadian nationalism as exemplified by the government of Honoré Mercier; the suppression of Catholic and French rights in Manitoba; all served to increase suspicion and hostility between English and French, Catholic and Protestant, in
Canada. In the absence of any over-riding sense of Canadian nationality, all the various racial and religious groups in Canada tended to emphasize their own uniqueness and be wary of outsiders. Charles Fitzpatrick was neither an Anglo-Saxon Protestant nor a French-Canadian Catholic but an Irish Catholic, born in the Quebec village of Ste. Foy close to Quebec City. In Quebec the main political power was in the hands of the French-Canadian majority, whilst the powerful Anglo-Scottish financial élite exercised considerable economic influence. The Irish Catholics were a recognizable cultural entity, largely the descendants of the immigrants who came in great waves to North America in the middle years of the century. Their political influence was mainly confined to certain constituencies which were regarded, particularly by the Irish themselves, as Irish Roman Catholic preserves. Irish Catholic politicians were expected to represent Irish Catholic interests. Charles Fitzpatrick, however, by a fortuitous combination of circumstances, family background, education and social contacts and, no less, by his own ability and talent, not only managed to escape the stereotype of the Irish Catholic politician but, for sixteen years, never defeated, he represented a constituency which was largely French-Canadian at a time of increased French-Canadian nationalism.

This study will examine the early career of Charles Fitzpatrick from the trial of Louis Riel to the early days of his experiences as a federal politician when his diplomatic skill, legal ability and extraordinary sensitivity to the delicacy of racial and religious issues paid handsome dividends during the controversy over the Manitoba School settlement and laid the groundwork for his impressive public success.
CHAPTER I

THE EARLY YEARS

Charles Fitzpatrick came from middle class Irish stock. His father, John Fitzpatrick, had emigrated to Quebec from Ireland sometime before 1845 (1). When he first arrived in Quebec John Fitzpatrick called himself a "commis marchand (2)" but a few years later when he had established a prosperous wood business at the Woodfield Cove in Sillery (3) he was describing himself as a "marchand de bois (4)". John Fitzpatrick's own father, another John Fitzpatrick, lived all his life in Waterford in Ireland where he earned a living as an auctioneer and

1. A.N.Q., Section de Généalogie, P.E. Parent, Genealogical History of the Fitzpatrick, Connolly, Peters and La Croix family, Ancestors of P.E. Parent, Ottawa 1931. This is a bound mimeographed volume. The pages are not numbered but the information may be found on the pages entitled "Family of John Fitzpatrick".

2. A.J.Q., Registre de l'état civil, Notre-Dame de Québec, 14 October 1845, John Fitzpatrick's marriage to Mary Ellen Connolly.


cabinet-maker (5) and hence, perhaps, his son's interest and knowledge of the wood trade (6). Charles Fitzpatrick frequently said that his father was a life long friend of the great Irish leader Daniel O'Connell. According to Charles Fitzpatrick his grandfather had stood side by side with O'Connell during the campaign for Catholic Emancipation and the repeal of the Act of Union (7). The O'Connell movement was mainly a middle class agitation and John Fitzpatrick's enthusiasm for the cause is probably indicative of middle class interests as well as showing him to be a man of some political sophistication (8).

Charles Fitzpatrick's maternal relations were also fairly well-to-do, at least by the middle of the nineteenth century. Fitzpatrick's mother, Mary Ellen Connolly, was born in Canada, the eldest daughter of an Irish immigrant, Patrick Connolly. Patrick Connolly emigrated from Wexford in Ireland to Quebec City sometime before 1821 (9). Patrick Connolly who was called a "cultivateur" on his marriage

5. A.N.Q., Section de Généalogie, P.E. Parent, op.cit., pages headed "Family of John Fitzpatrick".

6. The Irish Fitzpatricks were, therefore, apparently businessmen rather than peasant farmers; part, perhaps, of the small Irish commercial class. Catholics in Ireland had been excluded for many years from politics and the public service and, as a result of this, many of the more ambitious of them turned to trade and commerce and often did extremely well. Edward Norman, A History of Modern Ireland, University of Miami Press, 1971, p.55.


8. It is interesting to note that O'Connell himself came from this Irish commercial class. Edward Norman, op. cit., p.55.

9. A.N.Q., Section de Généalogie, P.E. Parent, op. cit., pages headed "Family of Patrick Connolly".
register (10) came to Quebec with his brothers, Michael and Thomas (11), and all three prospered. Patrick acquired a large farm at the Suète Hill in Ste. Foy (12), Michael became prominent in the commercial and political life of the City (13) and Thomas entered the timber trade and, by 1847, was sufficiently well off to be able to build a quay at Pointe de Puisseaux in Sillery (14).

Charles Fitzpatrick's Irish ancestry was very important in the early days of his political career. Quebec City in the nineteenth century was much more of an English-speaking City than it is today and


11. A.N.Q., Section de Généalogie, P.E. Parent, op. cit., "Family of Patrick Connolly".

12. P.A.C., Lucien Lemieux Papers, volume 13. In the Lucien Lemieux papers there is a long account of Charles Fitzpatrick's years at Spencer Wood as Lieutenant Governor. It is a personal reminiscence of Fitzpatrick written by Colonel D.B. Papineau who had been Sir Charles' aide-de-camp during his Lieutenant Governorship. Colonel Papineau also provides information on Charles Fitzpatrick's family background. The Papineau reminiscences are to be found in Lucien Lemieux Papers volume 13 following a letter from Papineau to Lucien Lemieux dated 21 December 1962. The information about the Connolly farm on the Suète hill is on p. 12 of the Papineau Reminiscences.

13. Michael Connolly was described by the Morning Chronicle as a "wholly self-made man" and an "ardent and consistent Liberal". According to the Morning Chronicle he came to Quebec in 1818 and engaged in the flour trade rising to be one of the leading wholesale flour merchants of Quebec (Morning Chronicle 8 December 1884). He stood as a Papineau candidate in Lower Town in July of 1837 and was defeated in one of the fiercest electoral battles ever fought in the constituency. Aegidius Fauteux, Patriotes de 1837-38, Les Editions desDix, Montréal 1950, p. 180.

in the English-speaking bloc the Irish were usually in the majority (15). They were in a unique position between the Anglo-Scottish Protestants on the one hand and the French-speaking Roman Catholics on the other, sharing language with the first group and religion with the other (16). In his early days in politics Charles Fitzpatrick worked for Irish causes and wooed the Irish voter but his relations with the Irish community were not always warm. Tensions arose between Fitzpatrick and his fellow Irishmen partly because Fitzpatrick was too ambitious a man to be content within the confines of purely Irish politics and partly because of differences of class between Fitzpatrick and the majority of his fellow Irishmen.

The Quebec Irish community which appeared so cohesive (17) to the outsider was, in fact, extremely complex. There were sharp differences in outlook which were related to differences in class and also to the varying pattern of Irish emigration during the nineteenth century. Fitzpatrick's family, on his mother's side was, relatively speaking, an old Quebec Irish family. The Connollys came in the first wave of 19th century Irish emigration to Quebec. The immigrants of this early period

15. In 1831 the anglophones were 30% of the total population of Quebec City; in 1851 the percentage was 35%; in 1861 40%. The percentage then began to decline. In 1861 the Irish were 23% of the total population of the city. Monique Rivet, Les Irlandais à Québec 1870-1968, thèse de maîtrise, Université Laval 1969, p.6.

16. Fitzpatrick commented on this in 1902 at a dinner in his honour given by the Irish community of Montreal. Le Soleil, 8 October 1902.

were mainly small tradesmen and farmers, men of initiative with a few pounds in their pockets (18) who read in the Irish newspapers the advertisements of the Canadian timber merchants announcing their St. Lawrence sailings and decided to take ship for Canada (19). These Irishmen left Ireland by choice and when they reached North America many did very well for themselves. In Quebec City they entered the commercial life of the city (20) and, of those who prospered, some of them bought land and returned to farming. Patrick Connolly was typical of these. But whether their wealth was in commerce or farming, this group of successful early immigrants formed the basis of the Irish middle class, a group J.I. Cooper calls "pre-famine Irish", well-to-do folk of some education and property who, by the middle of the nineteenth century, were a well-established and stable element of the Quebec City population (21).

Not all the early immigrants succeeded of course, and those who did not prosper usually resorted to casual labour. This working class group found its numbers increased in the middle of the nineteenth century when the failure of the potato crop brought desperate, penniless


19. According to Government estimates about three quarters of the casual emigrants arriving at the port of Quebec in the mid-1820s were Irish born. Helen I. Cowan, op. cit., p. 74.

20. The principle occupations of the Irish in Quebec City in the middle of the nineteenth century were grocers, ship chandlers, merchant tailors, clothiers, dry goods merchants, boot and shoe store owners, inn and tavern keepers. Daniel Lyne, The Irish in the Province of Canada in the decade leading to Confederation, M.A. thesis, McGill University, 1960, p. 121.

and starving Irishmen to the New World. Unlike the earlier immigrants, these Irish came out of desperation rather than choice and their passages were often paid for by landlords only too anxious to be rid of them.

There was work to be had in Quebec City in the middle of the nineteenth century. The two great bases of the economy were ship building and the timber trade. Ship building was highly skilled and monopolized by French Canadians so the Irish entered the timber trade and became longshoremen and ship labourers associated with the loading of the timber vessels. They settled along the shores of the St. Lawrence along Champlain Street and the Chemin des Foulons (22). This working class Irish group was much more transitory in composition than the older Irish middle class and after 1865, when the timber trade began to collapse, Irish labour began an exodus from Quebec to the United States seeking work (23).

Although Charles Fitzpatrick's father John was not of older Quebec Irish stock he was certainly not "famine Irish" and his prosperity and success obviously made him a suitable match for a Connolly. On October 14th, 1845 John Fitzpatrick and Mary Ellen Connolly were married at Notre-Dame de Québec (24).


The Fitzpatricks settled in Sillery where John Fitzpatrick had his wood business. Nine children were born to them. Charles was their third son and fourth child (25). He was born on the 19th of December 1851 (26) and was baptized on the same day at Notre-Dame de Ste. Foy (27).

Charles Fitzpatrick spent his childhood in Sillery, part of the constituency of Quebec County which he was to represent in federal and provincial politics for sixteen years. In the middle of the nineteenth century Sillery was the centre of the timber trade. In the coves along the St. Lawrence river the square cut lumber was cut and loaded onto ships bound for Europe. Sillery was prosperous and busy. The timber trade required all sorts of workers (28). These were mainly Irishmen but there were some French Canadians. The wood businesses and coves were mainly owned by Anglo-Scottish Protestants such as Dobell, Pemberton, Gilmour and Wood and well-to-do Irish such as the Timmonys, Roches, Connollys and Fitzpatricks (29).

25. A.N.Q., Section de Généalogie, P.E. Parent, op. cit., "Family of John Fitzpatrick".

26. Throughout his public career Charles Fitzpatrick's birth date was always given as December 19th, 1853. This was apparently a deliberate mistake prompted, perhaps, by vanity. Colonel Papineau related a story which took place during Fitzpatrick's term as Lieutenant Governor. The Archbishop of Regina, Olivier-Elzéar Mathieu, an old associate of Charles Fitzpatrick, asked Papineau Sir Charles' age. When Papineau said "69" the Archbishop laughed and said, "He is a D.... liar, please tell him so with my compliments". P.A.C., Lucien Lemieux Papers, vol. 13 Papineau Reminiscences, p. 12.


The increasing population at Sillery led to a demand for a local Catholic Church and in 1855 the parish of St. Colomb de Sillery was established (30). Shortly after this Sillery was given municipal status and John Fitzpatrick became the first mayor (31). It was therefore Charles Fitzpatrick's father who first made the Fitzpatrick name well known in Sillery. He must have been a man of considerable energy and ambition. During Charles Fitzpatrick's childhood his father actively involved himself in provincial politics (32) and at one point he tried to become prefect of Quebec County (33). Whatever promise there was of a successful business and political career was abruptly cut short, however, in July 1863 when John Fitzpatrick died aboard the S.S. Sidon on a crossing between New York and Liverpool (34).

Mary Ellen Connolly was therefore left a widow with a young family but, although the family income must have been curtailed, the Fitzpatricks were, apparently, not impoverished. The eldest son John Joseph had left school (35) and there was still evidently sufficient

30. Ibid., p. 34.
31. Ibid., p. 35.
32. He supported Francois Evanturel in the 1858 elections in Lower Canada, Ibid., p. 36.
33. John Fitzpatrick's efforts in this direction resulted in a Court case in which Fitzpatrick was eventually fined 25 louis for having "usurpé la charge de préfet du comté de Québec", Ibid., p. 36.
34. A.N.Q., Section de Généalogie, P.E. Parent, op. cit., "Family of John Fitzpatrick".
35. He left school in November 1860 to enter the profession of "commerce", Catalogue des élèves du Collège de Sainte-Anne depuis sa fondation en 1829 à 1867, typographie Firmin H. Proulx, Sainte-Anne-de-la-Pocatière, 1867, p. 64.
financial resources to send Charles Fitzpatrick and his younger brothers to the College of Sainte-Anne-de-la-Pocatière to be educated (36).

Charles Fitzpatrick attended the college of Ste. Anne for seven years from 1864 to 1871. He followed the classical course to prepare him for university. He did well at school and was an outstanding athlete (37). He was not a total prig however; his school reports declared that at times he was, "un peu léger" and one of his professors commented that he neglected his Christian doctrine studies (39). Undoubtedly one of the greatest benefits of his education was the fact that he was educated in French. Despite his wholly Irish background he spoke French without the trace of an accent (40) and this certainly

36. John Joseph Fitzpatrick evidently had the responsibility for paying his brothers' school fees. At one point he wrote to the College of Ste. Anne asking if he might delay payment because of heavy expenditures. (A.C.St.A.P., John Fitzpatrick to the Procureur, 10 September 1868). John Fitzpatrick was himself quite a character and seems to have been well remembered by the Irish community of Quebec. He was, reportedly, fond of his beer, was well liked and much less conscious of his dignity than his more famous brother. Colonel Papineau quotes John Fitzpatrick as saying at one time, "I am not much for writing but I am a bugger at the typewriter", P.A.C., Lucien Lemieux Papers, Vol. 13 Papineau to L. Lemieux, 21 Dec. 1962.

37. Wilfred Lebon, Histoire du Collège de Sainte-Anne-de-la-Pocatière, volume two, Charrier and Dugal, Québec 1947, pp.478-9. He retained his love of sport throughout his public life. He liked swimming and canoeing in Northern Quebec, (The Daily Telegraph 17 September 1904). He liked salmon fishing (L'Electeur, 13 July 1892). He supported horse racing in the Ottawa Valley (Toronto, Daily Mail and Empire 30 November 1903) and was Vice President of the Quebec bicycle club (The Daily Telegraph 31 March 1898).


39. Ibid. 1867-1868.

contributed to his continual electoral success in the County of Quebec. His French education gave him a valuable understanding of French Canadian society and culture (41).

After the College of Ste. Anne, Charles Fitzpatrick continued his education at the Petit Séminaire in Quebec City (42). Here he met many later luminaries of Quebec society. According to a newspaper account later in his life Fitzpatrick outshone them all (43). Tall and blue eyed, Fitzpatrick stood out amongst his fellow students. He was reported to be an excellent companion but what particularly distinguished him was his capacity for hard work (44). In 1874 he entered the Grand Séminaire with the intention of becoming a priest (45), but he soon abandoned his clerical studies for the more lucrative profession of law and he entered the Law faculty of Laval University (46). However, throughout his life he

41. According to Mr. Dermot Ignatius O'Gallagher who is a member of the Irish Catholic community of Québec, Charles Fitzpatrick's education at a French-Canadian college was not that unusual amongst the children of the Irish middle class. Mr. O'Gallagher's remarks are substantiated, to some extent, when class list for the Petit Séminaire de Québec is examined. Whilst the large majority of pupils have French-Canadian names, there are O'Briens, Maguires, Corrigans, O'Farrells, O'Sullivans and O'Donnells listed, A.S.Q., Annuaire de l'Université Laval, numéro 18, typographie Augustin Côté et Cie, Quebec 1874, pp. VIII-XVIII of the section entitled "Elèves du Petit Séminaire de Québec 1873-1874".

42. He entered the Petit Séminaire as a boarder in September 1871. In his first year he specialized in Mathematics and in his second year in Philosophy. A.S.Q., Fichier des Anciens.

43. Le Soleil, 16 August 1904. The article lists Thomas-Chase Casgrain and Olivier-Elzéar Mathieu as fellow pupils.

44. Ibid., "le travail lui tenait lieu de récréation".

45. A.S.Q., Fichier du Grand Séminaire. He did not complete his year.

46. Quebec Daily Telegraph, 22 August 1890; 17 September 1904.
laid great emphasis on his religious devotions and his rather ostenta­tious religious practices provoked much sarcastic comment from his many enemies (47). He graduated in law in 1876 winning the Governor General's medal (48). After graduation he joined the law firm of Andrews, Caron and Andrews (49). This must have been a firm of some considerable pres­tige. The Caron was Sir Adolphe Caron, the Conservative member of the federal Parliament for Quebec County. From 1880 to 1896 Sir Adolphe was Minister of Militia and then Postmaster General in various Conser­vative administrations (50). One of the other partners in the firm, Frederick Americus Andrews, was made Judge of the Superior Court of Quebec in 1885 and Judge of the Vice-Admiralty Court in 1886 (51).

Charles Fitzpatrick stayed with this law firm until 1884 and he then

47. Colonel Papineau relates a story about a former classmate of Charles Fitzpatrick's, a M. Sylvestre, who asked Papineau if the Lieutenant Governor still went to Mass every day. When Papineau confirmed this, Sylvestre remarked, "By now he should know that no matter how often he goes to Church it is no use as he is damned anyway", Lucien Lemieux Papers, vol. 13, Papineau Reminiscences p. 15. Papineau goes on to say that many of Fitzpatrick's generation joked about his religious inclinations. Fitzpatrick's reputation for piety was quite widespread, Robert Rumilly, Histoire de la Province de Québec, Editions Valiquette, Montréal (1940-1965), vol. 16, p. 155; vol. 12, p. 163.

48. A.S.Q., Annuaire de l'Université Laval pour l'Année Académique 1876-1877, Numéro 20, Augustin Côté et Cie, 1876, p. 85. This was the second prize.

49. Le Soleil, 16 August 1904.


entered into partnership with various lawyers (52) until in 1890 he began his long association with Alexandre Taschereau (53).

In 1879 Charles Fitzpatrick made one of the shrewdest decisions of his life. On the 20th of May he married Marie Victoria Corinne Caron (54). She was the daughter of René-Edouard Caron, who had served as Lieutenant Governor of Quebec, and Josephine Deblois (55). She was also the sister of Fitzpatrick's legal associate Adolphe Caron. The Carons were socially prestigious and politically eminent and the marriage provided Fitzpatrick with an entrée into the most elevated ranks of French Canadian society (56). The Fitzpatrick-Connolly clan was middle class and respectable but it in no way could be compared to the social level of the Carons. Corinne Caron's sister, Marie Josephine, was married to Judge Jean-Thomas Taschereau, the brother of the Cardinal. The Taschereaus equalled if not excelled the social eminence of the Carons and, what was important for Charles Fitzpatrick, the Taschereaus

52. His various legal associates may be traced through the pages of the Cherrier's Quebec City Directory, vols. XXVI-XXVIII, 1884 to 1887, L.J. Demers et Frère.


54. A.J.Q., Registre de l'état civil, Notre-Dame de Québec (Robert McGreevy was one of the witnesses for Fitzpatrick).


56. The story of the Caron-Fitzpatrick marriage was embroidered as the years went by to a romantic tale of the son of a poor Irish immigrant swearing to the Lieutenant Governor's daughter that one day he would take her back to Spencer Wood as the wife of a Lieutenant Governor. (Conversations with members of the Quebec Irish community and Madame Pierre Sévigny, daughter of Charles Fitzpatrick's daughter, Alice Fitzpatrick Kernan.)
had Liberal inclinations and Charles Fitzpatrick was already beginning
to make a name for himself in Liberal politics (57). Alexandre Taschereau,
Fitzpatrick's nephew by marriage and law partner from 1890 onwards, was
also to become a prominent Liberal politician. The law firm of Fitz­
patrick and Taschereau became one of the most successful in Quebec City
with, according to Le Soleil, "l'une des meilleurs clientèles (58)".
Fitzpatrick's relationship with Adolphe Caron was less warm than his
association with the Taschereaus (59). In the early years of the marriage
political differences probably kept them apart but as Charles Fitzpatrick
became more successful and Caron's importance began to decline, Sir
Adolphe began to cultivate his brother-in-law, seeking his support for
a seat in the Senate and even Spencer Wood (60).

Corinne Caron was from all reports an excellent wife. (61). The

57. Quebec Daily Telegraph, 22 August 1890 reported that 1878 was the
beginning of Charles Fitzpatrick's active involvement in Liberal politics.

58. Le Soleil, 18 February 1901.

59. Fitzpatrick did act as lawyer for Caron in 1892-3 before a Royal
Commission investigating charges that Caron was a shareholder in
a company which had received Government subsidies far in excess of
the work done and that he had also received $25,000 as an election
subscription from a party interested in a government contract. P.A.C.,
Papers of Sir Adolphe Caron, 13 May 1892, Fitzpatrick to Sir
Adolphe; L'Evénement, 3 October 1892; Daily Telegraph, 27 March 1893.

60. P.A.C., Fitzpatrick Papers, Caron to Fitzpatrick, 14 February 1902;
No. 1172; Laurier Papers (hereafter referred to as L.P.), Fitz­
patrick to Laurier, 30 December 1902: No. 68682.

61. Papineau implies that the marriage was the result of Fitzpatrick's
ambitions. According to Papineau, Fitzpatrick was previously
engaged to the daughter of an Irish lumberman but when the future
father-in-law ran into business difficulties, Fitzpatrick changed
his affections. P.A.C., Lucien Lemieux Papers, Vol. 13, Papineau
Reminiscences, p. 13. A version of this story is still current
in the Irish community of Québec but it is impossible to verify.
Globe called her "an ideal homemaker and mother (62)". She bore her husband six children of which five, four girls and a boy, survived infancy. She was also an excellent hostess and throughout their public life the Fitzpatricks entertained lavishly. The Fitzpatrick home was a social centre and it was reported that "il n'y a pas de semaine qu'il n'y ait de réceptions de quelque genre chez les Fitzpatricks -----. La jeunesse dorée y coudoie à toute occasion ministres et députés (63)."

Charles Fitzpatrick was, by 1880, well established in his career and, through his marriage, was socially prominent. In addition, from 1878 onwards he had begun to participate in Liberal politics and from then on worked in every provincial and federal election campaign (64). The date is interesting because the beginning of Charles Fitzpatrick's political career coincides with the period when the Quebec Liberal Party began to win small but important battles against the monopoly of the Quebec Conservative Party. Wilfrid Laurier's speech in 1877 linking Quebec Liberalism with the non-revolutionary Liberalism of England and the succession of Leo XIII to the papal throne in 1878, helped to provide a more sympathetic climate in Quebec for Liberal politics. By the time Charles Fitzpatrick embarked on active participation in Liberal politics the old battles between the Quebec Rougists and the hierarchy were mainly over and the Liberal Party was becoming respectable in French Canada.

63. Le Soleil, 8 February 1899.
64. Quebec Daily Telegraph, 22 August 1890.
Charles Fitzpatrick was of a new generation of Liberal politicians who, although they retained certain reform programs such as the suppression of the Legislative Council and more state control of education and asylums, were not anti-clerical or revolutionary as were many of their Rougist predecessors in the Liberal party. Charles Fitzpatrick, flexible and supple in his thinking and highly ambitious, had little sympathy with the inherited antagonisms of the older generation of Rougists, nor with their supporters amongst the younger generation. Tension between Fitzpatrick and the Rougists was a consistent element of his political career.

In 1879 Fitzpatrick's efforts on behalf of the Liberal Party were rewarded when he was appointed Crown Prosecutor for the district of Québec by the provincial government of Joly de Lotbinière (65). On the fall of the Joly government in October of the same year, Fitzpatrick returned to private practice and his reputation increased as he was a brilliant defence lawyer (66).

65. The Daily Telegraph, 17 September 1904.

66. Quebec Daily Telegraph, 22 August 1890 and Le Soleil, 16 August 1904 both remarked on the rapidity with which he acquired a first class legal reputation. Thomas-Chase Casgrain, a prominent Conservative politician and lawyer, said of Fitzpatrick, "He has defended many criminals and has got many criminals off. He has had such influence with the jury, his power of speech and his abilities have been such that he has got criminals off when public opinion pointed to their guilt"; Canada, House of Commons, Debates, 16 May 1900, 5486. In 1881 Charles Fitzpatrick himself had a rather curious brush with the law. An Irish widow, Mary Philomena O'Connor, accused him of appropriating for his own use some shares in a Quebec steamship company which Fitzpatrick, as her lawyer, had held in trust for her. Fitzpatrick was ordered to appear before a Justice of the Peace and he was released on bail, of which he raised only half himself. The case was dropped before it came

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It was only in 1885, however, that Charles Fitzpatrick first came to widespread public attention when he participated in a case which aroused racial and religious antagonisms throughout Canada, the trial of Louis Riel. The Riel affair had a very deep and lasting effect on the politics of Quebec. It was not the rebellion itself which aroused support for the Métis leader for, in general, public opinion in Quebec was agreed on the necessity of restoring order; rather it was the events surrounding the arrest and trial of Louis Riel which prompted the indignation of Quebec. In particular Quebec resented the cries for Riel's blood from the Orange elements of Ontario. Ontario Orangemen saw Riel as twice a traitor and the murderer of the Orangeman Thomas Scott. Riel's language and religion were both defective in Orange eyes and, in some obscure way, these defects further proved his treachery and culpability. Quebec recognized that Riel was misguided and insane but he was a Roman Catholic and spoke French and he had Quebec connections. He had been educated in Quebec and had visited the province after the failure of his political ambitions in Manitoba. The antagonism against Riel in Ontario produced sympathy and understanding for the Métis leader in Quebec and it was felt that he should be treated with clemency. By the time Riel was brought to trial in July 1885 feelings were running very high in Ontario and Quebec.

66. to court when Mrs. O'Connor declared that her complaint had been settled to her satisfaction. (A.N.Q., Recognizance of Charles Fitzpatrick, ref. no. A.P. P719, 1881.) The O'Connor case did not affect his own professional reputation in dealing with financial matters. In 1884 Charles Fitzpatrick acted for the U.S. Government against the defaulting president of the Second National Bank of New York, John C. Eno. (The Daily Telegraph, 17 September 1904.)
The Riel issue, so important for future English and French relations in Canada, was also important in the career of Charles Fitzpatrick and his own relations, as an Irish Canadian, with the French-Canadian majority of the province. Charles Fitzpatrick spoke French, he was married to a French Canadian, but it was the Riel trial which provided him with the opportunity to prove to the French Canadians of his own province that he had their interests at heart. The first major political issue in which Fitzpatrick was involved therefore concerned the question of race and, by throwing his talent, energy and time into the attempt to save the Métis leader, Charles Fitzpatrick won the confidence of French Canada.

A Quebec committee, the Riel Defence Committee, provided for the legal assistance of Louis Riel, and Charles Fitzpatrick, together with François-Xavier Lemieux and J.N. Greenshields, were sent to Regina to defend him (67). The leading counsel for the Crown were Christopher Robinson, B.B. Osler and Thomas-Chase Casgrain. Although the racial division in Canada was not reflected in the defending and prosecuting lawyers as there were English and French Canadians on both sides, the political nature of the trial received some emphasis in that the prosecution was made up mainly of Conservatives and the defence of Liberals.

Under the provision of the North West Territories Act of 1880 (68) Riel was tried before a magistrate and a jury of six. The magistrate was an Englishman, Hugh Richardson, assisted by a French Justice of the Peace, Henry Lejeune. The jury was composed of English merchants

67. L'Electeur referred to Lemieux and Fitzpatrick's decision to defend Riel as a "bel acte de patriotisme" (15 June 1885).

68. Statutes of Canada, 43 Victoria, Ch. 25, s. 71-89.
and farmers (69). Riel was charged with treason and inciting the Indians to revolt (70). The Crown faced some difficulty with the treason charge because Riel was a naturalized American citizen and not a subject of the British sovereign. In order to anticipate defence attempts to argue that Riel could not therefore be charged with treason, the Crown framed the charge on six counts. On the first three counts Riel was charged as a British subject and on the second three, which were virtually a repetition of the first three, he was charged as "living within the Dominion of Canada (71)."

Of the three leading defence lawyers Charles Fitzpatrick was the most dominant. It was he who opened for the defence and it was he who made the concluding legal argument. Lemieux was hampered by his imperfect knowledge of English and Greenshields did not possess Fitzpatrick's knowledge of French. The Riel trial is therefore interesting not only as an important phase in Fitzpatrick's public career, in that it helped his political advancement in Quebec, but also as an example of his abilities in legal argument and cross-examination and the way he conducted a defence. The fact that he lost the case does not reflect particularly on these abilities. Riel was tried in an atmosphere of high emotionalism in Regina and the prisoner himself did all he could to sabotage the arguments of his lawyers, who conducted an able defence and worked hard to save him. Their main oversight was not to take

69. The panel of thirty-six potential jurors selected by Richardson were almost entirely English Canadian. Canada, Sessional Papers, 1886, no. 43, p. 13.

70. Ibid., pp.14-16.

71. Ibid., pp.14-16.
sufficient account of the personality and talents of their client, but then Riel was a very unusual and exceptional man and it would have taken lawyers with remarkable appreciation of complex psychological factors to save him.

Charles Fitzpatrick opened the defence with an argument on a legal technicality. He challenged the jurisdiction of the stipendiary magistrate and the jury of six men. He presented a formidable array of legal and constitutional arguments to assert that trial by jury under British law required a jury of twelve men. He questioned the legality of the North West Territories Act of 1880 which permitted the magistrate to select the jury. The result of this, according to Fitzpatrick, was that jurors were chosen "not to try the case but simply to register the decrees of the person who had chosen them (72)". Fitzpatrick argued that this was an interference with, and an overriding of, the Magna Carta. The 1880 act, in so far as it related to capital cases, was "ultra vires". The Fitzpatrick argument was impressively well researched but it did not influence the magistrate. Whether Richardson had grasped the subtlety of the defence argument and had rejected its logic or whether he had simply not understood the basis of the whole argument, he overruled the defence objections to the legality of his court and called upon Riel to plead (73).

72. Ibid., p. 20.

73. Ibid., p. 35. The argument on the validity of the 1880 act in so far as it applied to capital cases had been used before in the case of a man called Connor convicted of murder in the North West Territories. The Appeal Court of Manitoba had upheld the legality of the statute. George F.G. Stanley, Louis Riel, Ryerson Press, Toronto, 1963. p. 346.
Riel pleaded "not guilty" and the defence then began to argue for a delay in the trial in order that witnesses for Riel might be brought to Regina to give evidence in his defence. These witnesses included Gabriel Dumont and other leading participants in the revolt who had fled to the United States. The defence wanted a safe conduct for them from Montana. The Crown refused to recommend safe conduct for Dumont and other leading Métis but it did agree to a week's delay in the trial in order to bring, as witnesses, medical men from Eastern Canada and Roman Catholic missionaries from the northern part of the North West Territories (74).

When the Court reopened on July 28th, Osler, for the prosecution, described Riel as being charged with "the highest crime known to law (75)". He promised to prove that Riel had organized and planned the uprising and that his purpose in so doing was not so much to aid the Métis as to increase the power and benefit of Louis Riel himself and to extract money from the Canadian Government (76). In cross-examination of the witnesses the Crown sought to prove that although Riel was not a member of the provisional council, the body responsible for the outbreak, he had been the main organizer of the revolt. By contrast, the defence chose to plead irresponsibility by reason of insanity and therefore stressed the fantastic nature of Riel's political and religious ideas. The defending counsel also emphasized his periods of

75. Ibid., p. 48.
76. Ibid., p. 54.
excitability. Whereas the prosecution attempted to attribute mercenary and selfish motivation to Riel's actions, the defence laid emphasis on his humane conduct at various times and the genuine nature of half-breed grievances in the West.

Fitzpatrick in his examination of the first witness, a Dr. Willoughby of Saskatoon, questioned him about Riel's plans for securing the help of Irish, Poles, Germans and Italians in the conquest of the North West Territories and he drew from him an admission that these plans were not very rational (77). Another witness agreed, under Fitzpatrick's examination, that Métis had protected the whites from the Indians (78). Consistently Fitzpatrick hammered away at the curious nature of Riel's political and religious ideas. He also attempted to prove that Riel had not deliberately planned treason. He drew from one witness an account of Riel proposing a toast to the Queen (79). Thomas Jackson, under questioning from Fitzpatrick, insisted that Riel had, up until March of 1885, only contemplated constitutional agitation (80).

The defence was conducting an able case but Riel disliked the defence counsel's line of argument and he particularly resented the continual implication that he was insane. His frustration came out into the open with the examination of Charles Nolin by François Lemieux. Nolin was Riel's cousin. He had betrayed Riel in Manitoba in 1870 and

77. Ibid., p.59.
78. Ibid., p.79.
79. Ibid., p.104.
80. Ibid., p.115
In March of 1885 (81). In 1885 he was called as a Crown witness and his animosity towards Riel was obvious. Riel interrupted Lemieux's examination and asked to be allowed to make a statement. It was Fitzpatrick who dealt with the interruption. He objected to any attempt by Riel to make a statement at this point and said that Riel should give instructions to his lawyers but not interfere with their actual conduct of the case. "For the last two days", said Fitzpatrick, "we felt ourselves in this position, that this man (Riel) is actually obstructing the proper management of the case." Fitzpatrick went on to say that if this continued, "it will be absolutely useless for us to endeavour to continue any further in it (82)". Riel then made a statement that must have caused his counsel some embarrassment:

My counsel come from Quebec from a far province. They have to put questions to men with whom they are not acquainted, on circumstances which they don't know and although I am willing to give them all the information that I can, they cannot follow the thread of all the questions that could be put to witnesses. They lose more than three quarters of the opportunities of making good answers, not because they are not able ---; they are learned, they are talented, but the circumstances are such that they cannot put all the questions (83).

The disagreement between the prisoner and his lawyers continued for quite some time. Fitzpatrick said that they had asked Riel a half a dozen times to suggest questions but, "he says he knows all about it himself (84)". Eventually Nolin was dismissed from the witness box and

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82. *Canada, Sessional Papers* 1886, no. 43, p. 131.

83. Ibid., p. 132.

84. Ibid., p. 134.
this solved the difficulty as Riel questioned no other witnesses and the trial continued.

The next major phase of the trial was the examination of various Catholic priests and it was Lemieux who had the main responsibility for this. Charles Fitzpatrick, however, carried the main burden of the examination of the different doctors called to provide an opinion on Louis Riel's sanity. He discussed with Dr. Roy of the Beauport Asylum (where Riel had spent some time in 1877 and 1878) the symptoms of "magolamania" (sic). Roy stated that Riel was not of sound mind during his stay at Beauport and from what he had heard during the trial he believed that during the rebellion Riel's mind was labouring under the same delusion (85). Osler for the prosecution tried to discredit the professional competence of Roy (86). One of the more interesting exchanges between defence and prosecution counsel occurred during Roy's examination. At one point Fitzpatrick interrupted Osler's questioning of Roy to say that Roy had been speaking English for some time and that if he was not fully understanding the questions he should answer them in French (87). Osler said that the witness could hide under French if he wished but he accused Fitzpatrick of giving Roy a cue on the language question (88). Later on Fitzpatrick objected to the inaccuracy of a translation into English of a remark which Roy had made in French. Osler said that Roy was capable of replying to questions in English but had

85. Ibid., pp.153-5.
86. Ibid., pp.155-160.
87. Ibid., p.158.
88. Ibid., p.158.
been told (by Fitzpatrick) not to do so. Fitzpatrick then pointed out that the law provided for the use of English and French in the North-West courts (89). It was this sensitivity on Fitzpatrick's part to the linguistic sensibilities of French Canadians which contributed in great part to the success of his early career (90). There were very few English-speaking Canadians even in the province of Quebec who showed the same appreciation of the importance of the language in French Canada's acceptance or rejection of the Confederation pact (91).

The next medical witness was a Dr. Clark of Toronto (92). Clark, under questioning from Fitzpatrick, agreed that Riel, assuming he was not a deceiver, was insane and of unsound mind during March, April and May of 1885 (93). The effectiveness of this testimony was weakened during Osler's cross-examination of the witness. Jurisprudence in 1885

89. Ibid., p. 159, Statutes of Canada, 40 Vict., Ch. 7., s.11.

90. Although this interest in the use of the French language is particularly obvious during Fitzpatrick's early political career, there is evidence that he maintained his interest in the language question throughout his life. In 1915, for example, in a private letter to Henri Bourassa, Fitzpatrick said that federal government employees should have a knowledge of both English and French - a controversial idea at that period. A.N.Q., Bourassa Papers, Fitzpatrick to Bourassa, 27th March 1915.

91. Osler's examination of Roy was one of the main parts of the trial where the division between French and English Canadians on the Riel issue was reflected in the attitudes of counsel in the case. When Roy asked that a question be put in another way, Osler scathingly replied, "If you can not answer it in English or French, I may as well let you go." Canada, Sessional Papers 1886, No. 43, p. 160.

92. Clark was a very able doctor. He was later President of the American Psychiatric Association. Queen versus Louis Riel, introduced by Desmond Morton, University of Toronto Press, 1974, p. XVIII.

accepted the so-called McNaghten rules - that insanity was only a de-
fence if the criminal, in committing the offence, did not know right from
wrong (94). Clark struggled to expand the rule to cover Riel but Osler's
questioning forced him to admit the possibility that Riel's behaviour
was also "compatible with a skilful shamming by malingering (95)".

The Crown's medical authority was a Dr. James Wallace. Wallace,
questioned by Osler, said that he had examined Riel for half an hour
and found him to be "of sound mind (96)". Fitzpatrick then rose to
cross-examine Wallace. He emphasized that Wallace had only spent half
an hour with Riel and he pointed out that Wallace was not prepared to
say that Riel was sane; only that Riel had shown no signs of insanity
during Wallace's examination of him. Fitzpatrick closely questioned
Wallace about "magolamania". His examination was so thorough that
Wallace protested. Fitzpatrick said that he did not mean to do Wallace
an injustice or adopt a bullying procedure as "that is not my habit
(97)". He continued, however, to press Wallace for information and
Wallace's diagnosis of "magolamania". When Fitzpatrick quoted to him
various French authorities on the disease, Wallace said, "I don't want
to hear of any French authors. I never read them (98)." Fitzpatrick

94. McNaghten had attempted to assassinate a British Prime Minister. He had benefited from the formula.
95. Canada Sessional Papers 1886, no. 43, p. 162.
96. Ibid., p. 164.
97. Ibid., p. 167.
98. Ibid., p. 167.
was obviously trying to discredit the professional competence of Wallace, but seeing as the Regina Court was full of people who never read any French authors either, the effectiveness of Wallace's admission was rather lost.

The next medical witness for the Crown was Dr. Jukes. Jukes was not an expert on insanity but he had been a doctor for thirty-five years and was senior surgeon for the Mounted Police and in this capacity had been surgeon at the Regina gaol where Riel had been kept. Jukes was not the man to be intimidated in the witness box by a clever young lawyer from the East and in him Fitzpatrick met his match. Jukes agreed with Fitzpatrick that he had not made any special endeavour to determine if Riel was sane. He admitted that it was possible to talk with a man and not be aware of his insanity unless one accidentally touched on the point upon which he was insane, but when Fitzpatrick tried to get him to say that Riel's conviction that he had a mission was an indication of insanity, the witness balked. It was possible, said Jukes, to suffer a delusion but be responsible for one's actions. After Fitzpatrick pressed him on this Jukes did say that a man acting under an insane delusion was not responsible for the acts which had a special relation to that delusion but it was necessary to be certain that the delusion was a real one and not feigned for a purpose. When Fitzpatrick questioned him about the case of a man (such as Riel) who was labouring under the delusion that he was in direct communication with the Holy Ghost, Jukes pointed out that the history of religion was full of men who held "remarkable views" and were considered insane until they gathered together followers and became leaders of a great sect in which case they became "great men". Fitzpatrick tried to recover the initiative by asking if Jukes
would compare Riel to Mahomet or the Mormon Leaders Smith and Young. Jukes said he would not and went on to comment on Riel's shrewdness and implied that his religious ideas may have been the means chosen by Riel to exercise influence over people of inferior education. Jukes said that having had a very considerable amount of conversation with Riel and having been in daily communication with him, "I have never spoken to him on a single subject on which he has spoken irrationally (99)."

He agreed, however, that he had never talked to him about religion or Riel's mission to the North West Territories.

On 31st of July Fitzpatrick rose to address the Jury for the defence. The speech was typical of the oratorical style which Fitzpatrick adopted all his life. In a beautifully constructed opening passage he evoked the emotions of patriotic sentiment:

In the month of March last, towards the end of that month, a cry of alarm spread throughout the country, which was flashed with the rapidity of lightning all throughout the Dominion of Canada. A rebellion was supposed to exist in this section of the Dominion. It was said that the country was placed in peril. Men from the north and from the south, and from the east and the west, men rose and rallied around the flag of their country to do or die. Clerks left the stools of their counting houses, mechanics left their shops, and all stood ready to do or die in defence of their country. In this peaceable, law-abiding country the hum of industry to a certain extent ceased and it was superseded by the tread of armed men and the sounds and strains of martial music (100).

Having thus praised the heroism of those who fought Riel and having made it perfectly clear that the defence did not intend to antagonize


100. Ibid., p.176-177.
national sentiment by criticizing the military, he went on to condemn the government as having "wholly failed in its duty towards these North West Territories (101)". In their frustration because of the lack of government response, the people of the North West Territories turned to Louis Riel. Riel came to Canada and assisted the movement to bring knowledge of North West grievances to the attention of the Canadian government but the movement was frustrated by the fact that there was no local authority with the power to act over the grievances and Ottawa, 2000 miles away, showed little inclination to do so (102).

Fitzpatrick went on to discuss Riel's mental faculties. He brought up the question of Riel's intelligence to which prosecution witnesses had testified (presumably they were, therefore, themselves suffering from the "delusion" that intelligence is in some way incompatible with insanity) and he asked if Riel's attempt to force Canada to give him his rights with only a handful of Métis to aid him was consistent with the possession of a sound mind (103). He reviewed the medical testimony emphasizing Roy's difficulty with English and praising the "characteristic politeness" of the French race that Roy displayed in endeavouring to make himself understood (104). He gave a sharp dig to Dr. Wallace when he said, "if a man has not read French books,

101. Ibid., p.178.
102. Ibid., p.181.
103. Ibid., p.185.
104. Ibid., p.186.
he cannot tell you what is in them (105)." Fitzpatrick went on to say that Riel's behaviour, "is entirely inconsistent with any idea of sanity but is entirely consistent with his insanity (106)."

Fitzpatrick concluded his address to the jury by commenting on the fact that in Quebec or Manitoba Riel would have had the right to have one half of the jury composed of members of his own nationality. He did not complain of this, however, because he knew "full well that the principles of English liberty have always found a safe resting place in the heart of English jurors (107)."

Fitzpatrick's speech was thorough, logical and well argued but its impact was lost when Riel himself decided to address the jury (108). He cut at the whole basis of the defence case by insisting on his own sanity. His speech was a powerful defence of his own actions and a condemnation of the Dominion government's policies in the North West. Although there were definite signs of confusion and of some

105. Ibid., p.188.
106. Ibid., p.190.
107. Ibid., p.191. George F.G. Stanley considers that the Fitzpatrick speech was a good one. It made a strong appeal to the jury. Stanley, Louis Riel, p.354. Desmond Morton in the Queen versus Louis Riel calls the speech emotional, p.XVIII. Andrée Désilets in her thesis on François Lemieux was not particularly impressed by Fitzpatrick's legal abilities. She said that Lemieux was the better criminal lawyer but, although he was senior counsel, he had to cede his position to Fitzpatrick because of the deficiency of his English. Andrée Désilets, Une figure politique du 19e siècle, François-Xavier Lemieux, Thèse de Maîtrise, Université Laval, 1964, p.135 & 149.
rather peculiar religious ideas, the performance was impressive. When Christopher Robinson rose to combat the arguments of the defence and contend that Riel was sane, his efforts were unnecessary. Riel had done the work more effectively than any counsel. The jury brought in a verdict of guilty with a recommendation of mercy.

Throughout August, September and October, Fitzpatrick and Lemieux worked for a reprieve. They returned to the West in August to plead Riel's case before the Queen's Bench of Manitoba (109) and Fitzpatrick travelled to England in a futile attempt to bring Riel's case before the Privy Council on appeal (110). Fitzpatrick was genuinely convinced that Riel was insane (111) and he believed that he would not be hung (112). In a private letter to Lemieux, Riel showed that he bore no resentment against his lawyers. "La Providence toute bonne m'a mis en rapport avec vous. Vous m'avez tendu la main, M. Fitzpatrick et vous, dans le temps de besoin pressant. Soyez en bénì. Il ne vous a guère été possible de plaider ma cause devant la cour de Regina (113)." The Conservative press however, for whom Riel was a distinct embarrassment, was not so charitable towards the defence lawyers. *Le Journal de Québec*


110. *L'Electeur*, 3 October 1885.

111. Fitzpatrick was reported as having said, "je suis convaincu que Riel est un fou ou un sacré hypocrite, peut-être les deux". A.A. St. B., G. Dugast to Archbishop Taché, 17 July 1885.

112. *Quebec Daily Telegraph*, 18 August 1885.

113. *P.A.C.*, F.X. Lemieux Papers, Riel to F.X. Lemieux, 4 November 1885; *L'Electeur*, 17 November 1885.
criticized them for admitting that Riel had rebelled (114) and the paper referred to a "visite amicale" which Lemieux and Fitzpatrick had made to Richardson as an "acte de lâcheté (115)".

Whilst Fitzpatrick and Lemieux struggled with legal intricacies, mass meetings were held throughout Quebec calling for a reprieve. In Quebec the issue was no longer whether Riel was innocent or guilty, but whether a French speaking Roman Catholic should be hung to satisfy Protestant Ontario's desire for revenge. French-Canadian resentment at the circumstances of Riel's trial was very evident at these meetings and Lemieux and Fitzpatrick, "les valeureux défenseurs (116)", were enormously popular as speakers.

Fitzpatrick's speeches during this period are very interesting. The main topic concerned the relationship of the French and the Irish in Quebec. Fitzpatrick used every opportunity to emphasize that there need not be hostility between French and Irish Canadians. At a meeting in Quebec City he said:

114. Le Journal de Québec, 18 September 1886.

115. Le Journal de Québec, 15 September 1885; also see Le Nouvelliste, same date. There were other critics of the defence. One of the observers of the trial in a letter to Taché wrote, "'entre nous' the lawyers are not to my taste; and they do not compare at all favourably with those for the Crown", A.A.St.B., Ryan to Taché, 29 July 1885.

116. L'Electeur, 13 August 1885.
Oublions ces vieilles haines aussi stupides que stériles qui ont jadis existé entre les Canadiens français et les Irlandais. Rappelons-nous que nous adorons le même Dieu aux pieds de mêmes autels. Enterrons la vieille hache de guerre dans la tombe de Riel et soyons unis pour la gloire et la prospérité de notre patrie commune (117).

A few days later at a speech in Montreal Fitzpatrick repeated a great deal of the argument he had put forward in Regina. He criticized the trial by a magistrate and the composition of the jury. Again he referred to the differences between the races and he made an appeal for the abandonment of racial and religious strife. He courted popularity, perhaps, when, despite his word about the abandonment of sectionalism, he criticized the English and the six-man jury system. "Les Anglais, avec cet esprit de justice et de "fair play" qui les distingue, ne devaient-ils pas protester avec nous en apprenant ce qu'on vient de nous enlever dans le Nord Ouest (118) ?" The speech played to some extent on various French-Canadian fears which the Riel outcry in Ontario had served to intensify. "Il est nécessaire pour les Canadiens Français de comprendre que si aujourd'hui on permet d'enlever aux Métis le procès par jury, il peut se faire qu'on le leur enlève à eux avant longtemps". Again Fitzpatrick called for an end to enmity between the Irish and the French. He referred to Irish Canadian support for the Patriots of 1837 and also mentioned that Papineau and Daniel O'Connell had exchanged letters. "Dans mon humble mesure", said Fitzpatrick,  

117. L'Électeur, 13 August 1885. This was at a meeting at St. Sauveur market where Fitzpatrick and Lemieux were presented with an address and $150. Lemieux and Fitzpatrick gave this money to Riel's wife. L'Électeur, 17 September 1885.

118. L'Électeur, 20 August 1885.
"j'ai voulu continuer la tradition" (119).

Throughout the autumn of 1885 the Macdonald government procrastinated but finally it was decided not to reprieve Riel and on November 16th he was executed. The execution resulted in a storm of protest throughout Quebec. There was a very famous protest meeting in Montreal at which Laurier and Mercier spoke but there were other protests throughout the province, and Fitzpatrick spoke at one of these on November 21st in Quebec Centre. The speech was highly emotional and again the main emphasis was on the need for Irish French co-operation. He recalled the days of the Irish famine, the suffering and misery the Irish had endured, and the way French Canadians had opened their arms to the children of the famine Irish when many of their parents had perished in the cholera epidemic on Grosse Isle in the 1840s. "------ combien d'orphelins irlandais ont été adoptés par les familles Canadiennes françaises qui en eurent soin et les aimèrent comme leur propres enfants? Ah Messieurs ces choses touchent trop au coeur pour s'oublier (120)."

Fitzpatrick's work for Riel, a French-speaking Catholic, persecuted, in French-Canadian eyes, for his Frenchness and his Catholicism, enabled Fitzpatrick to win the confidence of French Canada (121). He became an increasingly prominent figure in Liberal party politics and

119. Ibid.,

120. L'Electeur, 23 November 1885.

121. Fitzpatrick was accused of making political capital out of the Riel trial. Le Journal de Québec, 15 September 1885.
his entrance into professional politics was ensured. The commencement of his political career was, however, closely associated with the rise and dominance of one man and before examining Fitzpatrick's own career it is necessary to look briefly at the politics of that man - Honoré Mercier.

Honoré Mercier was the leader of the provincial Liberal party. He had seized the opportunity provided by the Riel agitation to vocalize French Canada's anger and frustration at anti-Catholic and anti-French attitudes in English Canada. After the execution of Riel, Mercier, stressing Roman Catholicism and French-Canadian nationalism made a bid to win the support of the nationalists in the Conservative party, the so-called Castors. The Castors, ultramontanist in ideology, were devoted to the Catholic Church and French Canada. They had become increasingly alienated during the 1870s and 1880s from the mainstream of the Conservative party which the Castors increasingly viewed as too materialistic and too pragmatic. The Castors considered that the Quebec Conservative Party was betraying the essentially Catholic spirit of French Canada. Indeed, the Castors believed that the Church was superior to the State and that the Church's authority should be recognized in the framing of the laws of society.

The Quebec Liberal Party was just as materialistic in ideology as the mainstream of the Conservative party, probably more so in that it aimed at reducing the influence of the Catholic Church on State affairs, but in 1885 and 1886 the Liberals were in the fortunate position of being in Opposition federally and could, therefore, criticize with impunity the Macdonald government's handling of the Riel affair. The
Liberals were in a position to exploit Castor antipathy to the Macdonald government and towards the leaders of the Conservative Party in Quebec, Joseph-Adolphe Chapleau, Hector Langevin and Fitzpatrick's brother-in-law, Adolphe Caron. Moreover, Mercier himself possessed the added advantage of not being a Rougist. He had always favoured the interests of the Catholic Church and under his leadership the Quebec Liberal Party had increasingly shed its Rougist image.

In 1886 there was a provincial election in Quebec. Mercier, calling his party, the Parti National, stressed racial and religious issues. His campaign antagonized many English-speaking Protestant Liberals but it won him some sympathy amongst the Castors. Many English-speaking Catholic Liberals gave their support to Mercier and this included Fitzpatrick. Fitzpatrick in fact actively participated in the election campaign (122) and, in line with the Mercier policy, he did not fail to mention Riel. At one meeting he related how the Macdonald government had rejected a request for an autopsy on Riel which could have proved his madness. The request, said Fitzpatrick, was "jetée au panier" and L'Electeur reported that at his words, "un long cri d'horreur s'éleva de la foule (123)."

The election of 1886 did not render a clear verdict but when the Legislative Assembly met in 1887 the Castors voted for Mercier's candidate as Speaker and, with Castor support, Mercier was able to form an

122. L'Electeur, 12 October 1886. He was on the organizing committee for the Quebec West constituency. See L'Electeur, 8 October 1886.

123. L'Electeur, 5 November 1886.
administration. He then proceeded to consolidate his position by cementing the alliance with the Castor Conservatives. The new alignment was enormously helped by the rising tide of anti-French, anti-Catholic sentiment in Ontario. The Protestant Protective Association, the Orange Lodges and the Equal Rights movement all must receive credit for their help in consolidating Mercier's hold on Quebec.

In 1887 Fitzpatrick received the reward for his loyalty when Mercier appointed him, together with L.P. Pelletier, a nationalist Conservative, as Crown Prosecutors of Quebec (124).

At this period Fitzpatrick was mentioned fairly frequently in the press and he was evidently cultivating his political contacts. He appeared on a public platform with Laurier (125) and he also served as Quebec President of the Irish National League (126).

Between 1887 and 1890 (when there was another election), Mercier concentrated on maintaining his hold on power. He stressed the issues which Castor and Liberal shared in common. Contentious issues such as the abolition of the Legislative Council and state control of Education

124. Quebec Daily Telegraph, 22 August 1890.

125. L'Electeur, 5 November 1886. Laurier's early impressions of Fitzpatrick were not very favourable. Ewart, Fisher and Wilson, the solicitors in the Riel case, wrote to Ernest Pacaud to complain that Fitzpatrick had not paid their fees. When Laurier heard about this he wrote, "Il faudrait faire souscription entre nous si Fitzpatrick ne veut faire honneur à cette dette". P.A.C., Pacaud Papers, Laurier to Pacaud, 13 January 1890, 343.

and asylums were shelved. The central issues of the old Rouge program were moved aside. Mercier did establish a Royal Commission on Education but he postponed the changes recommended in the report. He emphasized colonization which had a strong appeal for French-Canadian nationalist sentiment and he stressed provincial rights. Quebec, separated from the rest of Canada by language and religion, was fertile ground for a strong provincial movement and the movement was strengthened by the increasing emphasis on provincial rights in the federal Liberal program.

Mercier's main problem was the economy because his policies were expensive and Quebec was bankrupt (127). Although the bankruptcy was largely the result of the policies of previous Quebec governments, it was more convenient to blame the Conservative federal government and there were some grounds for complaint. In particular, Quebec felt that she had been overlooked by the federal government in its railway policies. Mercier pursued an aggressive railway policy and his grandiose plans, together with his great oratorical skill, found a ready response in French Canada. His reputation was further enhanced when he settled the Jesuits' Estates controversy. His policies were expensive, however, and he was forced to raise loans rather than increase taxation. The financial expenditure stirred Conservative criticism but as yet this went unheard and Mercier dominated the province. In April 1890 Mercier dissolved the provincial Legislature and began a campaign for a stronger mandate.

127. J. Israel Tarte said that Mercier was a supporter of economic restraint until the Riel affair. Mercier then became convinced that the French race must make itself strong, "pour les luttes à venir". J. Israel Tarte, Procès Mercier, publié par Joseph et Eugène Tarte, Montréal 1892, p. 23.
It was in this election that Charles Fitzpatrick embarked on his career as a professional politician.
CHAPTER II

PROVINCIAL POLITICIAN

As soon as Mercier announced the 1890 election, Charles Fitzpatrick's name was bandied about as a possible candidate for either Quebec West or Quebec County (1). The constituency of Quebec West by a tacit understanding that went back to pre-Confederation days was always represented by an Irish Roman Catholic (2). In any event, however, another Irishman, Owen Murphy (3), decided to run in Quebec West so that constituency was closed to Charles Fitzpatrick. This left Quebec County which at first sight seemed unpromising. Quebec County was a traditional Conservative stronghold, for many years the exclusive preserve of Sir Adolphe Caron, Fitzpatrick's brother-in-law (4). The

1. Quebec Morning Chronicle, 17 April 1890.
2. The Daily Telegraph, 24 April 1895.
3. Owen Murphy was a prominent Quebec Irish businessman who had served as Mayor of Quebec City in the 1870s. Quebec Morning Chronicle, 5 October 1895.
County had stayed Conservative in the federal elections of 1887 when many other constituencies in the Quebec City area had gone Liberal because of annoyance over the sale of the North Shore Railway and the selection of Montreal as the terminus for the C.P.R. (5). By 1890, however, there were signs of weakness in the Conservative party in the County. Mercier's popularity and the desertion of the nationalist Conservatives to him had weakened the position of the provincial member Thomas-Chase Casgrain. Casgrain had been one of the prosecutors of Riel and he favoured the fusion of English and French into a single Canadian nation (6). This was not the most popular philosophy in the prevailing nationalistic climate which Mercier had so successfully created. Moreover, the leader of the provincial Conservatives, L.O. Taillon, followed the federal party in opposing the building of a bridge over the St. Lawrence because of the heavy expenditure such a project would entail, and in Quebec County the bridge project was very popular (7). At the end of April Casgrain "having tested the Quebec County pulse (8)" decided not to run.

5. H.B. Neatby, Laurier and a Liberal Quebec, Carleton Library, McClelland and Stewart, Toronto 1973, pp. 14-15 & pp. 33-34. These issues particularly affected the Quebec city area but there was also, of course, the general French Canadian resentment over the execution of Louis Riel.


7. Quebec Morning Chronicle, although usually a Conservative paper, did not support the provincial Conservatives in the 1890 election because of their opposition to the bridge project. (11 June 1890).

8. Quebec Morning Chronicle, 29 April 1890.
Fitzpatrick was frequently mentioned as a possible Liberal candidate for the County (9), but there were also reports that Mercier found more use for him as a government lawyer in the Courts (10) and that it had been decided to keep the constituency in French hands (11). On May 20th, a delegation of Mercier supporters from Quebec County went to Parliament House to ask the Premier if he was prepared himself to accept the nomination from the County. Mercier refused but suggested that they choose a candidate at their present gathering. He urged them to select a man of talent and energy, regardless of considerations of race or religion, and he promised to speak on behalf of the candidate they selected. Two men were then nominated, Joseph Martin and Charles Fitzpatrick. Perhaps Mercier's remarks on selecting a man regardless of race were taken to heart by the delegates because Fitzpatrick won with 38 votes (12). Fitzpatrick himself was not present at the meeting and at first sight it seemed doubtful that he would accept the nomination (13). He would always be a rather reluctant candidate, usually using the hesitation to secure further advantages for himself (14). Perhaps he hesitated in order to come to some form of agreement with Mercier. Fitzpatrick said later that he had only agreed to run on condition that

9. Quebec Morning Chronicle, 17 April 1890; The Daily Telegraph, 18 April 1890.
10. Quebec Daily Telegraph, 18 April, 1890.
11. Quebec Morning Chronicle, 24 April, 1890.
12. L'Electeur, 21 May 1890; Quebec Daily Telegraph, same date.
13. Quebec Morning Chronicle, 22 May 1890.
Mercier promised to abolish the Legislative Council (15). When he eventually decided to stand, other rumours suggested that Fitzpatrick had only consented to run on the promise of a position in the Mercier Cabinet (16). What was certainly true was that Mercier promised to make the fight in Quebec County, "une élection spéciale (17)".

The Mercier program in 1890 was one of strong provincialism. "Are the provinces to remain strong as regards their legitimate aspirations or are they to become the slaves of the federal power (18)?" In one of the major speeches of the campaign Mercier stressed the successes of his government. In addition to the settling of the Jesuits' Estates, the Mercier government had established night schools, macadamized roads, aided the farmers, helped the working classes and relieved families of the insane of the burden of paying for upkeep of their deranged relations in asylums. Mercier stressed the co-operation of the Nationalist Conservatives which had enabled him to name Liberals to the Legislative

15. L'Électeur, 2 February 1893.
16. Quebec Morning Chronicle, 20 August 1890. In this connection there was an interesting exchange between Fitzpatrick and a witness during the trial of Thomas McGreevy (see below p. 58.) Fitzpatrick asked a witness if he had received the promise of a Senatorship. The witness replied, "I had the same promise of a Senatorship as you had of a portfolio in the Local Government and with the same success". Fitzpatrick replied amidst laughter, "As I received no promise was yours of the same kind?" Quebec Morning Chronicle, 18 July 1891.
17. L'Électeur, 22 May 1890.
18. Quebec Morning Chronicle, 17 May 1890.
Council where Liberals were now in the majority. He paid tribute to his fellow Liberals who had supported him in his alliance with the Nationalist Conservatives. Towards the end of his speech Mercier touched on a controversial issue which was to have considerable bearing on his own future and on the future of Charles Fitzpatrick. This was the fact that there was no representative of the Irish in the Mercier Cabinet. "I hope gentlemen", said Mercier, "the day is not too far distant when I shall be in a position to do justice to the Irish Catholics (19)."

The question of Irish representation in the Cabinet attracted a great deal of attention during the election campaign (20). The Irish were zealous in ensuring that their political interests were not overlooked and the absence of an Irish Minister in the Mercier Cabinet irritated their sensibilities. Fitzpatrick was regarded as the likely

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19. Quebec Morning Chronicle, 19 May 1890.

20. Quebec Daily Telegraph, 9 June 1890. The Quebec Daily Telegraph gave Fitzpatrick enormous support during the 1890 election. The Quebec Daily Telegraph was an interesting paper. In 1890 the owner was an Irish Canadian, James Carrell. During his proprietorship the editorials showed a remarkable disregard for the rules of English grammar and syntax, but what they lacked in English style they gained in a very lively and picturesque use of language. The paper was very obviously directed at the Irish Quebec community. It was pro-the working classes (October 19th, 1892). It favoured Home Rule for Ireland (March 15th,1890), and it also supported Canada's annexation to the United States (2 October 1890, 10 October 1890). The paper was fanatically anti-English. On September 9th, 1893, in an angry editorial on the House of Lords' rejection of the Irish Home Rule Bill, the Daily Telegraph referred to the "painted Jezebels listening in the gallery" (these were the wives of the peers). James Carrell died in March 1891 and his son Frank took over the newspaper. Gradually the Daily Telegraph became more orthodox and more of a strictly Liberal party paper. Frank Carrell, although a supporter of Fitzpatrick, did not provide him with anything like the same coverage as James.
candidate for the position (21), especially since it was believed that he had "the ear of Mr. Mercier (22)", and particularly since Mercier came into Quebec County to speak on Fitzpatrick's behalf (23).

This public meeting took place on May 25th at St. Ambroise. Mercier, Fitzpatrick, François Langelier and Joseph Martin (24) all spoke. Mercier's speech was a strong nationalist speech calling for Liberals and Conservatives to rally to Quebec. Of his own liberalism he said, "je n'ai pas renoncé au drapeau libéral mais j'ai laissé de côté quelques-unes des doctrines du vieux parti libéral que je ne pouvais pas accepter. Je crois messieurs qu'il faut dans ce pays-ci un parti dont les idées soient assez libérales pour assurer le progrès mais assez conservatrices aussi pour assurer la paix et la concorde."

He stressed provincial rights. "Mon nom n'est rien, ma personnalité ne doit pas peser dans la balance ---- laissez de côté toutes ces considérations ---- donnez moi votre appui ---- pour faire triompher la cause que je sais être chère à votre cœur: c'est la cause des provinces."

Introducing Fitzpatrick Mercier said, "Voilà un homme de coeur et un patriote (25)."

22. Quebec Daily Telegraph, 26 May 1890.
23. L'Electeur, 26 May 1890.
24. Joseph Martin who had been nominated for the candidature in Quebec County, along with Fitzpatrick, was a nationalist rather than a Liberal. It had been rumoured that Mercier wanted a Liberal rather than a nationalist in Quebec County (Quebec Morning Chronicle, 22 May 1890).
25. L'Electeur, 26 May 1890.
Fitzpatrick's speech was an interesting contrast to Mercier's and, in fact, it reveals the differences between the two men. Fitzpatrick stressed his Liberalism: "J'ai toujours été libéral, je le suis encore et j'espère que le serai jusqu'à la fin de mes jours." He did declare himself loyal to the Liberal-Nationalist-Conservative alliance, an alliance, "contractée entre les hommes de coeur des deux partis dans cette province à la suite des événements de 1885." In contrast to Mercier's provincialism, Fitzpatrick, speaking in English, declared that he was faithful to Canada and Canadian institutions. Canada, "the most glorious country on the face of the earth, glorious in the liberty which it offers and guarantees to its citizens, glorious in the freedom of the press, glorious in its present prosperity and future possibilities (26)." Fitzpatrick supported the outlay of money for works of public utility, he favoured improvements in roads, supported the bridge policy and announced that the Mercier government would give a $2,300 subsidy to build a railway from Lorette station to Allan's wharf in the coves. He also pledged loyalty to Mercier: "Voter pour moi c'est donc voter pour le gouvernement actuel, c'est à cette condition que j'accepte le mandat et si un jour ---- ce qui n'arrivera jamais j'en suis convaincu ---- mes opinions venaient à changer je viendrai remettre ce mandat entre vos mains (27)."

During the campaign Fitzpatrick's Irish nationality was an issue (28) but, in fact, Fitzpatrick enjoyed certain advantages in combatting

26. Quebec Daily Telegraph, 26 May 1890.
27. L'Electeur, 26 May 1890.
28. Quebec Daily Telegraph, 2 December 1890.
the effect of this. He was, after all, a native son of the County and he was not averse to reminding the electors of this:

Je suis, moi, un enfant du comté de Québec, j'y suis né, j'y ai grandi, je vois parmi vous mes compagnons d'enfance, mes amis de jeunesse, et là-bas à Ste. Foye, sont les tombes de trois générations de mes ancêtres dont je conserve pieusement la mémoire et dont j'espère continuer les patriotiques traditions (29).

Fitzpatrick's father, John, had been well known in Sillery. Another member of the Fitzpatrick-Connolly clan had also been involved in Quebec County politics; Mary Ellen Connolly's brother James, Fitzpatrick's maternal uncle, had been a Liberal candidate for the County of Quebec in an election for the provincial legislature in 1875. His opponent was Pierre Garneau, a Conservative. Garneau won but his majority was only 162 whilst the usual Conservative majority was between 1,000 and 1,200 (30). Throughout his life Charles Fitzpatrick was fond of mentioning the lack of bigotry and the fair-mindedness shown by his Quebec County constituents in electing himself, an Irish Canadian to represent them (31). However, as one of his political opponents once rather sourly remarked, "I don't suppose it would be possible for any English-speaking Catholic to be elected in Quebec.

29. L'Electeur, 26 May 1890.
County except for the honourable Mr. Fitzpatrick (32)."

In his first election campaign, Fitzpatrick's opponent was a Dr. Grondin. He was an inexperienced speaker (33) and no match for Fitzpatrick (34). The political meetings, however, were rumbustious (35) and the contest brought in major personalities. Adolphe Caron helped Grondin (36) and Wilfrid Laurier spoke for Fitzpatrick (37).

The election took place on June 17th and Fitzpatrick was elected with a majority of 807 votes (38). Almost immediately he was plunged into a controversy in which the views of Irish and French Canadians differed sharply and it required all of Fitzpatrick's diplomatic skill to avoid political embarrassment.

The issue was one which had been raised during the election campaign - the question of an Irish representative in the Cabinet. During

32. Mr. Quinn said this during the 1900 election campaign. *(Quebec Morning Chronicle, 5 November 1900.)* Omer Heroux, in a personal reminiscence of Charles Fitzpatrick, said that his Quebec County constituents considered him to be so much one of their own that they referred to him as M. Félix Patry. *(Le Devoir, 8 March 1958.)*

33. *Quebec Morning Chronicle*, 3 June 1890.

34. *Quebec Morning Chronicle* called Grondin's campaign, "a dismal farce", 11 June 1890.

35. At one meeting a fight broke out over an effigy of Riel which Mercierites had brought to the assembly. *(L'Événement, 12 June 1890.)*


38. *Quebec Daily Telegraph*, 19 June 1890.
the campaign Mercier had wooed the Irish vote (39). He had made references to the lack of an Irish Canadian Minister and, although he had not been explicit, the Irish confidently awaited recognition (40).

The election, however, had resulted in a great personal triumph for Mercier himself. He had increased his own majority by six despite the fact that three nationalist Conservatives had been defeated (41). French Canada had overwhelmingly given her support to Mercier and the victory apparently went to his head. He became incautious and overconfident and offended the sensibilities of certain groups within Quebec society including the Irish.

In the days immediately following the election there were rumours that Fitzpatrick would be in the Cabinet (42). The Quebec Morning Chronicle however reported that the Irish members, James McShane of Montreal and Owen Murphy and Charles Fitzpatrick of Quebec, could not agree on who of their number should be in the Cabinet (43). Fitzpatrick wrote to the newspapers to deny rumours of dissension between himself and the other Irish representatives. "Speaking for myself I wish to add that I have not been elected as an Irishman but as a Liberal ------." The letter went on to say that it was for Mercier to decide the composition

39. According to the Quebec Daily Telegraph, Mercier received four-fifths of the Irish vote (4 August 1890).

40. Quebec Daily Telegraph, 28 June 1890.


42. Quebec Daily Telegraph, 28 June 1890.

43. Quebec Morning Chronicle, 28 June 1890.
of his Cabinet and, "I am satisfied that in the result we will find that he has borne in mind the sound Liberal principle of equal rights and equal justice for all (44)."

Fitzpatrick was in a difficult position. He did not want to be confined to the role of spokesman for Irish interests. He had, after all, been elected from a constituency which was in majority French-Canadian (45) yet, at the same time, he was an Irishman by descent and his compatriots expected him to look after their interests. On June 19th, shortly after his election victory, Fitzpatrick, no doubt cultivating Irish good will, paid for a dinner for the members of the Emerald Snow Shoe Club, an Irish organization of which Fitzpatrick was honorary President. In his after-dinner speech Fitzpatrick hinted at dissatisfaction towards him in the Irish community. When he spoke of his selection as President of the Club he said, "I found myself drifting away from Irish associations and I was glad to be brought back again to the circle of my Irish national friends." He stressed, however, the fact that he, an Irishman, had been elected by French Canadians:

From the first I said that I was an Irish Catholic and instead of it being an impediment in my election it done (sic) much towards my advancement and was an example to me that he who stands to his religion and race loses nothing by it but on the contrary has everything to gain (46).

44. *Quebec Morning Chronicle*, 4 July 1890.

45. In the decade before Confederation the Irish population of Quebec County was 15% of the total. Daniel C. Lyne, *op. cit.*, p. 58. The 1891 census lists 19,503 as the total population of the County. French Canadians numbered 16,373 and the Irish-born numbered 1,537. *Census of Canada 1890-91*, published by S.E. Dawson, King's Printer 1893, Volume 1, pp. 210-11 & p. 359.

46. *Quebec Daily Telegraph*, 21 June 1890.
Throughout July and August the issue of Irish representation in the Mercier Cabinet was discussed in the press (47). Mercier, however, did nothing and Fitzpatrick began to indulge in some mild sabre rattling himself. At the beginning of July he declared his faith in Mercier saying that he was confident that Mercier would give English speakers "equal rights and equal justice" but, if he (Mercier) did not, "we will see what we must do." He declared that he would support any competent man as the Irish Minister in the Cabinet and he laid no claim to the position himself (48). The Quebec Morning Chronicle predicted that Mercier would only have French Canadians in his Cabinet (49). The Quebec Daily Telegraph declared that Mercier would keep his word, that Fitzpatrick would be a Minister because he had been a consistent Liberal and had stood by Mercier in "his darkest hours" (50). At one point Mercier was reported as having said that a Cabinet seat "will be filled by an Irishman of talent, Mr. Fitzpatrick, for whose abilities and public merits I entertain the most profound respect (51)."

By the end of September however, it was clear that there would be no Irishman in the Cabinet and the Irish were outraged. In the storm which followed it was Owen Murphy, the representative of Quebec West,

47. Quebec Daily Telegraph, 18 July, 15 July, 4 August, 15 August, 1890.
48. Quebec Daily Telegraph, 5 July 1890.
49. Quebec Morning Chronicle, 28 June 1890.
50. August 4th, 1890. It was rumoured that Fitzpatrick would be President of the Council (L'Événement, 20 August 1890).
51. Quebec Morning Chronicle, 30 September 1890.
who forced the issue out into the open. In October Murphy released correspondence between Mercier and himself in which Mercier had said that he would take "the first opportunity of meeting the views of the Irish Catholics (52)." From then on Owen Murphy was clearly opposed to Mercier but such obvious tactics were not those of Charles Fitzpatrick.

Fitzpatrick remained, at least in the public view, on good terms with Mercier and in November he was chosen to second the speech from the throne. In this speech he referred to the Irish controversy. He himself, he declared, did not lay any claim to representing Irish Catholics. The Irish Catholics did not claim any special privileges and exemptions. The Irish only wanted "equal rights" and "equal justice":

If we are worthy of positions of public trust give them to us because we are worthy of them and not because we are Irish or Roman Catholic. ----- I think the time has arrived when that principle should be asserted once and for all that the gates of the avenues which lead to political preferment in this province must stand wide open, that the accident of birth or nationality should not be used either as a stepping stone or as a barrier to success and that the only criterion by which a man should be judged is his ability to do honest and good service to the State (53).

Fitzpatrick's olympian detachment on the Irish issue was not allowed to pass unremarked. The Conservatives were well aware of Irish discontent. The Conservative deputy for Montreal West who was an

52. *Quebec Morning Chronicle*, 18 October 1890; 20 October 1890,

53. *Débats de la Législature de la Province de Québec*, publié par N. Malenfant, Quebec, Imprimerie Belleau et Cie, 1890, 7 November 1890, pp. 26-27.
Englishman, J.S. Hall, pointed out during the debate that Fitzpatrick's sentiments on selection on the basis of merit led to the inevitable conclusion that "there is no English-speaking Protestant or Irish Roman Catholic in the House fit to be Minister (54)." Hall then proposed an amendment, regretting that the diverse elements of the Quebec population were not represented in the Cabinet (55).

Hall had spoken in English and Fitzpatrick replied in French although he had delivered his first speech himself in English (56). In his reply Fitzpatrick said that he did not accept the idea that a French Canadian could not represent English interests or vice versa. He then proposed as sub-amendment to the Hall motion:

Cette chambre espère que les aviseurs de son honneur le Lieutenant Gouverneur seront choisis suivant leurs qualifications et leur mérites seulement et non suivant leur religion ou leur nationalité; et que la paix régnant en cette province maintenant au point de vue religieux et national il n'est pas sage de la mettre en danger par des déclarations intempestives comme celles contenues dans l'amendement principal et qu'en conséquence cette chambre adopte en entier et non seriatim les résolutions soumises (57).

54. Débats de la Législature de la Province de Québec publié par N. Malenfant, Quebec 1890, Imprimerie Belleau et Cie, 10 November 1890, p. 48.

55. Ibid., p. 49. The actual motion was: "That this House regrets that contrary to the practise followed since 1879 to March 1888 divers elements which compose the population of this province have not been duly represented in the present Cabinet and by causing disaffection and distrust among large and influential portions of our community this has had a tendency to diminish the confidence and good feeling which should exist in our mixed population and which are so necessary to the prosperity of our Province."

56. This was a favourite ploy of Fitzpatrick's to use French in reply to an English speaking person especially when that person did not speak French. See below p. 83.

Such lofty sentiments were not at all popular with the Quebec Irish and the Quebec Daily Telegraph, in an interview, mentioned Irish annoyance with Fitzpatrick and asked him for an explanation of his remarks. Fitzpatrick said that the Hall amendment was an attempt to embarrass the Mercier Government and Irish Canadians. It was ridiculous to think that only an Irishman could represent Irish interests. If that principle was pushed to an extreme the Irish, scattered as they were throughout the Province, would never have any of their members in the Legislature because they were not in a majority anywhere even in Quebec West. Fitzpatrick defended French Canadians. "Ability, honour and identification with their interest and feelings are the principle passports to their confidence and beyond that it normally matters little to them whether the candidate be of their own nationality or a different one or whether he worships or not at the same altar." Fitzpatrick insisted that his remarks in the Legislature were not to be taken as an abandonment of Irish rights to Cabinet representation. He would personally boycott the government if he believed that the Irish had been refused access to the Cabinet because of their nationality. In any case, he was confident that an Irish Catholic would "fill the seat in the Cabinet in the near future (58)."

The whole issue of Irish representation is interesting as a revelation of Charles Fitzpatrick's political skill and also of the differences between himself and his compatriots. The large majority of the Irish population of Quebec were working class descended from

58. Quebec Daily Telegraph, 15 November 1890.
the famine Irish of the 1840s whose collective consciousness was very alive to the misery of the Irish experience, the exodus to America, the cholera epidemic and death on Grosse Isle. The terrible experience had bred in the Quebec Irish a strong sense of group loyalty and suspicion of any threat to Irish interest (59). This suspicion increased when the decline of the timber trade and changes in the ship building industry brought a decline in employment and increased competition for work (60). Fitzpatrick, coming from fairly prosperous family and moving socially in the wealthy and sophisticated world of the French-Canadian élite, never really grasped the deeply ingrained group loyalty of the working class Irish which had developed from the common experience of poverty and hardship. He preached good will between the races (61) but he had, perhaps, little understanding for the racial resentments and fears of the Irish and French working class as they competed for employment in a period of economic decline. The Quebec Daily Telegraph pointed out the differences between Fitzpatrick and the Irish working class community when it remarked about Fitzpatrick's views on Mercier

59. This inference is drawn to a large extent from the study of Quebec Daily Telegraph editorials in the period 1890-1900 and also J.I. Cooper's article on the Quebec Ship Labourers' association (C.H.R., op. cit., 1949). L'Electeur discussed the French and Irish antipathy on 30 March 1893. The Daily Telegraph commented in May 1894 on the reputation that the Irish had for hanging on to positions once one Irishman had received them. "Between the grasping British element on the one hand and the French-Canadian on the other, the Irish and especially the Irish Catholics ----, may be excused for holding on tenaciously to the little they manage to secure in the scramble for office." (8 May 1894).


61. His speeches after the Riel trial showed that Fitzpatrick was aware of the racial tension but he did not discuss any of the reasons for it.
and the Irish representation question that they "grated rather sharply on Irish Roman Catholic ears (62)".

In the background the issue of Irish representation in the Cabinet continued to simmer during the winter of 1890 to 1891. In February there was a temporary distraction provided by the federal election but even in this there were some special interests for the Quebec City Irish. This arose over a scandal in the Public Works Department.

Thomas McGreevy, the Conservative federal member for Quebec West and an Irishman, was accused of accepting money to further the interests of Larkin, Connolly and Co. in contracts awarded by the Department of Public Works. Hector Langevin, the Minister of Public Works, was said to have received money from the proceeds of the contracts. The story came out because of a disagreement between Thomas McGreevy and his brother Robert. Robert was a member of the firm of Larkin, Connolly and Co. He had been taken into partnership because Thomas had promised to use his influence to secure government contracts for the firm. As a result of disagreements between himself and his brother, Robert McGreevy revealed details of the transactions to prominent Conservative politicians at Ottawa. Langevin and Thomas McGreevy denied everything, whereupon Robert gave the story to Israel Tarte who, although a Conservative, was also a journalist and as such had all the journalistic enthusiasm for a good story. Tarte began to reveal the details of the

62. Quebec Daily Telegraph, 2 December 1890.
McGreevy affair little by little in his journal *Le Canadien* in the spring of 1890. This resulted in the next twenty months in a whole series of criminal and civil law suits and also a parliamentary enquiry (63). During this period Fitzpatrick represented Thomas McGreevy and also Michael Connolly of the Larkin Connolly firm (64). The various cases were widely covered in the Quebec press and this gave Fitzpatrick enormous publicity. The whole affair was particularly engrossing for the Quebec Irish as it was members of their own community who were prominently involved.

It was against the background of various court cases either in progress or pending that John A. Macdonald decided to call the election. It was probably fear of further scandal that contributed to Macdonald's decision to call the election in February 1891 before the details had been fully revealed.

63. There were cases arising out of Thomas McGreevy's suit of Tarte for libel. There was a case of Tarte against McGreevy for illegal voting of subsidies in the Commons for a ship of which Thomas was the owner. There were cases against Michael Connolly for perjury and illegal voting in a Canadian election. There was a case against Robert McGreevy and O.E. Murphy for conspiracy to defraud Connolly and a case against Connolly by Robert McGreevy accusing him of defrauding $400,000. Laurier Lapierre, *Politics Race and Religion in French Canada*, Joseph Israel Tarte, Ph. D Toronto 1962 pp. 202-215. Barbara Fraser, "The political career of Sir Hector Louis Langevin", C.H.R. June 1961, Vol. XLII, No. 2, pp. 127-129.

64. Although he was Michael Connolly's lawyer Fitzpatrick had very little respect or confidence in him. In a letter to Laurier, much later, Fitzpatrick said that Connolly was "unreliable to the last degree". L.P. Fitzpatrick to Laurier, 4 September 1899, 37187-90.
Macdonald faced formidable problems in Quebec. The rise of aggressive anti-French and anti-Catholic sentiment in Ontario (particularly evident in Conservative circles) and the execution of Riel had weakened Macdonald's popularity. The rise of Mercier and his stress on French-Canadian nationalism and Roman Catholicism had stolen the traditional Quebec Conservative position as defenders of the French-Canadian race and the Catholic religion. In addition, the emergence of a French Canadian, Wilfrid Laurier, as head of the federal Liberal party had moderated in Quebec the traditional anti-Catholic image of Ontario Grit Liberalism. Despite all the obstacles the old warrior waged a brilliant campaign. He exploited the Liberal platform of unrestricted reciprocity with the United States by taunting the Liberals with accusations of disloyalty and pro-Americanism. In Quebec, Macdonald's slur on Liberal loyalty had an effect. The episcopacy warned against annexationist tendencies and the Quebec triumvirate, Chapleau, Caron and Langevin, managed to sink their differences and put the party machinery in some form of order (65).

In Quebec County the candidates were E.J. Flynn for the Conservatives and the Mayor of Quebec City, J.J. Frémont, for the Liberals but it was Fitzpatrick and Sir Adolphe who dominated the campaign. Caron had abandoned his old constituency of Quebec County for safer waters but he did work for Flynn. The fact that Caron had changed counties

after nearly twenty years was one of the main campaign issues and he was the target of many attacks in the Liberal press (66).

The Liberal party program in 1891 was based on the idea of unrestricted reciprocity with the United States. Fitzpatrick supported the policy (67), and in one of the major speeches of the Quebec County campaign, he talked about the economic problems of Quebec. He showed a particular concern for French-Canadian national sentiment when he talked about the problem of emigration to the United States:

Y a-t-il parmi nous un seul homme qui n'ait pas au moins, un des siens que les circonstances, les nécessités n'ait pas obligé de traverser la frontière ------? Pourquoi donc notre population se dirige-t-elle vers les Etats Unis? Elle n'y va pas par choix ou par plaisir, par insconstance ou par légèreté. Elle y va conduite par la dure nécessité (68).

On March 5th the election resulted in a Liberal victory in Quebec County (69). Fitzpatrick was credited with increasing Frémont's popularity by his hard work on Frémont's behalf (70). Federally, Sir John

66. The Quebec Daily Telegraph accused Caron of being pro-English. "He prefers to be decked in his little cockade hat flourishing amongst the people of Ontario to the chorus of 'Rule Britannia'."


68. L'Electeur, 26 February 1891. In later life Fitzpatrick became very interested in the idea of colonization of the northern areas of Quebec and he served as President of the Ligue Nationale de Colonisation (Fitzpatrick Papers, no. 28890).

69. Quebec Daily Telegraph, March 5th and 6th, 1891.

70. Quebec Daily Telegraph, 3 March 1891, Quebec Morning Chronicle, 21 February 1891.
A. Macdonald had managed to hold on to power (71) but changes were obviously coming when Quebec County, once a Conservative bastion, was now a Liberal stronghold.

With the federal election out of the way, provincial affairs once more were dominant. Mercier, who had given his support to the federal Liberals, left for Europe in the hope of raising 10 million dollars for his railway and colonization schemes. The tour was a triumph. Mercier was made a papal knight. He was well received in Europe and Quebec's national sentiment was flattered by the attention her Premier received. Mercier appeared invulnerable but already events were under way which would bring about his downfall.

Since his electoral triumph in 1890, Mercier had been extremely indiscreet. Arrogant, because of his success, he had treated cavalierly many groups which in earlier days he had assiduously courted. The offending of Irish interests has already been discussed. He proceeded to antagonize others of his former allies, in particular the Nationalist Conservatives. The Nationalist Conservatives who had helped Mercier to power in 1887 had lost ground in the 1890 election and were no longer essential to his maintenance in office. Mercier withdrew permission for L.P. Pelletier, a Nationalist Conservative, to print his journal La Justice on the press of the Liberal newspaper L'Electeur. When Pelletier was informed of Mercier's decision, he engaged Charles

71. The Liberals took 37 out of the 65 Quebec seats however, and 56.9% of the popular vote. J. Murray Beck, op. cit., p. 71.
Fitzpatrick to defend his unexpired contract. Mercier's behaviour annoyed many nationalist Conservatives. Fitzpatrick's vehement defence of his client's interests angered many of Mercier's supporters (72).

In addition to his former allies, Mercier had many other enemies. The English-speaking Protestants of Quebec had never been very enthusiastic about Mercier; they resented his aggressive French-Canadian nationalism and Roman Catholicism. The Conservative Party, of course, was only too anxious to weaken Mercier, particularly as during the spring and summer of 1891 the federal Select Standing Committee on Privileges and Elections was investigating the charges of Israel Tarte against Thomas McGreevy (73). The Conservative Party found itself increasingly embarrassed by this enquiry and was anxious to turn the tables on the Liberal Party. Mercier, who had never been particularly scrupulous, had earned himself a reputation for corruption (74) and the Conservative party were looking for an opportunity for revenge.

By July 18th, when Mercier returned from the visit to Europe, the disaffection was out in the open and was focused on the contract


73. Fitzpatrick represented McGreevy during this vastly entertaining enquiry. Documents were not produced and disappeared. Witnesses fainted or dissolved into tears whilst being questioned. The bookkeeper for Larkin, Connolly and Co. left the country. There were tales of trapdoors to inner offices and contracts awarded to fictitious contractors. For a full account see Laurier Lapierre, *Politics Race and Religion*, Joseph Israel Tarte, Ph.D., Toronto 1962, p. 228.

for the Baie des Chaleurs Railway. The railway contract for the Baie des Chaleurs Railway had been transferred from one syndicate, the Robitaille-Armstrong group, to another - the Copper-Thom. Charles Newhouse Armstrong of the Armstrong-Robitaille group claimed that there was $175,000 owing to him and this was paid to Armstrong out of provincial funds. Armstrong then turned over to Ernest Pacaud, the Liberal organizer and treasurer, $100,000, which had been used to aid Liberal candidates in Quebec in the federal elections. A controversial cheque for $5,000 had been sent to Mercier during his trip to Europe. The Conservative party initiated a Senate enquiry into the financial dealings surrounding the Baie de Chaleurs transaction and, during August of 1891, politics in Canada was enlivened by the investigation of Thomas McGreevy's activities on the one hand, and Mercier and his associates on the other.

The Tories were out for Mercier's blood. On September 7th Lieutenant Governor Angers, as a result of the Senate enquiry, wrote to ask Mercier for his explanation of the Baie des Chaleurs affair. Angers proposed a commission of three judges to investigate the charges against Mercier. He also wished to limit Mercier's powers to necessary acts of administration whilst the enquiry proceeded. Mercier replied to Angers on September 15th. He said that the Pacaud transaction with Armstrong had been carried out without his knowledge, the money had not been used for private purposes and, as regards the controversial $5,000, this was a loan and Mercier had every intention of reimbursing it. Mercier's own preference was for a parliamentary rather than a judicial enquiry. Angers, however, decided on a Royal Commission (75).

75. For all this see R. Rumilly, op. cit., pp. 443-451.
During the summer and autumn of 1891 Charles Fitzpatrick took refuge in silence. The Irish M.P. for Quebec West, Owen Murphy, was definitely opposed to Mercier and there were rumours that Fitzpatrick would follow suit (76). Fitzpatrick, however, carefully avoided public embroilment in the controversy and his opinions were so little known that on the one hand there were reports that he would desert Mercier (77), and on the other that he was going to join the Mercier Cabinet and had been offered a Cabinet post (78).

No one seemed to know where Fitzpatrick’s allegiance lay. His loyalty to Mercier was however suspect. During the Senate enquiry into the Baie des Chaleurs contract, Fitzpatrick was said to have given information to Conservative Senators and to the Bank of Ontario which was claiming losses in the Baie des Chaleurs deal (79). His defence of the L.P. Pelletier contract had offended Mercier’s supporters (80). In

76. Quebec Morning Chronicle, 7 July 1891.
77. L’Événement, 11 September 1891; Quebec Morning Chronicle, 12 September 1891.
78. Quebec Daily Telegraph, 12 September 1891. On September 16th the Telegraph denied this report however; "We are in a position to say that Mr. Fitzpatrick has not solicited a position, that he is not soliciting one and that he has neither the desire nor the time at his disposal to fill such a position."
80. See above p. 62.
fact, Fitzpatrick's private correspondence confirms what many Mercier loyalists suspected, that during the autumn of 1891 Fitzpatrick was in contact with Mercier's enemies.

John Hyde (81), a Montreal accountant, was employed by J.S. Hall and T.C. Casgrain (82), two leading Conservative opponents of Mercier, to examine Ernest Pacaud's financial accounts. On September 21st 1891, Hyde wrote to Fitzpatrick to say that he had met "Charlie Armstrong" (83) in Montreal. Hyde said in the letter: "If Mercier could be worked up to make some definite charges of fraud against Armstrong we could get all we want. I am sure that if we could show Armstrong that Mercier's usefulness is gone that he will only be too willing to put a nail in the coffin (84)." On September 24th Hyde wrote again to Fitzpatrick thanking him for his reply and again referring to Mercier in disparaging terms (85). On the same day J.S. Hall wrote to Fitzpatrick asking him to come to Montreal for a meeting and referring to "Casgrain" (86). This is probably T.C. Casgrain as Hall and Casgrain were working together on the Mercier affair.

82. Hall and Casgrain were the lawyers for Owen Murphy when Murphy testified against the Mercier Government. L'Événement, 8 October 1891.
83. Presumably Charles Newhouse Armstrong.
84. P.A.C., Fitzpatrick Papers, Hyde to Fitzpatrick, 21 September 1891, no. 64.
85. P.A.C., Fitzpatrick Papers, Hyde to Fitzpatrick, 24 September 1891, no. 65.
86. P.A.C. Fitzpatrick Papers, Hall to Fitzpatrick, 24 September 1891, no. 67.
The evidence of the Fitzpatrick Papers is not conclusive. There are no copies of his letters to Hyde or Hall, nor are there any specific references to ways in which Fitzpatrick may have been working against Mercier's interests. Nevertheless the correspondence does reveal that, during a very critical time in Mercier's fortunes, Charles Fitzpatrick, his supposed supporter, was corresponding with leading critics of the Mercier regime and in apparently very confidential terms (87).

The Royal Commission enquiry opened on October 6th. Owen Murphy testified against the Mercier government in the name of the people (88). Murphy took a prominent public role in the downfall of Honoré Mercier and earned the enmity of many Mercier supporters with the result that he did not stand for election in the next provincial elections (89). Fitzpatrick played a much more discreet role and his relations with the Mercierites, whilst not cordial, were not as yet openly hostile. The Quebec Daily Telegraph, for example, which remained loyal to Mercier despite his behaviour towards the Irish Catholics, attacked Murphy but defended Fitzpatrick.

87. It is also interesting to note that Casgrain later warned the Liberals not to trust Fitzpatrick. Rumilly, Histoire de la Province de Québec, Volume VII, p. 42.
88. L'Événement, 8 October 1891.
89. He was said to have been promised a seat on the Legislative Council by de Boucherville (The Conservative Prime Minister who replaced Mercier) but at the last moment something intervened and Murphy did not get his reward, (L'Électeur, 26 March 1892). On March 24, L'Électeur carried a curious report about a plot between Murphy, Fitzpatrick and L.P. Pelletier to bring about Mercier's downfall. They were said to have met on the Island of Orleans to discuss the matter. This story came from Owen Murphy (L'Électeur, 24 March 1892).
As for Mr. Fitzpatrick, we refuse to believe that he is being dragged a willing victim at the tail of the disgruntled chariot of Owen Murphy or L.P. Pelletier, or that he is a party in any way to the connection of his name with the infamous Tory conspiracy hatched against the Mercier government and the autonomy of this Province. He has a big future before him and we are satisfied that ingratitude or treachery does not run in his blood. He belongs to a race to whom the words "traitor" or "turncoat" are deservedly odious and we would hesitate long before thinking that he has decided to repudiate his honourable past and to blast his whole future career (90).

Charles Langelier, a prominent Liberal and himself closely involved with the Baie des Chaleurs scandal, declared that Fitzpatrick "had always been and was still with us (91)", and he also revealed that Fitzpatrick had offered to undertake his defence before the Royal Commission (92).

The report of the Royal Commission was hostile to Mercier and on December 16th he was dismissed from office by the Lieutenant Governor who then called on the Conservative, Charles de Boucherville, to form a new government.

During the third week of December the newspapers were full of speculation about the composition of the de Boucherville Government. Charles Fitzpatrick was the topic of much comment. The Conservative press carried a report that the Conservatives had a written guarantee

90. Quebec Daily Telegraph, 19 November 1891.
91. Quebec Daily Telegraph, 13 November 1891.
92. L'Evénement, 14 November 1891.
that Fitzpatrick would support them (93). He was reported to have been
offered a post in the de Boucherville government (94). \textit{L'Electeur}

carried a story that Fitzpatrick had met one of his friends on a Quebec
street and the friend had addressed him as "L'honorable M. Fitzpatrick".
To which Fitzpatrick was said to have replied: "Certaintement je suis
honorable, du moins, je l'espère mais je ne le serais pas si j'avais
consenti à faire partie d'un cabinet comme celui de M. de Boucherville."
Fitzpatrick went on to say that he would take part in the next "lutte"
in favour of Mr. Mercier if his party asked for his services (95).

On December 21st de Boucherville announced his new Cabinet. J.
Smythe Hall became Provincial Treasurer and T.-Chase Casgrain was
Attorney General. On December 28th Fitzpatrick confirmed that he had
been offered a post by de Boucherville but after, "some reflection I
felt obliged to refuse Mr. de Boucherville's kind offer." He refused
to say what his future political position would be, "I can only say
that I have now ceased to be connected with politics in consequence
of the dissolution but I am considering the propriety of having a
meeting in the County of Quebec, where I will give fully my views
upon the present condition of affairs (96)."


94. \textit{Quebec Morning Chronicle}, 19 December 1891.

95. \textit{L'Electeur}, 23 December 1891.

96. \textit{Quebec Morning Chronicle}, 28 December 1891. Fitzpatrick had pro-
mised when he was elected in 1890 to report to his constituents
should his political opinions change. (See above p. 48 ). There
were no newspaper reports in early 1892 that he carried out this
promise.
The fact that de Boucherville offered Fitzpatrick a post would certainly seem to indicate that the Conservatives were confident of his political sympathies and yet Fitzpatrick still escaped censure in the Liberal press. Undoubtedly part of his future political and public success was his remarkable discretion. Fitzpatrick was rarely tempted into the vanity of clearly expressing his ideas. The Liberal papers must have known that Fitzpatrick had worked against Mercier but presumably they did not have anything precise with which they could attack him. Fitzpatrick must have given the Conservatives reason to think that they had his support, yet it could not have been a definite written commitment because they would presumably have made use of this later when he was restored to the bosom of his party. Apparently Fitzpatrick gave as his reason for refusing the de Boucherville offer that de Boucherville had refused to pledge the abolition of the Legislative Council (97).

At the beginning of 1892 Fitzpatrick was in political limbo. He had not joined the Conservatives but he was not popular with Liberals. For almost six months he had walked a political tightrope with great skill and agility, and neither of the political parties were certain exactly where his sympathies lay. During the 1892 provincial election this ambiguity resulted in neither Conservatives nor Liberals opposing him in Quebec County. T.C. Casgrain rather optimistically stated that Fitzpatrick supported de Boucherville (98). Yet Fitzpatrick campaigned

97. The Daily Telegraph, 2 February 1893. This situation is rather amusing when one considers that de Boucherville had promised the other Irishman, Owen Murphy, a seat on the Legislative Council as a reward for his efforts on behalf of the Conservative party.

98. The Daily Telegraph, 1 February 1892.
for his nephew, Alexandre Taschereau, who was considered a Mercierite, in Dorchester County (99). Fitzpatrick was elected by acclamation in Quebec County and so was spared the embarrassment of a public explanation of his opinions. His only remarks were that he favoured a reorganization of provincial finances and that he would support de Boucherville, "aussi longtemps qu'il mériterà la confiance qu'il lui inspire (100)."

The provincial election returned 52 de Boucherville supporters, 17 Mercierites and 4 independent Liberals (101). On April 25th the Legislature assembled but public attention was centered on the Palais de Justice where, on April 28th, Mercier and Pacaud were summoned to a preliminary enquiry into a charge of defrauding the province of 60,000 dollars.

Fitzpatrick, Greenshields and F.X. Lemieux were the defence lawyers. It was said that Fitzpatrick's offer of help was accepted because the Liberals feared that otherwise he would pass over to the other side (102). The prosecution had first laid charges of conspiracy against Mercier but had then changed the charge to one of malfeasance whilst in office. Fitzpatrick focused his attack on the prosecution's changing of the charge and he also made reference to the political nature of the trial:

99. L'Electeur, 3 March 1892; The Daily Telegraph, 7 March 1892; Rumilly, Mercier, p. 466.

100. L'Événement, 5 March 1892.

101. Fitzpatrick was considered as an independent Liberal (Quebec Morning Chronicle, 10 March 1892).

102. Rumilly, op. cit., p. 484.
Bien que ce soit mon désir d'écartérer de ce procès tout ce qui pourrait lui donner un caractère politique je ne puis pas toutefois ignorer le fait qu'il provient de ce que l'un des défendeurs a occupé un poste politique important et qu'il est le résultat de machinations politiques ourdies en pleine lutte électorale (103).

Despite Liberal mistrust (104), Fitzpatrick made an able speech in Mercier's defence (105) but the defence was not successful and Mercier and Pacaud were committed for trial in October. In this next trial Fitzpatrick was Pacaud's lawyer. He again referred to the political nature of the trial which he said, "possessed all the essentials of a political persecution (106)." Fitzpatrick alleged that T.C. Casgrain, the Attorney General, was a political chief persecuting another political chief who had been Prime Minister of the province (107). Mercier and Pacaud were eventually acquitted. Israel Tarte, no friend of Fitzpatrick's, did acknowledge that Fitzpatrick had worked hard on Marcier's behalf (108).

Against the background of the judicial dramas the Legislature

103. L'Electeur, 14 May 1892.

104. Rumilly says that many Liberals felt that Fitzpatrick did not use all his talent in defending Mercier and that T.C. Casgrain had warned F.X. Lemieux that Fitzpatrick was helping the prosecution. Rumilly, Histoire, VII, p. 42-43.

105. L'Electeur, 14 May 1892, called Fitzpatrick's speech in defence a "magnifique plaidoyer" and published the speech in full.

106. Quebec Morning Chronicle, 3 November 1892.

107. Ibid.

108. L'Electeur, 7 November 1892.
proceeded with Parliamentary business. De Boucherville stressed economy as the main feature of his policy (109). The grandiose and expensive policies of the Mercier government were to be abandoned. Fitzpatrick supported this policy of economic retrenchment. Although he had been first elected to the Legislature as a supporter of the Mercier government and therefore presumably of its economic policies, in the aftermath of the Baie des Chaleurs scandal he emphasized the virtues of economy and the evils of government paternalism (110).

On April 28th 1892, Fitzpatrick rose to speak during the debate on the speech from the throne and he declared that Liberals did not have a monopoly on causing the province's economic problems. The economic problems were the result of the "reckless extravagance which had ruled the Province for many years." Liberals, no doubt, took encouragement from these first remarks of Fitzpatrick's and believed that they had his support. However, he then went on to assert his confidence in Hall, the Provincial Treasurer, and this no doubt pleased the Conservatives. Fitzpatrick continued on general issues and saw fit to condemn the evils of placehunting in the Civil Service. In a flourishing declaration he said, "I am myself a Liberal and always have been. I

109. Quebec Morning Chronicle, 29 April 1892.

110. It is very difficult to be too categorical in commenting on Fitzpatrick's opinions. In his speeches he always adopted a highly judicious tone, a lofty impartiality, which allowed him to discuss an issue from several viewpoints without being too specific about his own. As he never really made a commitment to any one policy he was rarely embarrassed by having to contradict himself. Over the issue of Mercier's economic policies, for example, he supported Mercier's decision to raise a loan (Débats de La Législature, 7 November 1890, p. 23), but also he had declared himself in favour of economizing (Ibid., p. 23).
believe that Liberalism means liberty and selfgovernment and self-judgement and that beneath the broad folds of its flag there is room for men of every creed and nationality." He expressed the pious hope that in Parliament: "The melodious tones of patriotism will be heard rather than the demon of party discord" and he concluded by saying that he would support the government if they practiced economy (111).

The speech is an interesting illustration of Fitzpatrick's political technique. He made a lofty appeal for reconciliation when it must have been obvious that the supporters of Mercier were in anything but a conciliatory mood. Whilst he pleased neither the Conservatives nor the Liberals, at the same time he did not antagonize them. Michael Hackett, the representative of Stanstead, said that he was glad that Fitzpatrick had said he was a Liberal because previous utterances had led him to be thought of as a Liberal Conservative (112). Casgrain admitted that he had thought that Fitzpatrick would support the government (113) and both the Liberal and Conservative press praised the Fitzpatrick speech (114). There was obviously still confusion on where exactly his political loyalties lay.

111. Débats de l'Assemblée Législative de la Province de Québec, 1892, publiés par L.J. Desjardins, Québec 1895, Imprimerie de L.J. Demers et Frère, 28 April 1892, pp. 24-6.

112. Quebec Morning Chronicle, 29 April 1892.

113. Perhaps it was this disappointment which lead to Casgrain warning the Liberals to beware of Fitzpatrick. See above p. 72.

114. The Daily Telegraph, 29 April 1892; Quebec Morning Chronicle, same date, p. 2, called the speech "sound commonsense".
In June 1892 Hall eventually presented his budget (115). The Liberals watched carefully to see what Fitzpatrick would do. On June 20th Fitzpatrick rose to speak on the Hall proposals. He criticized the government for implying that Liberals would not help in the reorganization of the provincial finances. He lectured the Liberals on the fact that, in moments of crisis, "we have a higher and nobler duty to perform - to act in the general good". He blamed the economic troubles once again on the paternalism in which both parties had indulged since 1874. He accepted his share of the blame because he had supported the Mercier government. Having thus raised the hackles of his Liberal listeners, who were no doubt not impressed by these noble admissions of error, he went on to praise Mercier's abilities and devotion to his Province. He declared finally that he would support the Treasurer's proposals although he did not think they went far enough. He favoured more retrenchment and more economy (116).

This decision of Fitzpatrick's, to vote with the de Boucherville government, was of enormous importance. Many Liberal loyalists never forgave him and he earned himself a reputation for treachery and double dealing. Throughout the whole affair Fitzpatrick adopted an attitude of impartiality and it is difficult to assess his own opinions because on the whole he avoided the temptation of expressing them except in the

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115. It included a tax on liquor, cigarettes, cigars, inheritance and a tax on the income of civil servants and professionals, L'Electeur, 18 June 1892.

116. Débats de la Législature, 20 June 1892, pp. 280-85. In the course of the speech, Fitzpatrick said that he realized he was not doing a popular thing nor was he performing an agreeable duty.
most general terms of moral outrage. Perhaps he was sincere in his repugnance for corruption because he certainly was scrupulous in dealing with Party funds when he organized the Quebec City area later when he was in federal politics (117). The Mercier debacle certainly had a very marked effect on his own attitudes towards government expenditures. From then on he showed a definite hostility to extravagance in government and he became a consistent advocate of government economy and careful accounting (118). Fitzpatrick was notoriously careful with his own money and he may have felt that what was good for the individual was good for the government also. It must have also taken some courage to vote against his party, especially in view of the strong emotions Mercier aroused. Yet his associations with the enemies of Mercier and his flirtation with the idea of a post in the de Boucherville government do not inspire confidence in the disinterested morality of Fitzpatrick. In contrast to Owen Murphy, Fitzpatrick worked

117. L'Événement, 4 June 1906. Fitzpatrick believed that no one could honestly acquire wealth in politics: (A.N.Q., Bourassa Papers, Fitzpatrick to Bourassa, 2 July 1917.) Fitzpatrick himself seems to have been very shrewd about money. Laurier sought his advice on stock options and investments. (P.A.C., L.P., Fitzpatrick to Laurier, 22 February 1899, 225161; Laurier to Fitzpatrick, 24 February 1899, 225174.) In the Fitzpatrick Papers there is a list of people who owed Fitzpatrick money. (Fitzpatrick Papers, 9th May 1901, 905; these included Sir Adolphe Caron). When he served as Chief Justice of the Supreme Court he was very particular about his various emoluments. (L.P. Fitzpatrick to Laurier, 6 May 1907, 125124-5; 8th May, 125122-3.) D.B. Papineau relates some very amusing incidents of Fitzpatrick's parsimony. (P.A.C., Lucien Lemieux Papers, Vol. 13, Papineau Reminiscences pp. 16-18.)

118. In his federal career, Fitzpatrick was to be an outspoken opponent of nationalization; P.A.C., Fitzpatrick Papers, Fitzpatrick to F.R. Hornsby, 4 April 1905, 3979; Quebec Chronicle, 1 April 1905; Canada, House of Commons, Debates, 1906, 246-7.
secretly and ambiguously and although he did eventually publicly support the Conservative budget, on the whole his attitudes were never very clear and he avoided the public censure which Murphy experienced. Fitzpatrick's tactics were more politically shrewd but they were less morally admirable. In any case, as events were to prove, Fitzpatrick's desertion of Mercier was, politically, a brilliant move. His detachment and public impartiality avoided the condemnation which Murphy experienced and, at the same time, although he had not publicly criticized Mercier, it was clear that Fitzpatrick had disassociated himself from the Mercier government and thus he avoided being tainted with the stench of Mercier's corruption. Guarding his political purity carefully, Fitzpatrick survived Mercier's downfall with his reputation intact.

The Mercier affair proved Fitzpatrick's consummate skill as a politician. The whole situation was fraught with danger for the unwary. In 1890 Fitzpatrick had refused to be swept along on the rising tide of Irish indignation against Mercier. Fitzpatrick had the good sense to realize that in a province which was mainly French Canadian, a too obvious embroilment with Irish issues would confine him to the partisan squabbles of Irish politics. During the events surrounding Mercier's dismissal, trials and fall, Fitzpatrick's intelligent balancing of Liberal and Conservative feelings was masterly and best exemplified by the fact that neither party opposed him in the provincial election of 1892.

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The diplomatic skill which enabled him to survive the Mercier years was also in evidence in the subtle balance of his relationship with the Irish and the English Scottish communities of the province. Whilst French Canadians were always more concerned about events in Quebec and Canada, settled as they had been in Canada for hundreds of years, the Irish and Anglo-Scottish communities still maintained strong affiliation and associations with the mother country. The later part of the nineteenth century was a very critical time in Irish-British relations and this was reflected in Irish-British relations in Canada. In 1886 Gladstone had introduced a Home Rule Bill. The Bill had been defeated and in the subsequent elections, the Conservatives, who opposed Home Rule, were returned. The Irish Home Rule movement suffered another setback when its leader, Charles Stewart Parnell, became involved in a divorce case - a severe embarrassment to a movement which was largely Irish Catholic. The Home Rule issue and the Parnell divorce were topics of great interest in Irish communities throughout North America. Home Rulers came to Canada and to the United States looking for support. The problem with the Home Rule question was that in English Protestant Canada the sympathy was for the British rather than the Irish. Canada was part of the British Empire and the English Canadians, especially in a period of increasing imperialistic sentiments, were very unenthusiastic for the Irish cause especially when the Home Rulers indulged in bitter denunciations of British rule in Ireland. In Fitzpatrick's provincial career, of course, the main racial difficulty he had to negotiate was Irish-French relations, but he also had some problems with Irish and Anglo-Scottish relations in the complex world of Quebec.
City's politics. As an Irishman Fitzpatrick was expected to show sympathy with Ireland's cause and he did address certain Irish gatherings. In Montreal at the end of 1890 he made a speech on the so-called "Manchester martyrs (119)". These were Irishmen who had attempted to rescue two captured Fenians from a police van in Manchester in 1867. In the course of the attempt an English policeman had been killed. The rescuers were caught, tried and executed. The speech was characteristic of Fitzpatrick. It was shrewdly calculated to appeal to his audience and full of patriotic lyricism with quotations from Irish poets. However, the topic was hardly controversial. The "Manchester martyrs" had met their deaths over twenty years before. On the much more topical events in Irish affairs, Fitzpatrick maintained his habitual discretion. He did declare himself a supporter of Home Rule (120), but he did not play any prominent role at any of the Irish nationalist meetings in Quebec City from 1890 onwards (121). Yet, in 1891, when the Irish

119. Quebec Daily Telegraph, 28 November 1890.

120. The Daily Telegraph, 18 March 1892.

121. The Quebec Daily Telegraph during the first five years of the 1890s was very preoccupied with Irish politics, and did give extensive coverage to visits from Irish politicians. Usually it mentioned the prominent citizens present at the meetings and Fitzpatrick's name is notable by its absence. When W.K. Redmond and James O'Reilly came to Quebec to speak on the Irish question from the Home Rule viewpoint, Fitzpatrick was not mentioned as being present (Quebec Daily Telegraph, 12 May 1891). He also, if he was there, escaped the notice of the reporter when the Quebec branch of the Irish National League voted confidence in Parnell (Quebec Morning Chronicle, 18 February 1891). Certain short biographies of Fitzpatrick such as, for example, the one in Henry J. Morgan's The Canadian Men and Women of the Times (cited fully Chapter I footnote 126) give the impression that his associations with the various Irish organizations were fairly strong. The researcher found no evidence of this in the Quebec Daily Telegraph during the 1890s.
Protestant, Nicholas Flood Davin, came to Quebec to give a very British speech on the "British House of Commons" Fitzpatrick was present, and despite the fact that the Anglo-Scottish community was well represented, he gave the vote of thanks with a very tactful speech referring to the progress of the cause of freedom in England during the previous century (122).

In June 1892 it was a disagreement between English and French Canadians which called upon Fitzpatrick's resources of tact. The Conservative government had selected a man called McIntosh to represent Quebec at the Chicago World Fair. There was some criticism of this in the Legislature from French-Canadian Liberals. Fitzpatrick was reported as being opposed to McIntosh as Quebec's representative because if Quebec sent an English-speaking Canadian, there would be no French Canadian amongst Canada's representatives. According to the Quebec Morning Chronicle, Fitzpatrick said in the Legislature that on the racial issue

122. Quebec Morning Chronicle, 28 April 1891. The issue of Irish English relations became much more complicated for Fitzpatrick when he became a federal politician. His relations with Anglo-Saxon Canada were much more critical in federal politics than they had been in Quebec. As a highly ambitious man, Fitzpatrick could not afford to offend imperialistic sentiment and indeed he began to express stirring imperialistic sentiments himself (see, for example, the Toronto Globe, 11 March 1898, when he was elected to the Council of the British Empire League). The older he grew the more cautious he became on the Irish issue. In 1919 John Willison wrote to him about the Irish question and Fitzpatrick refused to comment, saying that his forebears had settled in Quebec over a hundred years before and he knew nothing of the Irish situation. "However," he wrote, "The relations between England and Ireland is a matter which concerns the whole Empire and the solving of their age-long difficulties would, I think, help to strengthen the bonds which should unite the different nations of the English speaking world." P.A.C., Willison Papers, Fitzpatrick to Willison, 2 August 1919, 10084.
he was persuaded that "speech might be silver but silence was golden." However platitudinous the remark it certainly summed up Fitzpatrick's attitude to racial controversy. He went on to object to cheap displays of patriotism" and objected to the "Conservative efforts to fix on Liberals the onus for raising the racial cry ------ . His whole life had been a standing protest against anything of the kind (123)."

Whilst he carefully negotiated through the dangers of racial factionalism Fitzpatrick faced considerable problems because of the ambiguous state of his political affiliation. At the end of 1892, L'O. Taillon replaced de Boucherville as Conservative premier and again there were rumours that Fitzpatrick would join the Conservative Cabinet (124). The rumours came to nothing but they could not have helped his position within the Liberal party.

At the beginning of 1893, perhaps as a diversion from the embarrassment of provincial politics, Fitzpatrick extended his activities into the municipal field. He stood for the Irish working class area of Champlain Ward and was elected by acclamation (125). Fitzpatrick's spell in City politics was to be brief but effective. He carried into the municipal field the new found zeal for efficient economic management and he became the unofficial watchdog of municipal spending.

123. Quebec Morning Chronicle, 16 June 1892.
124. L'Electeur, 5 December 1892.
125. The Daily Telegraph, 28 January 1893. The Champlain ward was also the scene of some tension between Irish and French Canadians. The Daily Telegraph declared that the claims that the French were now in the majority in the ward were "preposterous" (22 March 1894).
It was in municipal politics that he first began his long association with S.N. Parent, later Mayor and then Premier of Quebec (126). Fitzpatrick and Parent urged an increase in the rate of assessment of real estate in order to meet the deficit in the City's budget. The other Councillors rejected the proposal. No doubt, realizing that it would not be popular, they declared that the proposed increase would be "too burdensome" (127). Parent and Fitzpatrick also tried to enforce a systematic collection of municipal taxes and they even considered resorting to legal proceedings to enforce their views (128).

A major issue arose over a proposed loan which the City Council wished to raise in Europe. The Council needed funds to pay off debentures which had been issued in 1873 for a period of twenty years and were then about to fall due (129). The Council had obtained legislative authority to issue other debentures to provide the necessary funds. In May 1893 a delegation headed by Mayor Frémont left for England to raise the money and secure the best possible terms for the new bonds. On the return of the delegation Fitzpatrick pressed the Mayor and his associates for details on the exact way the loan had been floated (130). The Mayor proved to be evasive and in December of 1893 Fitzpatrick

126. Parent joined the Fitzpatrick law firm at the beginning of 1892. The Daily Telegraph, 3 January 1892.

127. The Daily Telegraph, 22 April 1893.

128. The Daily Telegraph, reported this a year later (20 January 1894).

129. Quebec Morning Chronicle, 12 May 1893.

130. There were many accounts of this at City Council meetings during 1893; however, the Quebec Morning Chronicle, on January 23, 1894, carried a summation of the various events in a letter from Fitzpatrick.
surprised the parliamentary Legislature by bursting out in a bitter
denunciation of the Quebec City Council. The *Quebec Morning Chronicle*
reported that he had said of the City Council, "their eyes were closed
and their ears stuffed and that they had not the courage when they
wanted more money to impose higher taxes on the people (131)." Parent,
who was also a member of the Legislature, was forced to defend the
Council against Fitzpatrick's tirade (132).

In the following week, Fitzpatrick, at a City Council meeting, was
criticized for his remarks in the Legislature. Fitzpatrick defended
himself in French and a Councillor Johnson remarked that as Fitzpatrick
had been addressed in English he should reply in English. Fitzpatrick
said that he intended to speak in the language he preferred and that if
members of the Council did not speak French they should add it to the
list of their accomplishments at once (133).

During January of 1894 Fitzpatrick continued to press for explana-
tions of the loan and he suggested that there was a discrepancy in the
accounts of the loan delegation and that the loan had in fact cost more
than had been revealed (134). Mayor Frémont denied that Fitzpatrick's

131. *Quebec Morning Chronicle*, 19 December 1893.
132. *Ibid.*, Parent was very opposed to Mayor Frémont (*L'Événement*, 22
September 1893), but he, perhaps because he intended to make his
career in city politics, was more tactful in his public remarks.
133. *Quebec Morning Chronicle*, 27 December 1893.
figures were accurate (135) and, in fact, the missing money was accounted for but, as Fitzpatrick pointed out, the state of city bookkeeping was not very reassuring for the tax payer (136).

In March 1894 there were new elections for the City Council. The Daily Telegraph suggested that Fitzpatrick would make a suitable Mayor. "He is not of the stuff which can be wheedled or bullied into wrong methods of doing city business (137)." The suggestion did not meet a warm reception in the Conservative press (138) and in any case Fitzpatrick's municipal career was brought to an end when he suffered electoral defeat at the hands of the voters of Champlain Ward (139). In April however, his friend S.N. Parent was elected Mayor and Fitzpatrick now had a friend in high places in City politics.

Fitzpatrick's career in municipal politics had been brief but he had played a significant role in making the City Council more financially responsible and he had contributed in some measure to the emergence of Parent as Mayor of Quebec (140).

In 1893 whilst waging a war against financial excess in city

135. Quebec Morning Chronicle, 22 January 1894. Frémont said that the discrepancy in the accounts was the result of an error by the City Treasurer.

136. Quebec Morning Chronicle, 26 January 1894.

137. The Daily Telegraph, 24 February 1894.

138. L'Événement, 1 March and 6 March 1897.

139. The Daily Telegraph attributed this defeat to the fact that Fitzpatrick had not canvassed or campaigned (20 March 1894).

140. The Daily Telegraph, 4 April 1894. "Mr. Fitzpatrick contributed in no slight degree to the election of Mr. Parent."
politics he carried on a similar campaign in the Legislature. In particular he advocated the abolition of the Legislative Council and a reduction in the parliamentary indemnity.

The abolition of the Legislative Council had been a major feature of Liberal politics for many years. The Legislative Council was a non-elective body nominated by the Prime Minister. In 1892, with the Conservative government advocating a policy of economic retrenchment, the Liberals revived their old program. Fitzpatrick had always had a particular interest in this question. He had tried to persuade Mercier to abolish the Council (141) and he had refused office under de Boucherville over the same issue (142). In the Legislature Fitzpatrick criticized the Legislative Council and asked how it was possible to request the people to pay more taxes when the government had not made all possible economies by abolishing the Council (143).

In 1893 Fitzpatrick continued to campaign for the abolition of the Council and he urged, as well, a reduction in the parliamentary indemnity from $800 to $500 per annum. He also favoured a reduction in the number of members of the Legislature and in the number of Ministers. When he stood up to speak on these proposed economies in February 1893, he was greeted with laughter and cries of "lost" (144). The response to

141. See above p. 45.
142. See above p. 70.
143. Débats de la Législature --- 18 May 1892, p. 77.
144. Quebec Morning Chronicle, 16 February 1893, p. 2.
Fitzpatrick's proposals crossed party lines. Mercier and the Conservative Premier, Taillon, opposed Fitzpatrick. J.S. Hall supported him (145).

Fitzpatrick was still very much of an isolated figure and there was still considerable enmity towards him (146). However, this was probably not all that serious for him because provincial politics were in fact

145. Quebec Morning Chronicle, 16 February 1893. Kennedy, a Montreal representative and a fellow Irishman, doubted Fitzpatrick's sincerity on the question of reducing the parliamentary indemnity. Quebec Morning Chronicle, 21 February 1893.

146. The Quebec Morning Chronicle, 21 February 1893, reported a disagreement between Adélard Turgeon and Fitzpatrick. Turgeon had been a strong Mercierite. In February of 1893, in the corridors of the parliament building, the Chronicle reported that Turgeon had passed "un mauvais quart d'heure" after he had passed some nasty remarks about Fitzpatrick's proposals to reduce the parliamentary indemnity. Fitzpatrick's reply was sharply stinging and to the point and only the intervention of friends prevented further trouble. This may have been the origin of the famous scurrilous tale about Turgeon and Fitzpatrick, repeated many times. Adélard Turgeon was a Mercier loyalist and Fitzpatrick's behaviour during the Mercier affair had so incensed him that he called Fitzpatrick a traitor to his face. Fitzpatrick denied it and Turgeon punched him on the nose in the Legislature. A supporter of Mercier then declared, "Mr. Turgeon it is the first time I have seen your hands covered with the blood of a pig". (L. Lemieux Papers, vol. 13, Papineau Reminiscences, p. 13). The story is repeated in Rumilly, Mercier, p. 420 and P.-A. Choquette, op. cit., p. 76. Choquette provides the additional information that Turgeon and Fitzpatrick were enemies for many years until they were reconciled in 1920 when Fitzpatrick was Lieutenant Governor and Turgeon was President of the Legislative Council. Turgeon led Fitzpatrick to a spot on the Legislative Chamber marked with blood and said:

Sur ce parquet témoin d'un combat héroïque
Faisons la paix même si c'est fort comique
Et tous deux s'embrassant des larmes dans la voix
Adélard, cria Fitz., amis comme autrefois.

pp. 251-2.
only one aspect of a very busy life. Charles Fitzpatrick's main concern at this period was his highly lucrative law practice (147) and one newspaper report mentioned that he only had the time to engage in parliamentary activities which were required of him as M.P.P. for Quebec County (148). He did, in fact, during his years in the provincial Legislature

147. J.-I. Tarte, Procès Mercier, p. 64, commented on the clientele of Fitzpatrick's law firm as "très étendue et très lucrative". Fitzpatrick said himself that a lawyer's job was to bleed the rich (Quebec Morning Chronicle, 22 December 1893). During all this period Fitzpatrick received continual coverage from the press covering law cases in which he was involved. In 1890 he acted as prosecuting counsel in two murder cases, the Morin trial (L'Électeur, 27th and 28th March 1890), and the Dubois case (Quebec Daily Telegraph, 17th and 28th April 1890). He defended another accused murderer, Joseph Delamere (Quebec Daily Telegraph, 20 October 1890). He won all three cases. His interests were wide. He acted in a rape case (Quebec Morning Chronicle, 16 October 1890); forgery (Quebec Daily Telegraph, 18 October 1893); extradition, the Carrier Case (September 14th and 26th 1893, The Daily Telegraph) and the Comte de Villeneuve (L'Électeur, 17 April 1894); indecent exposure by the Mayor of La Bonne Sainte-Anne (Quebec Daily Telegraph, 25th October 1890) and many, many others of greater or lesser interest.

148. Quebec Morning Chronicle, 24 March 1892. He interested himself in any issue which was important for his constituents. He tried to introduce a measure which would allow farmers to sell their products on city streets rather than at city markets. This would have been popular with his largely agricultural constituency. However, the bill was killed because the City would lose its market revenue (Quebec Morning Chronicle, 9 February 1893). He opposed the establishment of the Laurentian Park because the Park was unpopular in Quebec County (L'Électeur, 29 December 1894). He worked to get a reduction in ground rents for Sillery Cove properties (Quebec Morning Chronicle, 23 January 1895). He drew attention to the bad state of the bridge over the St. Charles River (Quebec Morning Chronicle, 28th November 1895).
take considerable interest in matters to do with law reform (149), so
that despite his problems with his party he did earn considerable
respect as a hard working member of the Legislature (150).

During the course of 1893 an issue developed which was eventually
to bring about Fitzpatrick's rehabilitation with his party - the so called
Beauport Asylum affair.

The owner of the Beauport Asylum, Phillipe Landry, wished to sell
the institution. The government of Quebec did not have the money to
buy but the Sisters of Charity were prepared to make an offer. Landry
was a prominent Conservative politician and a good friend of the Pro­
vincial Secretary, L.-P. Pelletier. The Liberals suspected that the
Conservatives were cheating the Sisters for Landry's benefit. The
Liberal Party had traditionally advocated state control of Asylums so
the issue was an important one for the party. Fitzpatrick joined the
Liberals in a hard hitting and effective attack on Pelletier. At one
point Fitzpatrick quoted from a letter to Landry from Pelletier in
which the Provincial Secretary had made reference to a price of
$450,000 when the Sisters had only made an offer of $300,000 (151).

149. He introduced a bill to improve court procedure by permitting
parties in a civil suit to testify on their own behalf (Quebec
Daily Telegraph, 18 November 1890.) He introduced another
bill to make local municipal councils more representative
(L'Événement, 4 December 1890). He took a great interest in a
bill respecting the sale of the real estate of insolvent debtors
(Quebec Morning Chronicle, 28th and 30th May 1892). He also
showed some concern about a bill dealing with residence and duties
of judges (The Daily Telegraph, 12 December 1893).

150. Quebec Morning Chronicle, 27 November 1890, 21 October 1895.

151. Débats de la Législature, 15 February 1893, pp. 417-8; L'Électeur,
16 February 1893.
Fitzpatrick's attack followed logically from his campaign against excessive government expenditure and the skill and sharpness of his speeches on the issue must have been well appreciated by the Liberals (152).

However, during the summer of 1893 it is obvious that Fitzpatrick was still regarded with suspicion. The Liberals wished to organize a party banquet under the presidency of Nazaire Olivier and many Liberals wanted Fitzpatrick excluded (153). Laurier however, insisted that Fitzpatrick must be included on the same footing as Turgeon. The banquet did not take place (154).

The incident is revealing in that it shows that Laurier was determined not to drag the Mercier antagonisms into federal politics, and that, despite the ambiguity of his position in provincial politics, Fitzpatrick was on apparently good terms with the federal leader (155).

The Legislature opened on the 9th of November 1893, and again the Beauport Asylum was a main topic of discussion. Since the last session the nuns had increased their offer to $425,000. In order to guarantee payment of the money, the Government was to retain, each year, a part

152. *Quebec Morning Chronicle*, 16 February 1893. Fitzpatrick's speeches supported the arguments of Mercier and Turgeon on the issue.


154. Ibid., Laurier wrote to Olivier, "surtout n'allez pas donner en pâture au public le spectacle de nos petites misères", p. 110.

155. He presided at a meeting in Quebec County to choose the delegates for the Liberal Convention in June 1893 (*The Daily Telegraph*, 13 June 1893).
of the money paid to the nuns for the maintenance of the insane. The Legislative Assembly, however, had to ratify the agreement and the Liberal party took the view that the government had favoured the interests of Senator Landry to the detriment of the interests of the Province. Pelletier was accused of pressuring the nuns to raise their offer. Fitzpatrick adhered to the Liberal party line. He asserted that the Asylum had cost too much and that the government in guaranteeing the payment had rendered itself liable to become the owner of the institution. Fitzpatrick favoured the government ownership of asylums (156) but he considered that the price paid for Beauport was too high (157). In a very sharp speech Fitzpatrick attacked the Taillon government for falsifying records and bad faith (158). His speeches were all grist for the political mill. "Since the beginning of the discussion", wrote a correspondent to the Daily Telegraph, referring to Fitzpatrick's speech, "no more powerful arraignment of, or thorough dissection of this transaction had been presented to the country (159)."

The Beauport Asylum affair had made the session a stormy one of "bullying talk, sharp and ugly epithets and coarse invective (160)."

156. During his federal career, Fitzpatrick was an opponent of government ownership (See above footnote 118). The State control of asylums, however, had been a traditional policy of the Quebec Liberal Party, and Fitzpatrick was at this period trying to rehabilitate himself in his party.

157. Quebec Morning Chronicle, 16 December 1893.

158. Quebec Morning Chronicle, 20 December 1893.

159. The Daily Telegraph, 21 December 1893.

160. Quebec Morning Chronicle, 22 December 1893.
It had, however, helped to bring about a moderation in the hostility in the Liberal party towards Charles Fitzpatrick (161). He was not, however, completely trusted. At the beginning of 1894 there were suggestions that Fitzpatrick might run as the federal candidate in Quebec West. Israel Tarte wrote to Laurier to protest this. "Vous savez qu'il a perdu la confiance de tous les libéraux actifs de Québec qui ne veulent plus ni le voir ni le sentir." Tarte referred to Fitzpatrick as "trahison ambulante" and went on to say that if Fitzpatrick went to Ottawa: "Il viendra à nos caucus pour dire au gouvernement ce qui s'y sera passé et sûrement il nous mettra en querelle avec nos amis à Québec. Pour ma part j'aimerais mieux perdre Québec Ouest que de le voir à Ottawa (162)." Despite Tarte however, there were still rumours that Fitzpatrick would stand as federal candidate in Quebec West (163).

Towards the end of 1894 two events took place which helped to restore Fitzpatrick to the bosom of his party. The first occurred in October when Honoré Mercier died. A constant reminder of Fitzpatrick's treachery was thus removed from the political scene. Fitzpatrick could now afford to wax eloquent and refer to Mercier's "merveilleux talent" and "ardent patriotisme (164)". During the 1896 federal elections he

161. He was on the organizing committee for the Laurier banquet (L'Electeur, 9 December 1893) and he enjoyed a prominent place at the banquet in January (L'Electeur, 5 January 1894).


163. Quebec Morning Chronicle, 8 March 1894.

164. L'Electeur, 6 December 1894.
was to call Mercier "the greatest Frenchman ever born in this Province" and he went on to say that the Liberals, "amongst them himself (had) made a grievous mistake when they helped to put him out of power, a mistake they now realized too late (165)."

The second event was the resignation of J.S. Hall from the Conservative government (166). Fitzpatrick had respected Hall (167) and had corresponded with him during the Mercier affair (168). In September of 1894 Hall resigned because he opposed the French loan which Taillon proposed to raise (169). Hall's resignation, combined with the fact that the Conservative government in deciding to raise a loan, was abandoning its policy of strict economic restraint, enabled Fitzpatrick to criticize the Taillon administration. On December 5th Fitzpatrick made a slashing attack on the government's fiscal policy. He said that the loan was not necessary, the negotiations lacked wisdom and the terms offered by the French bankers were too harsh. The speech was applauded by the Liberals (170).

In January 1895 Fitzpatrick again received, "applaudissements enthousiastes" from Liberals when in a brilliant display of oratorical skill and political partisanship he challenged the Speaker's ruling

165. The Daily Telegraph, 29 May 1896.
166. The Daily Telegraph, 26 September 1894.
167. Débats de la Législature, 28 April 1892, p. 25.
168. See above p. 66.
169. The Daily Telegraph, 26 September 1894.
170. L'Electeur, 6 December 1894.
on a certain point. Fitzpatrick accused the Speaker of favouring the Conservatives (171).

However, much antagonism there was towards him, Fitzpatrick was a brilliant speaker and a clever man and the Liberals could not afford to lose him. The situation was helped by the fact that the new leader of the provincial Liberal party was Félix-Gabriel Marchand, a man of sober integrity, very different from the flamboyant Mercier and he and Fitzpatrick appear to have got on together very well (172).

Fitzpatrick's return to party allegiance necessitated a return to the compromises of party politics. Fitzpatrick, throughout 1892, 1893 and a large part of 1894, had been a political maverick who had adopted the self-appointed role of a crusader against excessive expenditure. He had lectured Liberal and Conservative alike in high moral tones. Posing as an independent, above the partisanship of party politics, Fitzpatrick had created resentment in the Liberal party, particularly when his high minded idealism had prompted him to support the Conservatives. A typical example of this had occurred in 1893 when

171. The incident arose because during a speech on a government pension fund, L.P. Pelletier had referred to the Beauport asylum affair. Fitzpatrick, when it was his turn to speak, took up the asylum issue and the Speaker ruled him out of order. Fitzpatrick questioned why Ministers were allowed to speak on the issue but not the Opposition. He was so persistent in his arguments that the Speaker was "disgusted" and left the chair and the deputy speaker took over. Fitzpatrick then continued in an eloquent denunciation of the Beauport issue. (*Quebec Morning Chronicle* and *L'Electeur*, 10 January 1895)

172. In 1896 Marchand was reported to have refused to sign a petition organized by P.A. Choquette protesting Fitzpatrick's selection as Solicitor General. *Le Courrier du Canada*, 29 August 1896.
TrC. Casgrain had introduced a bill to improve procedures in the Law Courts (173). Casgrain had approached Liberal lawyers but they had felt that it was not in the interests of their party to vote with the Conservatives. Fitzpatrick however had given Casgrain considerable assistance (174). In 1895 Casgrain introduced another reformist bill aimed at securing free and uncorrupt elections. The high moral fervour for reform in Fitzpatrick had lessened somewhat by 1895 as he was now once more united with his party and the Liberal party opposed the Casgrain Bill. Fitzpatrick, in the course of the debate, delivered himself of some high minded sentiments but he opposed the Bill on the rather curious ground that, if Casgrain's proposals were adopted and bribery and corruption halted, it would be difficult to get men to vote at all. A certain class of people, according to Fitzpatrick, required an inducement to vote. Compulsory voting might solve the problem but Fitzpatrick opposed this because he stood for liberty of conscience (175).

In 1895 the compromises of party politics presented difficulties for Fitzpatrick in Quebec West. In April there was a by-election for the federal Parliament in the constituency and there were two candidates, both of them independents, Thomas McGreevy and R.R. Dobell. McGreevy, now out of prison, was considered to be representing the Conservative interests. Dobell was regarded with favour by the federal Liberals. Dobell however was not an Irishman. He was English and Protestant and

173. Quebec Morning Chronicle, 22 December 1893.
174. Canada, House of Commons, Debates, 2 June 1898, 6756-7
175. Quebec Morning Chronicle, 4 December 1895.
he had in fact been Conservative. Within Quebec West many Irish Liberals were furious over his candidature. The Daily Telegraph considered that the French Liberals had assisted in "the act of spoliation" to try and get Quebec West from Irish hands and suggested an Irish Defensive League to defend Irish interests (176). Fitzpatrick who deplored, as he said himself, the "eternal dragging into discussions questions of race and religion (177)" opposed the Irish League idea. He did not consider that Irish Liberals should vote for McGreevy on the basis that he was an Irishman (178). The Daily Telegraph took issue with him, calling Dobell an old English Tory of the first water. The Daily Telegraph fulminated on the wrongs done to Irish Catholic Liberals:

The fact is that the Irish Catholic body are sick of their so-called leaders, of being played fast and loose with, and of being made the shuttlecocks to serve the ends of this party or that individual ---- (179).

Irish resentment temporarily died down when McGreevy won the seat on a recount but there was still considerable annoyance. In December, a letter appeared in the Quebec Daily Telegraph, signed a "Ship Labourer" attacking Dobell and Fitzpatrick. Dobell had been prominent in a drive to suppress the charter of the Quebec Ship Labourers' Benevolent Society. This was a society of longshoremen mainly Irish who had managed under the guise of a charitable organization to form what was virtually a

176. The Daily Telegraph, 22 April 1895.
177. The Daily Telegraph, 29 November 1894.
178. The Daily Telegraph, 24 April 1895.
179. Ibid.
In his very early days as a provincial representative, Fitzpatrick had helped the Ship Labourers against such attempts at suppression (181) but in 1895 the federal Liberal party was courting Dobell and Fitzpatrick showed less enthusiasm for the longshoremen's cause. In his letter to the Daily Telegraph, "Ship Labourer" wanted to know where was Fitzpatrick when the bill suppressing the Society passed its third reading. "Where were these Irish representatives, these great sticklers for law and order --- when the benevolent feature of the Society was destroyed without a protest from any one (182)?" Fitzpatrick was busy cultivating his contacts within the Liberal party and, apparently, had little concern for the problems of the working class Irish longshoremen.

By the end of 1895 Fitzpatrick was a prominent Liberal spokesman. The Liberal party was beginning to recover from the Mercier misfortunes whilst the Taillon government was showing signs of severe strain. As 1896 opened, the Liberal Opposition gathered its forces for an attack on the government's financial policies and began to demand an investigation

180. The Ship Labourers' Benevolent Society was a force to be reckoned with on the Quebec waterfront. It had succeeded in calling at least one successful strike in 1866. The Society was bitterly opposed by most Quebec City businessmen and capitalists but the Society's secretiveness and solidarity made it formidable. J.I. Cooper, op. cit., pp. 336-343.

181. Fitzpatrick represented the Ship Labourers before a committee of the Legislature investigating whether the association had gone beyond its charter in imposing rules for loading and discharging ships. Fitzpatrick's appearance on behalf of the longshoremen had led to accusations that the Society was paying him (Quebec Daily Telegraph, 24 December 1890). The charter of the Society was not withdrawn in 1890 and on December 31st, L'Événement reported that a parade of Ship Labourers passed Fitzpatrick's home and called three cheers and the band played "St. Patrick's Day" in his honour.

182. The Daily Telegraph, 16 December 1895.
of the departments of colonization and agriculture (183). By this time, however, the attention of Charles Fitzpatrick was turning towards the federal scene.

In 1890, when Charles Fitzpatrick had entered the local Legislature, his reputation was that of a clever lawyer who was a useful Liberal speaker on the hustings. His six years in provincial politics had proved him to be a politician of quite remarkable skill and an excellent parliamentary debater of great use to his party. He had survived the fall of Mercier uncontaminated by accusations of corruption. He had survived the experience of pursuing a dangerously independent line in a time of high emotionalism. As his career in local politics drew to a close, he was once again accepted by his party. He had made enemies, certainly, and the enmity of these people would pursue him throughout his political life but Charles Fitzpatrick was more able, more skilled, more subtle and more diplomatic than his adversaries and when that shrewd political realist, Wilfrid Laurier, was searching for colleagues in the federal Parliament he recognized the calibre of the brilliant Irishman from Quebec County.

By 1895, when there were many rumours of Fitzpatrick's possible candidature in an upcoming general election (184), Laurier and Fitzpatrick

183. The Daily Telegraph, 28 October 1895.

184. L'Electeur, 19 January 1895, suggested that Frémont and Fitzpatrick should change places. (See also Quebec Morning Chronicle, 21 January 1895, and L'Evénement, 14 February 1895). On November 9th, 1894 the Daily Telegraph reported a meeting between Fitzpatrick, Laurier and Tarte at the Frontenac but no details were given.
were already corresponding on the topic (185). In March 1895 Laurier was in Quebec and Fitzpatrick convoked a meeting at Lorette which Laurier attended. At this meeting Fitzpatrick spoke on a major national issue, the Manitoba School Question. According to L'Electeur, Fitzpatrick "a traité la question des écoles avec une clarté remarquable et il a exposé les griefs de la minorité avec une rare éloquence (186)."

Unfortunately neither L'Electeur nor the other Quebec newspapers reported the content of Fitzpatrick's speech so that his first public comments on the issue which was to be so important for his career were not recorded and one can only speculate that it was these remarks which contributed to Laurier's later decision to use Fitzpatrick in settling the school question.

However, before discussing Fitzpatrick's involvement in federal politics, it is necessary to look briefly at the controversy over the Manitoba schools for it was against the background of this major issue that Fitzpatrick fought his first federal election.

185. Fitzpatrick rejected the suggestion that he should stand in Quebec West in the Spring of 1895: "Possibly you may not have thought of me for the first fight but to avoid possible misunderstandings I thought it wise to send you a line." Obviously there had been some discussion of the possibility of Fitzpatrick's candidature. (P.A.C., L.P., Fitzpatrick to Laurier, 15 March 1895, 3692-3.) L'Electeur on the 11th of April said that Fitzpatrick had not stood because the effort would be too much for a session which would be very short.

186. L'Electeur, 14 March 1895.
CHAPTER III

THE MANITOBA SCHOOL QUESTION

AND THE ELECTION OF 1896

Charles Fitzpatrick won his first federal election in a campaign in which the main issue in Quebec was the Manitoba School Question. The first efforts of the new Liberal government after that election were directed towards the settlement of the school question. Charles Fitzpatrick played a very important role in bringing about a solution to the religious and political controversy which the Liberals' attempts at settlement had aroused. It was his understanding of the difficulty, his grasp of the legal technicalities, his knowledge of French-Canadian Catholicism and his diplomatic skill which enabled him to explain the viewpoint of the Canadian Government to the Vatican. His success in that mission really laid the basis of his federal political career. To understand the importance of the mission and Fitzpatrick's interpretation of the various legal intricacies it is necessary to examine in some detail the history of the Manitoba School controversy.

The Manitoba School controversy involved the clash of two very
different philosophies of education. French Canada's Catholic philosophy regarded education as inseparable from religion. Education involved the spiritual development of the individual. The saving of his soul was man's primary concern on this earth and spiritual considerations were paramount in all aspects of life. Thus, for the Catholic, it was nonsensical to talk of the separation of religion and education. Indeed, education, concerned as it was with the intellectual development of the child, should be an expression of the religious view of life. No subject was secular. School books, teachers, administration should all reflect the essential elements of Catholic philosophy which were necessary to salvation.

On the other hand, the general view prevailing in Anglo-Saxon Protestant Canada favoured the separation of Church and State. The Protestant Canadian, on the whole, preferred government rather than Church-run schools and the State schools were to be uncontaminated by religion except of the most general and non-controversial sort.

The later part of the nineteenth century witnessed an intensification of the traditional Protestant-Catholic antagonisms in Canada. To a large extent this was the result of developments in Europe. In Europe the increasing emphasis on science and rationalism had led to conflict between modernists and the Catholic Church. Pope Pius IX was the outspoken adversary of most of the political and intellectual developments of modern society and, as a result, in non-Catholic eyes, the Catholic Church was identified as the opponent of rationalism and progress. These attitudes were reflected in Canada where the French-Canadian hierarchy waged a continual battle with the rising tide of secularism.
and where the typical Ontario Protestant regarded the Catholic Church as the enemy of science and the fount of obscurantism (1). In addition, the latter part of the nineteenth century also experienced the impact of Darwin's theory of Evolution and evolutionary interpretations of history enjoyed enormous popularity. The history of human society was described in terms of the struggle for existence with the most successful nations having proved themselves "the fittest". Such theories met with an excellent reception in Imperialist Britain where the acquisition of the Empire was seen as an indication of Anglo-Saxon superiority. Such attitudes were also popular in Anglo-Saxon circles in Canada. The French had proved their inferiority by losing an Empire and this inferiority was further compounded by their adherence to an unenlightened, only partly evolved religion. Priggish assumption of racial superiority, together with suspicion of Roman Catholicism, contributed greatly to the fervour of the Anglo-Saxon opposition to the Catholic schools of Manitoba. Moreover, for the French Canadian at the end of the nineteenth century, religion and nationalism were intimately entwined and the close ties between Catholic education and French-Canadian nationalism further encouraged Protestant suspicion of the Catholic schools. The Anglo-Saxon Protestant suspected that the Catholic schools encouraged the stiff-necked separatism of the French as opposed to the English conviction that social homogeneity and incorporation into Anglo-Saxon society were the ultimate good.

1. Sam Hughes, a leading Orangist and later a member of the Borden Government, referred to Sir John Thompson who was a Roman Catholic convert as a "pervert". Lovell C. Clark, "The Conservative Party in the 1890s", Canadian Historical Association, Report 1961, p. 62 quoting from the Thompson Papers, Hughes to Thompson, 15 August 1891.
The supporters of the two different educational philosophies, Catholic and Protestant, were separated by a remarkable lack of understanding and the situation was further aggravated by the fact that both sides were resolutely convinced of the essential rightness of their own viewpoint and were frequently determined to save those who disagreed with them from the consequences of their "error" and "ignorance".

In Manitoba, a separate school system had been agreed upon by the Manitoba Act of 1870. Archbishop Taché had participated in the negotiations between the Canadian government and the Red River settlers and he viewed separate schools as an integral part of the agreement which led to the establishment of the province and its acceptance of Canadian sovereignty (2). The Manitoba Act conceded control of education to the province subject to certain restrictions. There was to be no interference with the rights of "denominational schools which any class of persons have by law or practise in the provinces at the union". In a case where a provincial law should interfere with these rights, "the Parliament of Canada may make remedial laws for the due execution of the provision of this section (3)". Accordingly, the provincial school act of 1871 provided for a Board of Education divided into two sections, Protestant and Roman Catholic, each section administering its own schools independently and each sharing in the provincial grant (4).

In the years after 1870, however, Manitoba experienced an increase

3. Statutes of Canada, 33 Victoria, c3 s22.
in population, mainly settlers from Protestant Ontario who brought with them, in many cases, their ties with imperialist Britain and their Orange Lodges. Although there was some immigration of French Canadians this was not enough to challenge the Ontario dominance. Not only the French but also the old English settlers of the Red River settlement quickly found their culture and outlook swamped by the attitudes of Protestant Ontario. The old Quebec idea that the West should be a dual heritage of French and English Canada went down before the inevitable transformation of Manitoba into a "British and Canadian province" of the Ontario type (5). The new settlers had little interest in, or understanding of, the historic rights of the Franco-Manitobans and increasingly the dual school system came under attack. The new settlers were also critical of the official use of the French language and the maintenance of the Legislative Council. In 1876 the Legislative Council was abolished (6) and the modification of the constitution of 1870 and the principle of cultural duality was begun. According to one Franco-Manitoban, the French did not oppose the abolition of the Legislative Council as they relied on the guarantees of the B.N.A. Act (7). In 1888 the dominance of the new settlers was established with the electoral success of the new Liberal government in Manitoba under


6. The composition of the Legislative Council reflected the principle of racial duality but it came in for criticism from new settlers. In 1875 the Liberal federal Premier Mackenzie granted increased federal aid to Manitoba on condition that the Legislative Council was abolished. Morton, *op. cit.*, p. 149.

Thomas Greenway. The new government introduced a redistribution bill and manhood suffrage and the influence of the old Red River settlers was broken (8).

The new Ontario-bred Protestant majority in Manitoba soon found itself susceptible to influences from outside the province. A number of factors had contributed to the rise of English-French antagonisms in Canada. The Riel execution had aroused resentment and suspicion of the English in French Canada and the ascension to power of the aggressive nationalist, Honoré Mercier, as premier of Quebec with his emphasis on race and religion provoked anti-Catholic, anti-French sentiment in Ontario. This hostility was increased by the passage of the Jesuits' Estates Act in 1888 by the Mercier government. The Quebec government's request that the Pope should arbitrate certain disputed claims provoked the antagonism of the ever vigilant Orange Lodges and aroused the cry of papal intervention in Canadian affairs. D'Alton McCarthy, a leading young Conservative, made himself the leader of the Protestant protest and became the champion of the mis-named Equal Rights Association which began a campaign against the allegedly growing influence of the Catholic clergy in Canada. The Equal Rights Association stood for a single language, English, and a single system of public schools. McCarthy campaigned for the disallowance of the Quebec Jesuits' Estates Bill and he carried the crusade into Manitoba, where the demand for disallowance of a provincial act was not popular but the anti-French and anti-Catholic sentiments which prompted the campaign certainly were. This

was particularly true of South and South-West Manitoba where the Orange Lodges were active. The Manitoba government responded to the Equal Rights campaign with a remarkable rapidity. In 1890 a bill was introduced to abolish the use of the French language in the Legislative Assembly, the Civil Service, government publications and the provincial courts. The Franco-Manitobans were also deprived of the right to trial by a French jury in a provincial court (9).

This was followed by the Public School Act of 1890 which abolished the dual system of education, creating in its place a uniform non-denominational public school system (10). The School Board was abolished and replaced by a Department of Education under a Minister responsible to the Legislature (11). Children of Catholic parents were not compelled to attend State supported schools; separate schools could exist, but they had to rely on voluntary contributions from individuals who were also paying taxes for the upkeep of the public schools (12). The Manitoba government justified its actions in terms of the need for economy and the abolition of privileges (13). Joseph Martin, the Attorney General of Manitoba and a McCarthy supporter, asserted the need for a national school system if a Canadian nation was to be established within the British Empire. He was supported by the very able Clifford Sifton,

10. Statutes of Manitoba, 53 Vict. c. 38 s. 183.
12. Statutes of Manitoba, 53 Vict. c. 38 s. 178 ff.
13. Speeches by James Smart, Public Works Minister of Manitoba on 1st and 2nd of August 1889, reported in the Manitoba Daily Free Press, 3 August 1889. (Morton, op. cit., p. 243)
member for Brandon, who also stressed the fundamental issue of separation of Church and State (14).

The separation of Church and State seemed intrinsically right and moral to most Protestants but it was an attitude which was anathema to many French Catholics. The ultramontanist wing of the Quebec hierarchy during the nineteenth century had asserted the primacy of religious considerations in all aspects of society and one of the main reasons for the hierarchy's conflict with the Quebec Liberal party had been because of this viewpoint. The Quebec hierarchy was unlikely to accept the developments with regards to Catholic education in Manitoba combined as they had been with an affront, through the language restrictions, to the national pride of French Canada. French missionaries and traders had played a major role in the opening of the Canadian West and French Canadians resented the decline of the French influence there. Moreover, the new school system, despite Protestant support for the separation of Church and State, was not completely secular. The Protestant clergy of Manitoba were strongly opposed to "godless" schools and so the new system, whilst certainly undenominational, did allow some form of religious instruction. This led to the claim by Archbishop Taché that the 1890 act had not created a new state school system but had merely continued the existing system of public Protestant schools established in the

province in 1871 (15).

With the passing of the School Act, the only remedy which seemed available to the Catholics was the possibility of an appeal to the federal government for disallowance of the provincial act. Sir John A. Macdonald had, however, already experienced considerable political difficulties with the power of disallowance and he was not anxious to involve his government in a situation in which the main beneficiaries would most likely be the Manitoba Liberals. The federal Liberals were also wary of the dangers inherent in any question involving religious education especially as there was a general election in the offing. As a result, federal Conservatives and Liberals co-operated in removing the question from the political to the legal field. On April 29th Edward Blake, the former leader of the Liberal party, introduced a motion into the House of Commons that the legality of provincial acts should be left to the discrimination of the courts, regarding it as settled that "there shall be no disallowance of educational acts (16)". The Blake motion was passed unanimously and the 1891 election managed to avoid any major discussion of the school issue. The Manitoba Catholics were temporarily

15. Archbishop Taché, *Ecoles publiques de Manitoba*, St. Boniface 1893 quoted in H.B. Neatby, op. cit., p. 57. At the beginning of March 1895 the federal Cabinet, sitting as a special judicial committee of the Privy Council, heard the formal appeal of the Manitoba Catholics. J.S. Ewart represented the minority and, in the course of his presentation, argued that the new public schools were in fact Protestant. "Let Protestants tell me that they are willing to have their children taught the Ten Commandments by Roman Catholics," he said, "and I shall then, but not till then, acknowledge that the present schools are unsectarian." See P.E. Crunican, *The Manitoba School Question and Canadian federal politics, 1890 to 1896*, Ph.D. Toronto, 1968, p. 110.

quietened by promises that their interests would be cared for (17).

In 1891 however, Dr. J.K. Barrett, editor of the *North West Review*,
challenged in the courts the right of the School district of Winnipeg to
compel him to pay taxes for the support of the new public schools. The
Manitoba Courts gave judgement against him but on appeal to the Supreme
Court of Canada the judgement was reversed. On further appeal, however,
to the Judicial committee of the Privy Council their Lordships reversed
the judgement of the Canadian Supreme Court. In its judgement, the
Privy Council pointed out that prior to the creation of the province of
Manitoba, the Catholics supported their own schools and the Greenway law
of 1890 allowed Catholics to support their own schools if they so desired.
The Privy Council maintained that the Catholics at the Union had the
right only to maintain private schools and the Manitoba government was
quite within its rights under the constitution to create a tax supported
public school system. The appeal of the Anglican ratepayers of Winnipeg
to the Privy Council received the same fate (18). No denominational
school in Manitoba could therefore claim a share of school taxes.

The only recourse available to the Manitoba minority was appeal to
the federal government for remedial action as provided for under the
later subsections of both Section 93 of the B.N.A. Act and Section 22
of the Manitoba Act. This the Catholic minority proceeded to do and the

17. H.B. Neatby, *op. cit.*, p. 54, using the Thompson Papers, Chapleau
to Thompson, 29 December 1892.

18. Alexander Logan vs. Winnipeg. For a discussion of the Privy Coun-
cil judgements, see J.E. Ewart, *The Manitoba School Question*
(Toronto, 1894) and Crunican, *op. cit.*, pp. 84-88.
contentious issue which Blake and Macdonald had tried to avoid in 1890 was once again back in the political arena.

In November 1892 Sir John Thompson had become Prime Minister. He was in a very difficult position because he was himself a convert from Methodism to Roman Catholicism and he headed the Conservative party at a time when Protestant racialism and Anglo-Saxon racialism was increasingly contaminating the Conservative party (19). It is arguable that in his desire to soothe Protestant suspicions, Thompson did less than justice to his co-religionists in his handling of the Manitoba School question (20). A cabinet sub-committee which included Thompson and Chapleau dealt with the question of the minority's appeal for remedial action. Since the Privy Council decision had left considerable doubts as to whether the Catholics possessed any rights with regards to Catholic schools which could be restored by remedial action, Thompson decided that the issue should once again be referred to the courts, trying to keep the question on a purely legal basis as long as he could. This time the government asked the courts to decide whether the Canadian Privy Council was legally authorized to deal with the appeal. The crisis was, once again, averted and the decision postponed but in J. Murray Beck's apt phrase, "it would have been more judicious to have been less judicial (21)." The reference to the courts was quite clearly

19. Lovell C. Clark attributes the fact that Thompson was passed over as Tory leader immediately after Macdonald's death to anti-Catholic bigotry. See L.C. Clark, op. cit., C.H.A. 1961, pp. 61-62.

20. Ibid., p. 63.

recognized by the Manitoba Catholics as an attempt by the federal
government to evade responsibility (22).

The case began its slow progress through the courts. The Supreme
Court ruled that the Canadian Privy Council (the Cabinet) was not
legally authorized to deal with the appeal but the Judicial Committee
of the Privy Council in London on January 29th, 1895 reversed this.
According to the Privy Council an appeal by the minority was constitu­
tionally admissible. The judgement asserted that rights and privileges
which the Roman Catholic minority previously enjoyed had been affected
by the legislation of 1890. Their Lordships considered that the appeal
of the minority was "well founded" and that all legitimate grounds for
complaint would be removed if the educational system were supplemented
by provisions which would remove the grievance upon which the appeal
is founded (23). It was not essential that the 1890 act be appealed
but it should be supplemented in such a way as to remove Roman Catholic
grievances. The Privy Council based the rights of the minority on the
situation which existed between the Manitoba Act of 1870 and the School
Act of 1890 and not on rights existing before the union. The Privy
Council further asserted that, while the federal government had the
authority to entertain the appeal and to enact remedial legislation,
it was not legally bound to this course. A response by the Governor
General to the minority's appeal and subsequent action on the part of
the Dominion Parliament would be discretionary and ultimately political:

22. Ibid., p. 45.
"It is a political administrative and not a judicial appeal in any proper sense of the term, and in the same way after he (the Governor General) has decided, the same latitude or discretion is given to the Dominion Parliament. They may legislate or not as they think fit (24)."

The years of postponement through relegation of the question to legal channels were over. The political "hot potato" was once again back in the federal arena. Lord Watson, the Lord Chancellor, in delivering the Privy Council decision, "had brought the Privy Council full circle to what was clearly the original intentions of sections 93 and 22; he had also laid the ground for one of Canada's worst periods of political grief and indecision (25)".

The Privy Council decision placed the Conservative government in an unenviable position. The years of postponement had not served to quieten the issue, indeed, tempers had risen and positions had hardened since the early years of the controversy. The Conservatives, now headed by Mackenzie Bowell, wriggled and turned in frantic attempts to avoid political suicide. The Privy Council decision permitted the government to introduce remedial legislation but the government still sought salvation through procrastination. Instead of introducing remedial legislation, the Cabinet decided to sit as a judicial tribunal and hear a formal appeal from the minority. At the beginning of March 1895, the Committee of the Queen's Privy Council for Canada (the Cabinet) listened

24. Canada, Sessional Papers, 1895, no. 20, pp. 1-12
to the arguments of J.S. Ewart on behalf of the Catholic minority and D'Alton McCarthy on behalf of the Manitoba government (26). The Committee decided that the minority had been deprived of its right to conduct Catholic schools, the right to share in government grants and the right of exemption from taxation for other schools. On March 21st an Order-in-Council ordered the Manitoba government to restore these rights. If the government of Manitoba refused to obey, Parliament was authorized to enact remedial legislation. In fact, the government was being more evasive than at first appears. The decision in favour of the minority was portrayed as a duty enforced because of the decision of the Privy Council in London and, in private instructions to Lieutenant Governor Schultz of Manitoba, Bowell asked Schultz to suggest to Greenway that some slight concessions be made to the minority (27). Bowell concluded his letter with some rather uncertain phrases about the possibility of remedial legislation (28). The Manitoba government refused to co-operate with Bowell and rejected the remedial order. Charles Hibbert Tupper resigned because he feared that Bowell intended to evade remedial legislation. Bowell, whilst trying to negotiate Tupper back into the


27. H.B. Neatby is highly critical of Bowell (Laurier and a Liberal Quebec, pp. 63-64). Crunican however, whilst acknowledging his evasiveness and vacillation, credits Bowell with "courage and a sense of justice" in resisting the demands of the Orange Lodges for a policy of unalloyed anti-Catholicism. (Crunican, op. cit., pp. 116-117)

28. P.E. Crunican, op. cit., p. 119 referring to the Bowell Papers, Bowell to Schultz, 7 March 1895, discusses this letter.
Cabinet, continued to work through Lieutenant Governor Schultz in attempts to reach a compromise with Manitoba. On March 25th he sent Schultz a telegram in code which thoroughly toned down the strong language of the Order-in-Council (29).

Whilst the Conservatives under Bowell floundered, the Liberals under Laurier pursued a careful course. The Liberals, of course, enjoyed the advantageous position of being in Opposition and therefore they were free to criticize the government without being too specific about their own policies. The Manitoba school question was just as potentially divisive for the Liberals as for the Conservatives and Laurier, as a French Canadian and a Roman Catholic and coming from a province which, traditionally, was hardly a Liberal stronghold, faced many difficulties. Laurier's personal preference was for the restoration of the separate school system (30) but he was the leader of a national party in which few English-speaking Protestant Liberals had any understanding of, or sympathy for, Catholic education (31). For five years, therefore, Laurier avoided taking a clear stand on the school question. He pursued a policy of "calculated ambivalence (32)."

29. For a discussion of this and other correspondence with Schultz, see Crunican, op. cit., pp. 133-135.


31. P.D. Stevens, Laurier and the Liberal Party of Ontario, 1887-1911, Ph.D., Toronto, 1967, p. 95 points out that Ontario Liberals had warned that they were opposed to separate schools as early as 1889.

As he wrote to J.S. Willison in 1895 it was "impossible to make a bold and well defined attitude without breaking the unity of the party". His aim was therefore "to keep and maintain the party united whilst the government was hopelessly divided (33)". For the benefit of Quebec Liberals Laurier acknowledged the authority of the Dominion to exercise its "powers of supervision in matters of education over the local legislatures (34)". To Ontario he said, "so strong am I in my conviction of provincial rights that I am bound to say at once that this interference should not take place ------ except for very, very cogent reasons ------ reasons implying such an abuse on the part of the local legislature as no man with a heart in his bosom would submit to (35)."

Only on one point was Laurier categorical and this was on Archbishop Taché's charge that Roman Catholic children were being forced to attend Protestant schools under the guise of public schools. This deeply affected the Catholic conscience and Laurier said that if it were so, "the Catholic minority has been subjected to a most infamous tyranny (36)".

If in public Laurier avoided taking a stand, this did not mean that he had blurred the issue in private. He quite clearly understood the various problems the school question involved. In 1893 he wrote

35. Ibid.
36. Canada, House of Commons Debates, 8 March 1893, 1998. He did not say whether he believed Taché's claim but urged the need for "investigation".
a private letter to O. McDonnell, editor of the Ottawa Canada, saying that if the Privy Council decided that no appeal could be entertained by the federal government the only remedy available to the minority would be an amendment to the constitution. This however would open the way for the McCarthy group to demand an amendment to abolish the French language in Parliament and the separate schools of Ontario. Minority rights would thus be endangered elsewhere in Canada. If the Privy Council, however, ruled that the federal government could entertain an appeal, then he (Laurier) would investigate the Taché charges. If Taché’s accusations were incorrect, Laurier would bow to pressure from Ontario and accept a compromise solution based on the New Brunswick model. If the Taché charges were true Laurier would risk everything to prevent such tyranny (37). Laurier’s subtle mind clearly understood the delicacy of the whole problem but he could not afford to reveal his views in public. If he had done so then he would have risked alienating his Ontario supporters whose emphasis on provincial rights would brook no interference in provincial affairs and also his Quebec supporters who would resent his willingness to consider the New Brunswick situation. Despite the fact that Laurier personally avoided a public position, his lieutenants did not pursue the same course. Tarte, in particular, attacked the Conservatives for not disallowing the School Act in the first place and he urged Laurier to fight for the minority (38). Laurier

37. P.A.C., L.P., Laurier to Oscar McDonnell, 14 July 1893, 2560-64. In New Brunswick all schools in theory were state supported public schools but in practice Catholics were grouped in the same schools with Catholic teachers and textbooks. In Acadia schools were bilingual. H.B. Neatby, op. cit., p. 58.

however refused to declare himself but undoubtedly the Liberals in Quebec benefited from the directness of the Tarte crusade and although Tarte's attitudes annoyed Liberals in Ontario they could consider them to be merely the opinion of Tarte and read into Laurier's position whatever they wished.

With the issuing of the Order-in-Council by the Bowell government in March 1895, Laurier came under considerable pressure to make his views known. Archbishop Langevin who had succeeded Taché as Archbishop of St. Boniface asked Laurier to give public approval to the Order-in-Council and the Privy Council judgement (39). Ontario Liberals urged Laurier to speak out against the remedial order and remedial action (40). J.S. Willison, editor of the Globe (41), urged Laurier to adopt a policy of provincial rights but for Laurier the governing principle was not provincial rights but section 93 of the B.N.A. Act. "How is it possible to talk of Provincial rights when by the very letter of the constitution jurisdiction is given to the federal authorities to review and override provincial legislation ----? In this instance I have not yet made up my mind as to what should be done though what information I have on the

39. P.A.C., L.P., Langevin to Laurier, 11 May 1895. In his reply Laurier said that he would be pleased to discuss the matter further with the Archbishop, (Langevin and Laurier had met on May 8th) but he was unable to agree with Langevin on the need to support the Order-in-Council which Laurier described as "aussi faible de fond que violent de forme". P.A.C., L.P., Laurier to Langevin, 14 May 1895. The two letters are in the Laurier Papers, nos. 4173-82.


41. Willison had preached the doctrine of provincial rights since 1891. Ibid., p. 109.
matter inclines me to the side of the minority (42)." Laurier's position was that the right of appeal should be sparingly exercised and each appeal should be judged on the circumstances of the case. In this particular case, however, Laurier's opinion was still unknown and during the summer of 1895 the Ontario wing of the party was becoming impatient for him to declare himself (43).

Meanwhile the Conservative delays and postponements were alienating Quebec. French Roman Catholics had welcomed the Order-in-Council but the government's failure to act after Manitoba's refusal to comply slowly began to erode the position of the Conservative party in Quebec (44). In July of 1895 the government announced that it would take no action at the present session (45). New approaches would be made towards Manitoba "with a view to ascertaining whether that government is disposed to make a settlement of the question which will be reasonably satisfactory to minority of that province, without making it necessary to call into requisition the powers of the Dominion Parliament ----- (46)". If the Manitoba government failed to make a satisfactory arrangement to remedy the minority grievances, the Dominion Parliament would introduce at the next session of Parliament, to open in January 1896, legislation "as will afford an adequate measure of relief to the

45. Canada, House of Commons, Debates 1895, 4062.
46. Ibid.
said minority based upon the lines of the judgement of the Privy Council, and the remedial order of the 21st March, 1895 (47)." This decision embarrassed the French-Canadian members of the government, Caron, Ouimet and ArR. Angers who all resigned. Caron and Ouimet subsequently withdrew their resignations but Angers refused to return. On July 27th the federal government in a formal statement maintained the federal power to pass the remedial legislation but begged Manitoba to make it unnecessary. According to P.E. Crunican this message "conveyed the unmistakable impression of retreat in the face of the province (48)."

Meanwhile Laurier, in the closing days of the 1895 session, maintained his non-committal position (49) but he reacted strongly to a Globe article which seemed to attack Liberal as well as Conservative policy (50). In a letter to Willison, Laurier reminded the editor of the Globe of the necessity for Canada to accept diversity (51) and in a later letter he stressed the danger that a bold and well-defined attitude on the remedial issue could bring to the unity of the Liberal party (52). To Willison's insistance that an appeal should be denied because it would be an abridgement of provincial rights Laurier replied, "Of course it is an abridgement of provincial rights but provincial

47. Canada, Sessional Papers, 1895, no. 39.
49. Canada, House of Commons, Debates, 1895, July 11th and 12th, 4187-4250.
50. The Globe, 17 July 1895.
51. P.A.C., Willison Papers, Laurier to Willison, 17 July 1895, 17729.
52. Ibid., Laurier to Willison, 24 July 1895, 17730-37.
rights have been so abridged by the very letter of the constitution (53)."

In October of 1895, Laurier was scheduled for a speaking tour of Ontario and it was increasingly obvious that he would have to take a more specific position. On October 1st he wrote to Senator Richard Scott, an Ontario Roman Catholic with a reputation as a diplomat in school problems, saying that investigation of the Manitoba situation would be the keystone of his policy and pointing out that Greenway had volunteered to accept an enquiry. The Roman Catholic authorities would have to realize that if the government attempted to force legislation on Manitoba "let the legislation be in itself ever so good and reasonable - it will be all over for the Catholic schools (54)." Laurier's tour of Ontario was a great success. At Morrisburg on October 8th Laurier stressed the need for conciliation in dealing with Manitoba and related the famous fable from Aesop of the contest between the wind and sun to remove the traveller's coat. Laurier would try the sunny way to relieve Greenway of his coat. He also defended his policy of not committing himself too categorically on the issue by comparing his actions to those of the Duke of Wellington, in Portugal, who withdrew behind the lines of Torres Vedras and waited for the enemy to take the iniative. He would get out of the lines of Torres Vedras, "when it suits me and not before (55)."

Liberal supporters of Laurier in Ontario considered that Laurier's support for conciliation meant that he had accepted the doctrine of provincial rights and non-interference. In fact, however, Laurier had not accepted

53. Ibid., Laurier to Willison, 2 August 1895, 17740-41.
54. P.A.C., R.W. Scott Papers, Laurier to Scott, 1 October 1895. 581.
55. The Globe, 9 October 1895.
this at all but he had accepted that, in these particular circumstances and at this particular time, the federal government should not impose a decision on Manitoba because it would provoke deep antagonisms which would promote immense problems for Canada. As Willison admitted later, in all Laurier's speeches there was "no direct denial of the constitutional soundness of the position of his opponents (56)." Laurier was not basing his policy on the Liberal doctrine of provincial rights but rather on the political realities of the period. Essentially a shrewd pragmatist, his policy was based on the need for party unity not on support for the principle of provincial rights or traditional Liberal opposition to separate schools. The Ontario Liberals, anxious for political power, glossed over the anomalies between Laurier's position and their own and chose to believe that their leader thought as they did. The Liberal defeat in a by-election in Ontario in December did not however bode well for Liberal hopes (57) and Richard Scott wrote to Laurier urging that should the government introduce a Remedial Bill at the next session the Liberals should support it and let it pass so that the issue did not become a major one at the General Election which was certain to take place in 1896 (58). Laurier however disagreed with him:


57. Ontario North. The Conservatives had held the seat in 1891 with a majority of 254. In 1895 the figures were Conservatives - 2,085; Patrons of Industry - 1,289; Liberals - 1,096.

58. P.A.C., R.W. Scott Papers, Scott to Laurier, 21 December 1895, 582.
Should the bill be passed, it is obvious that the majority of people in Manitoba would make a strong appeal to their fellow co-religionists, all through the provinces, to be protected against Church oppression, as they would put it, and it is not unlikely that an agitation would at once be started to amend the constitution against Separate schools generally, not only in Manitoba but all through the Provinces, and instead of a purely local question, we should have it generalised and aggravated in every conceivable way (59).

The policy of conciliation which seemed so suitable for Ontario was, of course, risky in Quebec but in two by-elections at the end of December, the Liberals took the seats from the Conservatives (60). Tarte's criticisms of Tory procrastination had served the Liberals well. Moreover, French-Canadian nationalism was beginning to focus on Laurier himself (61).

On December 21st Manitoba sent her formal reply to the federal message dispatched after the summer session. The message stressed the danger to Confederation of coercive action by the federal authorities and helped Laurier by supporting the idea of enquiry. On January 2nd in the speech from the throne Lord Aberdeen, the Governor General, announced the government's intention to introduce remedial legislation. On January 4th seven Protestant Ministers resigned (62). The crisis was

59. P.A.C., R.W. Scott Papers, Laurier to Scott, 24 December 1895, 584.
60. Jacques Cartier and Ste. Anne (Montreal Centre).
61. Bégin acknowledged the importance of French-Canadian confidence in Laurier. A.A. St. B., Bégin to Langevin, 2 June 1896, See Crunican, op. cit., p. 564.
62. For a description of the motivations behind the resignations, see P.E. Crunican, op. cit., pp. 321-359.
eventually patched over and Bowell remained in his position as titular head of government but Sir Charles Tupper was to lead the Commons during the session and become Prime Minister after dissolution. The resignations were symptomatic of the lack of leadership and discord in the Bowell Cabinet. Eventually after still more delays, the Remedial Bill was introduced into the Commons on February 11th by A.R. Dickey, the new Minister of Justice (63). The main provisions were: there was to be a Board of Education for separate schools containing nine members appointed by either the Lieutenant Governor or the Dominion Government; trustees would be able to tax Catholics for support of the schools except those Catholics who preferred to support public schools; teachers would have to meet provincial standards and there was a double system of inspection, Catholic for day-to-day affairs and governmental for efficiency; textbooks could be chosen from books used by the public schools of Manitoba and the Ontario separate school board. Separate schools had a right to a share in the provincial education grant but details of the provincial grant to Catholic schools could not be dictated (64).

The debate on the second reading of the Remedial Bill began on

63. Canada, House of Commons, Debates 1896, 1512-4. Bill No. 58, "The Remedial Act (Manitoba)."

64. The question of financial provisions in the Remedial Bill was to be a source of much controversy. Sir Adolphe Caron was obliged to assure ecclesiastical authorities that the expected provincial recalcitrance over the school grant would be compensated for by an amendment to the Dominion Lands Act, with the Federal Government giving part of the land sales' fund directly to separate schools (Crunican, op. cit., p. 384, quoting from A.A.Q., Caron to Bégin 22-24 February 1896). Fitzpatrick investigated the same possibility see below pp. 191-193.
March 3rd. Laurier now embarked on a bold course. Instead of simply opposing Tupper's motion for the second reading of the Bill, Laurier, in an amendment, called for a six-month hoist which would kill the bill since Parliament was due to expire at the end of April. He claimed that there was no help for the minority in the legislation and that the Bill was "a most violent wrench of the principles upon which our constitution is based". He stressed provincial rights more emphatically than previously and asserted the need for an enquiry and for conciliation; coercion should only be a last resort (65). Laurier was helped by the fact that Tarte had also come to the conclusion that coercion was only a second best remedy and that conciliation was better (66). During the debate on the second reading, Liberals attacked the bill from a wide variety of viewpoints, French Canadians criticizing the government Bill as totally insufficient and Anglo-Saxon Liberals arguing that it was a violation of provincial rights (67).

As the debate on the second reading drew to a close (68), attention turned more and more towards an eleventh hour conference between the two governments. The conference had been proposed by Donald A.

65. Canada, House of Commons, Debates, 3 March 1896, 2737.9.
67. On the vote however the semblance of party unity was maintained. Only seven Liberals voted against Laurier whilst eighteen Conservatives voted with him.
68. The debate on the second reading closed on March 20th. Canada, House of Commons, Debates, 1896, 4240.
Smith during which time action on the Remedial Bill was to be suspended. On March 23rd Senator Desjardins, A.R. Dickey and Smith left for Winnipeg but the conference was doomed from the start. Langevin was unreceptive to any idea of compromise (69) and the Manitoba government was not disposed to make an offer which would be acceptable (70). The actual proposal of the federal commissioners with regards to separate education was "much less than what we understand to be involved ordinarily by the establishment of separate schools (71)" and on one detail, the number of children required before a Catholic teacher could be demanded, the Conservative proposal was less favourable than the later Laurier-Greenway agreement (72).

Meanwhile the debate in committee on the Remedial Bill which was supposed to be suspended during the Winnipeg conference was renewed under pressure on March 31st. Obstruction and filibustering by anti-remedialist Conservative and Liberal members prevented the Bill from being passed before the legal life of the Parliament ended. The result was that the whole issue was transferred to the public forum and election day was fixed for June 23rd.

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70. Ibid., p. 467.
Both the Liberals and the Conservatives faced many difficulties in the 1896 election. The main problem was that Canada was divided on the question of separate education and if either party declared for or against separate schools they would alienate large sections of public opinion and lose their hold as a national party. On the whole both Liberal and Conservative leaders exercised a sense of responsibility and spoke with, generally, the same voice in Ontario and Quebec (73). The same cannot be said for the rank and file of the political parties. In the Liberal party, although Laurier had never said that he would not intervene if Manitoba refused adequate concessions, many Liberal supporters insisted that the federal intervention in provincial affairs was unwarranted under any circumstances (74). Conservative candidates stressed remedial legislation in Quebec but in Ontario they did not campaign on the Remedial Bill and at least 40 candidates pledged themselves to vote against the legislation (75).

In Quebec however the Manitoba school question and the Remedial Bill were the major issues of the election campaign. Laurier had to

73. J. Murray Beck, op. cit., p. 78, points out that Tupper did try to show that Laurier in a speech at St. Roch, Quebec had hinted that he (Laurier) would take stronger action against Manitoba than the Conservatives had done. Lionel Groulx insists that Laurier made a clear promise to resort to strong federal action if conciliation failed. Abbé Lionel Groulx, L'Enseignement Francais au Canada, Tome II, "les écoles des minorités," Librairie Granger Frères Limitée, Montréal 1935, pp. 119-120. Crunican also is critical of the party leaders, op. cit., pp. 507-8.

74. J. Murray Beck, op. cit., p. 78.

75. Lowell C. Clark, op. cit., pp. 72-73.
convince the voters that he could provide a more satisfactory solution but he did not have any proof to offer. A negotiated settlement such as Laurier proposed depended on the good will of the Manitoba government and he had no guarantee of this good will (76). What Laurier had to do was to convince the Quebec electorate that it should have confidence in him. The main problem was the Church. Prominent Manitoba clerics, Father Lacombe (77) and Archbishop Langevin, were already committed to supporting the Remedial Bill. In January 1896 Lacombe had written to Laurier asking him to support the Bill. "If the government is beaten and overthrown," wrote Lacombe, "the episcopacy like one man united with the clergy, will rise to support those who may have fallen in defending us (78)." In April, Langevin had wired Sir Charles Tupper approving of the Remedial Bill (79). Obviously the opinions of Langevin and Lacombe would have considerable influence with the Quebec Bishops. Indeed some members of the Quebec hierarchy needed no encouragement. Lacombe's

76. The Greenway government was however Liberal and J.D. Cameron, the provincial secretary of Manitoba, had hinted that a solution along the New Brunswick lines might be possible. P.A.C., L.P., Cameron to Laurier, 9 April and 26th July, 1895. Referred to in H.B. Neatby, op. cit., p. 71.

77. Albert Lacombe (1827-1916) had gone west as a missionary shortly after his 1849 ordination. He evangelized and befriended the Cree and Blackfoot in the territory between the Bow and Peace Rivers. Between 1893 and autumn 1895 he was in Ottawa four times to discuss various school problems of the Métis, the Indians and then the Catholics of Manitoba and the North West. (Crunican, op. cit., p. 296-7.)


letter to Laurier was inspired by the doughty old ultramontanist war-
horse, Bishop Laflèche of Trois Rivières (80). During the debate on
the remedial legislation Laflèche had wanted the hierarchy to send a
public letter to all Catholic M.P.s obliging them to vote for the
remedial legislation and only the strong opposition of Archbishop
Bégin, coadjutor of Quebec, stopped him (81).

Laurier tried to head off the fight with the episcopacy. In
February he wrote to Bégin explaining that he thought that his own
compromise solution would be more satisfactory and asking Bégin not to
interfere in the remedial issue (82).

On May 6th, 1896 the Bishops met in Montreal to decide on the
question of an election mandement. Langevin and Laflèche favoured
explicit support of the Conservative party. Bishop Emard of Valley-
field and Archbishop Fabre of Montreal opposed this. The final draft
was drawn up by Bégin who acted as the conciliator between the two

80. P.E. Crunican, "Bishop Laflèche and the mandement of 1896",
Canadian Historical Association, Report 1969, p. 53.

81. Louis-Nazaire Bégin (1840-1925) exercised a moderating influence
on the behaviour of the Quebec episcopacy during the remedial
bill crisis. Crunican describes Bégin as a man of "broad
scholarship with a special talent for reconciliation". The
Manitoba School Question & Canadian Federal Politics, 1890-1896,
p. 454.

82. P.A.C., L.P., Laurier to Bégin, 24 February 1896 4173-82. Bégin
replied to Laurier on March 2nd. He made no attempt to make the
support of remedial legislation an obligation in conscience but
he left no doubt of his own attitude. "Bien qu'elle ne soit pas
parfaite," the Bill, Bégin wrote, would be, "un grand pas vers
une solution juste et équitable" and "mon plus grand bonheur
comme mon plus ardent désir serait de voir tous les députés
catholiques s'unir dans ce but patriotique et religieux." Bégin
to Laurier, 2 March 1896 quoted in Crunican, op. cit., p. 461.
factions (83). The final version stated that Catholics, "----- ne devront accorder leur suffrage qu'aux candidats qui s'engageront formellement et solennellement à voter au Parlement, en faveur d'une législation rendant à la minorité catholique du Manitoba les droits scolaires qui lui sont reconnus par l'Honorable Conseil Privé d'Angleterre (84)."

The mandement did not, to the great relief of the Liberals, refer to any political party, only to candidates (85). Laflèche however did not content himself with the mandement. On May 17th in the Cathedral of Trois Rivières, Laflèche, with a copy of the mandement in one hand and a copy of Hansard in the other, attacked Laurier's speech of March 3rd and concluded by saying:

Dans les circonstances, un catholique ne saurait sous peine de pécher en matière grave voter pour un chef de parti qui a formulé aussi publiquement une pareille erreur et pour les partisans qui l'appuient dans cette erreur tant qu'il n'auront pas désavoué publiquement cette erreur et pris l'engagement formel de voter pour un loi réparatrice acceptée par les évêques (86).

Laflèche's words provoked a reaction from Liberals and Conservatives alike. The Conservatives reprinted Laflèche's sermon as an


84. L'Événement, 18 May 1896. L'Électeur, same date.

85. Laurier and Tarte were relieved by the mandement. P.A.C., L.P., Mowat to Laurier, 22 May 1896, 4285-86; Willison Papers, Tarte to Willison, 17 May 1896, 29010.

election pamphlet and *L'Electeur* launched a vigorous attack on Lafleche (87).

Lafleche's attitude was by no means universal and a number of prominent clerics were sympathetic to the Liberals within Quebec (88). Elsewhere in Canada only Bishop John Cameron of Antigonish supported Lafleche (89). Archbishop Walsh of Toronto opposed remedial legislation. Walsh was concerned about the precarious position of Roman Catholics in his own province and he rejected an appeal from Langevin to support the mandement (90). The election of 1896 can not therefore be interpreted as a power conflict between the Bishops and Laurier. The hierarchy was itself divided and what Laurier succeeded in doing was to point out to enough voters, "that the gap between what the Bishops as a group were demanding and what the Liberals were promising was not as wide as Lafleche, some of the curés and the Conservative campaigners had painted it (91)."

87. *L'Electeur*, 1 June, 4 June, 5 June 1896.


It was against this turmoil that Charles Fitzpatrick fought his first federal election as the Liberal candidate for the County of Quebec.

J.J. Frémont, the sitting member for the County had been one of the six Liberal M.P.s who had voted against the six-month hoist of the Remedial Bill which had been proposed by Laurier (92). It was apparent that Frémont's action had alienated him from the party leader (93) and therefore in the early days of the 1896 campaign there was considerable speculation about the prospective official candidate for the Liberal party. Fitzpatrick was the obvious choice. In April, however, the Daily Telegraph declared that Fitzpatrick could not be induced to enter the federal field, "on account of his large and evergrowing professional practice necessitating his constant presence at home (94)." Fitzpatrick said later that he had been "reluctant to run (95) and his candidature was not declared until the beginning of June (96).

Meanwhile however he did work for the Liberal cause in public and in private. On May the 6th he was on a political platform with Laurier

92. "J'ai gagné Mr. (sic) Frémont, ancien maire de Québec, à se ranger de notre côté ----." A.A. St. B., Lacombe to Langevin, 13 March 1896 quoted in Crunican, op. cit., p. 438. The other Liberals who voted against their party were C. Angers, Beausoleil, Delisle, Devlin and Vailloncourt. Frémont's vote quickly led to rumours of his retirement. The Daily Telegraph, 21 March 1896.

93. Quebec Morning Chronicle, 12 May 1896; L'Événement, 11 May 1896.

94. April 21st, 1896.

95. P.A.C. Fitzpatrick to Laurier, 22 September 1897, 16609, Fitzpatrick wrote to Laurier asking if he might resign. He mentioned his reluctance to run and said, "time and experience have not reconciled me to my new life."

96. L'Événement, 16 May 1896, said that a M. Dubord would be the Liberal candidate in Quebec County.
in Quebec City. Laurier on this occasion accused the Conservative government of "utter and absolute incompetence" and he called the Remedial Bill a "miserable thing (97)". He did however, insist on his support for religious teaching and his opposition to Godless schools. Fitzpatrick, in his speech, avoided political controversy and showed his usual flair for sonorous platitude. He was sure, he said, that in Quebec City, "all jealousy and suspicion between the races had been forever laid aside and that the last battle between English and French peoples in Quebec had already been fought out on old historic ground." Fitzpatrick urged his listeners, "to put in power an honest and capable government whose motto was Freedom, Justice and Liberty to all classes and intellectual Liberty above all things (98)." But if in public Fitzpatrick was circumspect, in private he was more forthright. On May 11th he wrote to Bishop Bégin saying that the Conservative government was not sincere in its desire to adopt remedial legislation and he sent Bégin extracts from the speeches of leading Conservatives to prove his contention (99).

Despite his efforts on behalf of the Liberal party, Fitzpatrick still maintained resistance to running himself. It would cost a great deal of money and involve a serious loss, "in so far as my profession is concerned (100)." However he assured Laurier that he would do "anything in my power to help you". He gave Laurier advice about the

97. The Daily Telegraph, 7 May 1896.
98. Ibid.
situation in Quebec West where the Liberals were hoping to bring out R.R. Dobell as an independent with Liberal support. Fitzpatrick said that the move was not being "adroitly managed" and he referred to the "natural desire of the Irish Roman Catholics to have one of their own representatives in that division (101)".

If reluctance to run, combined with the mention of the Irish discontent, were ploys to secure concessions from Laurier (and with Fitzpatrick, who was so skilled in the art of advancing his own interests, this must be considered), they worked brilliantly. The following day Laurier offered Fitzpatrick the position of Solicitor General (102). On May 27th Fitzpatrick again wrote to Laurier and this time his reluctance to run was less evident. Fitzpatrick told Laurier that he would hold a meeting with his (Fitzpatrick's) Irish friends, "----- and if you agree, I will repeat to them what you said about the Solicitor Generalship. The prospect of my being in a position to be useful to them will help somewhat I think (103)." During the next two days

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101. Ibid. R.R. Dobell had been a Conservative. In April of 1895 he had stood as a Liberal in a by-election against Thomas McGreevy and had lost, mainly because the Irish vote had gone to McGreevy. (L'Electeur, April 18th, 1895). Dobell was a businessman and employer and was considered to be unsympathetic to working class interests. (The Daily Telegraph, 16 December 1895, letter from a "Ship Labourer"). Laurier was to appoint Dobell Minister without Portfolio. The appointment was not a success. Fitzpatrick had to organize the constituency (P.A.C., L.P., Fitzpatrick to Laurier, 4 May 1897, 14404-6) because of Dobell's unpopularity with the Irish.

102. P.A.C., L.P., Fitzpatrick to Laurier, 27 May 1896, 4294-5, referring to "the proposition made yesterday that I should run in the County of Quebec so as to enable you to endorse Dobell's candidature."

Fitzpatrick occupied himself in negotiations with Dobell on the various points at issue between Dobell and the Liberal party (104) and on May 28th he wrote again to Laurier declaring himself "perfectly satisfied" with Dobell's proposed election manifesto (105). He also said that although Dobell refused to pledge himself on the way he would vote in the selection of the Speaker, he (Fitzpatrick) was sure that Dobell would vote with Laurier on the question (106).

In addition to contributing to the organization of Dobell's candidature in Quebec West, Fitzpatrick was also called upon to speak at election meetings. On May 18th Sir Charles Tupper had visited Quebec and he concentrated mainly on economic issues (107). On May 27th the Daily Telegraph announced that a public meeting was to be held the following day, the main speaker would be Charles Fitzpatrick and he would pay special attention to the remarks Tupper had made when he was in Quebec (108).

At the meeting on the 28th Fitzpatrick concentrated his attack on Tupper's economic arguments. In particular he pointed to the depressed state of Quebec and asked what the National Policy had done


106. Ibid., 4303.

107. Tupper promised a large subsidy for the proposed Quebec bridge. He spoke about the Manitoba school question accusing Laurier of duplicity, and ridiculing the proposal of settling the problem by conciliation. The Daily Telegraph, 19 May 1896, 20 May 1896.

for the city. He spoke of the men and women forced to emigrate to the
United States to seek a livelihood. He attacked Tory claims about the
wealth of Canada and suggested that merchants should examine their bank
accounts and labourers put their hands in their pockets to feel their
surplus coin. He delivered a sharp personal attack on Tupper himself;
"Sir Charles Tupper accuses the Liberal party of having obstructed the
C.P.R. We never obstructed it, we did not in fact obstruct it enough,
to prevent such men as the arch-stretcher from making his millions which
enabled him to retire into his haven of rest, in the office of the High
Canadian Commissioner at London (109)." Fitzpatrick referred to the
Manitoba school question and pointed out the differences in the way
Tupper spoke on the issue in Manitoba and the way the Conservative party
dealt with the question in Quebec. Fitzpatrick had already of course
accused the Conservative leaders of insincerity in the letter he had
written to Bégin on the 11th of May (110). In the speech Fitzpatrick
did not discuss the mandement or the Laflèche sermon but said, "Every-
man should vote as his conscience dictates. His vote should be given
only in the presence of God as his conscience tells him and not as he
is told by others (111)."

Fitzpatrick's words on liberty of conscience were, of course, just

109. *The Daily Telegraph*, 29 May 1896. Fitzpatrick was presumably
alluding to Donald Smith.


as applicable to Frémont's vote against Laurier in Parliament. Frémont in fact was a distinct embarrassment for Charles Fitzpatrick. Fitzpatrick, during his provincial career, had always cultivated a public image of personal integrity and independence. How could he justify opposing Frémont who had been a Liberal on all issues except the Remedial Bill? As La Vérité remarked, "M. Fitzpatrick n'a pas été toujours la farouche partisan qu'il paraît aujourd'hui. Il a eu ses jours d'indépendance lui aussi ------ C'est au point qu'on disait que le parti conservateur n'aurait pas eu grande difficulté à l'enregistrer (112)."

On May 27th Fitzpatrick wrote a rather curious letter to Frémont asking him to come to a meeting on the 30th of May to choose a candidate in the Liberal interest in Quebec County (113). Yet Fitzpatrick already knew that Laurier supported his own candidature in Quebec County (114). Perhaps the reason for Fitzpatrick's letter to Frémont was to secure from Frémont a formal resignation from the Liberal party. If so, the letter met with some success because Frémont replied that, taking into consideration his own attitude on the Manitoba school question, "je crois que je manquerais de logique et de franchise si j'assistais à une assemblée convoquée pour choisir un candidat dans l'unique intérêt

112. La Vérité, 20 June 1896.
113. L'Événement published this correspondence on June 19th, 1896.
By the beginning of June Fitzpatrick's candidature in Quebec County was public knowledge (116). He was however in a very difficult position. Other Liberal candidates in the 1896 election at least faced Conservative opponents but Fitzpatrick faced Frémont who had been a

115. L'Événement, 19 June 1896, p. 4. In the Fitzpatrick Papers there is an undated, unsigned, typed account of Fitzpatrick's dealings with Frémont and Bégin in the days before the 1896 election, (Fitzpatrick Papers, Vol. 60, 35626-29). It is apparently a draft of the speech Fitzpatrick would give at Lorette in March 1897, explaining his actions on the school question. According to this document, Fitzpatrick had gone to Frémont, "et je lui ai dit que, pour ce qui concernait son vote sur le bill remédiateur, je me proposais de l'approuver et que s'il voulait se présenter comme candidat du parti, il n'en pas question. Je lui ai même fait la proposition de se présenter à ces conditions que j'ai mises par écrit:-

Je me présente à la demande du parti libéral dans le comté de Québec. Je donnerai mon appui à l'honorable M. Laurier, si je suis élu, mais si dans un délai raisonnable, au cas où il arriverait au pouvoir, il ne règle pas la question dite des Écoles du Manitoba, je me réserve toute liberté d'action.

Mon intention était de le laisser complètement libre sur cette question des écoles, d'une liberté absolue." Fitzpatrick went on to say that Frémont refused to accept these conditions. (Since the Conservatives did not put up a candidate to oppose Frémont and Fitzpatrick in 1896, perhaps by this time Frémont had come to some agreement with the Conservatives.) There seems to have been some ambiguity also over Frémont's economic policies. L'Événement on the 18th of June 1896, p. 4, reported that Frémont had said, "je suis en faveur de réformes graduelles dans le but d'équilibrer la protection envers toutes les industries du pays" and that Fitzpatrick, when he heard this had said, "si M. Frémont avait fait les déclarations auparavant il (Fitzpatrick) n'aurait pas fait la lutte." However, no other newspaper carried any reports of differences or discussions of economic policies between Frémont and Fitzpatrick.

116. The Daily Telegraph, 4 June 1896; L'Événement, 6 June.
Liberal. Frémont had been repudiated by his party because he had the temerity to vote against the policy of the party leader, Laurier. Since this vote was on the Remedial Bill, did this mean that Fitzpatrick himself was opposed to remedial legislation? The pastoral letter issued by the Quebec hierarchy had told Catholics to abstain from giving their votes to candidates who would not solemnly bind themselves to vote in Parliament for legislation restoring to the Manitoba Catholics the school rights guaranteed to them in the Privy Council decision (117).

Fitzpatrick, faced by this situation, went to Bégin and of his own accord "voluntarily" submitted the following declaration (118):

Etant sincèrement disposé à mettre de côté tout esprit de parti et toute question d'hommes pour faire triompher la cause des Catholiques je, soussigné, m'engage, si je suis élu, à me conformer au mandement des évêques en tout point et à voter pour un projet de loi rendant aux catholiques du Manitoba la justice à laquelle ils ont droit en vertu du jugement du Conseil Privé pourvu que ce projet soit approuvé par Mon Ordinaire. Si M. Laurier arrive au pouvoir et ne règle pas cette question dès la première session conformément au mandement, je m'engage soit à lui retirer mon appui ou à résigner.

Ste. Marie, 6th juin 1896 (119)

117. See Fitzpatrick's discussion of this; Canada, House of Commons, Debates, March 30th, 1897, 181-185.

118. Canada, House of Commons, Debates, 30 March 1897, 183. Fitzpatrick was obviously under some pressure to commit himself on the issue. In the Fitzpatrick Papers there is a letter from the Mayor of Charlesbourg asking if Fitzpatrick supported the Remedial Bill (Fitzpatrick Papers, 5 June 1896, 207, A.B.C. See also Fitzpatrick Papers, A. Taschereau to Fitzpatrick, 8 June 1896, 208). Fitzpatrick said later that four clergymen had campaigned against him despite the pledge. (Canada, House of Commons, Debates, 30 March 1897, 184.)

119. A.A.Q., Q.S.M., v. 100. A note attached to the pledge says "Il n'a encore fait ni l'un ni l'autre."
Bégin said that this declaration was one of "les plus magnifiques promesses" that had been made prior to the election and that Fitzpatrick had repeatedly said "qu'il ne consentirait jamais à sacrifier la moindre parcelle des droits de la minorité manitobaine (120)." Unsigned copies of the Fitzpatrick pledge were distributed throughout the County. When asked why the copies were not signed Fitzpatrick replied that the original could be seen by asking Bégin (121).

With the giving of this commitment, the Quebec County election was no longer of much interest to the Press. At a meeting at St. Ambroise both Frémont and Fitzpatrick were reported to have declared their support for remedial legislation (122). Frémont was accused by the Liberal press of posing as a Liberal with Liberals and Conservative with Conservatives (123). On the whole, however, there was not much for the press, apparently, to report on the Quebec County fight. Fitzpatrick was said to be working very hard and visiting every corner of the constituency. Even Conservatives were rallying to him (124). Another report said that Fitzpatrick had no real adversary (125). Certainly Frémont was in a difficult position. On June the 20th L'Electeur

120. A.A.Q., Bégin to Ledochowski, misdated 3 January 1896. The letter refers to events during 1896 and probably it should be dated 3 January 1897. Q.S.M., V. 51.

121. A.A.Q., Notary Jean-Alfred Charlebois to Bégin, 3 April 1897, Q.S.M., V. 177.

122. L'Événement, 17 June 1896.

123. L'Electeur, 18 June 1896.

124. L'Electeur, 11 June 1896.

125. L'Electeur, 16 June 1896.
published a telegram from Laurier to Fitzpatrick saying, "Dites aux électeurs du Comté de Québec que vous vous présentez à ma demande expresse et d'après mon ordre."

The election took place on June 23rd and the result was a Liberal victory. In Quebec County Fitzpatrick took the seat from Frémont with a majority of 912 (126).

Laurier applied himself to the business of Cabinet-making. In the middle of July the new government was announced and Fitzpatrick received the position of Solicitor General (127), which he had been promised (128).

126. The Liberals took 118 seats to the Conservatives 88. In Quebec the Liberals won 49 to the Conservatives 16. J. Murray Beck, *op. cit.*, p. 86. The *Daily Telegraph*, 25 June 1896, Frémont's majority had been 340 in 1891 (L'Electeur, 28 April 1896). In the 1896 election Fitzpatrick topped all the polls except at Lac Beauport.

127. In December 1897, the *Quebec Morning Chronicle* reported that the triumph which had given Laurier the most pleasure in the 1896 election was that of "his good friend Charles Fitzpatrick." *Quebec Morning Chronicle*, 14 December 1897.

128. The position of Solicitor General was not a particularly prestigious one. The Solicitor General and the Minister of Justice were the Law Officers of the Crown but the Solicitor General was subordinate to the Minister and at this time the Solicitor Generalship was not a Cabinet position. The position had been established in 1887 (Statutes of Canada, Vict. 50-51, Chapter 14, 1887) and was therefore relatively new. The *Globe* considered that it was superfluous and advocated its abolition (11 July 1896). The Irish Catholics whose interests Fitzpatrick was supposed to represent also felt he should have been given a more conspicuous position (The *Daily Telegraph*, 14 July 1896, *Daily Mail and Empire*, 15 July 1896). In fact, however, because the duties of the Solicitor General were not particularly onerous Laurier made use of Fitzpatrick in areas other than those directly connected with the Department of Justice. Laurier acknowledged this in a letter to Fitzpatrick in 1897; "I am aware that the position of Solicitor General has not been a source of great profit to you far from it. It is perhaps a redeeming feature that it has given you an opportunity of displaying your great talents in a wide field" (P.A.C., Fitzpatrick Papers, Laurier to Fitzpatrick, 29 December 1897, 677).
The most immediate problem for the new Prime Minister was to arrive at some solution of the Manitoba School difficulty. One of his closest confidants in the problem was to be the new member for the County of Quebec.
Laurier had won the election. He now had to prove that his policy of conciliation would bring satisfaction to the Catholics of Manitoba and end the rancour between Catholic and Protestant, English and French in Canada. The Catholic Church had to be persuaded that the terms that Laurier would agree to were the best possible solution to the difficulty. After a preliminary discussion with Clifford Sifton about terms (1), Israel Tarte and Henri Bourassa were sent to Manitoba to complete the negotiations and terms were agreed on in November of 1896 (2).

The terms were similar to the compromise which the Manitoba government had rejected in 1895. Religious teaching was to be provided;

2. H.B. Neatby, op. cit., p. 82.
(a) If authorised by a resolution passed by a majority of school trustees, or (b) if a petition be presented to the Board of School Trustees asking for religious teaching and signed by the parents or guardians of at least ten children attending the school in the case of a rural district, or by the parents or guardians of at least 25 children attending the school in a city, town or village.

Such religious teaching was
to take place between the hours of 3:30 and 4 o'clock in the afternoon, and to be conducted by any Christian clergyman whose charge includes any portion of the school district, or by a person duly authorised by such a clergyman, or by a teacher when so authorised.

There were regulations proposed for those areas where Catholic and Protestant shared schools. In that case: "No separation of the pupils by religious denominations shall take place during secular work." One particularly interesting provision referred to the use of French, "Where ten pupils in any school speaking French (or any language other than English), as their native language, the teaching of such pupils shall be conducted in French (or such other language) and English upon the bi-lingual system (3)."

Laurier considered that "les traits principaux" of the settlement, "devront être parfaitement satisfaissants. Le règlement aura cet avantage, qu'il sera mis à exécution par un gouvernement sympathique et qui aura fait concession de bonne grâce (4)." He believed that the Manitoba Catholics would accept the settlement, "sauf l'Archevêque qui

reste intransigent (5)." Laurier was convinced that federal intervention would not have achieved as much. "Je me flatte qu'il n'y a pas un homme dans le pays qui aurait pu obtenir ce que j'ai obtenu de (sic) Manitoba et toute intervention du gouvernement fédéral aurait été pour les Catholiques plus qu'une déception (6)."

Archbishop Langevin, as Laurier himself noted, was not of the same opinion. He denounced the settlement as a betrayal of the minority and unacceptable to the Church (7). Even when Greenway made a conciliatory speech in Montreal promising further concessions (8), the Archbishop remained obdurate. He refused to accept the disappearance of completely separate schools and, what was very serious for the Liberal government, his attitude received support in Quebec.

The Conservative press in Quebec attacked the Laurier-Greenway agreement. L'Événement, in an article entitled, "Ni Juste ni Equitable", declared that the agreement maintained the national schools and that these schools were still under the control of the Protestant authorities, the same authorities that had abolished Catholic schools in 1890. Teaching would be purely secular, "c'est-à-dire que Dieu est banni de l'école excepté pendant la dernière demi-heure de classe que M.M. Laurier

5. Ibid., 563. Laurier wrote this remark about Langevin by hand on the typewritten letter.

6. Pacaud Papers, Laurier to Pacaud, 24 November 1896, 571.


8. Ibid., p. 142. These would have included administrative concessions such as Roman Catholic representatives on the Board of Education, Roman Catholic school inspectors and the selection of textbooks acceptable to the Church. H.B. Neatby, op. cit., p. 83.
et Greenway ont décidé de lui accorder (9)." In a passage which sums up the whole Catholic objection to state schools, an objection which to Protestant minds was incomprehensible, L'Evénement declared:

Pendant toute la journée les élèves apprendront à lire, à écrire, à calculer, on leur enseignera l'Histoire, la Géographie, on s'efforcera de les outiller le mieux possible pour leur permettre de soutenir plus tard avec avantage les combats de la vie mais on ne leur dira jamais rien des devoirs qui leur incombent envers Dieu, la Famille et la Patrie (10).

The Conservative press reflected the attitude of most of the Quebec hierarchy. Within weeks of the announcement of the settlement, Archbishop Bégin, coadjutor of Quebec, requested the Ontario Bishops to join the Quebec Bishops in a mandement condemning the agreement (11). This Laurier at all cost wished to avoid.

It was obvious that there were deep disagreements between Government and Church and inevitably that disagreement brought in Rome. The various treks from Canada to Rome began. Even before the announcement of the terms of the settlement, Bégin and Bishop Gravel of Nicolet were reported to be in Rome (12). To counteract the effects of the Quebec

10. Ibid.
hierarchy, Laurier sent two emissaries on his own behalf, Abbé Proulx (13), and a former papal zouave, Gustave Drolet (14).

The exact purpose of the Drolet-Proulx mission to Rome was not revealed and this led to considerable speculation. It was suggested that Proulx had gone to Rome to protest against those members of the clergy who, during the election campaign, had said it was a sin to vote for Laurier candidates (15). Publicly Laurier denied that there was an official mission to Rome (16), but whether the mission was official or not, Drolet had been directed to plead the Liberal cause before the authorities (17) and Proulx was to work closely with him. They carried a confidential letter from Laurier signed by 45 Liberal Roman Catholic members of the Senate and House of Commons protesting against the interference of the clergy in political matters and requesting the appointment

13. Daily Mail and Empire, 21 September 1896. Jean-Baptiste Proulx was born at Ste. Anne de Bellevue near Montreal in 1846. He was ordained a priest in 1869 and served as a missionary in Manitoba between 1870 and 1874. He was, for a time, vice rector of the University of Laval at Montreal. In 1896 he was the curé of Saint Lin. He was the author of La Baie d'Hudson (1886). He died in Ottawa in 1904. (J-B. Allaire, Dictionnaire Biographique du Clergé Canadiens-Français, Les Anciens, Imprimerie de l'Ecole des Sourds-Muets, Montréal 1910, p. 452.)

14. L'Electeur, 19 September 1896. Gustave-Adolphe Drolet was born in St. Pie in 1844. He studied law and was called to the Bar in 1866. He was fond of the military life and joined the Papal Zouaves in Italy. In 1894 he was appointed Lieutenant Colonel of the Verchères Regiment. He contributed many articles to newspapers and wrote Zouavania Etape de Vingt Cinq Ans 1868-93, (Montréal 1893). A Liberal in politics, he was a personal friend of Laurier's. (Henry Morgan, Canadian Men and Women of the Time, p. 284-5.)

15. La Patrie, 21 September 1896.


of a papal delegate to Canada (18).

Drolet, however, did not make a good impression at Rome. He lacked the attributes of a diplomat (19). Proulx too was reported to be having difficulties (20). The publication of a book by L.O. David, a great friend of Laurier's, criticizing the clerical interference in politics did not help the Liberal cause at Rome (21). The book was put on the Index and in Quebec the hierarchy issued a pastoral banning L'Electeur, which had published excerpts from the David book, to Catholic readers (22).

The conflict between the hierarchy and the Liberals in Quebec was warming up and Laurier needed to act if his government was to survive. All the indications were that the Quebec Bishops were successfully pressing their arguments at Rome and creating the impression that the Privy Council had virtually ordered the restoration of separate schools to Manitoba and that any settlement short of this would be an injustice to the minority (23). The Bishops were reported to be saying that

18. Canada, House of Commons, Debates, 30 March 1897, Tarte's speech.
20. L'Evénement, 21 December 1896, reported that an official at Propaganda showed Proulx the door.
Laurier was a false Catholic, a free thinker and an anti-clerical (24). In these circumstances Laurier looked round for another emissary to represent the Liberal case. He hoped at first to send Bishop Emard of Valleyfield to Rome. Emard was sympathetic to the Liberal viewpoint. But Emard would not go unless he was invited to do so by Rome (25). However, by the end of 1896, an extremely able defender of the Liberal settlement had emerged, the clever and ostentatiously Catholic Charles Fitzpatrick, the new Solicitor General of Canada. Since the federal election Fitzpatrick had been working to find a solution to the problem of the Church's opposition to any compromise in Manitoba and, increasingly, Laurier had come to rely on his advice. In one of the shrewdest decisions of his political career, Laurier decided to send Charles Fitzpatrick to Rome.

For Charles Fitzpatrick a solution to the problem was urgent. He had made a public commitment to adhere to a mandement from the Bishops and to resign should Laurier's settlement not conform to the wishes of the hierarchy. He was therefore very anxious to avoid a united and official denunciation of the settlement by the hierarchy. From the early days of the Liberal administration, Fitzpatrick was corresponding with Laurier about the school problem. On the 27th of June, only four days after the election, Fitzpatrick had written to Laurier suggesting that Judge Routhier, a former Castor and a friend of Langevin's, should be sent to see the St. Boniface Archbishop. According to Fitzpatrick,

Routhier favoured a settlement along the lines of the school system in New Brunswick (26). Fitzpatrick considered that the time was "opportunity" for such a mission, "as the Archbishop must now see where he stands" and, after the election results in Manitoba, Greenway "can not be too exacting (27)". Laurier did send Routhier but the mission was not a success. The Archbishop did indeed know where he stood and it was not on the same side as Fitzpatrick.

Fitzpatrick however continued to seek solutions to the clerical-political impasse. He contacted members of the Quebec clergy who were sympathetic to the settlement, men such as Monsignor J.-Clovis Laflamme and Monsignor O.-E. Mathieu of Laval University (28). He relayed information to Laurier about the situation in Quebec, constantly emphasizing the need for conciliation rather than confrontation (29). He particularly suggested that Laurier should try to curb Ernest Pacaud's indiscretions in Le Soleil (30). Laurier who had himself tried to avoid


27. P.A.C., L.P., Fitzpatrick to Laurier, 27 June 1896, 4844. The Conservatives had taken four of the seven Manitoba seats and 57.1% of the popular vote. J. Murray Beck, op. cit., p. 86.


29. P.A.C., L.P., Fitzpatrick to Laurier, 6 December 1896, 9542-3. The position at this date was, according to Fitzpatrick, "improving".

30. P.A.C., L.P., Fitzpatrick to Laurier, 9 December 1896, 9640-1. Fitzpatrick's own letters were extremely discreet. He avoided referring to any one by name. He used terms such as "your friend" in referring to different people. Laurier presumably knew who he was talking about but it does present problems for the historian.
confrontation and temperamentally disliked bellicosity (31), saw the wisdom of Fitzpatrick's advice and took the Solicitor General into his confidence (32). Gradually Fitzpatrick began to emerge as one of his principle advisors on the religious and political situation in Quebec.

On December 15th, 1896, Fitzpatrick delivered a major speech in Toronto on the School Question (33). The speech was a clever analysis of the school problem and one of the most cogent exposés of the Liberal policy. In the speech Fitzpatrick presented the arguments which he was to maintain and expound in the difficult months which followed.

The speech began, in Toronto, the heartland of Protestant Anglo-Saxon Canada, with a defence of Quebec. Fitzpatrick praised the education available in the classical colleges of Quebec and he defended the abilities and intelligence of the Quebec clergy. He reminded his audience of the work of the French-Canadian missionary priests. The French Catholic clergy, said Fitzpatrick, had had a pacifying influence on Canada, bringing civilization, religion and peace. He asserted his own belief in religious education and in the right of the clergy to have political opinions:


32. A letter from Judge MacMahon makes it clear that only Laurier and Fitzpatrick knew of certain negotiations in connection with the school question. P.A.C., L.P., MacMahon to Fitzpatrick, 2 March 1903, 70698-702.

33. The Globe, 16 December 1896. The speech was published in French in a pamphlet entitled, "Les Ecoles du Manitoba, La Question du Jour traitée par un avocat constitutionnel, Charles Fitzpatrick." The pamphlet is available in the Library of the Quebec Legislature, Brochures Canadiennes, 40 pages, ref. no. B.C. 491.
Je dois vous dire, en outre, parlant pour moi seul, que je suis en faveur du principe des écoles séparées; car je suis loin de croire que la religion soit exclusivement la chose de la famille, et aussi je reconnais parfaitement et entièrement au clergé le droit de s'intéresser à la politique du pays et d'exprimer librement son opinion, de voter, et même de nous combattre avec les mêmes armes dont nous nous servons contre nos adversaires (34).

Fitzpatrick avoided the antagonistic posture of an aggressive partisan. On a topic which had aroused passions and prejudice throughout Canada Fitzpatrick adopted a policy of rational cool argument. Having defended Quebec and conciliated her clergy, he went on to discuss the school question in detail.

As he was to do in Rome (35) he emphasized the shift in religious persuasion which had taken place in Manitoba. In 1870, when Manitoba was created, the Catholics had formed the most numerous and powerful element in the population but since then the proportion of Catholics had declined and, by 1896, the Lieutenant Governor, the Cabinet and most of the provincial deputies were Protestant. "C'est à ce premier obstacle que l'on vient se heurter quand l'on veut rétablir au profit des catholiques des privilèges que l'immense majorité des électeurs du pays a abolis (36)."

Before 1870 Manitoba was only a territory without regular government, submitting to the authority of the Hudson Bay Company, an authority

34. Pamphlet, Les écoles du Manitoba ... op. cit., p. 2.
35. See later pp. 170-173.
36. Pamphlet, Les écoles du Manitoba ... p. 3.
which was not precisely defined. Catholic and Protestant had had their own separate schools but the system was not recognized or established by law. When the Territory entered Confederation in 1870, amongst the jurisdictions accorded to the new province was the right, as in other provinces, to legislate in educational matters. In 1890 the Greenway government had passed a law abolishing separate schools. Whilst this was all accurate, Fitzpatrick was, in fact, weighing the picture in the Liberal interest. He did not, for example, mention that Archbishop Taché, when he participated in the negotiations for the entrance of Manitoba into Confederation, considered that the guarantee of separate schools was of primary importance. Taché believed that the Macdonald government had accepted this and that Catholic rights in Manitoba were therefore guaranteed.

Fitzpatrick then examined the situation of the Catholics following the 1890 law. There were three remedies available to them. The federal government could have disallowed the law: "le parti libéral se déclara favorable à cette mesure mais le gouvernement conservateur refusa d'appliquer ce remède (37)." Again, Fitzpatrick has slanted the situation. Edward Blake had moved, in the Commons, that the legality of provincial acts should be left to the determination of the Courts, it being regarded as settled that there should be no federal disallowance of educational acts (38).

38. Canada, House of Commons, *Debates*, 29 April 1890, 4086. This had been passed unanimously.
Fitzpatrick however, clever lawyer that he was, quickly moved away from this delicate area to discuss the second remedy, the appeal to the courts to decide the legality of the 1890 law. Eventually of course, the Privy Council ruled that the 1890 law was constitutional. "Cet échec," said Fitzpatrick, "était désastreux pour la minorité catholique du Manitoba (39)."

The minority then tried the third remedy, appeal to the federal government. Fitzpatrick then began the most obviously partisan section of his discussion. He attacked the Conservatives for recoiling from their responsibilities by their action in referring the legality of such an appeal to the courts. The Conservative government, "pendant près de cinq années promène les catholiques du Manitoba de tribunaux en tribunaux afin de ne pas prendre action de lui même et de ne pas intervenir pour leur rendre justice dans l'administration intérieure du Manitoba (40)." According to Fitzpatrick, when, eventually the Conservatives introduced remedial legislation, their intentions were not sincere. Parliament was due to expire on April the twenty fifth 1896 and it was obvious that the legislation could not be passed before that date. The Remedial Bill was a "tactique habile" so that the Conservatives could go to the polls saying to Protestants that they had arranged matters not to pass the Bill and to the Catholics that they had introduced remedial legislation (41). During the election


40. Ibid., p. 6.

41. Ibid., p. 8. Fitzpatrick had taken the view that the Conservatives were not sincere in their remedial legislation during the election campaign. See, A.A.Q., Fitzpatrick to Bégin, 11 May 1896. Q.S.M., V. 84.
campaign the Conservatives had posed in Quebec as the friend of the Church whilst, in Ontario, Conservative candidates had declared themselves hostile to intervention.

By contrast, said Fitzpatrick, Laurier had said to the electorate: "Si j'arrive au pouvoir, je ferai tout en mon pouvoir pour obtenir, à l'amiable, du gouvernement de Manitoba un "modus vivendi" acceptable par les catholiques. Mais si après avoir épuisé tout moyen de conciliation, je ne réussis pas à faire un compromis équitable j'aurai recours moi-même à telle loi fédérale qui sera nécessitée par les circonstances (42)."

Fitzpatrick then went on to discuss the problem of federal intervention. Section 93 of the British North America Act had given exclusive rights to legislate on educational matters to the provinces. Section 22 of the Manitoba Act had, however, allowed that no right or privilege existing at the Union by Law or Custom could be removed. Fitzpatrick acknowledged that the Catholic minority had believed that the Manitoba government was prevented by this from abolishing separate schools but he said that the Privy Council had denied this when it ruled that the 1890 Act was constitutional. "Comment le parlement fédéral pourrait-il aujourd'hui rétablir un système aboli par un corps législatif qui avait le droit de le faire, suivant le premier arrêt du Conseil Privé? (43)"

The federal government did have the right to intervene, as the second decision of the Privy Council had affirmed, but the problem was;

42. Pamphlet, les écoles du Manitoba .... p. 9.
43. Ibid., p. 10.
Neither Fitzpatrick nor Laurier ever denied that the federal government did have the right to intervene. Many Liberals, stressing provincial rights, played down the Privy Council's decision of January 29th, 1895 on the federal right of intervention. Fitzpatrick, in the speech, recognized the federal right of intervention but he emphasized the fact that the Privy Council had not said what form the intervention was to take; the Privy Council had not said that the federal government was to restore the separate schools. Fitzpatrick was to make this point over and over again during the next few months. It was one of the key points of his argument in Rome (45).

As regards the Remedial Bill, this had not provided any governmental financial assistance to separate schools and it would not, therefore, have restored the pre-1890 situation. In addition, it would have caused such bad will and obstinate opposition from the Manitoba government that it could not have been put into effect. The Liberal settlement in contrast to the Remedial Bill was only a "modus vivendi". If it were not satisfactory then, according to Fitzpatrick it "pourra être corrigé et amélioré par de nouveaux arrangements, à l'amiably, entre les deux gouvernements. En même temps la voie de la législation fédérale reste toujours ouverte à la minorité manitobaine pour le cas

44. Pamphlet, les écoles du Manitoba .... p. 10.  
45. See below pp.170-173.
où la conciliation ne réussirait pas à créer une situation acceptable (46)."

Fitzpatrick pointed out that the Laurier-Greenway agreement had improved the position in Manitoba and again he emphasized that if the agreement did not work out, "nous verrons en quoi il est défectueux et nous ferons de nouveaux efforts pour le perfectionner, toujours par la conciliation et les bons procédés. Enfin, si tout cela échoue, il sera temps encore et toujours de recourir à une loi fédérale appropriée aux circonstances (47)." The constant theme which Fitzpatrick emphasized at various points throughout the speech was that if the settlement did not succeed, "nous ferons plus (48)." He himself declared, "Je suis profondément convaincu que si ce programme de pacification est accepté, si l'on fait un essai loyal et sincère, l'harmonie sera rétablie au Manitoba et les catholiques n'auront plus à souffrir dans leur foi religieuse (49)."

As the culminating point of his argument and the main point of his attack on the Conservative's sincerity, Fitzpatrick compared the Laurier-Greenway settlement with the compromise proposed by Smith, Dickey and Desjardins in March of 1896 in the name of the Conservative government. The Laurier settlement had gained more than the Smith, Dickey, Desjardins proposal had contained and yet during these latter

47. Ibid., p. 15.
48. Ibid., p. 15.
49. Ibid., p. 15.
negotiations the newspapers which were most ardently opposing the Laurier settlement had supported the Conservative compromise proposals (50). Fitzpatrick also laid some stress on the language concessions which permitted the use of French when there were ten or more French children (51). Fitzpatrick ended his speech by stressing that the Liberal settlement was "perfectible et il laisse la porte ouverte au perfectionnement et aux corrections, quand on en aura fait l'essai (52)."

Undoubtedly this Toronto speech and the pamphlet published in Quebec were among the most able and powerful expositions of the Liberal arguments. Without indulging in the violent partisanship of Ernest Pacaud for example, Fitzpatrick pointed out Tory evasions and indecisiveness and brilliantly argued the Liberal viewpoint. Fitzpatrick adopted an attitude of detached impartiality in his speech, of seeing all sides to the question. In fact, however, although Fitzpatrick's defence lacked the vehemence of less subtle defenders of the Liberal cause he was no less partisan. The speech was evasive on many points where the Liberal case was weak but Fitzpatrick, using all the techniques of a brilliant defence lawyer, directed attention away from the weak points of his own argument and attacked the issues on which his opponents were most vulnerable. He did not answer those who felt that the settlement

50. Fitzpatrick's reference to the Smith, Dickey, Desjardins negotiations aroused considerable interest (P.A.C., Fitzpatrick Papers, Prendergast to Fitzpatrick, 24 December 1896, 238). When the speech was published in the pamphlet version the documents associated with the Dickey, Desjardins negotiations were included in the appendix.

51. The language concession was printed in italics in the pamphlet, les écoles du Manitoba .... p. 14.

52. Ibid., pp. 16-17.
was unsatisfactory, he merely counselled acceptance with the promise of possible concessions in the future. He did not explain what the Liberals might do should the agreement prove to be unsatisfactory. However, the speech, stressing as it did the virtues of moderation and conciliation, praising the French and the Roman Catholic clergy in Quebec and attacking the sincerity of the Conservatives, confirmed the Solicitor General as a major spokesman for the government on the Manitoba problem and one of the main authorities on the intricacies of the question. The speech received wide coverage and the Globe spoke of Fitzpatrick's "courageous candour (53)."

In addition to making speeches Fitzpatrick also actively involved himself in attempts to counteract any influence of the Quebec hierarchy on the Bishops of Ontario. He enlisted the help of a prominent Irish Canadian judge, Hugh MacMahon of Ontario, to contact the very influential Archbishop Walsh of Toronto (54). MacMahon was sent to impress upon Walsh the advisability of using his offices to end the agitation against the settlement, an agitation which could end by damaging the position of Roman Catholics in Ontario (55). It was MacMahon who told Fitzpatrick of Bégin's attempt to persuade the Ontario hierarchy to join with the Quebec Bishops in a united opposition to the settlement (56). Walsh, however, was very alive to the danger of arousing Protestant

53. The Globe, 16 December 1896,
54. P.A.C., L.P., MacMahon to Fitzpatrick, 2 March 1903, a letter reviewing the events of 1896-1897, 70698-702.
55. P.A.C., L.P., Ibid.
56. P.A.C., L.P., Ibid.
resentment and he and the other English Bishops refused to intervene (57).

It was Fitzpatrick's efforts on behalf of the settlement that apparently convinced Laurier that he was the man to send to Rome. On December the 23rd Laurier wrote to Lord Aberdeen, the British Prime Minister, informing him that Archbishop Langevin had been asserting that the Privy Council's January 1895 decision meant that the Catholics were entitled to a full restoration of their separate schools. Therefore, Laurier had decided to send Fitzpatrick, "on a confidential mission to Rome with the view of placing before Propaganda the true and correct version of the case (58)." Laurier realized that the British could not intervene but he requested that the British Ambassador at Rome should lend the weight of his authority to Fitzpatrick's arguments (59).

At the beginning of January Fitzpatrick left for England carrying with him a letter which set out the Liberal case on the school question and the settlement (60). The letter was addressed to Fitzpatrick and signed by Laurier. It was in fact a long memorandum on the school question. Laurier stressed the fact that he was a Catholic and that this was the first time a French-Canadian Catholic had been Prime

59. Ibid.
60. P.A.C., L.P., Laurier to Fitzpatrick "mon cher collègue", 30 December 1896, 10145-165.
Minister of Canada. He also pointed out that he had received Catholic support in the election. He emphasized the need for peace, conciliation and harmony but unfortunately "les voix d'une grande partie du clergé et de plusieurs évêques ont manqué à ce concert presque unanime de mes compatriotes catholiques ..... (61)." These clerics had sided with the Conservatives, "un parti dont les chefs sont protestants et membres des sociétés secrètes (62)." The letter is obviously very confidential and Laurier was placing a great deal of trust in Fitzpatrick. Remarks such as this, about the Conservative party, written in a letter to the Pope, could cause trouble if they were revealed. In contrast to the Protestantism of the Conservative party, Laurier stressed that the Canadian Liberal Party had abandoned any anti-clerical tendencies. The Canadian Liberal Party was in the Gladstonian tradition of the English Liberal Party - a party which had fought for religious liberty in Ireland. The letter then reviewed the whole school question and in this section it is very evident that the collaboration of Laurier and Fitzpatrick on the Liberal defence of the Greenway settlement had been very close indeed. The review of the question in the Laurier letter is virtually identical to the translation of Fitzpatrick's Toronto speech which had been published in Quebec in pamphlet form. Either the two men worked together on Fitzpatrick's Toronto speech or Laurier had been so impressed by Fitzpatrick's arguments that he incorporated whole sections of the Toronto speech into his letter to the Pope (63).

62. P.A.C., Ibid., 10146.
63. Pages 10148 to 10160 are almost word for word the same as various sections of the Fitzpatrick pamphlet.
Laurier concluded his letter with an appeal to the Pope to bring peace, not in the interests of the Liberal Party or Laurier himself, but in the interests of Canada where the majority was Protestant and where, if the clergy made war on the government, irreparable harm could be done to the authority of the Church. Laurier requested that the Pope should prevent the issuing of a mandement. He appealed to Leo XIII to let the Liberal settlement be tried for a few months and then, if it proved to be unsatisfactory, there would be renewed efforts to improve it. If this still did not succeed then there would be recourse to a federal law appropriate to the circumstances (64).

The contents of the letter were confidential but the departure of the Solicitor General could not go unnoticed. Fitzpatrick was a Quebecker, a Catholic and a Liberal. In addition he had been one of the most prominent defenders of the Liberal settlement. The Liberal press, of course, was discreet on the purpose of the visit. The Liberals feared a strong Protestant reaction to any suggestion of an appeal to Rome (65). The Conservative press, however, suspected that Fitzpatrick's departure for Europe meant that he would be going to Rome (66) to plead a reversal of any papal policy condemning the Laurier-

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64. Ibid., 10163. It is very difficult to envisage what form such recourse to federal law would take. Both Laurier and Fitzpatrick always voiced this possibility as a way of conciliating Catholic opinion but any remedial legislation of the Liberal government would have faced great difficulties in being passed by the Commons.

65. Le Soleil, 4 January 1897 and La Patrie, 12 January 1897 suggested that Fitzpatrick was visiting London in connection with an appeal to the Privy Council on a Supreme Court judgement on fisheries.

66. The Daily Mail and Empire, for example, was very hostile to any suggestion of papal interference. 11 January 1897.
Greenway settlement (67).

Fitzpatrick went first of all to London where he spent 11 very busy days (68). He met prominent English Catholics and made strenuous efforts to convert them to support of the Liberal policy. The Canadian government's case was not understood in English Catholic circles and there was prejudice against it (69). This Fitzpatrick set out to correct. He contacted Lord Russell of Killowen, Chief Justice of England, and a prominent Roman Catholic. Russell was extremely helpful (70) and introduced Fitzpatrick to prominent Catholic lawyers to whom Fitzpatrick explained the Canadian government's case (71). Fitzpatrick, unlike previous emissaries, was a lawyer with a sharp grasp of the legal technicalities and he could express the various issues involved in the School question in legal terminology. Fitzpatrick set out to convince prominent English Catholics that the 1890 legislation had eliminated all possibility of restoration of separate schools of the pre-1890 type and that Laurier could do nothing more than he had done (72).

67. L'Événement, 7 January 1897.

68. January 10th to 21st.

69. P.A.C., L.P., Fitzpatrick to Laurier, 12 January 1897, 10907.

70. "Nothing could exceed his kindness to me", P.A.C., L.P., Fitzpatrick to Laurier, 15 January 1897, 11029.

71. P.A.C., Fitzpatrick Papers, 14 January 1897, Fitzpatrick to Laurier, 252. This letter is a typewritten copy, unsigned, but at the end is typed C. Fitzgerald. This was obviously a typist error as the letter is quite clearly from Fitzpatrick referring to details of his meetings with Blake, Chamberlain, Lord Russell and others. The letter corresponds in all details with similar letters in the Laurier Papers.

72. P.A.C., L.P., Fitzpatrick to Laurier, 14 January 1897, 10989.
Fitzpatrick also visited Edward Blake, the former Canadian Liberal leader but now an Irish member of the British House of Commons. Although he was a Protestant, Blake was well respected by Canadian Catholics for the tolerance of his views and also because he had acted for the minority in the 1895 appeal to the Privy Council (73). Fitzpatrick wished to secure from Blake a statement to the effect that it was incorrect to interpret the Privy Council decision of January 1895 (which ruled that an appeal was constitutionally admissible) as an obligation to restore separate schools to their pre-1890 position (74). On January the 19th Fitzpatrick wrote to Blake asking for his opinion with the intention of incorporating Blake's reply into the brief that Fitzpatrick was preparing to submit to Rome. In the letter Fitzpatrick said that he had heard, "que les évêques catholiques romains de la Province de Québec ont représenté au cardinal préfet de la Propagande à Rome que le résultat du jugement rendu dans la cause Brophy par le Conseil Privé était que la minorité des catholiques romains de Manitoba avait droit à ses écoles séparées, ainsi qu'elle en jouissait avant la loi de Manitoba de 1890 (75)." He asked Blake to comment briefly on the Privy Council's judgement and to state whether the Bishops had interpreted the decision correctly. What powers had the judgement given to the Canadian Parliament? What remedies had been given to the minority? To what degree was


74. P.A.C., Fitzpatrick Papers, Fitzpatrick to Laurier, 14 January 1897, 251.

75. Fitzpatrick's letter to Blake and Blake's reply were published in Le Soleil, 15 February 1897, and the Globe, 16 February 1897.
it possible to restore the pre-1890 position (76)?"

Fitzpatrick had hoped for "a very strong opinion (77)" from Blake. Blake provided it. "It was an entire misapprehension," he said, "to say that the judgement of the Privy Council meant that the Catholics were entitled to the separate schools they had enjoyed prior to 1890 (78)." He pointed out that the judicial committee had done nothing to define the precise powers or duties of the government in the case of an appeal. Blake also commented on the deficiencies of the Conservative Remedial Bill, in particular the failure to provide adequate financial assistance for separate schools unless the provincial legislature chose to grant the separate schools some funds, "a thing absurd to imagine." Blake concluded by saying that he had examined the provisions of the Laurier-Greenway settlement and considered that it was "infinitely more advantageous" than any Remedial Bill which the Parliament of Canada could force on Manitoba (79). Fitzpatrick considered that Blake's opinion was "the most important yet made (80)" and it was certainly one of the key points of his case in Rome (81).

In London, Fitzpatrick also went to see Joseph Chamberlain - an

76. Le Soleil, 15 February 1897; Globe, 16 February 1897.
77. P.A.C., Fitzpatrick Papers, Fitzpatrick to Laurier, 14 January 1897, 251.
78. The Globe, 16 February 1897. Blake's letter was dated the 20th January, 1897.
79. Ibid.
80. P.A.C., L.P., Fitzpatrick to Laurier, 3 February 1897, 11705.
81. See below pp. 170-173.
interview at which Donald Smith was also present (82). Since the British government did not maintain diplomatic ties with the Vatican, the British could not act officially but they were sympathetic to the Canadian government's problem and Chamberlain gave Fitzpatrick a letter of introduction to the fifteenth Duke of Norfolk, premier Duke of England, a Roman Catholic and a man of considerable influence and authority (83). Chamberlain intimated to Fitzpatrick that he and Lord Salisbury would press the matter with the Duke (84).

Fitzpatrick also had the assistance of Joseph Walton, a leading Catholic barrister, who also wrote to the Duke. Walton's letter revealed that Fitzpatrick's arguments had made some impression. Walton declared that the question at issue seemed to be whether it was better to continue the struggle for separate schools in the hope that the federal government would overrule the Manitoban legislation or whether it was better to accept the Liberal settlement. Walton said, "there is considerable doubt as to how and to what extent the Dominion legislature can intervene in such a case and within what limits its legislation would be binding on Manitoba (85)." Walton also pointed out that the Dominion government would have no power to compel Manitoba to raise


83. P.A.C., L.P., Chamberlain to Norfolk, 13 January 1897, 10993.

84. P.A.C., Fitzpatrick Papers, Fitzpatrick to Laurier, 14 January 1897, 251-2.

money for the support of Catholic schools (86).

Norfolk agreed to help the appeal to the Pope (87) and this was invaluable. Even Drolet admitted that Norfolk was very influential at the Vatican (88). Fitzpatrick particularly asked the Duke of Norfolk to try and secure a Delegate for Canada, a Delegate who understood the British constitution (89). Fitzpatrick also contacted the leading member of the English hierarchy, Cardinal Vaughan, and Vaughan too was persuaded to recommend a Delegate (90). Vaughan also moved to prevent the Quebec Bishops from issuing a pastoral on the settlement (91).

Not only did Fitzpatrick contact leading and prominent English Catholics, he also made sure that the Canadian government's viewpoint was adequately covered in the English press, both Catholic and secular (92). On January 23rd a long article appeared in the leading Catholic

86. Ibid.,
88. P.A.C., L.P., Drolet to Laurier, 3 February 1897, 11750.
89. Private Papers of the Fifteenth Duke of Norfolk, Fitzpatrick to His Grace, 20 January 1897.
90. P.A.C., L.P., Fitzpatrick to Laurier, 3 February 1897, 11704.
91. P.A.C., Scott Papers, Fitzpatrick to R.W. Scott, 21 January 1897, 614-616.
92. "Since my arrival I have managed to fill the newspapers with our grievances. I send you the Pall Mall Gazette and other papers to show you how public opinion here is arranged." P.A.C., L.P., Fitzpatrick to Laurier, 12 January 1897, 10907; 21 January, 11273-77.
journal, *the Tablet* (93). The article was signed "Catholic Canadian", almost certainly Fitzpatrick himself (94). The article contained all the arguments which Fitzpatrick himself had used in the Toronto speech of December 15th, 1896. There were also articles in the *Pall Mall Gazette* attacking the Catholic Church and defending the Canadian government's position (95).

Fitzpatrick worked hard in England and undoubtedly achieved a great deal. He was preparing an extensive brief and wrote frequently

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93. The Tablet, 23 January 1897, p. 122 ff "Manitoba audi alteram partem". This began a controversy in the Tablet. See 30 January 1897, p. 177 signed "Priest in London"; 6 February 1897, p. 217, signed "Canadian Catholic"; 20 February 1897, p. 296, from J. Walton.

94. Canada, House of Commons, Debates, 31 March 1897, 280. Fitzpatrick obviously made an impression on Cox, the editor of the Tablet. Two months after Fitzpatrick's visit, when Archbishop Bégin and Senator Landry were in England, they went to see Cox. He told Bégin and Landry that Fitzpatrick intended to convince Laurier to give the Manitoba Catholics what they wanted and that if Laurier did not do so Fitzpatrick would resign. The editor of the Tablet also mentioned that Laurier might use the federal subsidy from the School Lands fund as a means of exerting pressure on Manitoba. (A.A.Q., P. Landry à "mon cher ami", 7 March 1897, Q.S.M., vol. 170.) According to Bégin, Fitzpatrick had spoken to Cox, "comme un catholique à crins, tenace dans ses principes." Fitzpatrick "a fait les yeux doux." (A.A.Q., Bégin to Monseigneur, 11 March 1897, Q.S.M., vol. II, 212. "Monseigneur" is probably Vicar General C.A. Marois.)

to Canada to secure various documents (96). He worried constantly that
the Bishops would issue a pastoral during his absence (97). He kept in
touch with Archbishop Walsh (98) who was "disposé à nous être sympa-
thique (99)." In London he had asked Lord Russell to write to Walsh,
"in our interest (100)." Fitzpatrick would have liked to have gone to
Rome with the Ontario hierarchy supporting his mission as actively "as
they are now doing tacitly (101)."

On January 21st Fitzpatrick left England for Rome. He went "well

96. Fitzpatrick wanted a copy of the Remedial Bill, the Remedial Bill
debate, the Manitoba Act and various other memoranda. He wanted,
as well, statistics concerning the number of Catholic children in
Manitoba; P.A.C., R.W. Scott Papers, Fitzpatrick to Scott, 13 Janu-
ary 1897, 610; 16 January 1897, 612; P.A.C., L.P., Fitzpatrick to
Laurier, 14 January 1897, 10991.

97. P.A.C., R.W. Scott Papers, Fitzpatrick to R.W.Scott, 21 January
1897, 614-616; P.A.C., L.P., Fitzpatrick to Laurier, 1 January
1897, 10541; Fitzpatrick Papers, Fitzpatrick to Laurier, 14
January 1897, 253.

98. P.A.C., L.P., MacMahon to Fitzpatrick, 2 March 1897, 70699, quoting
a letter of January 11th, 1897. According to MacMahon, it was
Fitzpatrick's brother-in-law, Adolphe Caron, who had tried to
persuade Walsh to join the Quebec Bishops. See also P.A.C.,
L.P., Fitzpatrick to Laurier, 11 January 1897, 10840-42.

Fitzpatrick had shown Walsh a statement of the case he intended
to present at Rome before leaving for Europe. Walsh considered
it to be "an able and exhaustive statement of the case." He
did not agree with all its contentions but thought it would make
a favourable impression. See also P.A.C., L.P., Walsh to Fitz-
patrick, 23 December 1896, 10064b.


armed (102)" and was optimistic about his chances of success (103). He was encouraged by the news that the Quebec Bishops had been ordered to "suspend operations for the present (104)."

He was accompanied to Rome by Charles Russell, the son of Lord Russell of Killowen, and also Roman Catholic (105). Russell had recently been appointed Solicitor in London for the Canadian government (106). His social connections were excellent and he knew his way round Vatican circles as his family wintered in Rome (107).

On their arrival in Rome Fitzpatrick and Russell contacted Monsignor Merry del Val. Del Val, a friend of Russell, was the son of the Spanish ambassador to the Vatican. In 1897 he was thirty two years of age, an attractive and brilliant young cleric, and an attendant

102. Fitzpatrick was referring to the letters he carried from influential sources; P.A.C., L.P., Fitzpatrick to Laurier, 21 January 1897, 11273-77.


105. Charles Russell throughout his life took a great interest in the whole question of Catholic education. In England he organized the Westminster Catholic federation which was concerned with the protection of Catholic Schools. He was a prominent English Catholic and in 1908 he presided at the eucharistic congress in England. See the Tablet, 31 March 1928, p. 430.

106. Russell, Day and Co. were appointed Canadian solicitors in September 1896. (Canada, House of Commons, Debates, 9 May 1898, 5135-36.)

107. P.A.C., L.P., Drolet to Laurier, 3 February 1897, 11750.
of Leo XIII (108). Del Val informed Fitzpatrick that the Vatican was under the impression that the Privy Council had made an order directing that the Catholic schools be restored and that Laurier had refused to comply (109). Del Val, however, had constructive advice to offer. He advised Fitzpatrick to seek an audience with the Pope and suggested that Russell and Fitzpatrick should prepare a petition giving, in a brief form, the points they wished to make and asking for a Delegate and a special audience. Del Val, "a real Guardian Angel" as Russell called him, said that he would present the petition to the Holy Father (110).

Russell and Fitzpatrick also visited Drolet who was still in Rome. The remarkable feature about Drolet's mission was that Laurier should ever have considered him a suitable emissary for the sophisticated diplomatic circles of the Vatican (111). Drolet complained that there


110. Ibid.

111. Russell described Drolet as a "light weight", "a kind of M. Tartarin" and "on the wrong track from the first." (Ibid., 11711) On February the 3rd, Drolet wrote to Laurier describing Fitzpatrick's visit to Rome. The letter is hilarious. Drolet's opinions were not those of a diplomat. He said, for example, that the Duke of Norfolk was popular at the Vatican because he contributed money and this pleased Leo XIII; "dont l'avarice croît avec l'âge et il a 87 ans." Drolet followed this with a scurrilous pun on the Pope's love of francs. Drolet related also that Fitzpatrick was furious because Drolet had sent Blake's opinion to Ernest Pacaud. Drolet said the reason for Fitzpatrick's anger was that Fitzpatrick wanted to keep the Blake opinion to himself and then use it to create, "un grand effet" (P.A.C., L.P., Drolet to Laurier, 3 February 1897, 11747-54). A more likely explanation was that

continued next page.....
was a conspiracy against him in diplomatic circles and that the Quebec Bishops had used bribery to prevent him (Drolet) from being heard (112). Drolet, however, soon annoyed Fitzpatrick because Drolet sent Blake's opinion on the second Privy Council decision to Ernest Pacaud of *Le Soleil* (113).

Fitzpatrick and Russell also visited Cardinal Rampolla, the Papal Secretary of State. Rampolla was not pleased to see them because Drolet had been to see him repeatedly and had bored him. Fitzpatrick, however, "went at him bravely and at once interested him (114)."

Fitzpatrick pointed out to the Cardinal that Canada was not a Catholic country, that out of 213 members of parliament only 66 were Roman Catholic, that out of 15 members of the government only 5 were Catholic, and that of a total population in Manitoba of 204,000 there were only 40,000 Catholics. Fitzpatrick also stressed that a large majority in the Conservative Party were opposed to the Remedial Bill. He suggested that the best policy was to accept the Laurier settlement as "an installment" and then discover in what ways the settlement was defective. Later on, if the Bishops were unanimous and suggested amendments

111. Fitzpatrick realized that Blake's opinion was the trump card in Cont. Fitzpatrick's case in Rome and he did not wish the opposition to receive, in the pages of *Le Soleil*, advance warning of his best ploy. He was probably well aware of the controversy Blake's opinion would create. Drolet must have been a nuisance to Fitzpatrick in Rome. At one point Fitzpatrick called him "cet imbécile" (P.A.C., L.P., Fitzpatrick to Laurier, 28 February 1897, 12584).

112. P.A.C., L.P., Drolet to Laurier, 3 February 1897, 11747 & ff.

113. See above, footnote no.111.

and changes which were reasonable, it might be possible to secure further modifications from the Manitoba Government (115).

In addition to Rampolla, Fitzpatrick, on Del Val's advice, canvassed influential Cardinals and Churchmen who were likely to be consulted on the problem by the Pope. The clerics were on the whole non-committal but Fitzpatrick's arguments must have made some impression as some of them did say that his case was "most reasonable (116)."

Russell and Fitzpatrick went also to visit Cardinal Ledochowski, head of Propaganda. This meeting was not a success. Ledochowski, "received us badly, would not listen and treated the whole affair very lightly." The interview depressed Fitzpatrick and shook, "his unbounded faith in Rome and its Justice (117)."

Eventually Russell and Fitzpatrick were received by the Pope. According to Russell, Fitzpatrick, "whose piety is touching and edifying insisted on going to Holy Communion and Confession first." Leo XIII received them in his little room, all alone and made them sit down on each side of him. He kept them talking for over half an hour (118). Fitzpatrick said afterwards that he disabused the Pope of the impression that the Canadian Bishops were unanimously opposed to the settlement. He pointed out that only six of the twenty nine Bishops had spoken so far (119). Fitzpatrick mentioned a Delegate but the Pope

115. P.A.C., L.P., Fitzpatrick to Laurier, 3 February 1897, 11705-06.
117. Ibid.
118. Ibid.
119. P.A.C., L.P., Fitzpatrick to Laurier, 3 February 1897, 11707.
considered that a Delegate would imply an attack on the authority of the Bishops and a repudiation of their actions. Fitzpatrick tried to argue with this but "it is hard to argue very strongly with one who occupies the position of Supreme Pontiff of our Church and who is at the same time a very feeble man almost unable to speak (120)." Fitzpatrick considered that he had not done his cause justice (121). Russell also said that Fitzpatrick had not been at his best: "Fitzpatrick was a great deal overcome ..... He had talked much better with the Cardinals. He spent too much of the precious time in protestations of devotion of which the Holy Father must receive tons every day and not quite enough on the facts of the case (122)."

The Pope, however, agreed to consider the matter and to appoint a commission of Cardinals to enquire into the Canadian situation. The discussion then turned towards English politics. Once more, before he left, Fitzpatrick pressed for a Delegate. The Pope, however, was non-committal. He said that the sending of a Delegate was a serious matter and he did not wish for there to be any reflection on the Quebec Bishops (123).

In reporting the Papal audience to Laurier, Fitzpatrick said he had not criticized the Quebec clergy to Leo XIII because Drolet and Proulx had done that and they had antagonized the Vatican authorities.

120. Ibid., 11708.
121. Ibid., 11708.
123. Ibid., 11721.
Fitzpatrick said that he had followed a line of political and legal argument. He had suggested that the Bishops should examine the situation as it existed in reality and they should propose amendments to the Laurier compromise rather than condemning it en bloc. He said that the Bishops would not be brought into line without pressure from Rome. Fitzpatrick was not very confident of his success but he did tell Laurier that he had heard that, if the commission of Cardinals reported in favour of a delegate, one would be sent (124).

If Fitzpatrick was depressed by his efforts, there were interested parties who were chagrined to discover that he had made a considerable impression at Rome. Archbishop Bégin who had made sure that Propaganda had been informed of Fitzpatrick's pre-election promise (125) was told by a source in Rome that Fitzpatrick and Russell had made a great impression and had influenced certain important Cardinals (126). Quebec clerical circles were told, later, that Fitzpatrick, whilst in Rome, "a parlé aux personnages officiels avec tant d'esprit, avec tant d'amour de l'Eglise qu'on l'a pris pour une colonne du temple du Dieu vivant (127)."

124. P.A.C., L.P., Fitzpatrick to Laurier, 3 February 1897, 11908-09.


127. A.A.Q., "Paul" (Bruchési) to "Monseigneur" (Vicar General C.A. Maroïs), 31 March 1897. Ev.Q.IX 30; Paul to "Monseigneur" 22 March 1897, Ev. Q.IX, 26.
From Rome, Fitzpatrick and Russell returned to England to prepare a brief for the Commission of Cardinals (128).

Meanwhile, in Canada, the news of Fitzpatrick's visit to the Holy Father had stirred up a hornet's nest of religious controversy. The Orange Lodges, of course, condemned the meeting with the Pope (129). The Mail and Empire was scandalized by the sight of a Canadian official consulting with the Pope on Canadian affairs (130). There were rumours that Fitzpatrick was bringing back with him Papal knighthoods for Laurier and Tarte (131). There was a veritable torrent of editorials commenting on the fact of the Canadian Solicitor General paying a visit to the Vatican and Fitzpatrick received the most extensive press coverage of his entire political career.

The Liberal newspapers declared that Fitzpatrick had not gone to Rome on any official mission. He had gone as the representative of a body of citizens, "the Catholic electors of Quebec." He had not asked the Pope to interfere in Canadian affairs but rather had sought to restrain the Quebec Bishops from interfering in politics (132).


129. See the account in Le Soleil, 6 February 1897.

130. The Daily Mail and Empire, 30 January, 5 February, 8 February, 15 February, 24 February, 26 February, 1897. At one point the Daily Mail and Empire wrote an imaginary conversation supposed to have taken place between Fitzpatrick and the Pope. Fitzpatrick was described as saying to the Pope, "I have come to ask you to tell us how to govern our country." (30 January 1897)

131. Quebec Morning Chronicle, 17 February 1897.

The publication, in the first week of February, of Blake's opinion on the 1895 Privy Council decision, set off another round of controversy. One Western newspaper, the North West Review, in an editorial entitled "The Tablet and Messrs. Blake and Fitzpatrick", attacked Fitzpatrick. Fitzpatrick's letter to Blake dated January 19th, according to the North West Review, was based on a false hypothesis. The editorial said that the Quebec Bishops had never claimed that the Privy Council decision had entitled the Catholics to the restoration of the separate schools as they had enjoyed them prior to 1890. Fitzpatrick, in requesting Blake's opinion, had made an assumption which was not true. Blake's opinion on the question which Fitzpatrick had asked him was therefore irrelevant and Blake was fighting "a man of straw (133)." Other Conservative newspapers accused Fitzpatrick of implying in his letter that the Bishops had deceived Rome (134).

Against the background of the uproar in Canada, Fitzpatrick himself was interviewed in London. He was asked the reason for his visit to Rome. Fitzpatrick replied with the discretion which was so typical of him as a public politician; he brought no news from Rome, the Canadian government was not negotiating with the Pope and the British government had not told the Pope that it supported the compromise (135).


134. Quebec Morning Chronicle, 17 February 1897.

135. L'Evénement, 10 February 1897, Quebec Morning Chronicle, 10 February 1897.
In the middle of February Fitzpatrick returned to Canada (136) and Russell went back to Rome carrying with him the brief prepared for the Commission of Cardinals (137). On February the 19th Russell telegraphed Fitzpatrick saying that it was possible that some other way rather than the sending of a Delegate might be used to settle the problem (138). Fitzpatrick however was very committed to the idea of a Delegate (139).

With Russell working in Laurier's interest in Rome Fitzpatrick struggled to achieve a solution in Canada. He kept in touch with his clerical contacts and they informed him that Bégin had been notified of the Vatican's intention to send a Delegate (140). The Quebec hierarchy were, however, working to reverse that decision and were receiving support for this from Archbishop Walsh who believed that a Delegate would stir up Protestant antagonism towards Catholics and that this might affect the position of the Church in Ontario. Walsh also feared that the Quebec hierarchy might have too much influence on the Delegate (141). Fitzpatrick felt that Walsh had gone "quite astray" and he therefore

139. There is an unsigned note in the Fitzpatrick Papers declaring that the situation was growing more aggravated every day, peace between Church and State was impossible and urging the sending of a Delegate, (23 February 1897, 254-55). There is also the evidence of his arguments in Rome and his pleasure when a Delegate was sent. See later p.178.
went to see him and had a two hour conference with him at the beginning of March (142).

On February 24th the Bishops were ordered by Rome to suspend all action (143). On March 3rd Bégin left for Rome, so too did Senator Landry, a prominent figure in the Conservative party (144). Immediately there were reports that Fitzpatrick would follow (145). Rumour followed rumour. It was reported that the Canadian government was going to establish a Canadian representative at the Vatican and Fitzpatrick would be the nominee (146).

Fitzpatrick was the focus of considerable attention but he kept his own counsel: "silence and discretion are the price of success" he wrote (147). This must have been difficult to maintain, especially when Drolet, on his return from Rome, gave a very indiscreet interview to the press (148). However, although in public he remained silent, Fitzpatrick did have articles sympathetic to the viewpoint he wished


143. *La Patrie*, 8 March 1897, quoting Russell's telegram of February 24th to the Canadian government. Russell's cable was sent with the official permission of Cardinal Rampolla.

144. *Globe*, 3 March 1897.

145. *Quebec Morning Chronicle*, 3 March 1897.

146. *Daily Mail and Empire*, 4 March 1897.


148. *Quebec Morning Chronicle*, 1 March 1897.
to emphasize published in the *Globe* (149).

Eventually on March 6th came the news that the Pope was sending a Delegate to Canada, Mgr. Merry del Val (150).

There was also other good news for the Liberal Party. In a by-election in Bonaventure, Bishop Blais of Rimouski, had demanded a pledge from the candidates that they would vote against the Laurier-Greenway settlement. The Liberal candidate refused to sign (151). Russell informed Fitzpatrick that Blais had been ordered by Rome not to issue a pastoral on the election. "This is very satisfactory indeed," remarked Fitzpatrick, "and goes far to show the loyal support we are getting at Rome (152)."

The sending of the Delegate and the silencing of Blais all seemed to indicate that Fitzpatrick had pressed his case well at Rome, that the Vatican had listened and the mission had been successful. With the news of Del Val's official gazetting at Rome, Fitzpatrick considered that the matter was concluded (153). In fact another round of controversy began.

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149. P.A.C., L.P., Fitzpatrick to Laurier, 13 March 1897, 12980.
151. *Quebec Morning Chronicle*, 9 March 1897.
153. Ibid., same date 304.
When the Liberals took Bonaventure, Pacaud could not resist the temptation to gloat over the hierarchy's discomfiture so that Laflamme and Mathieu wrote to Fitzpatrick telling him to restrain, "l'imbécile du journal Le Soleil (154)."

In English Canada, the news of a Papal Delegate sent the Conservative press into paroxysms of indignation (155).

On March 21st Fitzpatrick held a large meeting in Quebec County to explain his acceptance of the Laurier-Greenway settlement. There had been many references in the press about his breaking the promise to Bégin (156). During this Fitzpatrick had kept silent but with the news of the sending of a Delegate Fitzpatrick apparently felt himself in a sufficiently strong position to attempt an explanation of his actions.

The speech to his electors (157) was, in its main arguments, identical to the line he had followed in his 15th of December speech. However, in his own constituency, Fitzpatrick was forced to give more

154. P.A.C., L.P., 24 March 1897, 12380, to Fitzpatrick but unsigned. "Pardonnez l'anonyme nous ne pouvons signer" - H.B. Neatby, in Laurier and the Liberal Party, p. 95, attributes the letter to Mathieu and Laflamme. Fitzpatrick never forgot the assistance which these two clerics gave him and he often sought Laurier's assistance to provide money for trips to congresses, especially for Laflamme who was a prominent geologist (L.P. nos. 71964, 84449, 149425, 16608, 40267).

155. See Le Soleil, 15 March 1897 for excerpts from various newspapers.

156. For example, Quebec Morning Chronicle, 5 March 1897, "Promises and Performances".

157. Le Soleil, 22 March 1897, p. 1 & 2. The Globe said that 3,000 people were present (23 March 1897).
attention to that embarrassing pre-election promise to Bégin. Fitzpatrick described the terms of the settlement and stated that it had improved the position of the Catholics in Manitoba. Bégin, however, had opposed the Laurier agreement. Fitzpatrick asked if he (Fitzpatrick) should therefore have resigned? Shouts of "No No" greeted this question. Fitzpatrick concurred with this and went on to explain why. Parliament had only assembled for a short time in the course of 1896 for the purpose of voting subsidies, and there had been no discussion of the settlement in the legislature. The details of the settlement with the Manitoba government were not consolidated. There were still all sorts of possibilities which might improve the Catholic position; the Manitoba government might amend the 1890 law, Laurier might introduce his own remedial legislation. Fitzpatrick must have known that these possibilities were distinctly remote. It is extremely difficult to assess Fitzpatrick's sincerity on these points. In London and Rome he had urged acceptance of the settlement as a first installment. Did he then genuinely envisage further concessions? It is very difficult to assess Fitzpatrick's own opinion since in public he was always discreet and his emphasis on the legal technicalities tended to camouflage his own convictions.

In any case, Fitzpatrick could ignore all the rather ephemeral possibilities because, as he said himself in the speech, the sending of the Delegate had changed the whole situation. More could be gained by diplomacy than war. If war was made on the Laurier settlement the agreement might be reversed and the Catholics would lose what they had already gained. If the Delegate had not been sent, then, Fitzpatrick said, he would have gone to Bégin and told him that it was impossible
to restore the situation as it was prior to the 1890 law.

Fitzpatrick then went on to discuss his attitude to Bégin. He complained that the Archbishop had released his pre-election pledge to the press (158). Fitzpatrick said that it was this action by Bégin which was the basis of the quarrel between himself and the Archbishop. Fitzpatrick said that he could not complain in public about the Archbishop's action so he went to Rome, not as a member of the Government, not on an official mission but on his own individual initiative. "J'allai exposer au Saint Père mes griefs personnels et ceux de mes amis politiques -----. Je lui représentai la situation grave et douloureuse que nous traversons ---- les consciences profondément troublées et la nécessité d'un intermédiaire autorisé pour rétablir la paix religieuse et l'harmonie (159)." The Pope had listened to Fitzpatrick and sent a Delegate to work for "apaisement". Fitzpatrick declared that he had every right to appeal to the Pope in a matter which affected his religious convictions. In conclusion he stressed that the Delegate's arrival should not be taken as a criticism of the Bishops or a condemnation of their actions. The Delegate was a pledge and guarantee that the Pope desired to render justice to all and his representative should be received with that spirit in mind.

As always with Fitzpatrick the speech was an excellent defence of

158. According to the notary, Charlebois, copies of the Fitzpatrick pledge were distributed throughout Quebec County prior to the election but they were not signed. A.A.Q., Jean Alfred Charlebois to Bégin, 3 April 1897. Q.S.M., V.177.

159. See Le Soleil, 22 March 1897; The Daily Telegraph, same date.
Liberal policy delineated with all the skill of his courtroom tactics. The main new point was the ingenious explanation of his visit to Rome, that he had gone to the Pope to complain of Bégin's giving his (Fitzpatrick's) pledge to the press (160).

Parliament convened four days later on March 25th. Undoubtedly Fitzpatrick's mission to Rome would be a controversial issue. Protestant opinion in Canada was always peculiarly alive to the merest hint of possible Catholic subversion and the visit to the Pope was an issue which aroused the indignation of the defenders of an English-Protestant Canada. The anti-Catholic viewpoint was well represented in the Conservative party. The Conservative Party also contained Catholics from Québec who saw the settlement as a betrayal of the Manitoban minority. With the opening of Parliament, the debate on the settlement and on the mission to Rome was transferred from the newspapers to the legislative forum.

It was T.-Chase Casgrain, Fitzpatrick's old antagonist in the provincial field, who launched the major Opposition attack on the Solicitor General. An able lawyer himself, Casgrain pinpointed some of the key weaknesses in Fitzpatrick's whole case. Casgrain first of all examined Fitzpatrick's repeated contention that the Privy Council in 1895 had not ordered the Governor General in Council or Parliament to re-establish separate schools. Casgrain agreed with Fitzpatrick on this but he pointed out, as Fitzpatrick had not, that the Privy Council

160. Bégin's secretary said later that Bégin could not recall without tears the 1896 controversy and the subsequent difficulties which led to the Del Val mission (Crunican, op. cit., p. 454).
had said that the Catholics had been deprived of rights they had previously enjoyed. Casgrain insisted that the Laurier-Greenway agreement had not redressed the grievances of the minority and that this was the key issue. Casgrain also questioned the explanation of Fitzpatrick's visit to Rome. Had Fitzpatrick been sent, he asked, by the Dominion Government or by the individuals who composed the government (161)?

Casgrain also referred to the sending of a Delegate. He said that the Papal authorities had been promised (presumably by Fitzpatrick) that "if the envoy came he would get better terms and a better settlement and that, if he did not, the Solicitor General and two of his colleagues would resign (162)." Casgrain went on to say that he could see Israel Tarte was laughing at this remark. Casgrain said that he too thought that Fitzpatrick would not resign in such a situation.

Casgrain went on to criticize the corner-stone of Fitzpatrick's case at the Vatican - the opinion of Edward Blake on the January 29th, 1895 decision of the Privy Council. According to Casgrain, because of the way Fitzpatrick had phrased his question, no other reply was possible than the one Blake gave. Casgrain also made a special point of criticizing Fitzpatrick for the articles published in the Pall Mall Gazette in January 1897 and he stressed Fitzpatrick's betrayal of his commitment to Begin by quoting Fitzpatrick's pre-election pledge.

161. Canada, House of Commons, Debates, 29 March 1897, 147-167 for the whole speech.

On the following day Fitzpatrick rose to reply. Once again he declared that he was not opposed to the clergy interfering in elections but he was opposed to their interference on behalf of one particular party. He said that he had gone "of his own accord" to Bégin and given his pledge but that the Bishop had never called him to give an account of his actions in connection with the pledge. "Nor has my attention ever been drawn to the fact, up to the present time, that I have not fulfilled it (163)." Instead the Fitzpatrick pledge had been "delivered over to the Tory Party to be made use of for political purposes (164)." The sophistry of the Fitzpatrick explanation makes his argument very difficult to follow. Apparently he was complaining that Bégin had not asked for a personal explanation of Fitzpatrick's actions and that since Bégin had proved to be pro-Tory, then Fitzpatrick was justified in ignoring his pre-election pledge to the Bishop.

Fitzpatrick then went on to discuss the settlement. He admitted that the Manitoba Catholics "would not get all that they are entitled to get and all they ought to contend for ..... (165)." However, "it is utterly out of the question under existing conditions that in this House we should endeavour by any means in our power to give them more than they have at present." The Manitoba Catholics were not being asked to accept the settlement as final, "but to accept it as an installment (166)."

163. Canada, House of Commons, Debates, 30 March 1897, 183.
164. Ibid.
165. Canada, House of Commons, Debates, 30 March 1897, 184.
166. Ibid., 187.
Fitzpatrick then went on to play sharp party politics when he pointed out that the Conservatives in the Manitoba Legislature had opposed the Laurier-Greenway settlement attacking it as a relinquishment of the nonsectarian principle of the school system. The Manitoba Catholics therefore could expect no assistance from the Manitoba Conservative Party.

As regards the federal Conservatives, Fitzpatrick said that the Remedial Bill had been introduced, "not to come to the assistance of the Manitoba minority, not to enforce the judgement of the highest tribunal in the Empire, not to see the constitution of the country was kept inviolate, the intention was to perpetuate the reign of the Conservative Party --- until the elections were over (167)."

Fitzpatrick then went on to discuss his visit to Rome. He had gone there, "not on behalf of the Dominion of Canada, not in the interests of the government of Canada --- I went to Rome --- as a Roman Catholic to bring a grievance that I felt I had in common with other Roman Catholics to the Head of my Church (168)." He said that it was a source of gratification to him that "any Catholic however humble he may be can go to Rome and, within two days after he reaches there, can go to the Head of the Church and tell him the grievance and he will be listened to and heard (169)." This piece of humbug was immediately criticized (170).

167. Canada, House of Commons, Debates, 30 March 1897, 189-190.
168. Ibid., 193.
169. Ibid., 193.
170. See below p. 186.
Fitzpatrick was hardly a "humble petitioner". He had gone to Rome armed with letters from the premier Duke of England and the leading Catholic Cardinal and backed by the good will of the English Government. The claim however, was a nice piece of rhetoric and typical of Fitzpatrick in full oratorical flower. He concluded his speech with a short paean of praise for the Papacy. "Men talk about the British Empire, about Russia, Germany and France ---- all that is nothing compared by the influence wielded by him who presides at the Vatican (171)."

A.-A.-C. Larivière, M.P. for Provencher, attacked Fitzpatrick for suggesting that the settlement was only an installment before further concession. He pointed out that J.D. Cameron had insisted, in the Manitoba Legislature, that the settlement was final (172).

M.J.F. Quinn, M.P. for Montreal, Ste. Anne's, poured scorn on the idea that the Solicitor General had gone to Rome as a private citizen accompanied as he was by the Solicitor for the Dominion of Canada, Charles Russell, to merely ask for an Apostolic Delegate to settle a

171. Ibid., 193.

172. Canada, House of Commons, Debates, 30 March 1897, 218. Cameron was the Attorney General in the Manitoba Government. He had declared in the Manitoba Legislature that the national school system was unimpaired and that the principle of provincial autonomy had been maintained. He went on to say that the principle of federal intervention into provincial education had been forever abandoned (Globe, 22 March 1897).
matter between the Solicitor General and his Bishop (173).

George McInerney, M.P. for Kent, referred to Fitzpatrick's influence on the English press. He pointed out that the Tablet had advised the minority to accept the settlement just about the time that Fitzpatrick was in England. He attacked Fitzpatrick's confidence in Greenway's assurances of further concessions (174). "Rely on the generosity of a man who a few short years ago robbed these people of their rights under the constitution (175)." McInerney was also critical of Fitzpatrick's explanation of his conduct towards Bégin. McInerney said that Fitzpatrick felt himself free to throw up a contract because the Bishop had not supported him. Fitzpatrick gave the pledge, said McInerney, to "obtain political support and he turns round coolly afterwards and says,

173. Canada, House of Commons, Debates, 30 March 1897, 229-230. The whole question of Russell's participation in the Fitzpatrick mission was extremely delicate. The mission to Rome had cost money but it was not paid out of government funds. Fitzpatrick seems to have had the responsibility for paying Russell but where the money came from it is difficult to say - probably from the Catholic Liberals in Parliament. (See Fitzpatrick Papers, Russell to Fitzpatrick, 4 December 1897, 648-50 re. Russell's expenses.) In May 1898 Fitzpatrick was questioned in the House as to how much Day, Russell and Co. had been paid in Solicitor and Counsel fees since their appointment. Fitzpatrick said the bill was 738 pounds, 8 shillings and 2 pence. "They have performed no service for the Government except as solicitors before the Privy Council in England and they have not been paid anything for other services." (Canada, House of Commons, Debates, 1898, 5135-36.) Landry also questioned Mills in the Senate about the Russell fees (Canada, Senate, Debates, 27 April 1898, 63405).


175. Canada, House of Commons, Debates, 31 March 1897, 280.
"but the Bishop worked against me" (176)." According to McInerney, Fitzpatrick went to Rome "to try and stave off the declaration of his Bishop that the settlement was unsatisfactory because when that declaration is made the hon. Solicitor General as an honest man must resign his seat in the House (177)."

The Protestant Conservatives attacked Fitzpatrick for his remarks about Papal power. W.F. Maclean, M.P. for East York, declared that the Queen "is the guardian of our civil liberties not his Holiness of Rome (178)." J.R. Robertson, M.P. for East Toronto, declared that the Manitoba School question was buried and not on the installment plan (179).

Outside Parliament the Mail and Empire waxed very sarcastic about Fitzpatrick's remarks on Papal power (180), whilst the Globe described Fitzpatrick's defence as "magnificent" and "a triumph". "Seldom has the House listened with closer attention than it did to this statement (181)."

The arrival of Merry del Val turned public attention away from the Fitzpatrick visit to Rome to consideration of the purpose of the

176. Ibid., 281, 283.
177. Ibid., 282.
178. Ibid., 289.
179. Ibid., 322. This was a reference to Fitzpatrick's remarks that the settlement was not final but an installment. (Canada, House of Commons, Debates, 30 March 1897, 187.)
180. Daily Mail and Empire, 1 April 1897.
Delegate's visit. Del Val insisted that he had not been sent to settle the School question (182). "I have not been invited to discuss or to approve of the accords which have been reached between the Federal Government and the Government of Manitoba, I have been called to verify not to discuss the facts (183)." He was acutely aware of the problems he faced. "I consider myself more than incompetent to deal with the critical and passionate situation existing in Canada; the responsibility and anxiety of the question is enormous (184)."

In England the Tablet declared that Del Val was to help the settling of a question which had troubled Canada for seven years. Again there was the emphasis that the whole situation was still open; "no party was irrevocably committed to the terms of the settlement (185)." In Canada the Daily Mail and Empire insisted that the settlement was unchangeable (186). Del Val was reported to have regretted

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182. Fitzpatrick had wanted a Delegate who was English with a knowledge of the British constitution. (Norfolk Papers, Fitzpatrick to My Lord Duke, 20 January 1897) Del Val, although not English, was very familiar with England and English society. He had been born in England when his father was in the Spanish diplomatic service there and he had been educated in English public schools. Moreover, he was an attractive, sophisticated person with an understanding of the Protestant mind. Del Val's own grandfather had been a convert to Protestantism and Del Val himself was the secretary of the Papal commission investigating reunion of the Protestant Churches with Rome. See Le Soleil, 16 March 1897; M.C. Buehrle, op. cit., pp. 6-17.


185. Tablet, 20 March 1897, p. 441.

186. Daily Mail and Empire, 31 March 1897, and 22 March.
that the settlement had been introduced and passed by the Manitoba legislature before he arrived in Canada (187).

In Canada Del Val summoned the malcontents, listened to their case and asked if they were willing to submit themselves to the Sovereign Pontiff (188). Fitzpatrick, although publicly keeping a low profile, was very active in assisting the Delegate (189).

In Ontario Del Val met with Archbishop Walsh. Walsh stated his opposition to a continuation of agitation because he feared the effect on the Protestant attitude to the Catholic schools of Ontario. Del Val had Walsh prepare a memorandum on the school question and arrange a conference of Ontario Bishops. The resolutions of this conference maintained that remedial legislation by either a Conservative or Liberal government was practically impossible and that any immediate legislation by Manitoba was likewise impossible in view of Protestant hostility. It was therefore more prudent to avoid aggressive action and take advantage of every concession which the Greenway Government might grant, if they were not treated with hostility by the Catholics (190). Del Val was

187. Interview with Del Val in the Globe, 31 March 1897.


189. *L'Evénement* reported that Fitzpatrick had managed to secure for Ernest Pacaud an interview with the Delegate (7 April 1897). In the Fitzpatrick papers there are a number of telegrams dealing with the day to day movements of the Delegate; nos. 370, 373, 380. See also Joseph Schull, *Laurier, the First Canadian*, MacMillan Co. of Canada, Toronto 1965, p. 345.

190. P.D. Stevens, *Laurier and the Liberal Party of Ontario*, p. 171, quoting from the Cleary Papers, Resolutions of the Bishops meeting, Toronto, 11 May 1897. The resolutions of the Bishops' meeting were similar to the principles of the Papal encyclical "Affari Vos".
obviously impressed by Walsh (191), and Fitzpatrick himself said later:
"Frankly, the Archbishop saved our necks (192)."

After Ontario and Quebec the Delegate visited Manitoba where he
had to decide whether Greenway was acting in good faith or whether
Langevin's hostility and suspicions were justified. Del Val sent
Laurier a memorandum "of administrative concessions which will help to
make the settlement more acceptable." The memorandum dealt with the
appointment of Catholic members of the Board of Education and the selection of school inspectors acceptable to the Archbishop, the authorization of acceptable textbooks and the certification of teachers from religious communities (193).

For Laurier and Fitzpatrick the question of Greenway's co-
operation was very important. The possibility of future concessions
had been a key point in both Laurier and Fitzpatrick's arguments in
favour of accepting the settlement rather than proceeding with remedial
legislation. Laurier did have means of pressuring Manitoba. The
Dominion Lands Act empowered the federal government to sell school lands
in Manitoba and pay the provincial government the interest on the sums
realized, the money to be used for provincial education requirements.
Manitoba was badly in need of money and a resolution was introduced
into Parliament for a grant of $300,000 from the school fund to be paid

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192. P.A.C., L.P., MacMahon to Fitzpatrick, 2 March 1903, quoting a letter of June 3rd, 1897, 70709.
to Manitoba but the "Catholic M.P.s opposed it absolutely (194)." If Manitoba wanted the money she would have to show some willingness to meet Catholic interests.

Concessions on various educational matters in Manitoba were therefore worked out by J.D. Cameron, Sifton and Laurier (195). However, when the concessions became public knowledge, they met with criticism and Greenway failed to introduce the concessions as he had promised to do by an Order-in-Council (196).

Fitzpatrick played a role in all this. The possibility of the federal government withholding money from Manitoba had been part of Fitzpatrick's campaign plan for some time (197). He had investigated the possibility of withholding money and had even wondered if it were possible to direct some of the money from the School Lands fund to the Separate Schools (198). It was Fitzpatrick who notified Richard Cartwright

195. P.A.C., L.P., Fitzpatrick to Laurier, 12 July 1897, 15697.
198. P.A.C., Fitzpatrick Papers, C.H. Ritchie to Fitzpatrick, 4 May 1897, 375-379; 5 May 386. Ritchie was a Q.C., a member of the legal firm Ritchie, Ludwig & Ballantyne. He was replying to an enquiry of Fitzpatrick's. Ritchie said "The question you ask is whether 'by virtue of sec. 25 Cap. R.S.C.(sic) the Federal Government could give financial assistance to the minority in Manitoba'." Ritchie said that "after careful perusal of the Dominion Lands Act and of the memorandum you (Fitzpatrick) sent me I am of the opinion it has no power to do so under that section." He went on to say that there was nothing"to prevent such (sic) Parliament from repealing the clauses of the 'Dominion Lands Act' relating to school lands and making other provisions in regard thereto, or of giving from some other source financial assistance to the minority."Ibid., 375-9.
(Laurier was in Europe) that the "resolution granting them $300,000 out of the School funds ---- should not be pressed in the House (199)."

When Sifton heard this he went to Winnipeg presumably to pressure the Manitoba government but he achieved nothing (200), although it was reported that the Manitoba government was "sore" about the withholding of the $300,000 (201).

Fitzpatrick had persuaded Del Val to stay longer in Winnipeg in the hope that the Greenway government might be persuaded to pass the concessions (202). When these did not materialize Del Val was very disappointed and, according to Fitzpatrick, he became quite ill. Del Val had already written to the Vatican to inform them of the proposed concessions (203), and Laurier too had written to Rampolla outlining the improvements to be made (204). It seemed that the Quebec hierarchy and Langevin were justified in their suspicions of the sincerity of the Manitoba Liberal government. Del Val suggested that Fitzpatrick should get from Sifton a letter explaining that Manitoba had given assurances about concessions but that this news had somehow been reported in the newspapers and in the ensuing


200. Ibid.

201. Ibid.

202. Ibid., 15698.

203. Ibid.

204. P.A.C., R.W. Scott Papers, Scott to Archbishop Walsh, 14 June, 1897, 623.
publicity it had been difficult for Manitoba to execute this promise (205). However, even this letter was not secured because the Cabinet felt that such a letter might, if it were published, embarrass Sifton (206).

Fitzpatrick too was disappointed and worried. He suggested that Laurier himself should go to the Pope (207). In bitter terms he wrote to Richard Scott,

There would appear to be some foundation for the complaint made by the Bishops that no reliance can be placed on the assurance given by the Canadian Liberal Party. He (the Delegate) leaves the country with a nice impression of us all and unfortunately we have given him reason to suspect us (208).

On his return to Rome, however, Del Val worked to convince the Papal authorities that the Laurier viewpoint was right (209). He believed Laurier's assurances that "if we failed first we will succeed later on and even at an early date (210)." Del Val had also been

205. P.A.C., L.P., Fitzpatrick to Laurier, 12 July 1897, 15698.
208. P.A.C., R.W. Scott Papers, Fitzpatrick to Scott, 22 July 1897, 639-42.
209. According to R.W. Scott, Del Val felt that the withholding of the $300,000 was evidence of the government's good intentions (R.W. Scott Papers, R.W. Scott to Laurier, 12 July 1897, 629)
impressed by the Ontario Bishop's fear that the reopening of the school question might endanger separate schools in the Protestant provinces (211). Opposing Del Val in Rome was Mgr. Bruchesi of Montreal (212).

In early November, Fitzpatrick asked Charles Russell to return to Rome (213). Russell doubted the wisdom of this but at Laurier's request he went (214). On November 26th Russell addressed a letter to Cardinal Rampolla declaring that he came at the urgent request of the Catholic members of the government and Parliament of Canada (215). The Canadian Catholics did not ask the Pope to sanction the Laurier-Greenway agreement as perfect but asked that they be regarded as a "commencement de Justice (216)." The letter also asked for a permanent Delegate (217).

Russell reported to Fitzpatrick that he did not know the Vatican decision but Del Val seemed "cheerful". Del Val, however, had said,

213. Ibid.
214. P.A.C., Fitzpatrick Papers, C. Russell to Laurier, 27 November 1897, 634.
215. P.A.C., Fitzpatrick Papers, Russell to Rampolla, 26 November 1897, 640-42. There were criticisms of this letter later in the Senate. See Canada, Senate, Debates, 4 May 1898, 678-687.
216. P.A.C., Fitzpatrick Papers, Russell to Rampolla, 26 November 1897, 640-642.
217. P.A.C., Fitzpatrick Papers, Russell to Rampolla, 26 November 1897, 640-642.
The worst of it all is that these good bishops are perfectly right in all their arguments. The Catholics of Manitoba have been done out of their right. The central Parliament has the power under the constitution to pass remedial laws. The Church does not sanction mixed schools when the faith of the children might be lost but the Bishops seem incapable of grasping the situation as it is, that as a matter of practical politics the central parliament cannot pass (no matter which side is in power) a remedial law and the Church cannot allow generation after generation of children to grow up without any education at all, waiting until there is a Catholic majority in Manitoba which may never be (218).

Fitzpatrick did not diminish his efforts to secure a decision favourable to the Canadian government. He sought out reports and press cuttings to send to Del Val (219). On December 4th Russell wrote to Fitzpatrick saying that he thought that the decision would be that the Catholics had been treated unjustly and that the settlement was unsatisfactory but that in areas where the Catholics did not have schools or were unable to maintain schools they were at liberty to have their children educated in the public schools (220). Russell said that the practical result of this was that, in future, the Greenway schools should run smoothly (221).

Del Val himself wrote to Fitzpatrick about the encyclical. He said that he thought Fitzpatrick would be pleased with the Pope's decision but he warned him to watch that there were no cries of victory in the press,

218. P.A.C., Fitzpatrick Papers, Russell to Laurier, 27 November 1897, 635-636.

219. Ibid.


221. Ibid.
"utterances of that kind would only be communicated here at once and be given as fresh proofs of the contentions that so many are endeavouring to establish, that your party is antagonistic to ecclesiastical authorities (222)." Del Val also suggested that when the encyclical was published, Laurier, Fitzpatrick and other public men should write to the Secretary of State at the Vatican acknowledging their acceptance of the Papal directions (223).

Laurier received an account of the encyclical at Christmas and he wrote a resumé to Fitzpatrick suggesting that a good article be prepared to pave the way for the encyclical in the press (224).

The encyclical "AffariVos" was published in the press on December 27th. As expected, it said that the School Act of 1890 was unjust and the Laurier settlement was inadequate. Catholics had the right to demand much more. However, the virtues of brotherly love must not be lost sight of and partial satisfaction must not be refused. If the evil could be lessened by the law or circumstances these should be made use of (225).


225. The Daily Telegraph, 27 December 1897.
On the whole the Liberal press was moderate in its response. The Quebec *Daily Telegraph*, over which Fitzpatrick had some influence (226), in a very tactful editorial pointed out that the Pope had commended the Bishops for their resistance to the 1890 law (227). Fitzpatrick was, however, worried about Pacaud, "up to the present he has run fairly well but one can never tell when he will make a break (228)."

Laurier sent an article on the encyclical to Fitzpatrick with the intention of having it published in *Le Soleil*. Fitzpatrick showed the article to his "oecumenical council" at Laval (presumably Monsignor Laflamme and others of similar outlook) and they cautioned delay (229). In any case, Laurier had decided for himself that his article was too pugnacious and he asked Fitzpatrick to return the draft (230).

Fitzpatrick energetically lobbied to ensure the smooth reception of the encyclical. He saw to it that a letter was sent to Bishop Emard of Valleyfield to show him that he had a following amongst "the best elements of our clergy (231)." He also tried to find out the agenda

226. P.A.C., Fitzpatrick Papers, Fitzpatrick to John Jordan (writer for the *Daily Telegraph*), 6 November 1902, 1743.

227. The *Daily Telegraph*, 27 December 1897. Fitzpatrick wrote to Laurier to ask him if he had liked the *Daily Telegraph* article. L.P., Fitzpatrick to Laurier, 28 December 1897, 19066.

228. P.A.C., L.P., Fitzpatrick to Laurier, 28 December 1897, 19065.


for the Bishops' conference in January (232).

His letters at the end of December 1897 seem to indicate that he was very pleased with the way things had worked out. He had worked very closely with Laurier and the two men seemed to have developed a personal affection (233).

With the quietening of the controversy Fitzpatrick began to talk about resigning. He had heard rumours that Laurier was to bring P.-A. Choquette into the government in place of Joly. Fitzpatrick "cheerfully" offered to resign to give Choquette his place (234) but Laurier ignored the offer. He was most anxious to act towards Fitzpatrick "in the manner most conducive to your interests." He recognized "the loyalty with which you (Fitzpatrick) have discharged all your duties towards me and towards the Government (235)." So Fitzpatrick stayed.

The encyclical had ended the public controversy. The Manitoba School Question and the settlement were no longer national issues. Fitzpatrick, in fact, had declared the issue "dead and buried" as early as June 1897 after the Quebec Liberals had won a great victory in the

232. Ibid. Fitzpatrick said that he was not too worried about a row because "the greater the row the surer we will be to have a Delegate." Ibid., 19686.


provincial election (236). From the national viewpoint he was right. Laurier was determined to keep the whole issue out of Parliament and this he managed to do. However, although it was no longer a source of public embarrassment, the situation of the Manitoba minority continued to be a nagging problem for the Liberal government and for Fitzpatrick. The Laurier-Greenway agreement had settled the broad framework of the compromise but there were still details such as the choice of books, the setting of curricula and the training and qualification of teachers to be arranged. In addition, Langevin remained monumentally obstreperous; he never accepted the settlement as a fait accompli, "he looked forward to the restoration of the status quo ante-Joseph Martin (237)."

Bégin too, at least at first, was very hostile (238). In a very bitter letter to Del Val Fitzpatrick complained about the hierarchy's attitude,

> If we Catholic laymen cannot work harmoniously with our bishops and if we are not to be permitted to read the encyclical letter with the aid of our own judgement and our knowledge of the facts or even to discuss its bearing and effect, it is idle for us to endeavour any further to keep up the efforts we are making to improve the position of the Manitoba Catholics.

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236. *Quebec Morning Chronicle*, 10 June 1897, p. 2. The Liberals took 59 out of the 74 seats in the Legislature under Félix-Gabriel Marchand.

237. P.A.C., L.P., J.S. Ewart to Laurier, 22 April 1899. Fitzpatrick and Ewart were occupied in trying to secure a $1,000 grant for Langevin. (L.P., Laurier to Fitzpatrick, 13 September 1898, 23688; Ewart & Fisher to Fitzpatrick, 19 January 1899, 22512, 8 April 1899, 32864-5; Laurier to Ewart, 14 April 1899, 32862.)

I, for my part, am heartily sick and tired of the never ending conflict and if something is not done immediately to send us a delegate who would remain permanently in our midst and to whom we could have recourse for advice and guidance without feeling that we are under suspicion, the result will be that we will each endeavour to attend to our own business and leave public affairs alone (239).

Fitzpatrick continued to work for smoother relations between the hierarchy and the State. In 1898 he was again in England (240). Whilst he was there he heard that Langevin had been to see the Duke of Norfolk and Cardinal Vaughan and although neither of them would help Langevin, Fitzpatrick was sufficiently worried to think of going to Rome himself (241). He also reported to Laurier that Del Val was concerned that the conflict might begin again (242). The problem was that although there were schools functioning under Roman Catholic teachers in Manitoba, there were still problems over the schools in the City of Winnipeg (243). Fitzpatrick was certainly worried that Langevin might cause trouble. In a very shrewd move, Fitzpatrick arranged for

242. Del Val's letter to Fitzpatrick is in the Laurier Papers, 4 August 1898, 25655-8.
243. The Daily Telegraph reported in April of 1898 that there were 80 French Roman Catholic schools functioning in Manitoba but the Winnipeg schools had not come under the agreement (23 April 1898). In 1903 there were problems between the city of Winnipeg and the Roman Catholics. Fitzpatrick intervened on the Roman Catholic's behalf. (Fitzpatrick Papers, N. Bawlf to Fitzpatrick, 24 April 1903, 2160; Fitzpatrick to Bawlf, 29 April 1903, 2161.)
Cox, the editor of the *Tablet*, to visit Canada. "He (Cox) is as you know the Cardinal's (Cardinal Vaughan) first cousin and general agent. It has cost a small amount but I think it useful to keep this element straight (244)." Fitzpatrick's patronage of Cox paid off handsomely. Cox wrote articles for the *Tablet* about his Canadian experience. In the articles he referred to Laurier as the strongest man in the Dominion and said that, although the school question was not settled, the federal government was honourably and loyally anxious for the settlement. Cox attacked the Conservative press for making reconciliation more difficult and said that, although the Winnipeg problem had not been resolved, he was sure a "way would be found out of the difficulty (245)."

Certainly, in influencing high ecclesiastical circles in England, it was the clever Irish lawyer rather than the sincere, but frequently maladroit, Archbishop of St. Boniface who made the best impression.

In June of 1899 a permanent Apostolic Delegate to Canada was at last appointed, Archbishop Falconio. The Manitoba school situation continued to be a contentious issue. Laurier continued to use the School Lands Act as a means of pressuring Manitoba to make further concessions in administering the School Act (246). Fitzpatrick seems

244. P.A.C., L.P., Fitzpatrick to Laurier, 6 August 1898, 25587-90. Fitzpatrick asked Laurier for a free pass for Cox on the C.P.R. (L.P., Fitzpatrick to Laurier, 3 September 1898, 26183.)

245. The *Tablet*, 22 October 1898, pp. 644-45.

to have played a role in this (247), but it is difficult to assess his contribution as he was very discreet and urged discretion on all his correspondents (248). When Mgr. Sbarretti replaced Falconio, Sbarretti contacted Fitzpatrick for information on the School Lands fund (249) which would seem to indicate that Fitzpatrick had played a part in the Laurier policy of using the federal funds to pressure Manitoba. Sbarretti acknowledged that Fitzpatrick had worked to find a solution to the minority's problems in Manitoba (250). Even after his retirement from politics, Fitzpatrick continued to interest himself in the problems of the Manitoban Catholics (251).

The Manitoba School Question was a delicate issue for all politicians. Fitzpatrick played a major role in the settling of the controversy and emerged with his reputation immeasurably enhanced.

247. There is a letter in the Fitzpatrick Papers from the St. Boniface Archbishop referring to the interest on the school money and saying that Roblin (Premier of Manitoba) had said he would fulfil his promise. (P.A.C., Fitzpatrick Papers, Adérand, Archbishop de St. Boniface, to Fitzpatrick, 6 May 1902, 1508-11; also L.P., Fitzpatrick to Laurier, 29 August 1901, 58372-3) Later, in 1902, Fitzpatrick in a speech in Winnipeg claimed to have interpreted the School Land Act in such a way as to get more money for Manitoba (Globe, 29 September 1902; P.A.C., Sifton Papers, undated, 97076-78.)

248. P.A.C., Fitzpatrick Papers, Deegan and Russell to Fitzpatrick, 29 August 1903, 2496. Laurier too was anxious to avoid public discussion of the Catholic schools in Manitoba. (L.P., Laurier to Fitzpatrick, 9 September 1904, 89416-18.)

249. P.A.C., Fitzpatrick Papers, Schaefer to Fitzpatrick, 23 February 1903, 1927.

250. P.A.C., Fitzpatrick Papers, Sinnott to Fitzpatrick, 17 February 1904, 2832; 24th February 1904, 2851-2; 29 February 1904, 2867.

251. P.A.C., L.P., undated but from the Chief Justice's chambers, 117577a-c; 52062.
The mission which he undertook to England and Rome provided him with an opportunity to display his considerable talents. He succeeded where Proulx and Drolet had failed. Fitzpatrick possessed a formidable ability to persuade, which was based on his experience, as a defence lawyer, of knowing the arguments which would be most appealing to the listener (252). He worked extremely hard and prepared his case well. He approached the right people, he used the press cleverly, and above all his intelligence, his innate charm and his diplomatic skill enabled him to move easily in the aristocratic and sophisticated worlds of the political and religious Establishments of England and the Vatican. He completely out-maneuvered the earnest and sincere but frequently naive Bishops who opposed him. The Chief Justice of England (253), Rampolla (254), and Del Val (255), were all impressed by Fitzpatrick.

In Canada he kept a cool head. Although frequently under attack he kept his own counsel. Monsignor Mathieu and Monsignor Laflamme of Laval commented on the dignity and reserve with which he conducted his

252. When he spoke to Edward Blake he stressed legal issues; when he addressed his constituents he discussed party politics and personality conflicts; with the Pope he avoided criticizing the Bishops although he was very critical of Bégin for example; in his letters with Archbishop Walsh of Ontario he stressed the dangers which the agitation might mean for the Catholics of that province.

253. Russell of Killowen wrote to Norfolk on Fitzpatrick's behalf (Norfolk Papers, 19 January 1897), and he also corresponded with Fitzpatrick in warm terms.


255. P.A.C., Fitzpatrick Papers, C. Russell to Laurier, 27 November 1897, 635.
Fitzpatrick was constantly aware of the danger less temperate and more partisan supporters of the Liberal cause could bring. He constantly strove to reduce the intensity of the political and religious antagonisms aroused by the issue.

To his enemies, Fitzpatrick's work in helping to bring about acceptance of the settlement was just one more example of his capacity for treachery. Some critics implied that financial considerations motivated him: "M. Fitzpatrick, politicien rusé, membre du ministère Laurier, intéressé à conserver le gros salaire que sa position lui rapporte (257)." In fact, however, it is unlikely that money played any part in Fitzpatrick's failure to live up to his pledge to Bégin. Fitzpatrick never gave a satisfactory explanation for his behaviour. Prior to the election it must have been apparent to a man of Fitzpatrick's political sophistication that remedial legislation would be practically impossible to introduce and pass in the Canadian Parliament. Indeed, impracticality was one of his own main arguments against the Remedial Bill when he urged acceptance of the Laurier settlement. In the Commons Fitzpatrick used, as an excuse for his own actions, the fact that Bégin had given the details of the Fitzpatrick pledge to the press. This in some way was supposed to have broken the agreement between them. The explanation is weak to say the least. Fitzpatrick failed to live up to his promise because the promise was impractical.

256. P.A.C., L.P., "Pardonnez l'anonyme" to Fitzpatrick, 24 March 1897. H.B. Neatby, op. cit., p. 95 says that this letter is from Mathieu and Laflamme.

and unrealistic. What is surprising is not that Fitzpatrick failed to live up to his promise but that he should ever have given it in the first place and the only logical explanation of that seems to be the desire to get himself elected. Yet he did say that he was reluctant to run (258) and twice during 1897 he offered to resign (259) which is hardly the attitude of a man greedy for power. Fitzpatrick was an extremely complex personality. Throughout his political life he declared his distaste for politics (260) yet he remained a politician for sixteen years. He had in fact a splendid ability to deceive himself in his own interest. Throughout his life he was convinced of his own integrity and probity. He was always capable of rationalizing behaviour which was beneficial to himself and his career into matters of principle. As his letters and speeches show, Fitzpatrick was fully aware that the settlement was "defective, imperfect and insufficient (261)" but political reality dictated that the settlement should be accepted. If it were not, then, instead of more favourable concessions being made to the Catholics, religious peace in Canada would be disturbed and the Catholic Church would suffer. This was part of his whole rationale for accepting the Laurier settlement. Yet, if he was such a realist, how could he have made one of the key points of his whole argument

258. See above, pp. 131-132.


260. P.A.C., L.P., Fitzpatrick to Laurier, 3 November 1899, "You know I hate politics" 38654.

261. P.A.C., Fitzpatrick Papers, Fitzpatrick to Del Val, 11 January 1898, 724.
the probability of further concessions from the Manitoba Government. It was pointed out to him in Parliament that he was asking the Catholics to trust in the good faith of a government which had deprived them of their rights in the first place. Fitzpatrick seems to have been perfectly sincere in his reliance on the assurances of the Greenway government and he was certainly bitterly disappointed when Manitoba failed to carry out the promise made to Del Val. The conclusion must be that he deceived himself over the good will of the Manitoba government and the reason he deceived himself was because he wanted the settlement to be accepted and in this self interest must have played a part. For, if the compromise was not accepted, the Liberal government was unlikely to survive and in that situation, not only would the position of Catholics in Canada be endangered, but the career of Charles Fitzpatrick in federal politics would be over.
CONCLUSION

In July 1896 when Wilfrid Laurier announced the appointment of Charles Fitzpatrick as Solicitor General of Canada there was indignation in French-Canadian Liberal circles. Laurier received several letters expressing opposition to Fitzpatrick's selection (1) and one letter in particular expressed very vividly the antipathy which Fitzpatrick aroused. O.-E. Talbot wrote to Laurier to say that he hoped the news of Fitzpatrick's appointment was incorrect:

Fitz. possède une belle intelligence mais c'est un traître par tempérament, par instinct et par nature. Ne l'approchez pas ..... à la première occasion il vous mordrait. Comme pour l'aspe et la tarantule, c'est la distance qui fait la sûreté (2).

Yet suspicion of Fitzpatrick was not confined to French Canadians. In the Spring of 1897, as Fitzpatrick attracted considerable public notice because of his role in the settlement of the Manitoba school affair and his visit to the Pope, a letter from Quebec appeared in the Daily Mail and Empire. The letter was signed "Irish Liberal" and it launched a vicious attack on Fitzpatrick:

1. H.G. Carroll wrote to say that the position should have gone to Choquette. P.A.C., L.P., Carroll to Laurier, 5 July 1896, 5282-3. C.-A. Pelletier also protested. L.P., Pelletier to Laurier, 3 July 1896, 5218-20.

Surprised we can never be by any violation of faith honour or principle of which Mr. Fitzpatrick may become guilty ---- the self confessed violator of pledges a breaker of promises and a traitor to principle ... (He is) a measly emasculated specimen of French-Hibernianism ... the Franco-Hibernian disciple of Quebec-Tartish-Liberalism (3).

On April 10th a letter signed "another Irish Liberal" defended Fitzpatrick saying that Fitzpatrick was not a Franco-Hibernian but an Irishman (4). Whereupon on April 17th "Irish Liberal" returned to the attack. Fitzpatrick said "Irish Liberal", had gone to French schools, he was married to a French Canadian, he worshipped at a French church, he was not a pew holder at St. Patrick's and, as a City Councillor, Fitzpatrick had rebuked a Scottish alderman because he could not speak French (5).

On May 8th a letter writer signing himself "Franco-Hibernian" wrote to *L'Evénement* criticizing Fitzpatrick for supporting an Irishman who could not speak French as the provincial Liberal candidate for Quebec West (6).

Such were the tricky cross currents of racial factionalism which faced Fitzpatrick as an Irish Catholic representing a constituency which was largely French-Canadian. Irish Catholics expected Fitzpatrick to support Irish Catholic interests but Fitzpatrick well knew that in a province which was mainly French-Canadian he could not afford to alienate French-Canadian national sentiment. Throughout his career in provincial

3. *Daily Mail and Empire*, 3 April 1897, part two.
4. *Daily Mail and Empire*, 10 April 1897, part two.
5. *Daily Mail and Empire*, 17 April 1897, part two.
politics he walked the tightrope of national sensitivities with considerable skill. He refused to join in Irish indignation when Mercier failed to appoint an Irishman to his Cabinet but he assuaged Irish annoyance by shrewd appeals to Irish patriotic sentiment. He was always an excellent public speaker and by delivering speeches on Ireland's martyrs and Ireland's poets he managed to maintain communication with the Irish community (7).

In his relationship with the French-Canadian community Fitzpatrick faced a different situation. Fitzpatrick had strong French-Canadian connections, through his education and marriage, but he was not a French Canadian. Thus, at a time of intense French-Canadian national feeling, he could not easily exploit a national sentiment which was not his own. What he did attempt to do was to show sympathy with French Canada's national interests, which he did during the Riel affair, and defend French Canada to her critics which he did frequently and very well. He also showed a remarkable sensitivity to the use of the French language. He insisted on the right of French Canadians to speak their own language when they were legally entitled to do so (8) and he publicly rebuked members of the English-speaking community of Quebec for their lack of knowledge of French (9). However, just as the question of Irish Cabinet representation had threatened his relationship with the Irish community, so the events surrounding the resignation and fall of Honoré

7. See above Chapter II, p.79.
8. See above Chapter I, p.27.
9. See above Chapter II, p.83.
Mercier endangered his position as a Liberal representative of a French-Canadian constituency. The Mercier affair provoked strong emotional reactions amongst the French-Canadian Liberals. Fitzpatrick did not share that emotional affection for Mercier and, whether because of genuine repugnance at Mercier's corruption or because of annoyance that Mercier had failed to appoint an Irishman to his Cabinet, Fitzpatrick certainly worked to bring about Mercier's downfall. Inevitably this provoked hostility and resentment amongst Mercier supporters but Fitzpatrick managed to survive the Mercier debacle and overcome the hostility his actions had provoked. He achieved this by avoiding entanglement in public debate and by gestures of apparently detached good will such as offering to defend Charles Langelier. Indeed, one of Charles Fitzpatrick's most characteristic qualities was this public discretion (10). He not only avoided public controversy but showed no inclination to give a clear explanation of his own views on any issue. He had no horror of being misunderstood. Indeed, the more ambiguous and unspecified his opinions, the more he could manoeuvre to his own advantage. No one was ever sure where his loyalty lay. Thus, during his provincial career, he managed to be elected as a Mercier supporter, conspire in Mercier's fall, defend Mercier's actions in court, be offered a post in a Conservative administration, vote against his own party, be wooed by the federal Liberals and end his six-year career in provincial politics, at least in public view, on good terms with his party.

10. In August 1897, when Laurier returned from Europe, Fitzpatrick did not go to meet him because he thought it better not to, "thrust myself prominently forward at the present moment so as not to offend the susceptibilities of anyone." P.A.C., L.P., Fitzpatrick to Laurier, 16 August 1897, 224512. This is rather a good example of Fitzpatrick's discretion.
Such a formidable display of political virtuosity earned him many enemies (11), as the Talbot letter and the various anonymous letters to the newspapers show, but Charles Fitzpatrick's reputation for treachery was mainly in the back rooms of party politics not in the scrutiny of the public eye. One of the most remarkable aspects of his career in provincial politics is the almost complete absence of newspaper condemnation of his actions and the almost universal praise for his diligence, hard work and political and legal ability (12). As his career advanced and Fitzpatrick rose from one prestigious position to another, his enemies were rarely in a position to harm him. Moreover, Fitzpatrick always insisted on the purity of his own motivation (13) and the armour of his self-righteousness, his habitual urbanity and formidable public charm (14) were very difficult to penetrate.

11. Le Soleil reported that Fitzpatrick had "un grand nombre d'ennemis à Québec" (17 December 1897).

12. The Quebec Daily Telegraph, for example, during the Mercier affair roundly condemned Owen Murphy but did not criticize Fitzpatrick. During most of his provincial career the Quebec Morning Chronicle, a Conservative paper, praised Fitzpatrick's speeches and suggestions, and commented on his hard work (27 November 1890; 21 October 1895). L'Électeur praised his legal work during the Mercier trial (14 May 1892. He was Pacaud's lawyer).

13. His speeches in the Legislature during the debates on the economic situation of the province after the fall of Mercier were notable for their appeals to the "melodious notes of patriotism" rather than "the demon of party discord." See above Chapter II, p. 74.

14. "The charming personality and genial temperament of the brainy and resourceful Solicitor General of Canada enables him to make friends rapidly amongst strangers and these are for the most part easily swayed, at first acquaintance, by his plausibility of manner and personal magnetism. With newspaper men in particular Mr. Fitzpatrick is almost invariably tactful and amongst them he counts many warm friends." Quebec Morning Chronicle, 9 February 1897. This is only one example of many attesting to his charm. La Presse said he was "un grand seigneur affable" (June 7th, 1906).
When Fitzpatrick transferred from the provincial to the federal scene, to the complexities of racial antagonisms were added the problems of religious prejudices. In Quebec Fitzpatrick's contacts with the Anglo-Scottish element had been minimal but, as a national politician, the Anglo-Scottish element in Canada was much more important to him. The main racial question in Canada as a whole was that of the division between the English and the French and the racial and linguistic tensions between the two groups was complicated by the division on religion. Charles Fitzpatrick, as a federal politician, showed the same skill in negotiating religious controversy as he had shown in Quebec for manoeuvring through the Irish-French animosities. One of the first problems with which he had to deal as a member of the Laurier administration was the dispute over the Manitoba School settlement. Fitzpatrick adopted a public position of lofty, high-minded impartiality, he defended French Canada to her critics, he avoided public criticism of the hierarchy, in negotiations in England and Rome he never provoked but always finessed, in Canada he curbed the vituperative excesses of Le Soleil and, above all, through the onslaughts in the Conservative press and in Parliament, he avoided embroilment in racial and religious polemics.

Although after the Manitoba School affair Fitzpatrick continued in the relatively minor portfolio of Solicitor General, his position in the Laurier administration was much more significant than that office would suggest. Any office depends upon the skill and ability of its incumbent and during Fitzpatrick's term the Solicitor Generalship was relatively important. The duties of the position were not
onerous (15) and Laurier saw it as an opportunity to use Fitzpatrick's talent in a "wide field (16)." As a result Fitzpatrick was responsible for a great deal of the election organization and patronage manipulation in the Quebec City area (17) and his resources of tact and discretion were very useful. In 1899 Laurier, under pressure from Anglo-Saxon imperialistic sentiment, decided to send a Canadian contingent to South Africa in support of Britain in the Boer War. Charles Fitzpatrick defended that decision in Quebec (18) and he also went to Toronto and defended Quebec against charges of disloyalty (19). By constantly playing down

15. The responsibilities of the Solicitor General were to help the Minister of Justice and perform other duties which the Governor General in Council might assign to him. (Statutes of Canada, 50-51, Victoria, Chapter 14, 1887.)


17. Fitzpatrick was not responsible for the entire patronage of the Quebec area (P.A.C., L.P., Fitzpatrick to Laurier, 23 December 1897, 224567). However, he arranged for the selection of election speakers (e.g., during the Bonaventure election campaign, Fitzpatrick Papers, Fitzpatrick to Laurier, 13 March 1897, 304; same date Fitzpatrick to Tarte, 315.) He was entrusted with financial deals such as one which arose over a problem in Nicolet where Fitzpatrick paid out money to various troublemakers (L.P., Fitzpatrick to Laurier, 27 January 1899, 29977). He negotiated with a candidate to succeed the M.P. for Lévis, Dr. Guay (L.P., Fitzpatrick to Laurier, 13 February 1899, 225162). He sent reports to Laurier about various developments at Quebec (L.P., Fitzpatrick to Laurier, January 1899, 29211-14).

18. He was on the committee charged with the responsibility of organizing Quebec's support for the contingent (The Daily Telegraph, 24 October 1899). On October 26th he wrote a long letter to Le Soleil justifying the English intervention in South Africa.

19. The Daily Telegraph reported this on 11 November 1899.
disagreements and stressing the need for national loyalty to Canada, Fitzpatrick tried to head off the worst excesses of racial enmity.

In 1902 Laurier recognized Fitzpatrick's contribution to his administration when, despite the claims of the more flamboyant and prominent Clifford Sifton (20), he appointed Charles Fitzpatrick to the prestigious position of Minister of Justice (21).

As Minister of Justice, Fitzpatrick's resources of tact and diplomacy were called upon in problems outside the direct responsibilities of his Department. In 1903 he played an important role in the negotiations with the Grand Trunk over the proposed Transcontinental railway (22) and in 1903 (23) and 1904 (24), he defended the Government's railway policy in the House.

In 1905 Fitzpatrick was once again involved in a question which aroused religious and racial passions in Canada - the so-called Autonomy Issue. Fitzpatrick was entrusted by Laurier with the task of drafting the educational clause, clause 16 of the Autonomy Bills, which would give a constitutional right to separate schools to the minority


21. Thomas-Chase Casgrain attributed the appointment to Fitzpatrick's role in the settling of the Manitoba school question (P.A.C., Fitzpatrick Papers, Casgrain to Fitzpatrick, 8 February 1902, 959-60). During the school affair Laurier had hinted that he would reward Fitzpatrick (Fitzpatrick Papers, Laurier to Fitzpatrick, 29 December 1897, 677).


of Alberta and Saskatchewan (25). With their experience of the Manitoba school affair in mind Laurier and Fitzpatrick wished to protect the Catholic minority against any future attempt by a provincial legislature to deprive Catholics of their schools. When the Fitzpatrick clause was published (26), Clifford Sifton resigned from the Laurier Government loudly protesting against the infringement of provincial rights in the curtailing of the provinces' authority to legislate in educational matters and also insisting that the Fitzpatrick clause would impose a dual system of denominational schools such as existed in Quebec on the new provinces (27). The Sifton resignation and the public debate which followed put Charles Fitzpatrick once again at the centre of the maelstrom of racial and religious controversy (28). Throughout weeks of attack in the press and in Parliament, Charles Fitzpatrick showed his usual political dexterity. Even when Laurier, out of political necessity, abandoned the Fitzpatrick clause and accepted an amended version acceptable to Sifton (29), Fitzpatrick never resorted to public self-


28. Daily Mail and Empire reported that Fitzpatrick was very perturbed over the storm which his educational clause had brought (13 March 1905).

29. Sifton clause can be found in the Statutes of Canada, 4-5 Edward VII, c3, s17.
justification (30). He avoided provoking racial or religious enmity, he averted all attempts to draw him into a personality clash with Sifton (31) and he evaded any categorical statement of his own views on the wide variety of religious and racial bigotries which surfaced during the debate. He concentrated his attention instead on the legal and constitutional issues involved. He made the amended clause his own and defended it with all his debating and oratorical skill (32). Once again Laurier had reason to be grateful to him (33) and in the following year, Fitzpatrick was appointed Chief Justice of the Supreme Court.

In 1906, however, shortly before his retirement from politics, his consummate political judgement on racial and religious issues faltered slightly when he introduced legislation to uphold the religious observance of the Sabbath. Perhaps it was tiredness after the exhaustions of the Autonomy debate during the previous year and an

30. During the debate Sifton was quite insulting about the abilities and intentions of the draughtsman of the original clause but Fitzpatrick did not react to the remarks. Canada, House of Commons, Debates, 24 March 1905, 3099-122 (Sifton speech).

31. George Foster, during the debate, tackled the differences of viewpoint between Sifton and Fitzpatrick. He spoke of Sifton's "manly glee" as he brought "the tip of the lash down onto the back of the Minister of Justice." Canada, House of Commons, Debates, 28 March 1905, 3366-93.


33. P.A.C., PrA. Choquette Papers, Laurier to Choquette, 1 November 1905.
increasing weariness with politics (34), but Charles Fitzpatrick totally miscalculated the effects of the Bill in Quebec. The Quebec nationalists, already furious over the retreat on the educational clauses of the Autonomy Bills, were not enamoured of the pleasures of an Ontario Sunday, and they campaigned vigorously against the Sabbath legislation (35). Fitzpatrick was outraged (36). He had not anticipated the intensity of the reaction, especially because he had secured the support of leading members of the Quebec hierarchy (37).

34. After the Autonomy debate the Globe began a campaign of minor harassment against him. Le Soleil, 26 July 1905, rushed to Fitzpatrick's defence. Fitzpatrick had been under considerable pressure all during 1905. Quebec Morning Chronicle on July 24, 1905 said that the parliamentary game was palling on him and la Presse (7 June 1906) said he had shown a surprising tendency to be quick-tempered in recent months.

35. Henri Bourassa led the campaign against the Sunday Bill and the core of his support were the workers and small businessmen of Montreal. Rumilly, Henri Bourassa, Chanteclerc, 1953, pp. 221-2.


37. A.A.Q., Bégin to Fitzpatrick, 4 April 1906. G.IX. 25, 26. Fitzpatrick in later life did tend to over-emphasize the significance of the Church's influence and under-estimate the importance of nationalism in Quebec. In 1902, in a letter to Louis Lavergne, he dismissed nationalist agitation as "a temporary outburst that will not last" (P.A.C., Fitzpatrick Papers, Fitzpatrick to Lavergne, 18 June 1902, 1583). In 1900 during the Boer War controversy he wanted to invite the papal Delegate to the inauguration of the Quebec bridge project on the basis that this would give the impression that the Church favoured the Liberals and counteract "any difficulties on the national question" (P.A.C., L.P., Fitzpatrick to Laurier, 14 September 1900, 49113). Prior to the First World War Fitzpatrick was worried about the nationalist agitation in Quebec and he suggested to Lord Onslow of the British Foreign Office that a mission of himself (Fitzpatrick) and the Duke of Norfolk should be sent to Rome to persuade the Pope to intervene to prevent the Quebec priests from supporting Bourassa. (Duke of Norfolk Papers, Onslow to Eric Drummond, 30 September 1912). The British considered such a mission would have a "dangerous effect" and rejected the idea. (Norfolk Papers, Drummond to the Duke of Norfolk, 7 October 1912).
This, however, was one error in a sixteen-year professional political career during which Charles Fitzpatrick not only merely survived the various phases of racial and religious contentiousness but frequently emerged from the various problems with his career and reputation immeasurably enhanced. The career of Charles Fitzpatrick is interesting not only for the problems which he encountered but for the mastery of political technique he displayed in handling them. A basic element of his success was, of course, his considerable intellectual ability as was demonstrated during the Manitoba school affair when he mastered the legal technicalities and selected and emphasized those arguments which were most calculated to impress the various groups and interests whose support he sought. He was also an extremely hard worker, as he himself was the first to recognize (38). As a constituency representative he worked hard for the interests of Quebec County (39), especially after his entrance into federal politics, and during his time as a member of the Laurier administration he was a competent and careful administrator (40).

He also possessed a particular sensitivity to public opinion, one

38. The Daily Telegraph, 17 February 1902.

39. He worked for post offices (Le Soleil, 11 May 1898) and wharfs (P.A.C., L.P., Fitzpatrick to Laurier, 10 June 1899, 34449). He pushed for the establishment of an experimental farm under federal government auspices in Quebec County (The Daily Telegraph, 16 August 1902) and he worked to secure jobs for his constituents. His private papers are full of requests for favours from his constituents. One correspondent wrote "M. Fitzpatrick, c'est le Ministre Général à Ottawa", Fitzpatrick Papers, Lemieux to Fitzpatrick, 23 June 1905, 4153.

40. Le Soleil, 6 June 1906.
of the essential qualities of a successful politician. As a provincial politician, he carefully cultivated the nationalistic sentiments of the French-Canadian majority. Almost immediately after he transferred to the federal scene and he had to accommodate to the interests of the English-Canadian element he began to lay much more stress on a broader Canadian nationality which had strong imperialistic overtones:

Loyalty to Queen Victoria was his (Fitzpatrick's) first consideration and he recognized no English, Irish, Scottish or French nationality in this Dominion for we were all Canadians and as Canadians we must work out our own destiny (41).

During the Boer War debate when there was criticism of the legality of sending a contingent without parliamentary approval, Fitzpatrick revealed his belief in the importance of public opinion when he quoted a Professor Austin to the effect that Queen, Lords and Commons were all subordinate to the great controlling power of public opinion and public opinion supported the sending of the contingent (42). Such an outspoken statement of confidence in public opinion as the determining influence in public affairs is rather strange in a constitutional lawyer. It is not at all strange in a politician dedicated to his own advancement. Charles Fitzpatrick was not an idealist. He was not in politics to put

41. The Daily Telegraph, 17 July 1896. As he grew older Fitzpatrick became very imperialistic and pro-British. (See for example his address to the American Bar Association "The Constitution of Canada" delivered in Washington, D.C., October 1914, Fitzpatrick Papers, vol. 109.) His imperialism affected his relations with Henri Bourassa. The two men had been friendly before the war despite their different outlooks. However, on 28 May 1919 Le Devoir published an article, "Sir Charles Fitzpatrick La Guerre et la Religion" which was very critical of Fitzpatrick and the relationship soured. Fitzpatrick no longer addressed his letters to Bourassa, "Dear Bourassa" or "Cher ami" but rather "Dear Mr. Bourassa".

42. Canada, House of Commons, Debates, 1900, 666-69.
forward a political theory or to impose political values of his own on Canadian government. He was a political opportunist constantly seeking his own advantage. He rarely discussed political issues or political ideas except in the vaguest and most platitudinous way (43). His keen appreciation of the significance of public opinion was clearly expressed in practice by the close contacts he maintained with the press (44) and his frequent tactic of feeding to the newspapers unsigned articles in which his own viewpoint was represented (45).

Another aspect of his political technique was his unerring instinct for the politically powerful and influential. This was to characterize him throughout his career. Unencumbered by the embarrassment of party principle or fanaticism and possessed of considerable aplomb and charm, he made contacts with those who were opposed to him politically and survived the vicissitudes brought on him by the misfortunes of his own party associates. Thus, during the Mercier affair he was in contact with leading Conservatives (46), as a Liberal Cabinet Minister he was

43. A typical example was when he declared himself a Liberal because Liberalism "meant equal rights and equal justice to all, the King and the Peasant, to the English and the French, and to the Catholic and the Protestant" (Quebec Daily Telegraph, 6 June 1890).

44. Quebec Morning Chronicle, 9 February 1897 commented on his warm friends amongst newspapermen. In 1903 he gave a dinner for 20 journalists (Le Soleil, 6 July 1903).

45. In England in January of 1897 he fed articles to the Tablet and the Pall Mall Gazette. He fed information to the Globe (Willison Papers, 22 June 1900, 10079). He maintained a close friendship with John Jordan who was a writer on the Daily Telegraph, (P.A.C., Fitzpatrick Papers, Fitzpatrick to Jordan, 6 November 1902, 1743).

46. See above, Chapter II, p. 66.
friendly with Borden (47), and as the Liberal party headed towards disaster in 1910 to 1911, Fitzpatrick was in contact with its political opponents (48). He could anticipate the waning of any political star and he shifted loyalties or retired from conflicts in time to avoid association with disaster.

For all his talk of principle and high-minded idealism, for all his cant about Liberalism, nationalism and the common good, Charles Fitzpatrick's only loyalty was to himself. He once said that self interest was, in the last analysis, the moving consideration in all human affairs (49). In his very first election campaign as a candidate, he told an election meeting at Valcartier that he was in favour of the Mercier government not because the Mercier government was immaculate - there was no perfect government - but because the Mercier government was in all probability going to remain in power and it was for the electors to say whether they thought it better to support a man who was going to be with the government or a man who could do nothing for them. "This might be the selfish way but every man is trying to do

47. There were a number of very polite exchanges between Borden and Fitzpatrick in Parliament. (See for example the debate on the Franchise Bill in 1898, Canada, House of Commons, Debates, 1 April 1898, 2990-92) Borden and Fitzpatrick often discussed legal niceties together (Canada, House of Commons, Debates, 13 June 1900, 7322-7328). They worked together on a bill forbidding lawyers from receiving salaries from companies to promote the interests of the company in Parliament (La Patrie, 24 March 1906).


the best for himself and for the country (50)." This naked straightforward appeal to be on the winning side is a virtual denial of any idea of political principle and Fitzpatrick never expressed himself in such stark terms again. Yet it is probably as clear a statement of his own political attitude as it was possible for him to make. Indeed his whole career is witness to his quite remarkable talent for negotiating the problems of race and religion and emerging on the winning side, a talent which was to take him from a middle class Irish home in Sillery to the Ministry of Justice, the Chief Justiceship of the Supreme Court, a knighthood and finally Spencer Wood.

50. Quebec Daily Telegraph, 6 June 1890.
APPENDIX

An Act to amend "The Public Schools Act"

Chapter 26, 60 Victoria, assented to 30 March 1897.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Manitoba, enacts as follows:-

1. Religious teaching, to be conducted as hereinafter provided, shall take place in any public school in Manitoba;

   (a) If authorized by a resolution passed by the majority of the school trustees of the district in which the school is carried on, or,

   (b) If a petition be presented to said school trustees asking for religious teaching and signed by the parents or guardians of at least ten children attending the school in the case of a rural school district, or by the parents or guardians of at least twenty-five children attending the school in the case of a city, town or village school.

2. Such religious teaching shall take place between the hours of 3.30 and 4 o'clock in the afternoon, and shall be conducted by any Christian clergymen whose charge includes any portion of the school district, or by any person duly authorized by such clergymen, or by a teacher when so authorized.

3. Where so specified in such resolution of trustees, or where so required by a petition of parents or guardians, religious teaching during the prescribed period may take place only on certain specified days of the week instead of on every teaching day.

4. In any school in towns and cities, where the average attendance of Roman Catholic children is forty or upwards, and in villages and rural districts where the average attendance of such children is twenty-five or upwards, the trustees shall, if required by a petition of parents or guardians of such number of Roman Catholic children, respectively, employ at least one duly certificated Roman Catholic teacher in such school. In any school in towns and cities where the average attendance of non-Roman Catholic children is forty or upwards,
and in villages and rural districts where the average attendance of such children is twenty-five or upwards, the trustees shall, if required by the petition of parents or guardians of such children, employ at least one duly certified non-Roman Catholic teacher.

5. Where religious teaching is required to be carried on in any school in pursuance of the foregoing provisions and there are Roman Catholic and non-Roman Catholic children attending the school, and the school room accommodation does not permit of the pupils being placed in separate rooms for the purpose of religious teaching, provision shall be made by the regulations of the Department of Education (which regulations the board of school trustees shall observe), whereby the time allotted for religious teaching shall be divided in such a way that the religious teaching of Roman Catholic children shall be carried on during the prescribed period on one-half of the teaching days in each month, and the religious teaching of the non-Roman Catholic children shall be carried on during the prescribed period on one-half of the teaching days of each month.

6. The Department of Education shall have the power to make regulations not inconsistent with the principles of this Act, for carrying into effect the provisions of this Act.

7. No separation of pupils by religious denominations shall take place during the secular school work.

8. Where the school-room accommodation at the disposal of the trustees permits, instead of allotting different days of the week to different denominations for the purpose of religious teaching, the pupils may be separated when the hour for religious teaching arrives, and placed in separate rooms.

9. No pupil shall be permitted to be present at any religious teaching unless the parents or guardians of such pupil desire it. In case the parents or guardians do not desire the attendance of pupils during such religious teaching, then such pupils shall be dismissed before the religious exercises are begun, or shall remain in another room.

10. When ten of the pupils in any school speak the French language, or any language other than English, as their native language, the teaching of such pupils shall be conducted in French, or such other language, and English upon the bi-lingual system.

11. All the provisions of "The Public Schools Act" and amendments and of "The Education Department Act" inconsistent with the
provisions of this Act, are hereby repealed.

12. This Act shall come into force on the First day of August, A.D. 1897.
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Angers, Auguste - Réal, p. 64.
Armstrong, Charles Newhouse, pp. 64, 66.

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