Confederation as a Hemispheric Anomaly: Why Canada Choose to Remain Non-Sovereign in the 1860s

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In the early 1770s, virtually all of the Western Hemisphere was subject to or claimed by a European sovereign. The Atlantic Revolutions that began in the Thirteen Colonies in the 1770s swept this system of sovereignty. By the 1860s, the British North American colonies were a hemispheric anomaly in the sense that they were the only large regions of the American mainland that were still part of a European colonial empire. As I have demonstrated elsewhere, the federation of the British North American colonies between 1867 and 1873 was intended to preserve this rather unusual status. In my first works on Confederation, I advanced an essentially economic explanation for why Canadians opted to remain part of the British Empire. In this paper, I wish to supplement this economic explanation by integrating culture and race into our explanation. This paper will suggest that in explaining why the political classes of British North America choose not to establish a fully sovereign state in the 1860s, we need to consider developments elsewhere in the Americas.

1 Lauren Benton has demonstrated that the claims to sovereignty represented by European maps of colonial empires were, in practice, somewhat ineffectual, particularly in inland areas. A Search for Sovereignty: Law and Geography in European Empires, 1400-1900 (Cambridge: Cambridge University Press, 2010). Her argument is congruent with the earlier research of Jack P. Greene, “Negotiated Authorities. The Problem of Governance in the Extended Polities of the Early Modern Atlantic World”, in Negotiated Authorities. Essays in Colonial Political and Constitutional History (Charlottesville: University of Virginia Press 1994), 1-24. I would like to thank Jay Sexton and Marise Bachand for commenting on earlier drafts of this paper.


In the last two decades, many Canadian historians have adopted a British World perspective. This approach to historical writing emphasises Canada’s links to, and close identification with, the British Empire and has resulted in the publication of a number of important works that either compare the experience of Canada with that of Canada and New Zealand or examine relations between Canada and these countries as well as Britain. The British-World approach is certainly helpful in understanding many aspects of Canadian history. Indeed, I have applied the British World approach in the research I have published in history and political-science journals. However, I now feel that to understand the motives of the creators of the Canadian constitution of 1867, we must place British North America in the 1860s in a hemispheric context as well as in a British imperial one. Doing so helps to explain why the creators of the 1867 constitution opted for non-sovereignty (i.e., Canada’s continued subordination to the political institutions of the British Empire).

**Sovereignty**

The definition of “sovereignty” has been contested by scholars working in law, international relations, and other disciplines. For Canadians who grew up in the late twentieth century, the word acquired a particular set of associations because advocates of Quebec independence labelled their preferred constitutional order as “sovereignty” or “sovereignty-association,” deliberately ambiguous terms that were designed to appeal to voters who might have been afraid to vote for the less ambiguous term “independence.” The

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working definition of sovereignty adopted in this paper is: “a normative conception that links authority, territory (population, society) and recognition” in international society. Sovereignty, in this definition, relates to both internal sovereignty (control over subjects and a monopoly over the legitimate use of force) and external sovereignty and the juridical personhood of the state in the eyes of the international community. The Canadian constitution of 1867, which was an act of the British parliament, produced a state that was quasi-sovereign in that it possessed a degree of internal sovereignty while not yet enjoying juridical personhood in the eyes of the international community. In 1865, a Canadian politician accurately described the powers of the British parliament over the colonies, remarking that it has “sovereign and uncontrollable authority in making, codifying, enlarging, restraining repealing, revising and expounding of laws.” Somewhat confusingly, British North Americans in the constitutional moment of the 1860s referred to both the tripartite British parliament and the person of Queen Victoria as the “sovereign” power in the empire. This confusion stemmed from the common practice of referring to monarchs as “sovereigns,” even though only the King/Queen-in-Parliament has been sovereign since 1688.

Regardless of this terminological confusion, most Canadian legislators agreed that the state of affairs whereby ultimate sovereignty lay (somewhere) in London should continue. When a politician declared during the debates on Confederation that “our first act should have been to recognize the sovereignty of Her Majesty” he was cheered by his fellow legislators. When discussing the division of powers between the future federal and provincial governments, the prevailing view was that most sovereign powers should be exercised by the national government: the US experiment with states’ rights and state

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sovereignty should be avoided at all costs. During the debates on the proposed constitution, one legislator opined that the future federal government should be “armed with a sovereignty which may be worthy of the name.” He remarked that “all good governments... have somewhere a true sovereign power. A sovereign which ever eludes your grasp, which has no local habitation, provincial or imperial, is in fact no government at all.” Sovereignty, strong government, and centralization were linked in the eyes of most of the creators of the 1867 constitution. The creators of the 1867 constitution rejected the idea of popular sovereignty, which is one of the reasons the proposed union of the colonies was not put to the electorate in referenda, in sharp contrast to the practice adopted prior to the federation of the Australian colonies a generation later.

At this point, it is worthwhile making several observations about sovereignty. First, sovereignty is a matter of degrees, not absolutes, as the legal history of the British Empire-Commonwealth has demonstrated. Canada, for instance, attained sovereignty incrementally over a long period that extended from the grant of Responsible Government in the 1840s up to the Statute of Westminster in 1931, the emergence of a separate Canadian diplomatic corps in the interwar period, the creation of the legal category of Canadian citizen in 1947, the abolition of appeals from the Canadian Supreme Court to the British courts in 1949, and the patriation of the Canadian constitution in 1982. In 1982, Canada used a controversial procedure to acquire the ability to amend its written constitution without the future involvement of the British parliament. Some present-day Canadian republicans might even argue that the process of establishing Canadian sovereignty will not be entirely complete until Canada sheds its remaining ties to the British monarch. The fact that Canada attained sovereignty in a peaceful and evolutionary process is a source of pride for many Canadians.

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15 Ibid, 433, 440.
16 Ibid, 539.
20 For the controversy, see Frédéric Bastien, La Bataille De Londres (Montreal: Boréal, 2013).
Second, we must avoid the trap of thinking that sovereignty is necessarily normative, an idea that is promoted by nationalists of various types, not to mention advocates of “economic sovereignty,” “tribal sovereignty,” “American exceptionalism,” and British withdrawal from the European Union. The concept of sovereignty is a relatively recent phenomenon in the history of Western political thought.\(^21\) In the non-Western world, the systems for structuring relations between political units did not come to resemble Westphalian sovereignty until the late nineteenth century.\(^22\) The concept of sovereignty diffused slowly from Europe to the non-European world.\(^23\) The 1776 Declaration of Independence was of crucial importance in promoting the sovereignty meme in many parts of the globe.\(^24\) The process by which the concept of sovereignty was diffused was connected to the worldwide diffusion of nationalism.\(^25\) Even today, however, many individuals dissent from the idea that is normative for the territories in which they live to become sovereign. In recent decades, many liberal nation-states, particularly in Europe, have been moving away from the norm of Westphalian sovereignty in both doctrine and praxis. As the Israeli-American sociologist Amitai Etzioni has noted, some of the strongest proponents of the Westphalian concept of sovereignty are authoritarian regimes.\(^26\)

Third, research in both International Political Economy, International Business, and history shows that the relationship between nation-state sovereignty and global capitalism is a complex one.\(^27\) It is difficult to say definitively whether globalization is incompatible with


national sovereignty. The present-day debate about the relationship between sovereignty and globalization is relevant to understanding North America in the 1860s because the nineteenth century, particularly the period after 1850 or so, was an era of rapid globalization, particularly in the regions around the North Atlantic. According to most historians of globalization the process of global economic integration continued until 1914, when the world abruptly began a phase of de-globalization.

Among the scholars who have charted the rise, fall, and rise of global capitalism over the last two centuries, it is common to associate globalisation phases in world history to the existence of a global hegemon capable of imposing its will on distant territories. Immanuel Wallerstein’s world-systems theory, which links the creation of global markets to the advent of European colonial empires, is partially congruent with the theories of Charles Kindleberger and Robert Gilpin in the sense that it links imperialism, colonialism, and capitalist development. The research of Peter Cain, Tony Hopkins, and Darwin shows that in the past, as in the present, the limitations of local sovereignty in inherent in the British imperial system facilitated global flows of labour, goods, capital, and ideas.

At the same time, it is reasonably clear that the possession of a degree of sovereignty, by local and regional decision-makers is in the interests of global capital. Without the possession of authority to make new laws and otherwise act against those who threaten the interests of business, commercial development will be undermined. As it is difficult to

References:
micromanage governance from a distant imperial capital, at least some sovereignty must be
delegated if an imperial state is to retain a degree of efficiency in the course of ruling its
scattered worldwide possessions. The need for the delegation of sovereignty becomes
particularly clear if we use a working definition of sovereignty that links the concept to a
state monopoly on the use of physical force. Anarchic regions in which there is a total
absence of anything resembling sovereignty (e.g., failed states and other “ungoverned
spaces”) are inhospitable environments for the operation of the firms associated with global
flows of goods and capital.

To say that capitalist firms tend to avoid ungoverned spaces is not to say that anarchy
and the absence of sovereignty are necessarily non-normative. The degree of anarchy seen in
ungoverned spaces can sometimes be the optimum solution in an imperfect world. Nevertheless, from the perspective of the individuals who manage global flows of capital and
goods, the existence of ungoverned spaces is undesirable, especially when such spaces
contain resources that can be profitably combined with resources already under their control.
In the 1860s, there was increasingly strong pressure from a variety of business interests in
eastern Canadian cities, particularly in Toronto, to increase the degree of Euro-Canadian
sovereignty in the sparsely populated territories of the Hudson’s Bay Company. In the late
1860s, Canadians came to regard this region as both a chaotic ungoverned space and a
storehouse of valuable resources. This desire to exert a degree of sovereignty over the
largely Aboriginal population of this region was an important factor in Canadian
constitutional politics in the 1860s, as one of the goals of the creators of the Canadian
constitution of 1867 was to exert control over this territory. As a Canadian parliamentarian
put it during an 1871 debate on the desirability of Canada’s territorial expansion to the

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34 Benton, A Search for Sovereignty, 3.
36 James C. Scott, Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed
University Press, 2009); Peter T. Leeson, Anarchy Unbound: Why Self-governance Works Better Than You
Think (Cambridge: Cambridge University Press, 2014).
37 James Maurice Stockford Careless, “Frontierism, Metropolitanism, and Canadian History,” Canadian
Movement and the Idea of the West, 1856-1900 (Toronto: University of Toronto Press, 1992), 32, 45.
38 Andrew R. Graybill, Policing the Great Plains: Rangers, Mounties, and the North American Frontier, 1875-
1910 ( University of Nebraska Press, 2007), 68-70.
39 William Lewis Morton, The Critical Years: the Union of British North America, 1857-1873 (Toronto:
Pacific Ocean, “it was our duty and our interest too to complete Confederation and establish a British Empire in North America.”

Had British North Americans expressed a clear preference for independence in the 1860s, the British parliament almost certainly would have granted this request, thereby terminating its sovereignty over northern North America. In 1837-8, British troops had brutally crushed a republican rebellion in Lower Canada just as they had earlier tried to crush the American Revolution and would subsequently crush anti-British risings in India and elsewhere. Then, in the 1840s, the British gave internal home rule (“Responsible Government”) to their colonies of white settlement in North America and Australasia. By the 1860s, Britain had abandoned any notion of holding on to her remaining North American colonies by force. By that point, a sizeable proportion of the British political class thought that continued British sovereignty over the country’s North American colonies was a net burden for the British taxpayer. Indeed, some of the more strident “Little Englanders” in Britain believed that Canada should be forced to be independent. For context, it should be remembered that Britain abandoned sovereignty over the Ionian Islands in 1864, at the peak of the ideology of fiscal retrenchment. In that year, the British handed United States of the Ionian Islands over to Greek government, which promptly incorporated this territory into the Kingdom of Greece. Britons in the 1860s were talking about reducing imperial burdens rather than expanding the boundaries of the Empire.

There were relatively few Little Englanders within Britain’s Conservative Party, notwithstanding Benjamin Disraeli’s notorious 1852 remark that the North American colonies were “wretched millstones” hanging on the neck of the British taxpayer.\(^{45}\) The Little Englanders were, however, a sizeable minority within the Liberal governments led by Palmerston (1859-1864) and Gladstone (1868-1874).\(^{46}\) Most of the leading Conservative and Liberal politicians in Britain in the 1860s declared that the North American colonies could become independent, but only if they so wished. In 1865, a British government lawyer named Henry Thring went so far as to draft a statute that would have granted independence to any colony of white settlement in which the elected legislature had passed two successive resolutions requesting it.\(^{47}\) Unfortunately for Britain’s Little Englanders, the people of British North America, or at least the articulate political classes of the region, were generally opposed to leaving the British Empire. In fact, elite opinion in British North America was opposed to this idea, which meant that the British felt compelled to retain a degree of sovereignty over these territories. As the *Edinburgh Review*, an influential journal, put it: “retainers who will neither give nor accept notice to quit our service must, it is assumed, be kept on our establishment.”\(^{48}\)

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**Sovereignty and Canadian Constitutional Politics in the 1860s**

Had British North Americans wanted to become completely sovereign in the 1860s, it would have been relatively easy for them to arrange the necessarily legislation at


Westminster. However, few British North Americans favoured outright independence from Britain. As I have shown in other publications, the federation of the British North America colonies in the 1860s was intended as a means of keeping the colonies British. That this was the intention is supported by remarks made by a variety of British and British colonial politicians at the time.\(^{49}\) That the intention of the creators of the 1867 constitution was to strengthen rather than diminish the colonies’ ties to Britain is suggested by the arrangement of Quebec Resolutions of 1864, which were a draft outline of the constitution of 1867. The first five of these resolutions dealt with the relationship of the colonies to the mother country, the very first declaring the delegates’ belief that the “present and future prosperity of British North America will be promoted by a Federal Union under the Crown of Great Britain”. The third resolution stated that “in framing a Constitution” the delegates’ decision-making had been shaped by their wish to perpetuate the connection with the mother country and to replicate her political institutions “so far as our circumstances will permit”.\(^{50}\) At an October 1864 banquet given to honour the drafters of these resolutions, the President of the Quebec City Board of Trade, Abraham Joseph, saluted the loyalty of the delegates. Joseph, who was both a Sephardic Jew and a pillar of the local St. George’s Society, declared that the merchants of Quebec City, “desired a union under one flag and that flag the good flag of old England. (Cheers).”\(^{51}\) Joseph’s loyalty to the Crown illustrates the prevalence of the civic-nationalist version of Britishness in 1860s Canada, an issue discussed below.

US-American observers agreed that federal constitution drafted at the 1864 Quebec City conference was a measure that would help to keep Canada in the Empire.\(^{52}\) The *New York Tribune* condemned the delegates in Quebec City for their “submissiveness” to England, noting that they had been “very anxious to affirm their loyalty to the British Crown.”\(^{53}\) Some US-Americans saw the proposed federation of the North American colonies as a threat to America’s republican institutions. For instance, the *New York Herald* denounced England for planning to foist a Brazilian-style hereditary viceroy on the poor people of British North

\(^{49}\) See my article “The Reaction of the City of London.”


\(^{51}\) *Daily News*, “Confederation of British America” 3 November 1864, 3; Annette R. Wolff, “Abraham Joseph”, *Dictionary of Canadian Biography*.


America. The New York Times also recognized that the promoters of Confederation wished to draw closer to Britain, although it sneered that “the ‘monarchical principles’ on which it is ostensibly said that the new Federation is to be based” did not extend so far as to induce Canadians to pay for a large standing army in peacetime. The Advertiser, a newspaper in the border town of Calais, Maine regarded the plan to federate British North America as unimportant because it would involve no change to the colonial status of the provinces. It remarked that the colonists “do not propose to separate themselves from Great Britain. If they did the movement would be one of great significance. And so long as they remain as Provinces it is of not the slightest political consequence whether they unite or remain separate.” The inhabitants of British North America evidently disagreed with the view that the question of colonial federation was inconsequential and spent the next three years debating whether the proposed constitution was better than the constitutional status quo. Both sides in this debate, however, favoured remaining in the British Empire and passionately proclaimed their loyalty to the British Crown. Thus Joseph Howe, the Anti-Confederation leader in Nova Scotia, was just as loyal to the British Empire as Charles Tupper, the leading supporter of colonial amalgamation in that colony. In the 1865 debates on Confederation in the PEI legislature, “no member, not even the most violent anti-Confederate, would admit that he did not desire to continue to live under monarchical institutions and the glorious flag of old England.”

Monarchism and Canadian Political Culture in a Hemispheric Perspective

54 In its reply to the New York Herald, the Toronto Globe stated that people in British North America would decide for themselves whether the federation’s chief magistrate would be named “Governor” “Viceroy” ‘President’ or ‘King’. Toronto Globe, “English Designs on America”, 15 September 1864, 2.
Most contemporaries recognized that the aim of Confederation was to keep the colonies within the British Empire. Canadians’ evident loyalty to the Crown was driven, in part, by a belief in the benefits of monarchical political institutions over their republican alternatives. This belief that blended constitutions that included monarchical institutions were generally superior was seen in the ideas of Thomas D’Arcy McGee. McGee had been a radical republican nationalist in his native Ireland. In the 1840s, he had participated an armed uprising that sought to create a sovereign Irish republic. He became a fervent advocate of the British connection after settling in Montreal. In the 1860s, McGee waxed poetic on the great blessings British sovereignty had brought to Canada. Given that the republican experiment that had begun in 1776 was being severely tested at this time, McGee’s argument resonated with many of Queen Victoria’s subjects in northern North America. In 1863, he proposed a permanent viceroy for Canada on the Brazilian model, suggesting that one of Queen Victoria’s younger sons should become Canada’s king. Like most Canadians, McGee had little direct experience with Brazil, the western hemisphere’s only durable resident monarchy. McGee followed many British observers in attributing the stability and prosperity of Brazil to the fact it was a monarchy not a republic. In speeches in the Canadian parliament, McGee denounced the republican institutions of the United States and proclaimed his preference for the ancient establishment of monarchy. In 1858, he declared that “my native disposition is reverence towards things old and veneration for the landmarks of the past.” He explained away his flirtation with republicanism as due to the excesses of British rule in Ireland. He also declared that he was “as loyal to the institutions under which I live in Canada as any Tory of the old or the new school.”

McGee believed that without the stabilising forces of monarchy and active government, New World societies would inevitably degenerate into anarchy. McGee sensed

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62 *British American Magazine*, McGee ‘A Plea for British American nationality’ (August 1863), 1:337 -345, 342. For the possibility that Canada might acquire a permanent hereditary viceroy chosen from among Victoria’s sons, see *Saint John Morning News*, ‘The Vice-Royalty’ 21 October 1864, 2.
that in the New World, individuals lacked the customary and legal restraints common in Europe. In a book on federal government published in 1865, he remarked that the people of Canada, “like all other American communities (when compared with European countries) have necessarily very decided democratic tendencies within them.” McGee was here using the word democracy to suggest an unruly mob, acting on its whims. He then said that the task of the present generation of British North Americans was to see that “authority is exalted” and that the best way of doing so was to strengthen the power of the central executive power in any future British North American federation. McGee regarded “executive impotency” as the major cause of social disorder in the other federations that had been created throughout history. Although he conceded that the US constitution of 1789 was “a vast advance on the previous Articles of Confederation” it nevertheless provided for too weak a government due to the compromises nationalist statesman such as Alexander Hamilton had been forced to make with “state jealousy” and the “wild theories of the demagogues of the day”. McGee regarded the Empire of Brazil as perhaps the best federation in the hemisphere, attributing that country’s relative peace and stability to its monarchical institutions.\footnote{Thomas Darcy McGee, \textit{Notes on Federal Governments, Past and Present} (Montreal: Dawson, 1865 (51, 52, 44, 34.}} The fact the Brazil’s prosperity was based on slavery went unmentioned by both McGee and by the British North American politicians who visited that country in early 1866 on a trade mission.\footnote{For this trade mission, see my forthcoming paper with Kirsten Greer in the \textit{Journal of Imperial and Commonwealth History}.} Like many British North Americans, they were largely indifferent to the question of the rights of Black people.

**Evidence for Popular Support for Remaining Within the British Empire**

Elite opinion in British North America in the 1860s was generally hostile to the idea of a complete break with Britain. It is hard to assess the extent to which this attitude was shared by ordinary Canadian farmers, lumberjacks, and petty traders, as public opinion polling did reach Canada until the 1930s. However, as far was can tell, most ordinary colonists shared the elite’s belief that remaining in the British Empire would be a good thing. On the eve of the 1864 constitutional convention in Quebec City, reporter Charles MacKay assessed colonial attitudes to the British connection for the readers of the \textit{Times of London}.\footnote{For this trade mission, see my forthcoming paper with Kirsten Greer in the \textit{Journal of Imperial and Commonwealth History}.}
He said that of the three basic options open to the colonists, (i.e., joining the United States, becoming an independent republic, or remaining within the Empire), the vast majority of Canadians favoured the latter. MacKay based this statement on conversations he had had all over the Province of Canada. In the course of a 1,200 mile journey through the colony, he had “interchanged ideas” on this issue with men at all levels of society, from stagecoach drivers and farmers to merchants and “members of the legislature of every political party.”

MacKay said that the desire to remain British subjects was shared by the French Canadians, the descendants of the old United Empire Loyalists, and the more recent immigrants from the British Isles, the three main groups in the Canadian electorate. MacKay summed up the situation: “Canadian loyalty is not a thing of light account.”

The English novelist Anthony Trollope observed in 1862 that “the loyalty of both the Canadas to Great Britain is beyond all question.” A newspaper in Glasgow came to similar conclusions in 1865: “Mr. Howe, Lord Monck, the members of the Canadian Ministry who lately visited this country, every politician, traveller, or journalist of the slightest note, concur in stating that the people of British North America are almost without exception loyal to their Queen…”

In an address to the Mechanics’ Institute of Saint John, New Brunswick, Nova Scotia’s Charles Tupper said that “the day has long since passed when the idea of annexation to our republican neighbours, or of the formation of an independent republic, was entertained by any portion of these provinces.” Individuals in all regions of British North Americans who expressed annoyance when British people doubted their loyalty to the Crown or discussed the utility of forcing the colonies to leave the British Empire. Thomas Gladwin Hurd of Toronto sent an acerbic letter to a London newspaper to remind it of the many donations to British patriotic funds which had been remitted from Canada: “I do trust when English journals discuss matters colonial, especially Canadian, they will remember that we too are Englishmen. The Irish famine, the Crimean War, the Indian mutiny, attest our loyalty. Any national calamity and our purse was opened.” In Hurd’s eyes, colonial donations to British patriotic funds demonstrated that the people of the colonies were bona fide “Englishmen”, a term he carelessly used, like so many contemporaries, to denote any British

66 The Times (London), “Canada And The Canadians” Saturday, 22 October, 1864; pg. 9; col C.
68 Glasgow Herald, editorial, 5 September 1865.
69 Charles Tupper, Recollection of Sixty Years in Canada (Toronto: Cassell and Company,1914), 24.
70 Lloyd’s Weekly Newspaper, ‘Canada and Her Position’ 28 July 1861.
Although he did not mention it, Canadians had formed a regiment to help their British cousins to suppress the recent uprising against British rule in India. Identification with Britain was, of course, stronger in some localities than in others. Richard Cartwright, a politician first elected to the Canadian parliament in 1863, discussed this issue in his memoirs. He recalled that attitudes towards the United States had been much more positive in western Upper Canada than in the old United Empire Loyalist settlements along the Saint Lawrence. In his parliamentary constituency, Lennox and Addington, many voters were the grandsons of the pro-British refugees who left the Thirteen Colonies during the American Revolution. In such communities, there was a strong sense of loyalty to Britain. Cartwright’s own grandfather was one of these refugees. In regions of Canada that were settled in the nineteenth century, the political culture was quite different: Cartwright recollected that when a business trip took him to the area west of Toronto in 1856, he had been surprised and even “disgusted” by the widespread “sentiment in favour of union with the United States.” Many farmers and others in that region thought that joining the United States would bring prosperity.

Opposition to the Prevailing Desire to Remain within the British Empire

It appears that a majority of British North Americans wished to remain part of the British Empire. However, there was substantial dissent from this view. Some wished to become part of the United States, the Great Republic. Others wished to form an independent Canadian republic. Advocates of the latter option had few allies outside of Canada. However, those Canadians who favoured so-called “continental union” had allies in Washington, at least for a brief period in the 1860s.

71 See ‘Return of Amount Contributed by Colonies Towards Patriotic Fund; Number of Russian Guns, taken during late war, distributed as Trophies amongst Colonies.’ Great Britain Parliamentary Papers, 1857-8, Command Paper No. 65, 3-4.
73 Richard Cartwright, Reminiscences (Toronto: W. Briggs, 1912), 20.
For context, it should be remembered that in the late 1840s, a large section of the English-speaking business community in Montreal had signed a petition that had called for Canada to become a US-American state. This petition was also supported by Louis-Joseph Papineau, who had led Lower Canada’s republican rising in 1837-8. The wave of Annexationist sentiment represented by the Manifesto had largely dissipated by the end of 1850, in part because the United States government made it very clear that it was unwilling to consider annexing Canada. The United States had just conquered much of Mexico and was too busy consolidating its rule there to undertake northward expansion as well. Moreover, Washington was unwilling to consider admitting northern territories that would upset the delicate Congressional balance between slave and free states. Southern Congressmen were downright hostile to the proposed annexation of Canada. This deadlock persisted throughout the 1850s, when the Southern-dominated Democratic Party controlled the White House and the Senate.

In the aftermath of the election of Abraham Lincoln, a Republican, in November 1860, many southern states left the union and recalled their congressional representatives. This move allowed for the issue of the acquisition of Canada to be re-opened. In January 1861, as state after state in the lower south announced its secession, the New York Herald proposed that the northern states let the south depart in peace and instead concentrate on annexing British North America as compensation. The Herald, which was edited by the James Gorden Bennett, a Scottish immigrant who had lived in the North American colonies, reasoned that a union between the free-soil states and the slavery-free British provinces would be a more natural one than the former union between North and the slave-holding South.

Lincoln did not accept this advice and resolved to keep the South in the Union by force, but some senior Republicans inclined to this view. Lincoln’s Secretary of State,

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75 Shippee, Canadian-American Relations, 17-20; Cephas D. Allin and George M. Jones, Annexation, Preferential Tariff and Reciprocity (Toronto: Musson 1912), 99.
76 Shippee, Canadian-American Relations 183.
William Henry Seward, proposed the annexation of Canada in a confidential memorandum for the President in early April 1861, shortly before the first shots of the Civil War were fired at Fort Sumter. Seward, who was from New York State, had first advocated the peaceful acquisition of Canada in an 1857. In 1857, he had condemned the Southerners’ opposition to annexing Canada, declaring that it would have been better had the United States expanded northwards into British America rather than southwards into Mexico. Speaking of his recent tour of Canada and Labrador, he said that he had found the “inhabitants vigorous, hardy, energetic, perfected by the Protestant religion and British constitutional liberty.” Seward condemned the current policy of the Democratic administration, which involved “spurning vigorous, perennial, and ever growing Canada while seeking to establish feeble states out of decaying Spanish provinces on the coast and in the islands of the Gulf of Mexico.” Seward was alluding to the faction of the Democratic Party that then supported filibustering expeditions and other measures designed to bring Caribbean basin territories into the United States as slave states. Campaigning for Lincoln in Minnesota in September 1860, Seward had praised the rapid economic progress of the British North American colonies, declaring that their “enlightened” governments were “building excellent States to be hereafter admitted into the American Union.”

The start of the Civil War in 1861 put the issue of northward expansion on hold. Few Canadians wished to join a country that was racked by civil war. After the surrender of the Confederacy in April 1865, Canadian interest in Annexation quickly revived. The revival in Canadian interest in joining the United States appears to have been driven primarily by economic considerations, namely, a commercial depression and Washington’s announcement in March 1865 that it was going to abrogate the 1854 Reciprocity Treaty, which had given colonial natural products duty-free entry into the Republic. In the summer and autumn of

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1865, there was a lively debate in Canada on the advisability of joining the United States. The *Montreal Trade Review* observed that a rapid change in Canadian thinking about Annexation had taken place since the capture of the Confederate capital of Richmond in March: “what was three months ago regarded as rank disloyalty is now the most frequent topic of discussion and advocacy…” In 1865, the *Globe* attacked two other newspapers in Upper Canada, the *Galt Reporter* and the *St. Catherines Post*, for supporting Annexation.

Unfortunately, neither of these pro-Annexation newspapers have survived, so we do not know what their precise arguments in favour of Annexation were. However, we can tell from the *Globe*’s rebuttals that their line of reasoning was essentially commercial. For instance, in an editorial written in response to a piece in the *Galt Reporter*, the *Globe* stated that it was a fallacy to suppose that Confederation, Annexation, or any other constitutional change would restore prosperity. The *Globe* said that the previous autumn’s poor harvest would have been bad under any political system. It compared the Galt newspaper to a “quack” doctor selling a cure-all pill.

Observers in the United States agreed that the sudden wave of interest in Canada in joining the United States was driven by purely economic considerations. A newspaper in Bangor, Maine said that economic considerations would eventually force the colonists into the United States: “it is self-interest, and that alone, which will decide the question.” In August 1865, the *Philadelphia North American* noted that a number of “subjects of Her Majesty” had come out in favour of the scheme. The *Milwaukee Daily Sentinel*, which thought that Rupert’s Land should be joined to the United States, published a letter from a correspondent in Hamilton, Upper Canada who ridiculed the *Globe*’s claims that there were no Annexationists in Canada. He wrote that were Queen Victoria to “travel incognito through

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82 *Montreal Trade Review*, “The Effect on Canada” 2 April 1865, 141.
84 *Bangor Daily Whig and Courier*, “Canada and Annexation” 16 August 1865.
85 *North American and United States Gazette*, “Canadian Sorrows” 4 August 1865.
our fair western provinces”, she would find that many of her subjects leaned in the direction of Annexation, “notwithstanding a great deal of affection and respect for herself.”

The discussion of “continental union” was encouraged by John F. Potter, the United States Consul-General in Montreal. In 1866, the Massachusetts Congressman Nathaniel P. Banks introduced a bill to provide for the admission to the eastern British North American colonies as states, each with two Senators. According to this bill, Rupert’s Land was to be given the status of a territory similar to Dakota. Congressman Banks does not appear to have regarded the incorporation of a predominantly French-speaking territory (i.e., Lower Canada) into the United States as problematic, an attitude that can be related to his earlier experiences as military governor of Louisiana, a state in which linguistic politics had become connected with the racial politics of Reconstruction during the 1864 state constitutional convention.

Historian Joe Patterson Smith maintains that the strongest proponents of annexing Canada were Radical Republicans and that their interest in Canada was connected to their ongoing struggle with President Andrew Johnson over Southern Reconstruction. The Radical Republicans favoured a prolonged military occupation and the far-reaching restructuring of Southern society so as to improve the position of African-Americans. They came into conflict with Johnson, the profoundly racist Tennessee Democrat who had inherited the White House after Lincoln’s assassination. Johnson wanted to end the military occupation of the South, rehabilitate the former rebels quickly, and give the plantations back to their old owners, minus the slaves. The conflict between these two visions of the future of the South came to a head in 1866, when the Radical Republicans attempted to impeach Johnson. According to Smith, a number of the Radical Republicans thought that the Annexation of the British provinces would strengthen their political power by adding to the number of non-

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Southern states in Congress. This was certainly the reasoning of Joseph Medill, the Canadian-born editor of the Chicago Tribune. Smith also suggests that Banks’s support for the annexation of Canada may have been simply a tactic to appeal to Anglo-phobic Irish-American voters in his congressional district.  

A few businessmen in Canada, most notably Orrin S. Wood, the chief executive of the dominant telegraph firm, endorsed the continental union concept. He was fired by the firm’s board of directors for publicly advocating Canada’s peaceful incorporation into the United States. Many of the Canadians who opposed Canada’s continued membership in the British Empire were trade unionists or self-described socialists who opposed the power of the bourgeoisie. In 1864, the labour activist T. Phillips Thompson proposed that the British North American colonies unite under a republican constitution. Thompson did not want the British North American colonies to become part of the United States, and instead envisioned a separate sovereign nation freed of the entanglements of the British Empire. Thompson took issue with Thomas D’Arcy McGee’s view that Canada could become sovereign while still remaining part of the British Empire and subject to the jurisdiction of the imperial parliament. McGee had argued that the North American colonies “should advance to sovereignty” as the “youth should grow to manhood, but there is not inevitable inference to be drawn that sovereignty should include separation.” McGee had given the Holy Roman Empire as an example of institution that combined sovereignty with close ties. Thompson regarded McGee’s vision of the constitutional future as quixotic.  

Thompson appears to have thought that his vision of a just and egalitarian society required the attainment of full sovereignty by the people of British North America and republican political institutions. The chief problem with monarchy, he felt, was that it was  

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91 Wood was dismissed by the company’s board because of his public advocacy of continental union. See O.S. Wood to President and Directors, 15 July 1865, in Montreal Telegraph Company papers in Canadian National Railways Company Fonds, R231-386-4-E, sub-sub-series in Library and Archives Canada.
linked to aristocracy and inequality more generally. Thompson regarded the various recent proposals for the creation of a Canadian order of nobility as highly undesirable, observing that “already we have too much of the aristocratic feeling” and Canada’s elites looked down on “the farmer and the mechanic.” In his view, it should be “our aim to repress rather than encourage this feeling, which the establishment of an aristocracy would assuredly tend to strengthen and develop.”

Thompson also noted that in addition to being the only monarchy in South America, Brazil was the sole nation on that continent that still permitted slavery. Thompson stressed that he favoured a union of the British North American colonies but insisted that it have a republican form of government, not a hereditary head of state.

In the 1860s, one of the leading proponents of Canada’s incorporation into the United States was Médéric Lanctot, a French Canadian socialist. Lanctot was born in 1838, shortly after his father was transported to Australia for his participation in the 1837-8 Rebellion in Lower Canada. When Lanctot senior returned from his exile in 1845, he inculcated republicanism and hatred of the British Empire in his son. In the late 1850s, Médéric became a member of the Institut Canadien, an organization that was condemned by the Catholic Church as nest of radical free thinkers because it had books on the Index in its library. In 1862, he travelled to Paris, where he immersed himself in the radical political movements that would later help to establish the short-lived Paris Commune. After 1864, Lanctot devoted himself to two causes: fighting the proposed Confederation of British North America and campaigning against Big Business. In 1867, Lanctot announced that it was time to form a union that would represent all workers in society, rather than simply those in a particular craft or workplace. Lanctot’s Grande Association de Protection des Ouvriers du Canada took up the cause of bakery workers, holding large protests in Montreal at which the 1837 rebels’ red-white-green flag was displayed prominently. Lanctot also attacked the way in which the Grand Trunk, a British-owned railway, was treating its workers. Lanctot’s socialism was linked to his nationalism and republicanism: in his eyes, improving the lot of Canada’s workers required independence from Britain.

93 Ibid, 13.
94 Ibid., 9.
In 1868, Lanctot established *L’Association de l’Indépendance pacifique du Canada*, which sought the creation of a Canadian republic through non-violent means. He soon abandoned this goal and became an advocate of Canada’s incorporation into the US-American Republic. In 1869, he organized a convention of Annexationists in Detroit that attracted delegates from both Canada and French-speaking communities in the United States. In the Detroit River area and other regions in which the Canada-US boundary bisected French-speaking communities, the Annexationist project was popular, perhaps because Canada’s incorporation into the US customs union would have eliminated the practical inconveniences caused by the border. After evidence of his conversion to Protestantism was published in 1869, many of Lanctot’s Roman Catholic supporters deserted him. His political career thus suddenly ended, Lanctot spent his final years editing an obscure newspaper in Hull, Quebec, where he worked on a treatise on the relations of labour and capital.

In the twenty-first century, it seems curious that a Canadian socialist would favour the country’s annexation by the United States. After all, Canadians now tend to associate the United States with Wall Street, the Religious Right, and the absence of single-payer health care. Knowing how international observers in the 1860s viewed US-American society is necessary if we are to understand the reasoning of Lanctot and the other Canadians who evidently supported this option. We should remember that neither the United States nor the Republican Party of the 1860s represented the same values as the United States and the Republican Party of the present. In the nineteenth-century, many trade unionists, Chartists, and other left-wing people in Britain and Continental Europe admired the United States as a beacon of democracy and equality. Advocates of democracy in Europe watched the US-American Civil War closely, as they saw it as a struggle between the democratic North and the aristocratic South. The United States was an unusual country in this period in that many US-American states allowed all adult white males to vote. Karl Marx cheered for Lincoln and

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96 Jean Hamelin, “Médéric Lanctot” *Dictionary of Canadian Biography*.


the Republicans during the Civil War and regarded the North as the progressive force in the conflict. Marx attacked the many conservative newspaper editors in Britain who advocated a peaceful resolution of the differences between the free and slave states. He did so on the grounds that such a resolution would have provided for the survival of slavery.\(^99\)

In the nineteenth century, conservative Canadians disliked the United States because it was irreligious, not because it was too religious. They remembered that Thomas Jefferson, the author of the Declaration of Independence, was an Enlightenment Deist. They were horrified to learn that James Polk, who had been President in the 1840s, had not been baptized while in office and only received that sacrament on his deathbed. In Britain or any other European monarchy, it would be unthinkable to have had an unbaptized head of state.\(^100\) In 1870, the *Halifax Morning Chronicle*, reported that the emancipation of women had proceeded more quickly in the United States than in other western countries. Speaking of the “new woman,” the paper said that “British air is fatal to her mental growth and even continental Europe with all its moral latitude affords no congenial school” for the modern woman who wishes to qualify as a lawyer or doctor.\(^101\) There was some truth in the *Morning Chronicle*’s observation. The first woman to qualify as a doctor in the United States did so in 1849. She later returned to her native Britain, where she struggled to have her qualifications recognized.\(^102\) In short, there were valid reasons for the tendency of many Canadians and Europeans regarded the United States as a progressive rather than a conservative society. This perception of US-American society helped to determine which elements of the Canadian population were most open to the idea of their incorporation into the United States. It is not surprising, given this context, that many advocates of continental union were on the left of the Canadian political spectrum.

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Why Did Canadians Support Remaining in the British Empire Rather than the Alternatives? Why Didn’t more Canadians Support the Alternative Options?

Why did so many British North Americans in the 1860s support remaining in the British Empire when other constitutional options were open to them? First, their status as British subjects offered them a degree of military protection against the Army of the United States and the Fenians, an Irish-American paramilitary organization. This status also offered British colonial subjects considerable consular protection when they travelled abroad, as the recent Don Pacifico affair has vividly illustrated. Second, the American Civil War had discredited the US-American experiment with democracy and republicanism in the eyes of many Canadians. The US concept of state sovereignty was widely regarded in Canada as the cause of the Civil War, which is one of the reasons the Canadian constitution of 1867 provided for a very strong central government and weak sub-national governments. Third, Canadians were aware of the chaos in the other republican countries in the Western hemisphere. Only the Empire of Brazil stood out as a beacon of stability in a sea of republicanism. In 1864, as British North America’s political leaders were about the frame their plan for a federation within the British Empire, the War of the Triple Alliance was breaking out in Latin America. This conflict pitted Paraguay, a former Spanish colony, against two other former Spanish colonies, Argentina and Uruguay, along with Brazil. When the war concluded in 1870, perhaps 400,000 were dead. This conflict was reported in Canadian newspapers and likely would have reinforced the idea that the republics of Latin

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America were a hotbed of instability and violence. Canadians already had a negative view of republican institutions thanks to the recent civil war in the United States.107

In accounting for the widespread nature of the preference in favour of remaining in the Empire, we also have to integrate race and ethnicity into our analysis. As was mentioned above, there were some US-Americans, particularly the Radical Republicans, who would have welcomed the British North American provinces into the United States. However, there were many US-Americans who would have opposed this option. In some cases, this opposition was rooted in an ethnic-nationalist definition of who could be an US-American citizen. As Eric Foner has noted, the battle over ratification of the reconstruction amendments exposed the deep division between two conceptions of US-American nationality, one civic, the other ethnic. The ethnic nationalist definition of who could be a US-American excluded, of course, Black and Chinese individuals, but it also excluded, albeit less virulently, non-Protestants and those who were not of Anglo-Saxon or closely related stock.108 British North Americans who were not of Anglo-Celtic ancestry noted this.

British North America in the 1860s had a large population of non-Protestant, non-Anglo-Celtic people, namely the French Canadians. Although many regions of British North America were overwhelmingly white, Protestant, and Anglo-Celtic, some US-Americans perceived Canada as a motley crew of non-Anglo-Saxon, biologically inferior people. This was certainly the view that Frank Leslie’s Illustrated Newspaper in New York took in an editorial on whether the incorporation of Canada into the United States was desirable. This editorial said that it was opposed to any further “territorial aggrandizement” by the United States save for the annexation of the slave colony of Cuba. Canada, the editor reasoned, had too many non-Anglo-Saxon people living in to be worthy of “admission into the Union.” This editorial, which strangely did not specify what was to happen to the existing population of Cuba, claimed that so much “incongruous rubbish” had already entered the United States as to make the annexation of “squalid hyperboreans” undesirable. The United States had


“enough nigger, Irishman, German, and Chinaman to digest, without imperilling health still further by the deglutition of the creature called ‘Canuck.’” The editor asserted the United States was, in any event, preoccupied with re-asserting its authority over the restive white population of the erstwhile Confederate States and could ill afford to expand northward: “we are ‘engaged’ for many years to come, with sundry raven-tressed ladies to the south of us. So the girls of frosty hair must wait their turn.” The paper recommended that instead of trying to join the United States, Canadians should, as an interim measure, sever their ties with Britain and become an independent republic. 109

A more restrained newspaper editor in the Lake Erie port of Cleveland, Ohio alluded to Canada’s diversity in an 1865 editorial on the proposals to make Canada a state. This editorial flatly declared that all of the recent discussions of Annexation of Canada were “idle utterances.” The paper reasoned that while it might be desirable for the United States to obtain “control of the St. Lawrence outlet to the ocean”, annexing Canada would not otherwise be in the interests of the Republic, since doing so would force the United States to confront the difficulties of “harmonizing the conflicting interests” of the various provinces and “assimilating peoples of opinions and prejudices as widely diverse as those of the North and the South just previous to the war.” This statement was an allusion to the French-English tension, which was arguably the main driver of constitutional change in 1860s Canada. The paper pointed out that the United States already had abundant land and hardly needed more. It also said that while parts of Upper Canada might be induced to join the union, the population in the rest of British North America was firmly opposed to the concept. 110

The evident reluctance of some Anglo-Saxons Protestants in the United States to take over a territory associated with Roman Catholicism and the French language is part of a broader pattern. U.S. Historians often associate the ideology of Anglo-Saxon supremacy with Manifest Destiny and the desire to engross as much territory as possible. The reality was more complicated: as Eric T. Love demonstrated in Race Over Empire, a sense of superiority over non-white and non-Anglo-Saxon people prompted US-Americans to reconcile from proposals to annex particular territories. Indeed, this sentiment contributed to the decision of

109 Frank Leslie’s Illustrated Newspaper, “Canadian Independence” 7 August 1869.
110 Daily Cleveland Herald, “Canadian Annexation” 6 June 1865.
Congress to block the territorial expansion plans of the Grant administration. The politics of race influenced U.S. hemispheric diplomacy in the Reconstruction Era, when US legislators had to consider proposals to annex Alaska, the Virgin Islands, and part of the island of Santo Domingo.

With the exception of the purchase of Alaska in 1867 and the acquisition of the unpopulated Midway Islands, most of these proposed expansions of US territory failed, in part because of Congressional opposition to including additional non-white majority territories in the United States. The predominant view in the North was that the country already had enough problems connected to the semi-tropical and racially mixed states of the former Confederacy. Similarly, in the 1840s when the United States seriously considering all of Mexico, rather than just its sparsely populated northern third, anti-Catholic sentiment and fear of the future power of Catholic voting bloc contributed to the defeat of the so-called “All Mexico” option.

As we have seen, many US-Americans in the 1860s subscribed to an ethnic nationalist definition of who could be a “real American.” Such a definition was liable to antagonize potential supporters of continental union in Canada. At the same time, advocates of the rival British identify for Canada were promoting an inclusive, civic-nationalist definition of Britishness that attracted many whites who were not of British ancestry. In 1861, John A. Macdonald declared that he considered “every man who says that he is in favour” of the British connection as belonging “to my party, whatever his antecedents may have been.” Macdonald was speaking a year after the visit by the Prince of the Wales, which had been intended, in part, to reinforce the loyalty to Britain of Canada’s diverse population. During

the Prince’s visit, care had been taken to include every major ethnic group in the associated events and to avoid associating the Prince with the anti-Catholic Orange Order. 114

We should remember that contemporaries used the term “British” in both an ethnic label and a more inclusive legal concept that corresponded to the category of British nationality. Britishness was an elastic concept partly because it was a relatively recent invention and one that an immigrant German dynasty had used to unite the ethnic nations of the British Isles after 1714. 115 Since the Conquest, the British had cultivated the allegiance of the French Canadians, the so-called “new subjects.” This strategy paid massive dividends, for during the US-American invasions of 1775 and 1812, the lay and clerical elites of French Canada had remained loyal to the Crown. 116 Given this context, it is not surprising that the French Canadians and other Canadians who were not of British stock regarded the retention of British colonial status as the least bad option.

Conclusion and Directions for Future Research

In accounting for why so many British North Americans expressed a preference for remaining under British sovereignty, this paper has attempted to integrate economic and cultural factors. It has also sought to contextualise the Canadian constitution of 1867 discussing developments throughout the Americas. British North Americans in the 1860s were conscious of developments elsewhere in the hemisphere, not just in the United States but also in Latin America as well. It is my view that if we are understand Canadian constitutional politics in the 1860s, we must use a hemispheric framework that recognises that Canada is part of the Western hemisphere as well as Commonwealth of Nations.

114 Ian Radforth, Royal Spectacle: the 1860 Visit of the Prince of Wales to Canada and the United States (Toronto : University of Toronto Press, 2004).
Canadian historians have enthusiastically adopted the British World perspective, an approach to historical writing emphasises Canada’s links to, and close identification with, the British Empire, particular the United Kingdom but also the fellow settler societies of Canada and New Zealand. The result of the adoption of the British World paradigm has been a variety of important publications. While sympathetic to the British World approach, I also believe that historians of Canada need to adopt a hemispheric frame of reference as well. They should engage with the histories of and historians in the Caribbean and Latin America. I am not suggesting that Canadian historians are in denial about the fact their country is physically located in the Western hemisphere. However, I do believe that they have been influenced by the widespread tendency in English-Canadian political and popular culture to emphasize the country’s ties to Europe and, in particular, the United Kingdom. By overcoming this cultural context and adopting a hemispheric perspective, Canadian historians will be able to generate a fresh scholarly perspective on a wide range of important research topics.