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Sir John A. Macdonald Papers
Volume 53

PUBLIC ARCHIVES PUBLIQUES
CANADA

Resolutions

adopted at a Conference of Delegates
from the Provinces of Canada, Nova
Scotia and New Brunswick

held at
The Westminster Palace Hotel, London

on the
Fourth day of December
One thousand eight hundred and sixty six.

- 1 The best interests and present and future prosperity of British North America will be promoted by a Federal Union under the crown of Great Britain, provided such union can be effected on principles just to the several Provinces.
- 2 In the confederation of the British North American Provinces the system of government best adapted under existing circumstances to protect the diversified interests of the several Provinces and secure efficiency, harmony and permanency in the working of the Union is a General Government charged with matters of common interest to the whole country and Local Governments for each of the Provinces and for the Provinces of Nova Scotia and New Brunswick charged with the control of local matters in their respective sections, provision being made for the admission into the confederation on equitable terms of Newfoundland, Prince Edward Island, the North West Territory and British Columbia.

- 3 In framing a constitution for the General Government the Conference with a view to the perpetuation of the connection with the Mother Country, and the promotion of the best interests of the people of these provinces, desire to follow the model of the British Constitution so far as circumstances will permit
- 4 The Executive authority or Government shall be vested in the Sovereign of the United Kingdom of Great Britain and Ireland and be administered according to the well understood principles of the British Constitution, by the Sovereign personally, or by the representative of the Sovereign duly authorized
- 5 The Sovereign shall be Commander in Chief of the Land and Naval Military Forces
- 6 There shall be a general Legislature or Parliament for the Confederation composed of the Sovereign, a Legislative Council and a House of Commons
- 7 For the purpose of forming the Legislative Council, the Confederation shall be considered as consisting of three divisions:
- | | |
|--------|-------------------------------|
| First | Upper Canada |
| Second | Lower Canada, and |
| Third | New Brunswick and Nova Scotia |
- each division with an equal representation in the Legislative Council
- 8 Upper Canada shall be represented in the Legislative Council by twenty four members, Lower Canada by twenty four members -

and the Maritime Provinces by twenty four Members of which
Nova Scotia shall have twelve and New Brunswick twelve members

- 9 The Colony of Prince Edward Island when admitted into
the Confederation shall be entitled to a representation of four
Members in the Legislative Council. But in such case
the Members allotted to Nova Scotia and New Brunswick shall
be diminished to ten each, such diminution to take place
in each Province as vacancies occur
- 10 The Colony of Newfoundland when admitted into the
Confederation shall be entitled to a representation in the
Legislative Council of four members
- 11 The North West Territory and British Columbia shall be
admitted into the Union on such terms and conditions as
the Parliament of the Confederation shall deem equitable,
and as shall receive the assent of the Sovereign, and in
case of the Province of British Columbia, as shall be
agreed to by the Legislature of such Province
- 12 The Members of the Legislative Council shall be appointed by
the Crown under the Great Seal of the General Government from
among residents of the Province for which they are severally
appointed and shall hold office during life. If any
Legislative Councillor shall, for two consecutive Sessions of
Parliament fail to give his attendance in the said Council
his seat shall thereby become vacant
- 13 The Members of the Legislative Council shall be British
subjects by birth or naturalization, of the full age of thirty

years, shall each possess in the Province for which they are appointed a continuous net property qualification of four thousand dollars over and above all incumbrances, and shall be and continue worth that sum over and above their debts and liabilities, and shall possess a continuous residence in the province for which they are appointed, except in the case of persons holding official positions which require their attendance at the seat of government pending their tenure of office.

14. If any question shall arise as to the qualification of a Legislative Councillor the same shall be determined by the Legislative Council.

15. The Members of the Legislative Council for the Confederation shall in the first instance be appointed upon the nomination of the Executive Governments of Canada, Nova Scotia and New Brunswick respectively and the number allotted to each Province shall be nominated from the Legislative Councils of the different Provinces, due regard being had to the fair representation of both political parties, but in case any member of the Local Council so nominated shall decline to accept, it shall be competent for the Executive Government in any province to nominate in his place a person who is not a member of the Local Council.

16. The Speaker of the Legislative Council (unless otherwise provided by Parliament) shall be appointed by the Crown from among the Members of the Legislative Council, and shall hold office during pleasure, and shall only be entitled to a casting vote in an equality of votes.

17 Each of the twenty four Legislative Councillors representing Lower Canada in the Legislative Council of the General Legislature shall be appointed to represent one of the twenty four Electoral Divisions mentioned in Schedule A of Chapter First of the Consolidated Statutes of Canada, and each Councillor shall reside or possess his qualification in the Division he is appointed to represent.

18 The basis of representation in the House of Commons shall be population, as determined by the Official Census every ten years; and the number of members at first shall be one hundred and eighty one, distributed as follows

Upper Canada	Eighty two
Lower Canada	Sixty five
New Scotia	Nineteen
New Brunswick	Fifteen

19 Until the first General Election after the Official Census of One thousand eight hundred and seventy one has been made up, there shall be no change in the number of Representatives from the several Sections.

20 Immediately after the completion of the Census of One thousand eight hundred and seventy one, and immediately after every decennial census thereafter the Representation from each Province in the House of Commons shall be readjusted on the basis of population such readjustment to take effect upon the termination of the then existing Parliament.

21 For the purpose of such readjustments, Lower Canada shall always be assigned sixty five Members, and each of the other provinces shall at each readjustment receive for the ten years then next succeeding, the number of Members to which it will be entitled on the same ratio of representation to population as Lower Canada will enjoy, according

to the census then last taken by leaving sixty five members

22. No reduction shall be made in the number of Members returned by any province, unless its population shall have decreased relatively to the population of the whole Union to the extent of Five per centum

23. In computing at each decennial period the number of members to which each province is entitled, no fractional parts shall be considered unless when exceeding one half the number entitling to a member, in which case a member shall be given for each such fractional part

24. The number of members may at any time be increased by the General Parliament, regard being had to the proportionate rights then existing.

25. Until provisions are made by the General Parliament all the laws which at the date of the Proclamation constituting the Union, are in force in the provinces respectively relating to the qualification and disqualification of any person to be elected or to sit or vote as a Member of the Assembly in the said provinces respectively and relating to the qualification or disqualification of voters and to the oaths to be taken by voters, and to Returning Officers and their powers and duties and relating to the proceedings at elections and to the period during which such elections may be continued, and relating to the trial of contested elections, and the proceedings incident thereto, and relating to the vacating of seats of members, and to the issuing and execution of new writs in case of any seat being vacated otherwise than by a dissolution shall respectively apply to elections of members to serve in the House of Commons for places situate in those provinces respectively

- 26 Every House of Commons shall continue for five years from the day of the return of the writs choosing the same, and no longer, subject nevertheless to be sooner prorogued or dissolved by the Governor General.
- 27 There shall be a Session of the General Parliament once at least in every year, so that a period of twelve calendar months shall not intervene between the last Sitting of the General Parliament in one Session and the first Sitting thereof in the next Session.
- 28 The General Parliament shall have power to make Laws for the peace, welfare and good government of the Confederation - (saving the Sovereignty of England) and especially Laws respecting the following subjects:-
- 1 The Public Debt and Property
 - 2 The regulation of Trade and Commerce
 - 3 The raising of money by all or any mode or system of Taxation
 - 4 The borrowing of money on the public credit
 - 5 Postal Service
 - 6 Lines of Steam or other Ships, Railways, Canals and other works connecting any two or more of the Provinces together or extending beyond the limits of any Province
 - 7 Lines of Steam Ships between the Confederated Provinces and other Countries

8. *Telegraph communication and the Incorporation of
Telegraph Companies*
9. *All such works as shall although lying wholly within
any province be specially declared by the acts authorizing
them to be for the general advantage*
10. *The Census and Statistics*
11. *Militia, Military, and Naval Service and Defence*
12. *Beacons, Buoys, Light Houses and Lighthouse*
13. *Navigation and Shipping*
14. *Quarantine*
15. *Sea Coast and Inland Fisheries*
16. *Traffic between any Province and a Foreign Country, or
between any two provinces*
17. *Currency and Coinage*
18. *Banking Incorporation of Banks, and the issue of
paper money*
19. *Savings Banks*
20. *Weights and Measures*
21. *Bills of Exchange and Promissory Notes*
22. *Interest*
23. *Legal Tender*

- 24 Bankruptcy and Insolvency
- 25 Patents of Invention and Discovery
- 26 Copyrights
- 27 Indians, and Lands reserved for the Indians
- 28 Naturalization and Aliens
- 29 Marriage and Divorce
- 30 The Criminal Law excepting the Constitution of Courts of Criminal Jurisdiction, but including the procedure in Criminal matters
- 31 The establishment, maintenance and management of Penitentiaries
- 32 Rendering uniform all or any of the Laws relative to property and civil rights in Upper Canada, Nova Scotia and New Brunswick, and rendering uniform the procedure of all or any of the Courts in these Provinces; but any Statute for this purpose shall have no force or authority in any province until sanctioned by the Legislature thereof; and the power of repealing or amending or altering such Laws shall thenceforward remain with the General Parliament only
- 33 The establishment of a General Court of appeal for the Confederation
- 34 Immigration
- 35 Agriculture
- 36 And generally respecting all matters of a general character not specially and exclusively reserved for the Local Legislatures

29 The General Government and Parliament shall have all powers necessary or proper for performing the obligations of the Confederation as part of the British Empire to Foreign Countries arising under treaties between Great Britain and such Countries

30 The powers and privileges of the House of Commons of the United Kingdom of Great Britain and Ireland shall be held to appertain to the House of Commons of the Confederation and the powers and privileges appertaining to the House of Lords in its legislative capacity shall be held to appertain to the Legislative Council.

31 The General Parliament may from time to time establish or additional Courts and the General Government may appoint Judges and Officers thereof when the same shall appear necessary or for the public advantage in order to the due execution of the Laws of such Parliament

32 All Courts, Judges and Officers of the several Provinces shall aid assist and obey the General Government in the exercise of its rights and powers, and for such purposes shall be held to be Courts, Judges and Officers of the General Government

33 The General Government shall appoint and pay the Salaries of the Judges of the Superior and District and County Courts in each province and Parliament shall fix their Salaries

34 Until the consolidation of the Laws of Upper Canada, Nova Scotia and New Brunswick the Judges of these Provinces appointed by the General Government shall be selected from their respective Bars.

35 The Judges of the Courts of Lower Canada shall be selected from the Bar of Lower Canada.

36 The Judges of the Court of Admiralty shall be paid by the General Government.

37 The Judges of the Superior Courts shall hold their Offices during good behaviour and shall be removable on the address of both Houses of Parliament.

38 For each of the provinces there shall be an Executive or Officer styled The Governor who shall be appointed by the Governor General in Council under the Great Seal of the Confederation during pleasure; such pleasure not to be exercised before the expiration of the first five years except for cause, or such cause to be communicated in writing to the Governor immediately after the exercise of the pleasure as aforesaid and also by message to both Houses of Parliament within the first week of the first Session afterwards but the appointment of the first Governors shall be provisional and they shall hold Office strictly during pleasure.

39 The Governor of each Province shall be paid by the General Government.

40 The Local Government and Legislature of each Province shall be constituted in such manner as the Legislature of each such Province shall provide.

41 The Local Legislatures shall have power to make Laws.

11

respecting the following subjects

1. The altering or amending their Constitution from time to time
2. Direct taxation and, in the case of New Brunswick the right of carrying Timber Dues by the mode and to the extent now established by Law Provided such Timber be not the produce of the other provinces
3. Borrowing money on the credit of the Province
4. The establishment and tenure of Local Offices, and the appointment and payment of Local Officers
5. Agriculture
6. Immigration
7. Education, saving the rights and privileges which the Protestant or Catholic minority in any Province may have by Law as to denominational schools at the time when the Union goes into operation And in any Province where a system of separate or dissentient schools by Law obtains, or where the Local Legislature may hereafter adopt a system of separate or dissentient schools an appeal shall lie to the Governor General in Council of the General Government from the acts and decisions of the Local Authorities which may affect the rights or privileges of the Protestant or Catholic minority in the matter of Education and the General Parliament shall have power in the last resort to legislate on the subject
8. The sale and management of Public Lands excepting Lands belonging to the General Government
9. The establishment maintenance and management of

public and Reformatory prisons

10. *The establishment, maintenance and management of Hospitals, Asylums, Charities and Eleemosynary Institutions except Marine Hospitals*
 11. *Municipal Institutions*
 12. *Shop, Saloon, Tavern, Auctioneer and other Licences for local revenue*
 13. *Local Works*
 14. *The Incorporation of Private & Local Companies except such as relate to matters assigned to the General Parliament*
 15. *Property and Civil Rights (including the solemnization of marriage) excepting portions thereof assigned to the General Parliament*
 16. *Inflicting punishment by fine, penalties, imprisonment or otherwise for the breach of laws passed in relation to any subject within their jurisdiction*
 17. *The Administration of Justice including the constitution & maintenance and organization of the Courts, both of Civil and Criminal Jurisdiction and including also the procedure in Civil matters.*
 18. *And generally all matters of a private & local nature not assigned to the General Parliament*
- 112 *All the powers, privileges and duties conferred and imposed upon Catholic Separate Schools and School Trustees in Upper Canada, shall be extended to the Protestant and Catholic Separable Schools in Lower Canada.*

113 The power of respiting, reprieving and pardoning prisoners convicted of crimes and of commuting and remitting of sentences in whole or in part which belongs of right to the Crown shall except in Capital cases, be administered by the Governor of each Province ^{in Council} subject to any instructions he may from time to time receive from the General Government and subject to any provisions that may be made in this behalf by the General Parliament.

114 In regard to all subjects over which jurisdiction belongs to both the General and Local Legislatures the Laws of the General Parliament shall control and supersede those made by the Local Legislature and the latter shall be void so far as they are repugnant to or inconsistent with the former.

115 Both the English and the French Languages may be employed in the General Parliament and in its proceedings and in the Local Legislature of Lower Canada, and also in the Federal Courts and in the Courts of Lower Canada.

116 No Lands or property belonging to the General or Local Governments shall be liable to taxation.

117 All Bills for appropriating any part of the public Revenue or for imposing any tax or impost shall originate in the House of Commons or House of Assembly as the case may be.

118 The House of Commons or House of Assembly shall not originate or pass any vote, Resolution, Address or Bill for the appropriation of any part of the public Revenue or of any tax or impost to any purpose, not first recommended by

Message of the Governor General or the Governor as the case may be during the Session, in which such Vote, Resolution, Address or Bill is passed.

49 Any Bill of the General Parliament may be reserved in the usual manner for Her Majesty's Assent, and any Bill of the Local Legislatures may in like manner be reserved for the consideration of the Governor General.

50 Any Bill passed by the General Parliament shall be subject to disallowance by Her Majesty within two years as in the case of Bills passed by the Legislatures of the said Provinces hitherto, and in like manner, any Bill passed by a Local Legislature shall be subject to disallowance by the Governor General within one year after the passing thereof.

51 The Seat of Government of the Confederation shall be Ottawa subject to the Royal prerogative.

52 Subject to any future action of the respective Local Governments the Seat of the Local Governments in Upper Canada shall be Toronto; of Lower Canada, Quebec and the Seats of the Local Governments in the other Provinces, shall be as at present.

53 All Stocks, Cash, Bankers' Balances, and Securities for money belonging to each Province at the time of the Union, except as hereinafter mentioned shall belong to the General Government.

78

Sir John A. Macdonald Papers
Volume 53

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51. The following public Works and property of each Province shall belong to the General Government to wit

1. Canals.
2. Public Harbours
3. Light Houses and Piers and Salt Islands
4. Steamboats, Dredges and Public Vessels
5. Rivers and Lake Improvements
6. Railways and Railway Stocks, Mortgages and ^{debts} due by Railway Companies.
7. Military Roads
8. Custom Houses, Post Offices and all other Public Buildings except such as may be set aside by the General Government for the use of the Local Legislatures and Governments
9. Property transferred by the Imperial Government and known as Ordnance property
10. Ammunitions, Bull Sheds, Military Clothing and munitions of War, and Lands set apart for general public purposes.

55 All Lands, Mines, Minerals and Royalties vested in Her Majesty in the Provinces of Upper Canada, Lower Canada, Nova Scotia and New Brunswick for the use of such provinces shall belong to the Local Government of the Territory in which the same are so

situate, subject to any trusts that may exist in respect to any of such lands or to any interest of other persons in respect of the same.

56 All sums due from Purchasers or Exports of such Lands, Mines, or Minerals at the time of the Union shall also belong to the Local Government.

57 All apots connected with such portions of the Public debt of any Province as are assumed by the Local Governments shall also belong to those Governments respectively.

58 The several Provinces shall retain all their public property therein subject to the right of the General Government to assume any Lands or public property required for Fortifications or the Defence of the Country.

59 The General Government shall assume the debts and liabilities of each Province.

60 The Debt of Canada not specially assumed by Upper and Lower Canada respectively shall not exceed at the time of the Union Sixty two Million Five hundred thousand Dollars, Nova Scotia shall enter the Union with a debt not exceeding Eight Million Dollars, and New Brunswick with a debt not exceeding Seven Million Dollars. But this stipulation is in no respect intended to limit the powers given to the respective Governments of these Provinces by legislative authority but only to determine the maximum amount of charge to be

assumed by the General Government

61 In case Nova Scotia or New Brunswick should not have contracted debts at the date of Union equal to the amount with which they are respectively entitled to enter the Confederation, they shall receive by half yearly payments in advance from the General Government, the Interest at Five per cent on the difference between the actual payment of their respective debts and such stipulated amounts.

62 In consideration of the transfer to the General Parliament of the powers of taxation, the following sums shall be paid by the General Government to each Province for the support of their Local Governments and Legislatures.

Upper Canada	\$ 50,000
Lower Canada	70,000
Nova Scotia	60,000
New Brunswick	50,000
	<u>\$ 230,000</u>

and an annual grant in aid of each Province shall be made equal to Eighty Cents per head of the population as established by the Census of One thousand eight hundred and sixty one, and in the case of Nova Scotia and New Brunswick by each subsequent decennial Census until the population of each of these Provinces shall amount to Four hundred thousand souls, at which rate it shall thereafter remain - Such aid shall be in full settlement of all future demands upon the General Government for local purposes, and shall be paid half yearly in advance to each Province, but the General Government shall deduct from such subsidy all sums paid as interest on the Public Debt of any Province in excess of the amount provided under the sixteenth Resolution

63 The position of New Brunswick being such as to entail large immediate charges upon the local revenues it is agreed that for the period of Ten years from the time when the Union takes effect, an additional allowance of Sixty three thousand dollars ^{per} shall be made to that Province. But that so long as the liability of that Province remains under Seven millions of dollars a deduction equal to the interest on such deficiency shall be made from the Sixty three thousand dollars.

64 All engagements that may, before the Union, be entered into with the Imperial Government for the defence of the Country shall be assumed by the General Government.

65 The construction of the Intercolonial Railway being essential to the consolidation of the Union of British North America and the apex of the Maritime Provinces thereto, it is agreed that provision be made for its immediate construction by the General Government and that the Imperial Guarantee for Three Millions of Pounds Sterling pledged for this work be applied thereto, so soon as the necessary authority has been obtained from the Imperial Parliament.

66 The communications with the North Western Territory and the improvements required for the development of the trade of the Great West with the Sea-board are regarded by this Conference as subjects of the highest importance to the Confederation, and shall be prosecuted at the earliest possible period that the state of the ^{or} Finances will permit.

67 The sanction of the Imperial Parliament shall be sought for the Union of the Provinces on the principles adopted by this Conference

68 That Her Majesty the Queen be solicited to determine the rank and name of the Confederation

69 That a copy of these Resolutions signed by the Chairman and Secretary of the Conference be transmitted to The Right Honorable The Secretary of State for the Colonies.