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Confederation Scheme

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R. Mitchell

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R. J. H.

REPORT

Of Resolutions adopted at a Conference of Delegates from the Provinces of Canada, Nova Scotia, and New Brunswick, and the Colonies of Newfoundland and Prince Edward Island, held at the City of Quebec, 10th October, 1864, as the basis of a proposed Confederation of those Provinces and Colonies.

W. Johnston
London
1864
P. Mitchell
delegate

REPORT

Of Resolutions adopted at a Conference of Delegates from the Provinces of Canada, Nova Scotia, and New Brunswick, and ~~the Colonies of Newfoundland and Prince Edward Island~~, held at the City of Quebec, 10th October, 1864, as the basis of a proposed Confederation of those Provinces and Colonies.

Federal Union

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.

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2. In the Federation 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, would be a General Government, charged with matters of common interest to the whole country, and Local Governments for each of the Canadas and for the Provinces of Nova Scotia, New Brunswick, and ~~Prince Edward Island~~, charged with the control of local matters in their respective sections,—provision being made for the admission into the Union, on equitable terms, of Newfoundland, the North-West Territory, British Columbia, and ~~Vancouver~~.

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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 to the promotion of the best interests of the people of these Provinces, desire to follow the model of the British Constitution, so far as ~~our~~ circumstances will permit.

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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.

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5. The Sovereign, ~~shall be~~, shall be Commander-in-Chief of the Land and Naval Militia Forces.

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6. There shall be a General Legislature, or Parliament, for the ~~Confederated Provinces~~, composed of a Legislative Council and a House of Commons.

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7. For the purpose of forming the Legislative Council, the Fed-
erated ~~Provinces~~ shall be considered as consisting of three divi-
sions:—1st—Upper Canada: 2nd—Lower Canada; 3rd—Nova Sco-
tia, New Brunswick, ~~Prince Edward Island~~, each division
with an equal representation in the Legislative Council.

8. Upper Canada shall be represented in the Legislative Coun-
cil by 24 members, Lower Canada by 24 members, and the ~~Maritime~~
Maritime Provinces by 24 members, of which Nova Scotia shall
have ~~ten~~ ¹² New Brunswick ~~ten~~ ¹² ~~Prince Edward Island~~

9. The Colony of Newfoundland shall be entitled to enter the
proposed Union with a representation in the Legislative Council of
four members.

10. The North-West Territory, British Columbia, and Vancou-
ver, shall be admitted into the Union on such terms and conditions
as the Parliament of the Federal ~~Provinces~~ shall deem equitable,
and as shall receive the assent of ~~His Majesty~~, and in the case of
the Province of British Columbia or Vancouver, as shall be agreed
to by the Legislature of such Province.

11. The Members of the Legislative Council shall be appointed
by the Crown under the Great Seal of the General Government,
and shall hold office during life. If any Legislative Councilor
shall, for two consecutive Sessions of Parliament, fail to give his
attendance in the said Council, his seat shall thereby become vacant.

12. The members of the Legislative Council shall be British
Subjects by birth or naturalization, of the full age of thirty years,
shall possess a continuous real property qualification of four thou-
sand dollars over and above all incumbrances, and shall be and
continue worth that sum over and above their debts and liabilities;
but in the case of Newfoundland and Prince Edward Island the
property may be either real or personal.

13. If any question shall arise as to the qualification of a Legis-
lative Councilor, the same shall be determined by the Council.

14. The first selection of the members of the Legislative Coun-
cil shall be made, except as regards Prince Edward Island, from
the Legislative Councils of the various Provinces, so far as a suffi-
cient number be found qualified and willing to serve; such mem-
bers shall be appointed by the Crown at the recommendation of the
General Executive Government, upon the nomination of the respec-
tive Local Governments.—and in such nomination, due regard
shall be had to the claims of the members of the Legislative Coun-
cil of the Opposition in each Province, so that all political parties
may, as nearly as possible, be fairly represented.

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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.

23. The Legislature of each Province shall divide such Province into the proper number of constituencies, and define the boundaries of each of them. *Spoke me to the President's Council*

24. The Local Legislature of each Province may, from time to time, alter the electoral districts for the purposes of representation in the ~~House of Representatives~~, and distribute the representatives ~~in the Province~~ in any manner such Legislature may think fit.

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

26. 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 controverted 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.

27. 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*

28. 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.

29. The General Parliament shall have power to make laws for the peace, welfare, and good Government of the ~~Federated Provinces~~ (saving the Sovereignty of England), and especially Laws respecting the following subjects:

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1. The Public Debt and Property.
2. The Regulation of Trade and Commerce.
3. ~~The imposition or regulation of Duties of Customs on Imports and Exports, except on Exports of Timber, Logs, Masts, Spars, Deals, and Sawm Lumber, and of Coal and other Minerals.~~
4. ~~The imposition or regulation of Excise Duties.~~
5. The raising of money by all or any other modes or systems of Taxation.
6. The borrowing of money on the public credit.
7. Postal Service.
8. 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.
9. Lines of Steamships between the Federated Provinces and other countries.
10. Telegraphic Communication and the incorporation of Telegraph Companies.
11. 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.
12. The Census. *and Statistics*
13. Militia—Military and Naval Service and Defence.
14. Beacons, Buoys, ~~and~~ Light Houses. *and Lighthouse*
15. Navigation and Shipping.
16. Quarantine.
17. Sea Coast and Inland Fisheries.
18. Ferries between any Province and a Foreign Country, or between any two Provinces.
19. Currency and Coinage.
20. Banking—Incorporation of Banks and the issue of Paper Money.
21. Savings Banks.
22. Weights and Measures.
23. Bills of Exchange and Promissory Notes.
24. Interest.
25. Legal Tender.
26. Bankruptcy and Insolvency.
27. Patents of Invention and Discovery.
28. Copy Rights.
29. Indians and Lands reserved for the Indians.
30. Naturalization and Aliens.
31. Marriage and Divorce. ?

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✓ 32. The Criminal Law, excepting the Constitution of Courts of Criminal Jurisdiction, but including the procedure on Criminal matters.

✓ 33. Rendering uniform all or any of the laws relative to property and civil rights in Upper Canada, Nova Scotia, New Brunswick, ~~Newfoundland~~, and ~~Prince Edward Island~~, 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. *with addition with 1897 then*

✓ 34. The Establishment of a General Court of Appeal for the Federated Provinces.

✓ 35. Immigration.

✓ 36. Agriculture.

✓ 37. And generally respecting all matters of a general character, not specially and exclusively reserved for the Local ~~Governments~~ Legislatures. *to be inserted in*

to be inserted

30. The General Government and Parliament shall have all powers necessary or proper for performing the obligations of the Federated Provinces, as part of the British Empire, to Foreign Countries, ~~arising under treaties between Great Britain and such~~ *countries*

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31. The General Parliament may ~~also~~, from time to time, establish 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 Parliament. *to be inserted*

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. *to be inserted*

33. The General Government shall appoint and pay the Judges of the Superior Courts in each Province, and of the County Courts of Upper Canada, ~~and Parliament shall fix their salaries.~~ *to be inserted*

34. Until the Consolidation of the Laws of Upper Canada, New Brunswick, Nova Scotia, ~~Newfoundland~~, and ~~Prince Edward Island~~, 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 ~~now appointed~~ shall be paid by the General Government. *to be inserted*

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

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LOCAL GOVERNMENT.

38. For each of the Provinces there shall be an Executive Officer, styled the Governor, who shall be appointed by the Governor General in Council, under the Great Seal of the United Provinces, during pleasure,—such pleasure not to be exercised before the expiration of the first five years, except for cause; such cause to be communicated in writing to the Lieutenant 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.

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

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~~40. In undertaking to pay the salaries of the Lieutenant Governor and the Conference does not desire to preclude the claim of Prince Edward Island upon the Imperial Government for the amount now paid for the salary of the Lieutenant Governor thereof.~~

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

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42. The Local Legislatures shall have power to alter or amend the constitution from time to time.

43. The Local Legislatures shall have power to make laws respecting the following subjects:

1. Direct Taxation and imposition of Duties on the export of Timber, Logs, Masts, Spars, Deals, and Sawn Lumber, and of Coals and other Minerals.
2. Borrowing money on the credit of the Province.
3. The establishment and tenure of Local Offices, and the appointment and payment of Local Officers.
4. Agriculture.
5. Immigration.
6. Education—saving the rights and privileges which the Protestant or Catholic minority in both Canadas may possess as to their denominational schools, at the time when the Union goes into operation.
7. The sale and management of Public Lands, excepting Lands belonging to the General Government.

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cept 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. Armories, Drill Sheds, Military Clothing, and Munitions of War, and
- 11. Lands set apart for ^{general} public purposes.

58. All Lands, Mines, Minerals, and Royalties vested in Her Majesty in the Provinces of Upper Canada, Lower Canada, Nova Scotia, New Brunswick, and ~~Prince Edward Island~~, 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.

59. All sums due from purchasers or lessees of such Lands, Mines, or Minerals, at the time of the Union, shall also belong to the Local Governments.

60. All assets connected with such portions of the public debt of any Province as are assumed by the Local Government, shall also belong to those Governments respectively.

61. The several Provinces shall retain all other 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.

62. The General Government shall assume ~~all~~ the debts and liabilities of each province.

63. The debt of Canada, not specially assumed by Upper and Lower Canada respectively, shall not exceed at the time of the Union

Nova Scotia shall enter the Union with a debt not exceeding	8,000,000
And New Brunswick, with a debt not exceeding	7,000,000

64. In case Nova Scotia or New Brunswick do not incur liabilities beyond those for which their Governments are now bound, and which shall make their debts, at the date of Union, less than \$8,000,000 and \$7,000,000 respectively, they shall be entitled to interest at 5 per cent. on the amount not so incurred, ~~in like manner as is hereinafter provided for Newfoundland and Prince Edward Island~~, the foregoing resolution being in no respect intended to limit the powers given to the respective Governments of those Provinces by Legislative authority, but only to limit the maximum

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amount of charge to be assumed by the General Government. Provided always, that the powers so conferred by the respective Legislatures shall be exercised within five years from this date, or the same shall then lapse.

63. Newfoundland and Prince Edward Island not having incurred debts equal to those of the other Provinces, shall be entitled to receive, by half-yearly payments in advance from the General Government, the interest at five per cent, on the difference between the actual amount of their respective debts at the time of their Union, and the average amount of indebtedness per head of the population of Canada, Nova Scotia, and New Brunswick.

64. In consideration of the transfer to the General Parliament of the powers of taxation, an annual grant in aid of each Province shall be made, equal to 80 cents per head of the population, as established by the census of 1861, the population of Newfoundland being estimated at 130,000. 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.

65. The position of New Brunswick being such as to entail large immediate charges upon her local revenues, it is agreed that for the period of ten years from the time when the Union takes effect, an additional allowance of \$63,000 per annum shall be made to that Province. But that so long as the liability of that Province remains under \$7,000,000, a deduction equal to the interest on such deficiency shall be made from the \$63,000.

66. In consideration of the surrender to the General Government by Newfoundland of all its rights in mines and minerals, and of all the ungranted and unoccupied lands of the Crown, it is agreed that the sum of \$150,000 shall each year be paid to that Province by semi-annual payments. Provided that that Colony shall retain the right of opening, constructing, and controlling roads and bridges through any of the said lands, subject to any laws which the General Parliament may pass in respect of the same.

67. 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.

68. The General Government shall secure, without delay, the completion of the Intercolonial Railway from Riviere-du-Loup, through New Brunswick, to Truro in Nova Scotia.

69. The communications with the North-Western Territory, and the improvements required for the development of the trade of the Great West with the Seaboard, are regarded by this Conference

Mr. Bull's Resolution substituted instead of last Resolution

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as subjects of the highest importance to the Federated Provinces, and shall be prosecuted at the earliest possible period that the state of the finances will permit.

70. The sanction of the Imperial ~~and Local~~ Parliament shall be sought for the Union of the Provinces, on the principles adopted by the Conference.

71. That Her Majesty the Queen be solicited to determine the rank and name of the ~~United~~ Provinces.

72. The proceedings of the Conference shall be authenticated by the signatures of the delegates, and submitted by each delegation to its own Government, and the Chairman is authorized to submit a copy to the Governor General for transmission to the Secretary of State for the Colonies.

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