
**Compilation of primary documents to assist
in interpreting the Provincial Ownership of Resources in
Section 109 of the *Constitution Act, 1867***



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109. All Lands, Mines, Minerals, and Royalties belonging to the several Provinces of Canada, Nova Scotia, and New Brunswick at the Union, and all Sums then due or payable for such Lands, Mines, Minerals, or Royalties, shall belong to the several Provinces of Ontario, Quebec, Nova Scotia, and New Brunswick in which the same are situate or arise, subject to any Trusts existing in respect thereof, and to any Interest other than that of the Province in the same.

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PART 1:

Section 109 in Successive Drafts, from the Quebec Resolutions, 1864 to the *Constitution* *Act, 1867*

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[The Quebec Resolutions \(1864\)](#)¹

October 26, 1864: John A. MacDonald Papers, Working Draft No. 1

To postpone the consideration of, --

That all lands, mines and minerals vested in Her Majesty in any of the said Provinces for the use of such Province, 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 person in respect of the same.

That all sums due from purchasers or lessees of such lands, at the time of the Union, shall also belong to the Local Governments

(Source: John A. Macdonald, Drafts of the Quebec Resolutions, Working Draft No. 1, October 26th, 1864, MG 26 A, Vol. 46, pp. 18164-18168. The text is found on p. 18167. Click [HERE](#).)

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October 26/27, 1864: John A. MacDonald Papers, Working Draft No. 2

[51] 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.²

[51 ½] 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.³

[...]

¹ All transcriptions, formatting, and footnotes from the Quebec Resolutions are from Charles Dumais, [The Quebec Resolutions: Including Several Never-Published Preliminary Drafts by George Brown and John A. Macdonald, and a Collection of all Previously-Published Primary Documents Relating to the Conference](#) (CCF, 2021).

² The text provided here is reconstructed from later drafts.

³ The text provided here is reconstructed from later drafts.

SECTION 109, PROVINCIAL OWNERSHIP OF RESOURCES

[59] In consideration of the surrender to the Confederation 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 the 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 Legislature may pass in respect of the same.

(Source: John A. Macdonald, Drafts of the Quebec Resolutions, Working Draft No. 2, October 26th-27th, 1864, MG 26 A, Vol. 46, pp. 18142-18155. This text is found on p. 18155. Click [HERE](#).)

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October 27, 1864: John A. MacDonald Papers, Working Draft No. 3

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.

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.

[...]

In consideration of the surrender to the Confederation 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 the 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 Legislature may pass in respect of the same.

(Source: John A. Macdonald, Drafts of the Quebec Resolutions, Working Draft No. 3, October 27th, 1864, MG 26 A, Vol. 46, pp. 18156-18158. This text is found on p. 18158. Click [HERE](#).)

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October 27, 1864: John A. MacDonald Papers, Working Draft No. 4

[56] ~~That~~ 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.

SECTION 109, PROVINCIAL OWNERSHIP OF RESOURCES

[57] ~~That~~ 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.

[...]

[66] ~~That~~ 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 the ~~Colony~~ [Province] 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.

(Source: John A. Macdonald, Drafts of the Quebec Resolutions, Working Draft No. 4, October 27th, 1864, MG 26 A, Vol. 46, pp. 18136-18138. This text is found on p. 18138. Click [HERE](#).)

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[The London Resolutions \(1866\)](#)

December 4, 1866: Version No. 1, Copy 1

56. 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.

57. 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.

[...]

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 the 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.

(Source: John A. Macdonald Fonds, Drafts of the London Resolutions – Version No. 1, Copy 1, December 4th, 1866 (MG 26 A, Vol. 46, pp. 18184-18190). This text is found on pp. 18188-18189. Click [HERE](#).)

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December 13-14, 1866: Version No. 2, Copy 1

SECTION 109, PROVINCIAL OWNERSHIP OF RESOURCES

56. 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.

57. 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.

[...]

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 the 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.

(Source: John A. Macdonald Fonds, Drafts of the London Resolutions – Version No. 2, Copy 1, December 13-14th (MG 26 A, Vol. 46, pp.18176-18183). This text is found on p. 18180. Click [HERE](#).)

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December 13-14, 1866: Version No. 2, Copy 2

56. 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.

57. 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.

[...]

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 the 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.

(Source: John A. Macdonald Fonds, Drafts of the London Resolutions – Version No. 2, Copy 2, December 13-14th, 1866 (MG 26 A, Vol. 46, pp. 18191-18196). This text is found on p. 18191. Click [HERE](#).)

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December 14, 1866: Version No. 3, Copy 1

[55] 56. 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.

[56] 57. 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.

[...]

~~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 the 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.~~

(Source: John A. Macdonald Fonds, Drafts of the London Resolutions – Version No. 3, Copy 1, December 14th, 1866 (MG 26 A, Vol. 46, pp. 18197-18209). This text is found on pp. 18207-18208. Click [HERE](#).)

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December 28, 1866: Final Version

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 lessees of such lands, mines, or minerals, at the time of the Union, shall also belong to the Local Government.

(Source: London Resolutions as found in Joseph Pope (ed), *Confederation: Being a Series of Hitherto Unpublished Documents Bearing on the British North America Act* (Toronto: Carswell Co. Ltd., 1895) at 98-110. This text is found on pp. 108-109. Click [HERE](#).)

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[Constitution Act, 1867](#)

SECTION 109, PROVINCIAL OWNERSHIP OF RESOURCES

This portion of the report is coming soon, but you can click the link above to access all versions of the BNA drafts in the meantime.

PART 2:

**Debates on Section 109 from the
Quebec Conference (1864) &
*Confederation Debates in the
Province of Canada (1865-1866)***

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[Quebec Conference \(1864\)](#)⁴

October 19, 1864: Edward Whelan (PEI) speaking at the Quebec Conference in Secretary Hewitt Bernard 's Report of Discussions at Quebec (click [HERE](#) then scroll to p. 71)

Mr. Whelan – [...] Our resources are large, and our people would not be content to give up their present benefits for the representation of five members. [...]

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October 21, 1864: Samuel Tilley (New Brunswick), Jonathan McCully (Nova Scotia), Charles Tupper (Nova Scotia), Alexander Galt (Canada), and William Henry (Nova Scotia) speaking at the Quebec Conference in Secretary Hewitt Bernard 's Report of Discussions at Quebec (click [HERE](#) then scroll to p. 79)

Mr. Tilley—The export duty was imposed in New Brunswick on timber because the stumpage dues took so much to collect. Private land owners did not object to it, as few export timber from private lands.

Mr. McCully—I understood that mines and minerals were to be under Local Legislatures. Therefore as to coal in Nova Scotia, the General Government should not be at liberty to put an export duty on coal.

Mr. Tupper—Nova Scotia will rely on the Local Government for its royalty on coal, to meet its expenses. If the General Government have the right to impose a duty on coal, it will add to the revenue of the General Government, to the prejudice of the Local Government.

⁴ *Supra* footnote 1. However, the original sources for the documents have been hyperlinked.

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Mr. Galt—You are assuming that the General Government will impose a duty on coal, whereas the fact is that the General Government should be in a position to protect the Federation by avoiding a policy injurious to Federation.

Mr. Henry—It is not an export duty on coal in Nova Scotia. It is a royalty, as it is paid by consumers in the Province. (Further consideration of number two reserved).

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October 26, 1864: Secretary Hewitt Bernard 's Minutes of The Proceedings at Quebec
(click [HERE](#) then scroll to p. 30)

It was moved by—

That 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.

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.

And after debate,—

It was resolved that further consideration of the same should be postponed.

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October 26, 1864: Secretary Hewitt Bernard 's Minutes of The Proceedings at Quebec
(click [HERE](#) then scroll to pp. 34-35)

[...]

And item number seven having been amended to read as follows:—

That in consideration of the surrender to the Confederation 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 the 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 Legislature may pass in respect of the same.

And the question of concurrence being put thereon, the Conference divided, and the names of the Provinces were taken down as follows:—

CONTENTS.
Canada 2

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Nova Scotia 1
New Brunswick 1
Newfoundland 1
5

NON-CONTENTS.
Prince Edward Island 1
1

So it passed in the affirmative.

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October 26, 1864: William Pope , George Coles, and A.A. Macdonald (PEI) in Hon. Andrew A. MacDonald's (PEI) Informal Record at Quebec (click [HERE](#) then scroll to pp. 18096-18097)

Hon. Mr. Pope submitted a statement of the position in which Prince Edward Island would stand in the financial arrangement proposed if it entered Confederation on those terms, and nearly every member of the Island delegation spoke on this question showing that it was impossible for the Government to be carried on there with such limited income.

Hon. Mr. Coles moved seconded by Hon. A. A. MacDonald, whereas the question of Land tenures in Prince Edward Island is the cause of great discontent and the source of much agitation, and in order to settle the same it is necessary that the lands held by Absentee proprietors should be purchased at a reasonable rate by Government and resold to the tenants and whereas Prince Edward Island has no Crown lands, mines or minerals from which money can be realized to purchase the said propriety lands and it is requisite for the prosperity of the Island that the said land question should be settled. Resolved therefore that a sum equal to the interests of the amount necessary to purchase the said lands be paid annually to Prince Edward Island in consideration of this question.

Hon. Mr. Coles in support of his resolution as to the present state of the land question and what the local Government had done in its efforts to have the lands tenures settled. He referred to the general benefits such a measure would have and its effect upon the views of the people on the subject of Confederation

Hon. A. A. MacDonald said that the only advantage he could see that would accrue to the people of his Province under the proposed Confederation would be to have the lands purchased by the Government. This the local Government might accomplish through time without entering into Confederation but it must take many years to do it. Even if the lands were to be purchased by the general Government and handed over to the local Government to be disposed of to the tenants the funds arising from the sale would not constitute a permanent source of revenue. They would be all disposed of in a few years and the money would be expended for local improvements owing to the necessities of the Province while we would be taxed as much per head as we now pay and have besides to pay our proportion of the Federal taxation the same as all the other Provinces. Our local and Federal taxation would be more than we could bear. We would have to pay our portion of the

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railway debt without a railroad throughout our Province. It is a matter of indifference to our people whether the Intercolonial Railroad is built at all or not. Being an insular Province and entirely cut off from the mainland by the Ice for nearly half the year we need fear no foreign invasion and being but a small Province offer no inducements to a foreign invader to make war on us while so many richer Provinces offer more prizes and lie between us and any possible foe.

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[Province of Canada \(1865\)](#)⁵

February 8, 1865: George Brown, speaking in the Legislative Assembly of Canada (click [HERE](#) to view a PDF of the 1865 edition of the Confederation Debates, then scroll to p. 94)

George Brown [Oxford South, President Executive Council]—[...] But, in consideration of this extra allowance, Newfoundland is to cede to the Federal Government her Crown lands and minerals—and assuredly, if the reports of geologists are well founded, this arrangement will be as advantageous to us as it will be to the inhabitants of Newfoundland.

[...]

George Brown [Oxford South, President Executive Council]—We have complained that the land system was not according to the views of our western people; that free lands for actual settlers was the right policy for us—that the price of a piece of land squeezed out of an immigrant was no consideration in comparison with the settlement among us of a hardy and industrious family; and that the colonization road system was far from satisfactory. Well, sir, this scheme remedies that. Each province is to have control of its own crown lands, crown timber and crown minerals,—and will be free to take such steps for developing them as each deems best.—

Some Hon. Members—Hear, hear.

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February 21, 1865: Hector-Louis Langevin, speaking in the Legislative Assembly of Canada (click [HERE](#) to view a PDF of the 1865 edition of the Confederation Debates, then scroll to p. 377)

Hector-Louis Langevin [Dorchester, Solicitor General East]—[...] Here then was the thought of the Convention: as in New Brunswick the Government had found that it was a great disadvantage to collect the duties on timber according to the system formerly adopted, and they had substituted an export duty which superseded all other dues on that product, it was no more than right that this

⁵ Please note that there is a difference between the formatting of the original and that of the text in these reports. That is because the text portion comes from our publication, *The Confederation Debates in the Province of Canada (CCF, 2022)*, which modernized the formatting of the text to current *Hansard* style. The content remains the same. However, if the user wishes to see the original, the hyperlink will bring them to the 1865 edition.

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source of revenue should remain in New Brunswick, to which province it was an object of absolute necessity to defray its local expenses. In Canada we retain, under the new Constitution, our own method of collecting similar duties. As to New Brunswick, the duty on the article in question is their principal revenue, as coal is almost the sole revenue of Nova Scotia; and if they had been deprived of them, they would have peremptorily refused to join the Confederation.

Some Hon. Members—Hear, hear.

Hector-Louis Langevin [Dorchester, Solicitor General East]—Their demand was perfectly just, and could not therefore be refused. Moreover, we have no right to complain, for they leave us all our mines and our lands, and we shall now, as heretofore, collect the proceeds for our own use and profit. The honorable member for Hochelaga [Antoine-Aimé Dorion] says that it will be impossible to administer the affairs of the local legislatures without having recourse to direct taxation; but a man of his experience ought not to have made that assertion. Instead of attempting to trade on popular prejudice, he ought to have admitted at once that the right granted by the new Constitution of levying direct taxes, is the same that already exists in the present Constitution; it is the same right that all our municipalities possess.

It does not follow that the right will be exercised. But the honorable member knows well that the people are not in favor of direct taxation, and that they would be unwilling to adopt it as a system, in place of indirect taxes; hence his attempt to use it as a bug-bear in order to alarm the people of Lower Canada. We must bear in mind that the proceeds of the local revenue of Lower Canada will be employed in defraying local expenses.

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February 28, 1865: Christopher Dunkin & George-Étienne Cartier, speaking in the Legislative Assembly of Canada (click [HERE](#) to view a PDF of the 1865 edition of the Confederation Debates, then scroll to p. 515)

Christopher Dunkin [Brome]—[...] I do not mean to say that under all the circumstances of the case something of this sort was not unavoidable. In the course of debate the other day, I remember a remark was thrown across the floor of the House upon this point and the Hon Minister of Finance [Alexander Galt] in effect said: "Yes, indeed, and it would have been a very pleasant thing for gentlemen opposed to the scheme, if it had thrown upon the provinces a necessity of resorting to direct taxation."

Of course, in the mere view of making the scheme palatable, it was clever to make the Federal treasury pay for provincial expenditure; but the system that had need be established should bear testimony, not to cleverness, but to wisdom. Is the system proposed for our acceptance as good, then, as statesmen ought to and would have made it? I think not; and the extraordinary thing is, that it is brought out with a flourish of trumpets, on thy ground that in some indescribable way it is to work most economically!

Some Hon. Members—Hear, hear.

Christopher Dunkin [Brome]—Well, to test it, I will take it up in three points of view—first, as to

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assets; next, as to debts and liabilities; and, lastly, as to revenues. As to the asset part of the question, the tale is soon told. The assets of these provinces, speaking generally, are of very little commercial value. They are much like the assets of an insolvent trader, with lots of bad debts upon his books; it is of small consequence to whom or how they are assigned. The general principle upon which the scheme proceeds, is to give the Federal Government the bulk of these assets. The only exceptions of any consequence—I am not going into the details of the scheme, but still I must present to the House so much of detail as to show that I am making no rash statement, not borne out by facts—the only important exceptions, I say, to this rule are those I am about to notice.

Certain properties such as penitentiaries, prisons, lunatic asylums, and other public charitable institutions, and other buildings and properties of the kind, which, together with those I have just mentioned, may be characterized as exceptional properties, are to be assigned by the general to the provincial governments. Also, with the exception of Newfoundland, the several provinces are to take the public lands, mines, minerals and royalties in each, and all assets connected with them—in common parlance, their territorial revenues. The General Government is, however, to have the mines, minerals and public lands of Newfoundland, paying for them of course.

Some Hon. Members—Hear, hear.

Christopher Dunkin [Brome]—Then, Upper and Lower Canada are severally to have those assets which are connected with the debts, reserved for payment by them respectively; but these will not be worth much, and I shall not take the trouble of saying much about them. It is enough to know that the proportion of the debt, to be assumed by the two has not yet, for some reason, been stated, and that the assets connected with them, amount to very

- (p. 516)

little. Further, I am not quite sure that I am right, but I understood the Hon. Attorney General for Lower Canada [George-Étienne Cartier], the other night, to intimate that the seigniorie of Sorel is to be somehow a provincial asset of Lower Canada. If that is not to be the case I will pass on; but if it is, perhaps the honorable gentleman will say so.

George-Étienne Cartier [Montreal East, Attorney-General East]—I will speak on that subject at another time.

Christopher Dunkin [Brome]—Then, I am to take it for granted, I suppose, that it is not to be a provincial asset?

George-Étienne Cartier [Montreal East, Attorney-General East]—I will not interrupt the hon. gentleman now.

Christopher Dunkin [Brome]—Well, Mr. Speaker, I did suppose that I should have had an immediate answer as to whether this seigniorie is to be a provincial asset or not; but the hon. gentleman does not seem inclined to give any information upon the point. By these resolutions it is provided, that all ordnance properties are to be taken by the General Government; and I never heard but that the seigniorie of Sorel is an ordnance property. But from the statement made here the other day, it would seem that although this printed document purports to be the scheme, it does not give us true information on this point.

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The wording of [the 55th resolution](#) is, that the “property transferred by the Imperial Government and known as ordnance property”⁶ is to belong to the General Government; if any part of it is really a provincial asset, it must become so by one of those explanations or glosses which we are not allowed to insert in the instrument now, but are to take our chance of for some future time.

Some Hon. Members—Hear, hear.

Christopher Dunkin [Brome]—Passing over the mystery that seems to hang over the subject, I refer then to a matter about which there can be no mistake. There certainly cannot be a doubt that the lands, mines, and minerals of Newfoundland are to be a Federal asset; and there is not any doubt either that the Federal Government will have to pay \$150,000 a year for them. It is perfectly certain that these lands will cost that money; and it is perfectly certain, I think, that the administration of them will also cost a certain amount of trouble and dispute, as to the manner in which it is to be carried on. But if human nature remains human nature, we may reasonably and probably surmise that they will not yield so great a revenue to the General Government as is by some thought.

We shall have Newfoundland delegations in the Commons House, and in the other House; and in order to keep them in anything like good humor, and to enable the Lieutenant-Governor of Newfoundland to carry on his government with anything like ease and comfort, their lands, mines and minerals will have to be administered, not with a view to Federal revenue—even though to that end they are costing the direct payment of \$150,000 a year—but with a view to Newfoundland popularity.

In fact, I think it will be found that the management of these properties will be carried on more with a view to the development and profit of Newfoundland, than for any profit of the people of Nova Scotia, New Brunswick, and Upper and Lower Canada. Every man, woman and child—from the Lieutenant-Governor downwards—connected with Newfoundland, will regard it as a fit article of political faith, that they must be worked with a special view to the great future of that great country. And the consequence will be many little passages between the province and the Federal Government, not advantageous to the latter, but illustrative of the way in which governments too often have to deal with things for which they have had to pay. Well, sir, I pass to the matter of the debts; and these, it must be acknowledged, are rather more important than the assets.

Some Hon. Members—Hear, hear.

Christopher Dunkin, p. 520

Christopher Dunkin [Brome]—One mode, the most obvious, though the least scientific, will be just to increase the subvention from eighty to eighty-five, or even to eighty-two or eighty-one cents a head. An additional cent a head from the Federal Exchequer would be an object, a few cents a head would be a boon. Or suppose the demand took this form: suppose the people, say of Upper or Lower Canada, should say, “Those Newfoundlanders are getting \$150,000 a year for their lands, mines, and minerals; and the Federal Government is positively administering those lands, mines, and minerals, not for Federal profit, but more for the advantage of that province than we find we

⁶ [Quebec Resolution 55. Resolutions were presented to the Legislative Assembly on Feb. 3, 1865, p. 18.](#)

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can administer our own; the General Government, therefore, must take our lands, mines, and minerals, and give us also an equivalent.”⁷ That is one way of doing the thing; and, when the time comes for making that sort of demand, depend upon it that it will sound singularly reasonable in the ears of the provinces whose representatives shall make it; and if two or three provinces shall join in the demand, my word for it, the thing will soon be done.

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March 6, 1865: Joseph Cauchon, speaking in the Legislative Assembly of Canada (click [HERE](#) to view a PDF of the 1865 edition of the Confederation Debates, then scroll to p. 702)

Joseph Cauchon [Montmorency]—We do not yet know, it is true, how this debt of four millions and some hundred thousand dollars will be divided between the two Canadas, but we do know, without any possibility of doubt, that the local revenues will belong to the local governments, and that they will amply suffice for all their requirements.

Some Hon. Members—Hear, hear.

Joseph Cauchon [Montmorency]—The honorable member for Hochelaga [Antoine-Aimé Dorion] complains that Upper Canada retains her public lands and what is owing to Government on those lands, and he maintains that Lower Canada ought to have her share of what those lands produce. But did those lands belong to us before the union, and have we not our own public lands, together with the revenue accruing from them? Have we not more lands to settle than Upper Canada? Since the discovery of our gold and copper mines the amount produced by the sale of our public lands has increased fivefold, whilst Upper Canada has hardly any land left to sell. Let our minds be opened, and we shall find that we have no reason to envy Upper Canada.

Some Hon. Members—Hear, hear.

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March 7, 1865: George Brown, speaking in the Legislative Assembly of Canada (click [HERE](#) to view a PDF of the 1865 edition of the Confederation Debates, then scroll to p. 758)

George Brown [Oxford South, President Executive Council]—Of course it was arranged that the Local Governments should have the lands, mines, minerals and Crown timber of their respective provinces. From our Crown timber here we receive a large revenue in the shape of stumpage, which is to go to Upper and Lower Canada respectively for their local purposes. But the New Brunswick delegates said—“We do not levy a stumpage duty on our Crown timber as you do; we

⁷ Dunkin is referring to [Resolution 66](#), which reads in full, “*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.*” *Supra* footnote 8.

SECTION 109, PROVINCIAL OWNERSHIP OF RESOURCES

find it better to levy it in the shape of an export duty” and we complied with their desire that they should have their local revenue) in that shape as an offset to our stumpage duty.

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[Nova Scotia \(1865\)](#)

April 17, 1865: Debate in the House of Assembly ([HERE](#))

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[New Brunswick \(1865\)](#)

June 2, 1865: Debate in the House of Assembly ([HERE](#))

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[Prince Edward Island \(1865\)](#)

March 24, 1865: Debate in the House of Assembly ([HERE](#))

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March 25, 1865: Debate in the House of Assembly ([HERE](#))

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March 28, 1865: Debate in the House of Assembly ([HERE](#))

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March 31, 1865: Debate in the House of Assembly ([HERE](#))

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[Newfoundland \(1865\)](#)

February 2, 1865: Debate in the House of Assembly ([HERE](#))

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February 6, 1865: Debate in the House of Assembly ([HERE](#))

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SECTION 109, PROVINCIAL OWNERSHIP OF RESOURCES

February 22, 1865: Debate in the House of Assembly ([HERE](#))

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February 24, 1865: Debate in the House of Assembly ([HERE](#))

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February 28, 1865: Debate in the House of Assembly ([HERE](#))

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March 2, 1865: Debate in the House of Assembly ([HERE](#))

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[New Brunswick \(1866\)](#)

June 27, 1866: Debate in the House of Assembly ([HERE](#))

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June 28, 1866: Debate in the House of Assembly ([HERE](#))

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[Nova Scotia \(1867\)](#)

March 19, 1867: Debate in the House of Assembly ([HERE](#))

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March 29, 1867: Debate in the House of Assembly ([HERE](#))

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