
**Compilation of primary documents to assist
in interpreting Local Works in Section 92(10) of the
*Constitution Act, 1867***



Table of Contents

Part 1	Section 92(10) in Successive Drafts, from the Quebec Resolutions, 1864 to the <i>Constitution Act, 1867</i>	3
Part 2	Debates on Section 92(10) from the Quebec Conference (1864) & <i>Confederation Debates in the Province of Canada</i> (1865-1866)	22
Part 3	Debates on Section 92(10) in Other Provincial Legislatures	28

92. In each Province the Legislature may exclusively make Laws in relation to Matters coming within the Classes of Subjects next herein-after enumerated; that is to say, —

[...]

10. Local Works and Undertakings other than such as are of the following Classes: —

- a. Lines of Steam or other Ships, Railways, Canals, Telegraphs, and other Works and Undertakings connecting the Province with any other or others of the Provinces, or extending beyond the Limits of the Province:*
- b. Lines of Steam Ships between the Province and any British or Foreign Country:*
- c. Such Works as, although wholly situate within the Province, are before or after*

SECTION 92(10), LOCAL WORKS

their Execution declared by the Parliament of Canada to be for the general Advantage of Canada or for the Advantage of Two or more of the Provinces.

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PART 1:

**Section 92(10) 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

That it shall be competent for the General Legislature to make Laws for the peace, welfare and good Government of the Federated Provinces (saving the Sovereignty of England) and especially Laws respecting: --

[a list of powers follows]

27. Lines of Steamships or other Ships, Railways and Canal, connecting any two or more of the Provinces together.

[X] 28. Lines of Steamships between the Federated Provinces and other Countries.

That it shall be competent for the Local Legislatures to make Laws respecting: --

[a list of powers follows]

10. Local Works.

(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. 18166. Click [HERE](#).)

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

[28] ~~That it shall be competent for the General Legislature~~ [The Federal Government 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]:

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). Original sources are linked above for each draft/document.

SECTION 92(10), LOCAL WORKS

[a list of powers follows]

[renumbered to 8] ~~27.~~ Lines of Steamships or other Ships, Railways and Canals connecting any two or more of the Provinces together.²

[renumbered to 9.] ~~28.~~ Lines of Steamships between the Federated Provinces and other Countries.

[...]

[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.³

[...]

~~That it shall be competent for the Local Legislatures to make laws respecting:~~

[a list of powers follows]

[renumbered to 13] ~~10.~~ Local Works.

(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 pp. 18148 & 18151. Click [HERE](#).)

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

That the ~~Federal~~ *[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 subjects⁴:

[a list of powers follows]

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.

[...]

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.

² This provision is partially covered by above clipped provision numbered 33. There are also additions insertions at the end of this provision, but they are not legible.

³ This provision is found written in longhand at the bottom of the page.

⁴ Amendments in this provision are found only in the second copy ([MG26 A 18139-18141](#)).

SECTION 92(10), LOCAL WORKS

[...]

The Local Legislatures shall have power to make Laws respecting the following subjects:

[a list of powers follows]

Local Works.

(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. 18157. Click [HERE](#).)

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

[29.] ~~That~~ the General ~~Government~~ [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: --

[a list of powers follows]

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.

[...]

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.

[...]

[43.] ~~That~~ the Local Legislatures shall have power to make Laws respecting the following subjects:

[a list of powers follows]

[13.] Local Works.

(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. 18137. Click [HERE](#).)

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SECTION 92(10), LOCAL WORKS

October 29, 1864: Edward Whelan's (PEI) Draft of Quebec Resolutions, as corrected in Montreal⁵

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:

[a list of powers follows]

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.

[...]

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.

[...]

The Local Legislature shall have power to make laws respecting the following subjects: --

[a list of powers follows]

Local Works.

(Source: [Charlottetown] *Examiner*, November 14, 1864, Click [HERE](#).⁶)

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March 14, 1865: Quebec Resolutions as adopted in the Legislature of the Province of Canada

⁵ *Supra* footnote 1. The following footnote from Charles Dumais is attached to this version, "According to Edward Whelan, this is the draft of the Quebec Resolutions as amended at Montreal on October 29th, 1864. It is found published in the *Examiner* (Charlottetown, PEI) newspaper, November 14th, 1864. This version (above) does not include the amendments and three resolutions added in what we titled Macdonald's "Working Draft No. 4" in this compilation. This version however does seem to work off the base text of "Macdonald's "Working Draft No. 4" (without the amendments). Like the base text, this draft above does not feature numbered provisions. The three provisions missing in this draft (above), and found in the final text of the Quebec Resolutions are the following:

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

"58. All assets connected with such portions of the Public Debt of any Province as are assumed by the Local Governments shall also belong to those Provinces respectively."

"71. That Her Majesty the Queen be solicited to determine the Rank and Name of the Federated Provinces."

⁶ The relevant newspaper is found on the second to last page of the PDF.

SECTION 92(10), LOCAL WORKS

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:

[a list of powers follows]

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.

[...]

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.

[...]

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

[a list of powers follows]

13. Local Works.

(Source: John A. Macdonald, The Quebec Resolutions, 1864 as Adopted in the Legislature of the Province of Canada, Vol. 46, pp. 18210-18216. This text is found on pp. 18212 & 18213-18214. Click [HERE](#).)

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October 12, 1864: Notes on the Division of Powers

Shall the *[illegible]* provided items be committed to the general government or to the local?

Local

[a list of powers follows]

~~local works~~

(Source: George Brown Papers, Drafts of the Quebec Resolutions, Notes on the Division of Powers, October 12th, 1864 (MG 24, B 40, Vol. 21, p. 3764-3766). Click [HERE](#).)

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October 21, 1864: Amended Federal Division of Powers

SECTION 92(10), LOCAL WORKS

That it shall be competent for the General Legislature to make Laws for the peace, welfare, and good Government of the Federated Provinces (saving the Sovereignty of England) and especially Laws respecting:—

[a list of powers follows]

~~[x] 27. Roads, Bridges, [L]ines of Steam [ships] or other Ships, Railways, [and] Canals and other Works connecting any two or more of the Provinces together, or extending beyond the limits of any one Province. [lines of Steamship between the Federated Provinces & other countries].~~

~~[x] 28. All such Works, as shall, although lying wholly within any one Province, be specially declared by the Acts authorizing them to be for the general advantage.~~

(Source: George Brown Papers, Drafts of the Quebec Resolutions, Notes on the Division of Powers, October 21st, 1864 (MG 24, B 40, Vol. 21, p. 3746). Click [HERE](#).)

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October 24, 1864: Amended Provincial Division of Powers

That it shall be competent for the local legislature to make laws respecting:—

[a list of powers follows]

10. All local works.

(Source: George Brown Papers, Drafts of the Quebec Resolutions, Amended Provincial Division of Powers, October 24th, 1864 (MG 24, B 40, Vol. 21, p. 3747). Click [HERE](#).)

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

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

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:—

[a list of powers follows]

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.

[...]

SECTION 92(10), LOCAL WORKS

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.

[...]

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

[a list of powers follows]

13. Local Works.

(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. 18186 & 18187. Click [HERE](#).)

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

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:—

[a list of powers follows]

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.

[...]

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.

[...]

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

[a list of powers follows]

13. Local Works.

(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). The text is found on pp. 18178 & 18179. Click [HERE](#).)

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SECTION 92(10), LOCAL WORKS

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

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

[a list of powers follows]

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 [con]Federated Provinces and other countries.

[...]

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.

[...]

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

[a list of powers follows]

13. Local Works.

(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). The text is found on pp. 18201-18202 & 18204-18205. Click [HERE](#).)

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December 28, 1866: Final Version

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:—

[a list of powers follows]

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 steamships between the Confederated Provinces and other countries.

[...]

SECTION 92(10), LOCAL WORKS

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.

[...]

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

[a list of powers follows]

13. Local works.

(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. 102-103 & 105-106. Click [HERE](#).)

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[Constitution Act, 1867](#)

n.d. (probably early January, 1867): Rough Draft

36. The Parliament shall have power to make laws respecting the following subjects:—

[a list of powers follows]

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 Steamships between the Confederated Provinces and other countries.

[...]

9. All such works as shall, although lying wholly within any Province, be specially declared by the Acts authorising them to be for the general advantage.

[...]

42. The Legislatures shall have exclusive power to make laws respecting the following subjects, with the exception of Agriculture and Immigration, in regard to which Parliament shall have concurrent jurisdiction.

[a list of powers follows]

13. Local Works.

SECTION 92(10), LOCAL WORKS

(Source: John A. Macdonald Fonds, Drafts of the British North America Act, 1867 – Rough Draft, n.d. (MG 26, A, Vol. 48, pp. 18768-18793). This text is found on pp. 18779-18780 & 18783-18784. Click [HERE](#).)

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January 23, 1867: 23rd January Draft

37. In each Province the Superintendent may, by and with the Advice and Consent of the Provincial Assembly, make Ordinances in relation to Matters coming within the Classes of Subjects next herein-after enumerated, which Ordinances exclusively (subject to the Provisions of this Act) shall in relation to those Matters have the Force of Law in and for the Province, that is to say,--

[a list of powers follows]

(10.) Local Works and Undertakings other than such as are of the following Classes:—

- (a.) Lines of Steam or other Ships, Railways, Canals, Telegraphs, and other Works and Undertakings connecting the Province with any other or others of the Provinces, or extending beyond the Limits of the Province:
- (b.) Lines of Steam Ships between the Province and any British or Foreign Country:
- (c.) Ferries between the Provinces and any other or others of the Provinces or between the Province and any British or Foreign Country:
- (d.) Such Works, as although situate within the Province, are before or after their Execution declared by Act of the Parliament of the United Colony to be for the general Advantage of the United Colony or for the Advantage of Two or more of the Provinces:

(Source: John A. Macdonald Fonds, Drafts of the British North America Act, 1867 – 23rd January Draft, J.W. Ritchie's Copy, January 23rd, 1867 (MG 26, A, Vol. 48, pp. 18971-18988). This text is found on pp. 18980-18982. Click [HERE](#).)

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January 30, 1867: 1st Draft

Only a partial copy survives of this draft, consisting of the first twenty sections of the draft Bill. Therefore, the wording of the relevant section in this draft is unknown.

(Source: National Archives of Canada. John A. Macdonald Fonds, Drafts of the *British North America Act*, 1867 – 1st Draft, January 30th, 1867 (MG 26 A, Vol. 48, pp. 19017-19021. Click [HERE](#).)

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January 31, 1867: 2nd Draft

50.—It shall be lawful for the Queen, by and with the advice and consent of the Houses of Parliament of Canada, to make laws for the peace, order, and good government of the Kingdom,

SECTION 92(10), LOCAL WORKS

and of the several Provinces, in relation to all matters not coming within the classes of subjects by this Act assigned exclusively to Provincial Legislation; and for greater certainty, but not so as to restrict the generality of the foregoing terms of this Section, it is hereby declared that the Legislative Authority of the Parliament of the United Colony extends to all matters coming within the classes of subjects next hereinafter enumerated, that is to say: —

[a list of powers follows]

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 Steamships between Canada and other countries.

[...]

9. All such works as shall, although lying wholly within any Province, be specially declared by the Acts authorising them to be for the general advantage.

[...]

54. In each Province, the Lieutenant-Governor may, by and with the advice and consent of the Legislature, make Laws in relation to matters coming within the classes of subjects next hereinafter enumerated: --

[a list of powers follows]

(10.) All works and undertakings:

(Source: John A. Macdonald Fonds, Drafts of the British North America Act, 1867 – 2nd Draft, January 31st, 1867 (MG 26, A, Vol. 48, pp. 19022-19039). This text is found on pp. 19033-19034 & 19036-19037. Click [HERE](#).)

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January 31, 1867: 2nd Draft with Handwritten Provisions and Notes

[52] 50.—It shall be lawful for the Queen, by and with the advice and consent of the Houses of Parliament of Canada, to make laws for the peace, order, and good government of the Kingdom, and of the several Provinces, in relation to all matters not coming within the classes of subjects by this Act assigned exclusively to Provincial Legislation; and for greater certainty, but not so as to restrict the generality of the foregoing terms of this Section, it is hereby declared that the Legislative Authority of the Parliament of ~~the United Colony~~ [Canada] extends to all matters coming within the classes of subjects next hereinafter enumerated, that is to say: —

[a list of powers follows]

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.

SECTION 92(10), LOCAL WORKS

7. Lines of Steamships between Canada and other countries.

[...]

9. All such works as shall, although lying wholly within any Province, be specially declared by the Acts authorising them to be for the general advantage.

[...]

[66] 54. In each Province, the Lieutenant-Governor may, by and with the advice and consent of the Legislature, make Laws in relation to matters coming within the classes of subjects next hereinafter enumerated: --

[a list of powers follows]

(10.) All works and undertakings:

(Source: John A. Macdonald Fonds, Drafts of the British North America Act, 1867 – 2nd Draft, January 31st, 1867 with Handwritten Provisions and Notes (MG 26, A, Vol. 48, pp. 19040-19082). This text is found on pp. 19051-19052 & 19068, 19071. Click [HERE](#).)

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n.d. (between Jan. 31 & Feb. 2, 1867): 3rd Draft, Early Copy

52.—It shall be lawful for the Queen, by and with the advice and consent of the Houses of Parliament of Canada, to make laws for the peace, order, and good government of the Kingdom, and of the several Provinces, in relation to all matters not coming within the classes of subjects by this Act assigned exclusively to Provincial Legislation; and for greater certainty, but not so as to restrict the generality of the foregoing terms of this Section, it is hereby declared that the Legislative Authority of the Parliament of Canada extends to all matters coming within the classes of subjects next hereinafter enumerated, that is to say:—

[a list of powers follows]

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 Steamships between Canada and other countries.

[...]

9. All such works as shall, although lying wholly within any Province, be specially declared by the Acts authorising them to be for the general advantage.

[...]

SECTION 92(10), LOCAL WORKS

66. In each Province, the Lieutenant-Governor may, by and with the advice and consent of the Legislature, make Laws in relation to matters coming within the classes of subjects next hereinafter enumerated:--

[a list of powers follows]

(10.) All works and undertakings:

(Source: John A. Macdonald Fonds, Drafts of the British North America Act, 1867 – 3rd Draft, Early Copy, n.d. (MG 26, A, Vol. 48, pp. 19101-19124). This text is found on pp. 19113-19114 & 19119-19120. Click [HERE](#).)

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February 2, 1867: 3rd Draft, Revised Copy

52. It shall be lawful for the Queen, by and with the advice and consent of ~~the Houses of Parliament of Canada~~ *[the Senate and House of Commons]*, to make laws for the peace, order, and good government of the Kingdom *[of Canada]*, ~~and several Provinces~~, in relation to all matters not coming within the classes of subjects by this Act assigned exclusively to *[the] Provincial Legislatures*; and for greater certainty, but not so as to restrict the generality of the foregoing terms of this Section, it is hereby declared that the Legislative Authority of ~~the Parliament of Canada~~ extends to all matters coming within the classes of subjects next hereinafter enumerated, that is to say:--

[a list of powers follows]

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 Steamships between Canada and other countries.

[...]

9. All such works as shall, although lying wholly within any Province, be specially declared by the Acts authorising them to be for the general advantage.

[...]

66. In each Province, the Lieutenant-Governor may, by and with the advice and consent of the Legislature, make Laws in relation to matters coming within the classes of subjects next hereinafter enumerated:--

[a list of powers follows]

(10.) All works and undertakings:

SECTION 92(10), LOCAL WORKS

(Source: John A. Macdonald Fonds, Drafts of the British North America Act, 1867 – 3rd Draft, Revised, February 2nd, 1867 (MG 26, A, Vol. 48, pp. 19125-19148). This text is found on pp. 19137-19138 & 19143-19144. Click [HERE](#).)

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n.d. (1867): 4th Draft, Early Version

55.—It shall be lawful for the Queen, by and with the advice and consent of the Senate and House of Commons to make laws for the peace, order, and good government of the Kingdom of Canada, in relation to all matters not coming within the classes of subjects by this Act assigned exclusively to the Provincial Legislatures; and for greater certainty, but not so as to restrict the generality of the foregoing terms of this Section, it is hereby declared that the Legislative Authority of Parliament extends to all matters coming within the classes of subjects next hereinafter enumerated, that is to say:—

[a list of powers follows]

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 Steamships between Canada and other countries.

[...]

9. All such works as shall, although lying wholly within any Province, be specially declared by the Acts authorising them to be for the general advantage.

(Source: John A. Macdonald Fonds, Drafts of the British North America Act, 1867 – 4th Draft, Early Version, n.d. (MG 26, A, Vol. 49/1, pp. 19150-19181). The text is found on pp. 19173-19174. Click [HERE](#).)

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n.d. (1867): 4th Draft, Early Version with F.S. Reilly's Notes⁷

48 ~~55~~.—It shall be lawful for the Queen, by and with the advice and consent of the Senate and House of Commons to make laws for the peace, order, and good government of the Kingdom of Canada, in relation to all matters not coming within the classes of subjects by this Act assigned exclusively to the ~~Provincial~~ [4] Legislatures; and for greater certainty, but not so as to restrict the generality of the foregoing terms of this Section, it is hereby declared that the Legislative Authority of Parliament extends to all matters coming within the classes of subjects next hereinafter enumerated, that is to say:—

⁷ F.S. Reilly was a legislative draftsman in the employ of the Parliament at Westminster. He was under a professional obligation to serve as a transparent medium through which the intentions of the framers of draft legislation would be transmitted. Therefore, his notes are a reflection of their intentions, rather than his own. There is another draft, [MG 26, A, Vol. 49/1, pp. 19306-19336](#), with the same changes written on them.

SECTION 92(10), LOCAL WORKS

[a list of powers follows]

6. Lines of Steam[ships] 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 Steamships [or other ships] between Canada and other countries.

[...]

9. All such works as shall, although lying wholly within any Province, be specially declared by the Acts authorising them to be for the general advantage.

(Source: John A. Macdonald Fonds, Drafts of the British North America Act, 1867 – 4th Draft, Early Version with Reilly’s Notes, n.d. (MG 26, A, Vol. 49/1, pp. 19182-19214). The text is found on pp. 19205-19206. Click [HERE](#).)

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n.d. (1867): 4th Draft, Later Version

48.—It shall be lawful for the Queen, by and with the advice and consent of the Senate and House of Commons to make laws for the peace, order, and good government of the Kingdom of Canada, in relation to all matters not coming within the classes of subjects by this Act assigned exclusively to the Legislatures; and for greater certainty, but not so as to restrict the generality of the foregoing terms of this Section, it is hereby declared that the Legislative Authority of Parliament extends to all matters coming within the classes of subjects next hereinafter enumerated, that is to say:—

[a list of powers follows]

6. Lines of Steamships 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 Steamships or other Ships between Canada and other countries.

[...]

9. All such works as shall, although lying wholly within any Province, be specially declared by the Acts authorising them to be for the general advantage.

(Source: John A. Macdonald Fonds, Drafts of the British North America Act, 1867 – 4th Draft, Later Version, n.d. (MG 26, A, Vol. 49/1, p. 19360). Click [HERE](#).)

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n.d. (1867): 4th Draft, Later Version, Revised Copy

SECTION 92(10), LOCAL WORKS

48. It shall be lawful for the Queen, by and with the advice and consent of the Senate and House of Commons to make laws for the peace, order, and good government of the Kingdom of Canada, in relation to all matters not coming within the classes of subjects by this Act assigned exclusively to the Legislatures; and for greater certainty, but not so as to restrict the generality of the foregoing terms of this Section, it is hereby declared that the Legislative Authority of Parliament extends to all matters coming within the classes of subjects next hereinafter enumerated, that is to say:—

[a list of powers follows]

6. Lines of Steamships 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 Steamships or other Ships between Canada and other countries.

[...]

9. All such works as shall, although lying wholly within any Province, be specially declared by the Acts authorising them to be for the general advantage.

[...]

~~92[0]~~.—In each Province, the Legislature may make Laws in relation to matters coming within the classes of subjects next hereinafter enumerated:—

[a list of powers follows]

(10.) Works and Undertakings:

(Source: John A. Macdonald Fonds, Drafts of the British North America Act, 1867 – 4th Draft, Later Version, Revised Copy, n.d. (MG 26, A, Vol. 49/1, pp. 19399-19450). This text is found on pp. 19422 & 19434-19435. Click [HERE](#).)

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n.d. (1867): 4th Draft, Final Version

48.—It shall be lawful for the Queen, by and with the advice and consent of the Senate and House of Commons to make laws for the peace, order, and good government of the Kingdom of Canada, in relation to all matters not coming within the classes of subjects by this Act assigned exclusively to the Legislatures; and for greater certainty, but not so as to restrict the generality of the foregoing terms of this Section, it is hereby declared that the Legislative Authority of Parliament extends to all matters coming within the classes of subjects next hereinafter enumerated, that is to say:—

[a list of powers follows]

6. Lines of Steamships 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.

SECTION 92(10), LOCAL WORKS

7. Lines of Steamships or other Ships between Canada and other countries.

[...]

9. All such works as shall, although lying wholly within any Province, be specially declared by the Acts authorising them to be for the general advantage.

[...]

90.—In each Province, the Legislature may make Laws in relation to matters coming within the classes of subjects next hereinafter enumerated:—

[a list of powers follows]

(10.) Works and Undertakings:

(Source: John A. Macdonald Fonds, Drafts of the British North America Act, 1867 – 4th Draft, Final Version, n.d. (MG 26, A, Vol. 49/2, pp. 19614-19664). This text is found on p. 19637-19638. Click [HERE](#).)

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n.d. (1867): House of Lords Bill

92. In each Province the Legislature may exclusively make laws in relation to Matters coming within the Classes of Subjects next herein-after enumerated; that is to say,—

[a list of powers follows]

10. Local Works and Undertakings other than such as are of the following Classes,—

a. Lines of Steam or other Ships, Railways, Canals, telegraphs, and other Works and Undertakings connecting the Province with any other or others of the Provinces, or extending beyond the Limits of the Province:

b. Lines of Steam Ships between the Province and any British or Foreign Country:

c. Such Works as, although wholly situate within the Province, are before or after their Execution declared by the Parliament of Canada to be for the general Advantage of Canada or for the Advantage of Two or more of the Provinces.

(Source: John A. Macdonald Fonds, Drafts of the British North America Act, 1867 – H.L. Bill (Floor), n.d. (MG 26, A, Vol. 49/2, pp. 19665-19711). This text is found on p. 19689-19690. Click [HERE](#).)

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Local Constitutions Drafts Package (1866-1867)

SECTION 92(10), LOCAL WORKS

n.d.: Early Package

~~6.~~ [7] The Local Legislatures shall have power to make laws respecting the following subjects:--

[a list of powers follows]

13. Local works.

(Source: John A. Macdonald Fonds, Drafts of the British North America Act, 1867 – Local Constitutions Drafts Early Package, n.d. (MG 26, A, Vol. 49/2, pp. 19451-19461). This text is found on p. 19452. Click [HERE.](#))

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n.d.: Early Package with Reilly's Notes

[93] ~~19-106.~~—In each Province, ~~the Lieutenant Governor may, by and with the advice and consent of the~~ Legislature [*may*] make Laws in relation to matters coming within the classes of subjects next hereinafter enumerated:--

[a list of powers follows]

(10.) ~~All~~ Works and Undertakings:

(Source: John A. Macdonald Fonds, Drafts of the British North America Act, 1867 – Local Constitutions Drafts Early Package with Reilly's Notes, n.d. (MG 26, A, Vol. 49/2, pp. 19462-19480). This text is found on p. 19466-19467. Click [HERE.](#))

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n.d.: Revised Package⁸

106.—In each Province, the ~~Lieutenant Governor may, by and with the advice and consent of the~~ Legislature, [*may*] make Laws in relation to matters coming within the classes of subjects next hereinafter enumerated:--

[a list of powers follows]

(10.) ~~All~~ Works and Undertakings.

(Source: John A. Macdonald Fonds, Drafts of the British North America Act, 1867 – Local Constitutions Drafts Revised Package, n.d. (MG 26, A, Vol. 49/2, pp. 19500-19518). This text is found on pp. 19506-19507. Click [HERE.](#))

⁸ Not all of the Revised Packages drafts had the word "All" crossed out, but base text is the same. See the rest here: <https://primarydocuments.ca/collection-drafts-of-the-british-north-america-act-1867/>

SECTION 92(10), LOCAL WORKS

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PART 2:

**Debates on Section 92(10) from the
Quebec Conference (1864) &
*Confederation Debates in the
Province of Canada (1865-1866)***

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[Quebec Conference \(1864\)](#)⁹

**October 21, 1864: Secretary Hewitt Bernard's Minutes of the Proceedings at Quebec
(click [HERE](#), then scroll to p. 22)**

It was moved by the Honourable Mr. John A. Macdonald: —

That it shall be competent for the General Legislature to make laws for the peace, welfare and good government of the Federated Provinces (saving the sovereignty of England), and especially laws respecting: —

[A list of powers follows]

27. Roads, bridges, 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 one Province.

28. All such works as shall, although lying wholly within any one Province, be specially declared by the Acts authorizing them to be for the general advantage.

p. 24

And the adoption by the Honourable Mr. John A. Macdonald of certain amendments to his motion, the question of concurrence was put thereon, and the same was resolved in the affirmative as follows: —

That it shall be competent for the General Legislature to make laws for the peace, welfare and good government of the Federated Provinces (saving the sovereignty of England), and especially laws respecting, —

⁹ *Supra* footnote 1. The Quebec Conference transcriptions are from the aforementioned Dumais text (*The Quebec Conference*). They were originally from Joseph Pope, *Confederation: Being a Series of Hitherto Unpublished Documents Bearing on the British North America Act* (Toronto: The Carswell Co. Ltd. Law Publishers, 1895).

SECTION 92(10), LOCAL WORKS

[A list of powers follows]

27. *Lines of steam-ships or other ships, railways and canals connecting any two or more of the Provinces together.*

28. *Lines of steam-ships between the Federated Provinces and other countries*

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October 24, 1864: Secretary Hewitt Bernard's Minutes of the Proceedings at Quebec (click [HERE](#), then scroll to p. 27)

It was moved by the Honourable Mr. Mowat:—

That it shall be competent for the Local Legislatures to make laws respecting—

[A list of powers follows]

10. *All local works.*

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October 25, 1864: Secretary Hewitt Bernard's Minutes of the Proceedings at Quebec (click [HERE](#), then scroll to p. 28)

And after further debate,—

And the adoption of certain verbal amendments, the question of concurrence being put on the motion of the Honourable Mr. Mowat (with the exception of item number 11, the consideration of which was postponed), the same was resolved in the affirmative as follows:—

That it shall be competent for the Local Legislatures to make laws respecting:—

[A list of powers follows]

Local works.

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October 25, 1864: Oliver Mowat (Canada), Charles Fisher (New Brunswick), Charles Tupper (Nova Scotia), J.M. Johnson (New Brunswick), E.B. Chandler (New Brunswick), John H. Gray (New Brunswick), Jonathan McCully (Nova Scotia) in Secretary Hewitt Bernard's Report of Discussions at Quebec (click [HERE](#), then scroll to p. 87)

SECTION 92(10), LOCAL WORKS

Tuesday, 25th October 1864.

Mr. Mowat moved (a series of resolutions respecting the powers of the General Legislature.

Mr. Fisher—I object to inspection laws being included in the list. Many laws as to inspection of fish, flour, etc., are local, and steamboats may be so also.

Mr. Tupper—I would approve of the General Legislature having the regulation of inspection of steamboats.

It was agreed to strike out of item number one of the resolution moved by the Hon. Mr. Mowat the words, "3. For the regulation and incorporation of Fire and Life Insurance Companies." And from item number two the words, "Inspection laws and laws relating to." And the question of concurrence being put on the eighth item,

Mr. Johnson—I object to this clause. It is too great a restriction.

Mr. Chandler concurred in Mr. Johnson's objection.

Colonel Gray (New Brunswick)—I fully agree with the observations of Messrs. Johnson and Chandler.

Mr. McCully—I think the clause as drawn is desirable.

Mr. Chandler—But your Courts will decide whether the Local Legislatures exceed their powers, and why require a second veto.

Eighth and ninth resolutions agreed to.¹⁰

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[Province of Canada \(1865\)](#)¹¹

February 6, 1865: John A. Macdonald, 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. 40)

John A. Macdonald [Kingston, Attorney-General West]—[...] Of course, too, it must have the regulation of trade and commerce, of customs and excise. The Federal Parliament must have the sovereign power of raising money from such sources and by such means as the representatives of the people will allow. It will be seen that the local legislatures have the control of all local works; and it is a matter of great importance, and one of the chief advantages of the Federal Union and of

¹⁰ The transcript ends here. [C.D.]

¹¹ 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.

SECTION 92(10), LOCAL WORKS

local legislatures, that each province will have the power and means of developing its own resources and aiding its own progress after its own fashion and in its own way. Therefore all the local improvements, all local enterprises or undertakings of any kind, have been left to the care and management of the local legislatures of each province.

Some Hon. Members—*Cheers.*

John A. Macdonald [Kingston, Attorney-General West]—[It is provided that](#) all “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,”¹² shall belong to the General Government, and be under the control of the General Legislature. In like manner “lines of steamships between the Federated Provinces and other countries, telegraph communication and the incorporation of telegraph companies, and all such works as shall, although lying within any province, be specially declared by the Acts authorizing them, to be for the general advantage,”¹³ shall belong to the General Government. For instance, the Welland Canal, though lying wholly within one section, and the St. Lawrence Canals in two only, may be properly considered national works, and for the general benefit of the whole Federation.

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February 7, 1865: Alexander Galt, 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. 70)

Alexander Galt [Sherbrooke, Minister of Finance]—[...] The same argument applies to public works, in connection with which it might be said that great advantage would arise from large expenditure; but with limited resources and an undeveloped territory it might be impossible for any small country to undertake the necessary outlay. Many works of this kind are not directly productive of revenue, although indirectly of the utmost advantage, and if the resources of a country generally cannot

• (p. 71)

be applied to that outlay, the absence of such expenditure ought to be a subject of regret in the community, and not of rejoicing.

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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]—We have complained that local works of various kinds—roads, bridges and landing piers, court houses, gaols and other structures—have been erected in an inequitable and improvident manner. Well, sir, this scheme

¹² [Quebec Resolution 29 \(8\).](#)

¹³ [Resolutions 29 \(9\), \(10\), & \(11\).](#)

SECTION 92(10), LOCAL WORKS

remedies that, all local works are to be constructed by the localities and defrayed from local funds. And so on through the whole extensive details of internal local administration will this reform extend. The people of Upper Canada will have the entire control of their local matters, and will no longer have to betake themselves to Quebec for leave to open a road, to select a county town, or appoint a coroner. But I am told that to this general principle of placing all local matters under

• (p. 95)

local control, an exception has been made in regard to the common schools.

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February 10, 1865: David Reesor, Alexander Campbell, and John Ross, speaking in the Legislative Council of Canada (click [HERE](#) to view a PDF of the 1865 edition of the Confederation Debates, then scroll to p. 161)

David Reesor [King's, elected 1860]—There are several other provisions in the proposed Constitution which seem to be ambiguous in their meaning, and before discussion upon them it would be well to have them fully explained. In the [eleventh clause of the twenty-ninth resolution](#), for instance, it is declared that the General Parliament shall have power to make laws respecting “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.”¹⁴

It would appear from this, that works like the Welland canal, which yield a very large revenue, will be given over to the General Government; and this being the case, surely this is a sufficient setoff, five times over, for the railways given by New Brunswick, without the annual subsidy proposed to be given to that province of \$63,000.

David Macpherson [Saugeen, elected 1864]—The cost of these works forms part of the public debt of Canada, which is to be borne in part by the Lower Provinces under the Confederation.

Alexander Campbell [Cataraqui, elected 1858, Commissioner of Crown Lands]—The honorable gentleman will see that there are some works which, although local in their geographical position, are general in their character and results. Such works become the property of the General Government. The Welland canal is one of them, because, although it is local in its position, it is a work in which the whole country is interested, as the chief means of water communication between the western lakes and the sea. Other works, in the Lower Provinces, may be of the same character, and it is not safe to say that because a certain work lies wholly in one province, it is not to belong to the General Government.

David Reesor [King's, elected 1860]—I do not object to the General Government having the control of these works. It is, I believe, a wise provision to place them under such control. But I do say that it is unfair that an express stipulation should be made to pay one province a large sum per annum for certain works, while, at the same time, we throw in our public works, such as the Welland and St. Lawrence canals, without any consideration whatever. This, I think, is paying quite too much for the whistle. Then the answer of the Commissioner of Crown Lands [Alexander Campbell] about the export duty on minerals in Nova Scotia is not at all satisfactory. Whatever dues may be levied

¹⁴ [Quebec Resolution 29 \(11\)](#).

SECTION 92(10), LOCAL WORKS

on minerals in Canada—and Canada, although it may contain no coal, is rich in gold, silver, copper, iron, and other ores—in the shape of a royalty or otherwise, go to the General Government, while in Nova Scotia they accrue for the benefit of the Local Government.

John Ross [Canada West, appointed 1848]—No, they will not go to the General Government.

David Reesor [King's, elected 1860]—Well, there is nothing to the contrary in the resolutions, and you may depend upon it that whatever revenues the General Government may claim, under the proposed Constitution, will be fully insisted upon.

Alexander Campbell [Catarqui, elected 1858, Commissioner of Crown Lands]—My honorable friend, referring a moment ago to the Welland and other canals, objected to certain works being considered as belonging to the General Government, because they are local in their geographical position.

David Reesor [King's, elected 1860]—I do not say that they should not go to the General Government, but what I do say is that they are a sufficient set-off for the works given by the Lower Provinces, without paying them a special sum from the general revenues of \$63,000 per annum.

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February 15, 1865: Benjamin Seymour, speaking in the Legislative Council of Canada (click [HERE](#) to view a PDF of the 1865 edition of the Confederation Debates, then scroll to p. 202)

Benjamin Seymour [Canada West, appointed 1854]—[...] There is another question. It is proposed to take the government railways of New Brunswick and Nova Scotia, and make them provincial works. I suppose we shall be told that the canals of Canada are also taken, and made public works of the Confederation. But there is a very great difference between these. The railways had only an existence of a few years, they would be worn out soon, and must be kept up at the expense of the Confederate Government. What advantage could they be to the Confederate Government? What are our expenses now for public works? Have we not seen the tolls removed on our canals, and will it not be a part of the policy of the Confederate Government to remove the rates paid out these railways, and they will be kept up, as all public works are, at an enormous loss to the Government.

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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. 366)

Hector-Louis Langevin [Dorchester, Solicitor General East]—[...] And with respect to great colonial works, is it not true that it is impossible at the present day to undertake them, because the interests involved are too considerable, and because it is necessary to consult three or four legislatures?

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PART 3:

Debates on Section 92(10) in Other Provincial Legislatures

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Newfoundland (1865)

February 22, 1865: The Solicitor General & Mr. Prowse, speaking in the House of Assembly of Newfoundland (click [HERE](#) to view a PDF of the Debates)

The Solicitor General—[...] Facts are stubborn things, and under this Confederation, if we had steam communication, we would have to pay for it.

[...]

Mr. Prowse—[...] He felt very strongly on this subject of confederation, and he regretted that in the heat of debate he had perhaps been too personal; but however strong in his opinions, he would not accept confederation on its present basis, without a guarantee for local, direct, and intercolonial steam. If our other demands were moderate and reasonable, he (Mr. Prowse) considered that we would obtain them; and he thought that, on those terms, our union with the British North American Provinces would be the greatest boon, that could be conferred on this colony. It would be the proudest event in the life of every man who had helped to secure that union on a fair and impartial basis.

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February 27, 1865: The Receiver General, speaking in the House of Assembly of Newfoundland (click [HERE](#) to view a PDF of the Debates)

The Hon. Receiver General [...] The axiom that “union is strength,” is incontrovertible. Would Newfoundland prove any exception to it? In his (hon R Gen’s) opinion, the infusion of new vigour, and the establishment of institutions furnishing a large extent of employment would necessarily follow. At present we are isolated from the whole world, almost our only source employment being our fisheries, which are admitted by all to be inadequate to support our increasing population. Is not steam the greatest agent of civilization which the world has yet seen? Is it not everywhere the means of extending commerce and developing latent resources? We have no means of our own to meet our necessities in that respect. Will we refuse to avail ourselves of the aid which others are

SECTION 92(10), LOCAL WORKS

desirous of extending to us; while we cannot over-estimate the advantages which inter-communication by steam will afford us? It was needless for him, at that late hour, to go more fully into his views on the subject. But he could not close without referring to some of the objections so frequently reiterated on the other side.

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February 28, 1865: Dr. Winter, E.D. Shea, Mr. Moore, Mr. McGrath, Mr. Kavanagh, & Mr. Barron, speaking in the House of Assembly of Newfoundland (click [HERE](#) to view a PDF of the Debates)

Dr. Winter—[...] He (Dr Winter) would not enter into a review of the arguments of hon members who had spoken in opposition to the report, many of whose views were entitled to consideration. The hon member for Placentia, Mr Shea, assured the House that steam communication would be provided for us; but he (Dr. Winter) would like to have a guarantee for it before entering into the confederation; both for a second postal steamer, as for steamers to Canada, and steam communication with Great Britain. That was a matter which was too important to be left for future arrangement.

[...]

Mr. E. D. Shea [...] We are told our isolation is a reason against it. It is, if we desire to perpetuate this isolation, which we all agree to consider so injurious to our interests. A poor man offered a means of living might as well say that while the offer might suit his better off neighbour, it was useless to him, because of his poverty. The steam communication to be provided for us by the Confederate government, some hon members regard as very uncertain. He (Mr. Shea) did not so consider it. It seemed to him to be a necessary consequence of the union; but on this view he certiny [sic] would not rely altogether; and ha would have steam secured by agreement, for he regarded this as an indispensable [sic] condition. It was supposed by some that we were not interested in the²⁹ailroadds, canals and such public works of the other provinces. But it must be evident, on a moment's thought, that we had an important interest in whatever means tended to cheapen produce and enhance the value of labour.

[...]

Mr. Moore—[...] The general colonial policy is to induce people to settle in the respective colonies; but it would seem, by what some hon gentlemen have stated, that the policy of this unfortunate country should be to banish and send our people out of it as fast as they can go; and by their exertions in Canada we are to be raised from our present depressed state. If we require steam communication, it will be better for us to pay for it directly, and then we shall have it; but there is no guarantee in the Quebec resolutions that we would have it under Confederation.

[...]

Mr. McGrath [...] One most necessary condition he (Mr. McGrath) considered to be a guarantee for the establishment of steam communication, both with Canada and England. He believed hon.

SECTION 92(10), LOCAL WORKS

members were agreed that without steam communication with Canada, the Union could not be effectively or beneficially carried out.

[...]

Mr. Kavanagh [...] The steam communication is named, but no guarantee is given for its being carried into effect. We have merely the promise of the existing government of Canada for its being carried out. The regulation of our trade and commerce would be under Federal control, and we knew full well, if the mercantile interests of this Island came in contact with those of Canada, that ours would have to give way. That, in itself, was a great objection which had to go into Confederation. Our Lighthouses, buoys and beacons would be under the control of the Commissioners of the Federal Government; in fact every institution now under our own sole management would pass into Federal hands; and over them we would not be allowed the smallest control. The paltry sum of £80,000, with £32,000 assumed on our account was all we were to receive annually, whatever amount of revenue might be collected at our ports; and with this sum of £80,000 a year we would have to defray the whole of our local expenditure, including the making and repairing of local roads and bridges. If this sum would prove inadequate, we must have recourse to direct taxation.

[...]

Mr. Barron—[...] The Resolutions of the Conference did certainly seem objectionable in some minor matters of detail. The most important subject which he considered it necessary to refer to, and without which, in his opinion, there could be no Confederation, because there would be no reciprocity of interest or equality of benefit, was steam communication. He saw that provision had been made for the intercolonial railway, which, in itself, would confer more advantages upon the sister Colonies than upon Newfoundland. He thought, therefore, that we were entitled to direct steam, and that a provision guaranteeing it to us should have been inserted in these resolutions. He, however, did not see how it was possible for us to have direct steam with Toronto.

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March 2, 1865: Mr. Nowlan, speaking in the House of Assembly of Newfoundland
(click [HERE](#) to view a PDF of the Debates)

Mr. Nowlan [...] These were matters requiring serious consideration, and which ought not to be hastily disposed of. We were told by the advocates of Confederation, that if we entered it we should have direct steam communication with Canada and with Great Britain, and have our coastal steam communication improved. But there was no guarantee for this being done.

There was not one word of the subject in the Quebec Resolutions, notwithstanding that so much of our revenue would have to go towards the construction of the Grand Trunk Railway, which was expressly provided for in the Quebec Resolutions, as well as the enlargement of the canals of Canada. He (Mr. Nowlan) said the matter of steam communication ought to be definitely settled previous to the question of Confederation being entertained.

[...]

SECTION 92(10), LOCAL WORKS

Mr. Evans [...] Of course steam communication with the United Kingdom and with Canada, was indispensable to the beneficial operation of the union.

The steamers for Canada should call at some of the ports of Nova Scotia and New Brunswick on the Gulf of St. Lawrence. This would open up a valuable trade with these Colonies; and in return for our imports from them, they would be good customers for our herrings and other fishery products.

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

June 27, 1866: Mr. Smith and Tilley, speaking in the House of Assembly of New Brunswick (click [HERE](#) to view a PDF of the Debates, then scroll to p. 25)

Mr. Smith—[...] In the powers given to the General Government by specification is, that of “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.” Now in Canada they have a line of steamers running to Great Britain, and in Confederation I believe the cost and support of that line would be made a burden on us. And more than this, they have the power to subsidize any other steamers, and to throw the cost of canals and other public works upon the whole Provinces.

Now I would ask the Attorney General what is meant by the words “other works?” In my opinion it means that any work in Upper or Lower Canada, of any description whatever, may be undertaken by the General Government if they consider it for the general welfare. I ask the Attorney General if such is the fact?

Hon. Mr. Tilley—I will explain it.

Mr. Smith, p. 27

Mr. Smith—Then we have the right to legislate on our mines and minerals, and so a little alteration in the phraseology will make that all right. Railways, post offices, and other public works are transferred from us to the use of the General Government, and so all the patronage and control that belong to them go with them.

Mr. Smith, p. 28

Mr. Smith—[...] It is evident that Canada is very much interested in the opening of her Canals. This section seems to be extraordinarily worded. It is without doubt put forward for a purpose. As it reads it seems to be nothing but a mere expression of opinion of the Council. Is it so, or is it a part of the Constitution? What does it mean? It means that every work and improvement in Canada is to be a charge on the General Government, and that we are to be taxed for it; and these works are to be carried on as soon as the finances permit. Let me ask if Canada has the power to increase the taxation by every means as she likes, and her desires are for increased public works. What is there that will cause the finances not to permit of their being proceeded with? Yes, the finances will

SECTION 92(10), LOCAL WORKS

permit just whenever they choose to tax the people for that very purpose. And more than this, I am led to believe that under this section the purchase money of the Hudson's Bay Territory will be made chargeable also upon the General Government.

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June 28, 1866: Mr. Tilley, speaking in the House of Assembly of New Brunswick (click [HERE](#) to view a PDF of the Debates, then scroll to p. 34)

All such works as shall, although lying wholly within any Province, be specially declared by the Acts authorizing them to be to the general advantage.

This produced considerable discussion at the Conference, and a decision was arrived at different from this, but the subject was reconsidered upon the motion of the present Attorney General because we found that New Brunswick would get more benefit from it as it is, then if it was put in a different way.

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