

SECRETARY HEWITT BERNARD'S MINUTES OF THE
PROCEEDINGS AT QUEBEC

Minutes - 10 Oct - 17731

Conference Chamber
Parliament House.
Quebec.

The following Gentlemen
assembled at the Conference
Chamber in the Parliament
House, Quebec on Monday 10th
October. 1864.

The Hon Sir J. D. Tache. M. L. C. ~~Member~~
Receiver General, and Minister
of Militia of Canada.

The Hon John Alexander Macdonald
M. P. Attorney General of Upper
Canada.

The Hon George Stephen Cantier
M. P. Attorney General of
Lower Canada.

The Hon George Brown, M. P.
President of the Executive Council

The Hon Oliver Mowat. M. P.
Postmaster General

The Hon A. J. Galt. M. P.
Minister of Finance

The Hon William Macdougall
M. P. ~~the~~ Provincial Secretary.

The Hon T. D. Lee. M. P.
Minister of Agriculture

The Hon J. C. Chapais. ~~Common~~
P. W.

The Hon ~~Harper~~
The Hon ~~Johnston~~

17882

The Chairman ~~laid before~~
~~the Board~~ stated that the
 several Gentlemen representing
 the Province of Canada were
 Members of the Executive
 Council of Canada.

From London
 The Chairman laid before
 the conference a despatch
 dated 3rd September 1864
 from His Excellency Sir Richard
 James Macdonell. K.C.B.
 to His Excellency the Governor of
 Nova Scotia to His Excellency
 the Governor General of Canada,
 stating that he had appointed
 the Hon. the Provincial Secretary,
 the Hon. the Attorney General,
 the Hon.ables R.B. Dickson, and
 Matthew McCully and
 Adams G. Archibald Esquire
 to form a Deputation to meet
 the delegates in Conference
 in Quebec. ~~He also laid~~

The Hon. Charles Tupper
 then laid before the Conference
 an Instrument Under the
 hand and seal of Arms of
 His Excellency Sir R.J. Macdonell
 Esq. of Nova Scotia appointing
 the Hon.ables Charles Tupper,
 William A. Henry, Matthew
 McCully, Robert B. Dickson and
 Adams G. Archibald to be
 such Delegates.

From Montreal
 The Hon. Mr. Tully, Pres.
 Secretary of New Brunswick
 stated that in consequence of

17833

The late date at which the
Despatch of His Excellency, the
Gov. Genl. of Canada to H. E. Nathan
Arthur Gordon Esq. of New
Brunswick had been received
by the latter, it had been
impossible to forward a
formal delegation, but that he
was empowered to state present
the following as Delegates from
the Province of New Brunswick
to the Conference, viz:

Nathan S. L. Tilley. Pres. Secy
" " W. H. Steves. M. L. C.
" " " ^{+ member of Ex. C.} M. L. C.
" " P. Mitchell. M. L. C.
" " " ^{+ member of Ex. C.} M. L. C.
" " E. B. Chandler M. L. C.
" " J. H. Gray M. P.
" " Charles Fisher. M. P.

The Chambers also laid before the conference a despatch from His Excellency George Dumas Esquire, M. Prs. of P. E. Island, dated 3^d October 1864 to His Excellency the Gov. Genl. of Canada stating that he had named the following gentlemen to proceed to Quebec to be present at the Conference on the 10th instant:-

Mr. H. J. H. Gray, P. Sec.
 Mr. Wm. E. Palmer, Atty. Genl.
 " " W. H. Pope, Col. Secy.
 " " A. A. McDonald, M. B.
 " " G. L. Coler, M. P.
 " " J. H. Fairland, M. P.
 " " Edw. P. Whelan, M. P.

Frederick B. T. Carter Esq. of Newfoundland
~~Mr. Chambers~~ also laid before the conference a letter dated 19th September 1864, from R. Carter Esquire, Acting Colonial Secretary of Newfoundland to himself, Mr. Frederick B. T. Carter and Ambrose Shea Esquires, stating that His Honor the Administrator of the Govt. had been pleased to appoint them to represent Newfoundland upon occasion of the Convention of Delegates from the British North American Provinces for the purpose of discussing a Federal Union of the Provinces

11 17835

The Conference then stood
composed of the following gentlemen
Canada.

Then: Sir E. P. Taché.

Then John A. Macdonald

Nova Scotia.

Then Charles Tupper

" " William A. Henry

" " Matthew McCully

" " Robert B. Becket

Adam G. Archibald Esq.

New Brunswick

Then L. L. Delley.

" " W. H. Steves

" " J. M. Johnson

" " P. Mitchell

" " E. B. Chandler

" " J. H. Gray

" " Charles Fisher.

Prince Edward Island.

Col. Then J. H. Gray

Then E. Palmer

W. H. Pope.

THE QUEBEC RESOLUTIONS

The Hon A A McDonald
" G. Coles
" T H Harland
" Edw. Whelan.

17836

Newfoundland
Frederick B. T. Carter }
& Ambrose Shea } Squires.

and the Conference stood
accordingly adjourned

BERNARD'S MINUTES AND NOTES

It was moved by Colonel the
Honorable John Hamilton Gray of
Prince Edward Island ~~and~~
~~seconded~~ seconded by the Honorable
Sir Pelley ~~and seconded~~ that the Honorable Sir
J. P. Macle be Chairman of the
Conference: ~~business being~~

Conference:
and the question of concourse being
put there the same was resolved in the
affirmative was tried by the Hon
Charles Sumner W. Coles

and seconded by the Hon. ~~Ed~~
~~George J. P. Adams~~ M. C. ~~and~~
~~and carried~~ That the Provincial
Secretaries of each of the
Provinces represented at the
Conference, and The Honorable
M. Shea of Newfoundland be
the Joint Secretaries of the
Conference.

Conference.
 As the question of concubinage being
 put thereon, the same was resolved in the
 affirmative
 after was moved by Wm
 Wm a motioned " 82

Was a Maidman
and seconded by ~~the~~ Hon. E. B.
The Hon W. Joseph
and carried,

That the sittings of the Conference be held on each day (Sundays excepted) from eleven o'clock a.m. to four o'clock p.m.

and the question of concurrences being
put the case the same was resolved in the
affirmative
~~the Committee was adjourned~~
~~at four o'clock p.m.~~

It was recrossed by Matthew
Mr Palmer, recrossed by Mr Palmer

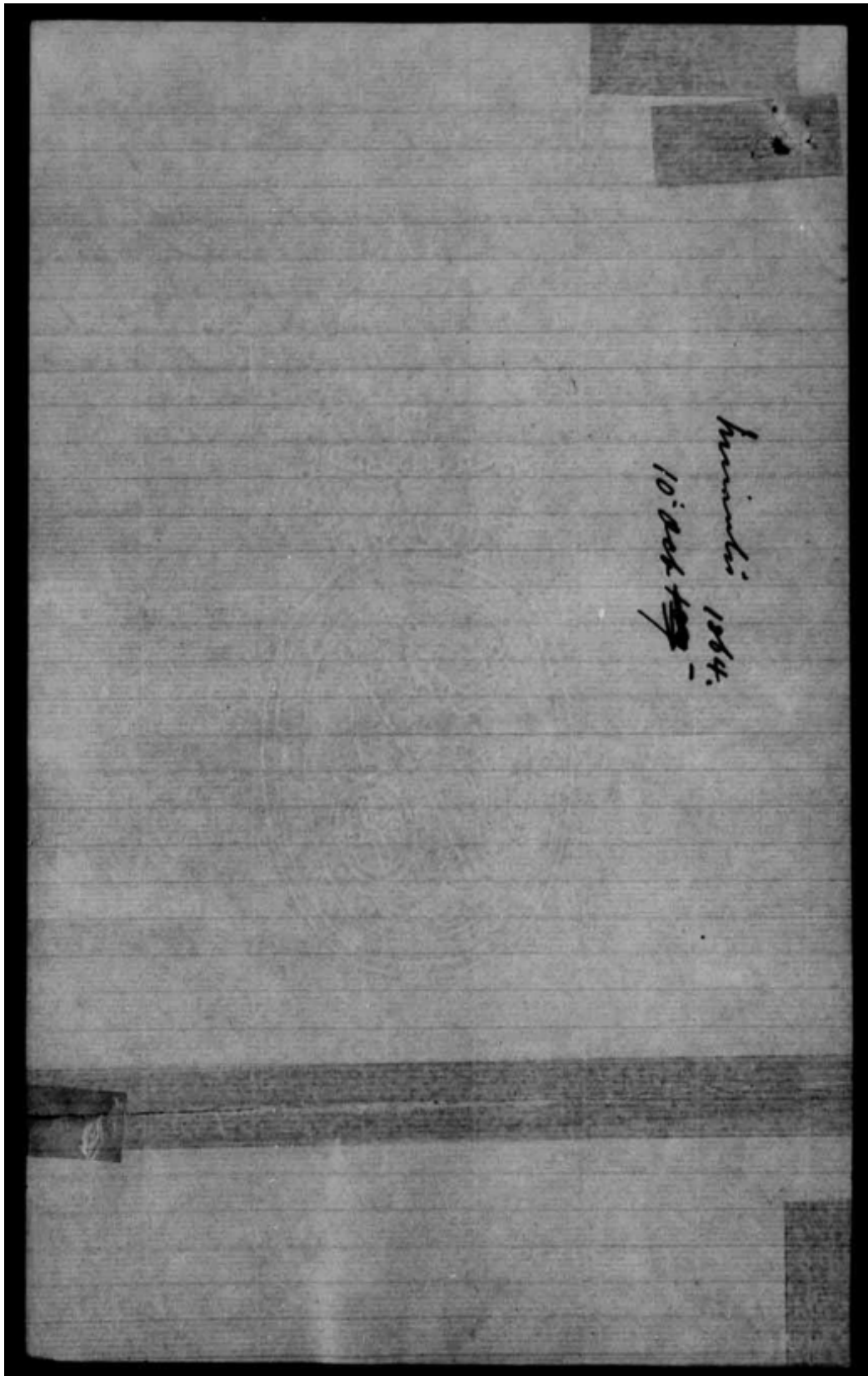
110.1)
and after lengthy debate, the
further consideration of the
same was postponed until noon.

It was moved by Mr Hon W.
John A. Macdonald, seconded by
the Honorable W. Tilley.

That the best interests and
present and future prosperity of
British North America will be
promoted by a Federal Union under
the Crown of Great Britain. Provided
such Union can be effected on
principles just to the several
Provinces.

~~And a debate thereon arising~~
during debate, the hour of four
o'clock ensuing, the Chairman
declared the Conference continued
until tomorrow.

BERNARD'S MINUTES AND NOTES



THE QUEBEC RESOLUTIONS

17839

128

Mem^d by de C. Campbell

That the several Provincial Secretaries
of the several Provinces represented at
this ~~Board~~ ^{conference and the chair of state} be Joint Secretaries
of this Conference

17842 18

Delegate from New Bk.

And L. Riley

" W. A. Storer

" J. M. Luman

" P. Mitchell

" E. B. Chandler

" J. H. Gray

" Chas. Fisher

L. Riley

Conference Chamber. 11 O'clock - 17843
79.

The following gentlemen ~~appear~~
assembled at the Conference Chamber
with Paul Hurd at Duke's.
name them -

Moved by Col Gray of P. E. 2 o'clock of July
that Sir E. P. Trench be Chairman
of the Conference

Also to joint Secretaries.
Carruthers. - The Provincial Secretaries of
each of the Provinces represented
at the Conference and Mr Sher-
of N. Somerset

P. E. Island
Atty Genl Palmer
Hon Mr [unclear]
[unclear]
[unclear]
[unclear]
[unclear]
Col Gray
Resdnd [unclear]
Elevn to 4 -
In Do resolution.

THE QUEBEC RESOLUTIONS

Adopted by Sir J. A. Macdonald seconded by Mr. Selby
That the best interests and present and
future prosperity of British North America
will be promoted by a Federal Union
under the Crown of Great Britain. Provided
such Union can be effected on
principles just to the several Provinces.

*M.S.
carried
unanimously
Oct 11/64*

17844

20

The Hon W. Macdougall, stated
 that the Joint Secretaries of the
 Conference having met had
 arrived at the conclusion that
 to enable ^{the} to pursue their
 undisturbed attention to the
 matters of the Conference they
 thought it advisable that an
 Executive Secretary should be
 appointed, and that they
 accordingly recommended
 that Mr Hewitt Bernard,
 Chief Clerk of the Crown Law
 Department of Upper Canada
~~and Secretary of the Attys Genl. of~~
~~Upper Canada~~ should be
 appointed as such
 Executive Secretary -

And the question of
 remuneration being then put, the
 same was resolved in the
 affirmative -

~~The consideration of the motion of the Hon~~
~~W. Macdougall was upon motion of~~
~~the Hon W. Macdougall postponed.~~

THE QUEBEC RESOLUTIONS

Minutes 11 Oct.

21 17845

Tuesday, October 11th

The Chairman took the Chair at eleven o'clock a.m. when the following Gentlemen appeared present:

(all came in carts)
absent from indisposition

Order

The Conference resumed the ~~consideration of the Motion of~~
~~Resolution of the Motion of~~
~~Resolution of the Motion of~~
~~Resolution of the Motion of~~
That

No. 1

~~and carried unanimously~~
(copy no. 1)

and after debate,

The question of concurrence being put thereon, the same was unanimously resolved in the affirmative.

It was moved by The Hon^{ble} Mr. Attorney General McDonald, seconded by Mr. [illegible] and unanimously carried.

No. 2

(copy no. 2)

and after debate,

The question of concurrence being put thereon, the same was unanimously resolved in the affirmative.

BERNARD'S MINUTES AND NOTES

~~The Hon Mr~~
~~It was received by the Hon Mr~~
~~Attorney General~~
~~George F. Johnson~~
~~by the Hon Mr. Tisdale~~
~~and then returned to the Hon Mr.~~
~~Gray.~~

No. 3

The ~~Conference~~^(April 2) resumed the
work the further consideration
of the motion that it be on the Motion.
And after debate, ~~the question~~
The question of Amos was being
put thereon, the same was of
four o'clock passing, the Chairman
declared the Conference adjourned.

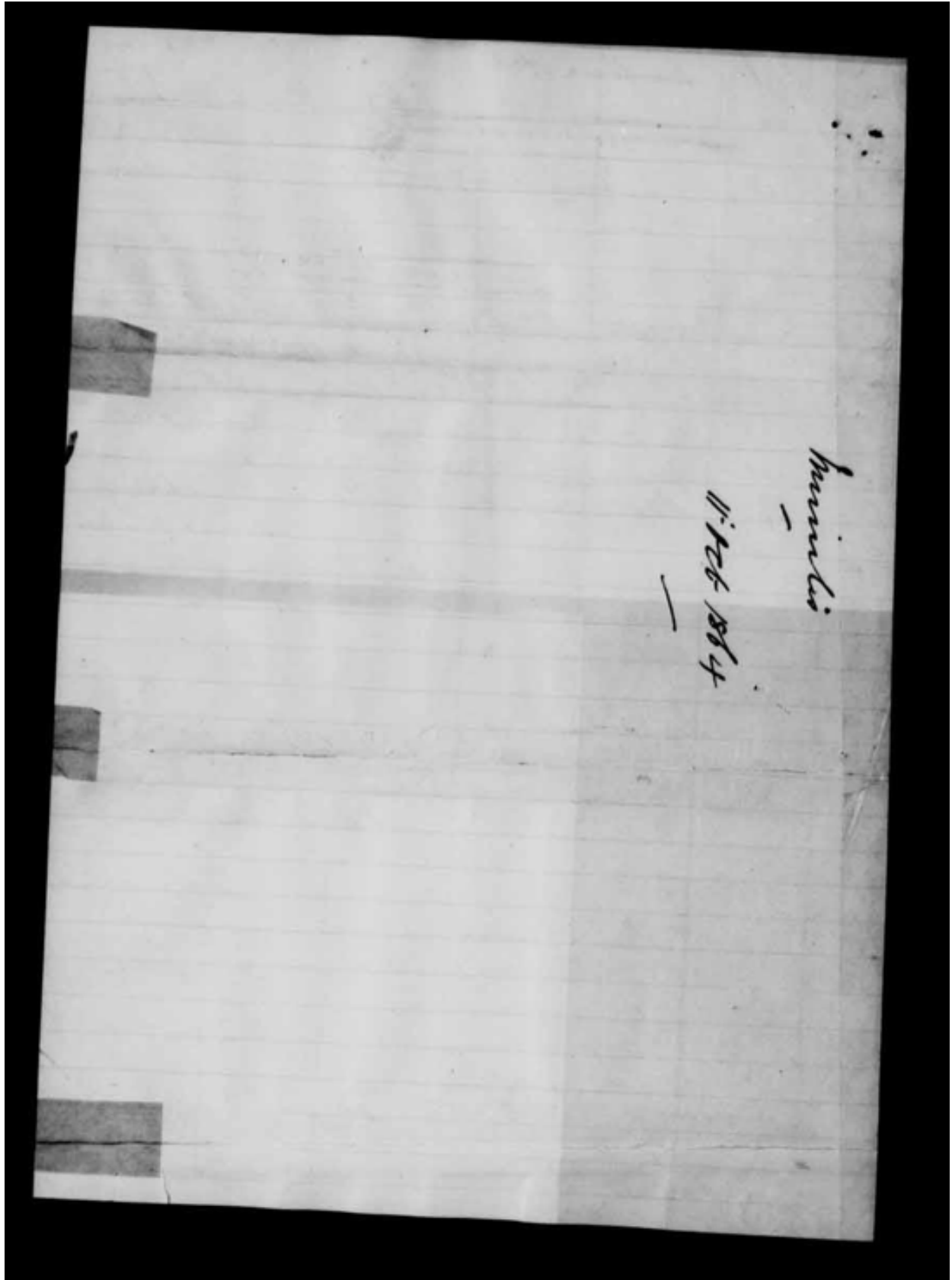
The question of Concernances being put thereon, the same was unanimously resolved in the affirmative.

It was moved by Mr. Henry W.
George Brown and seconded by
Adams G. Archibald Esquire,
(copy Dec 4)

No. 41

And ^{during} ~~after~~ debate, the hour
of four o'clock ensuing, the
Chairman declared the
Conference ~~adjourned~~.
Continued until tomorrow

THE QUEBEC RESOLUTIONS

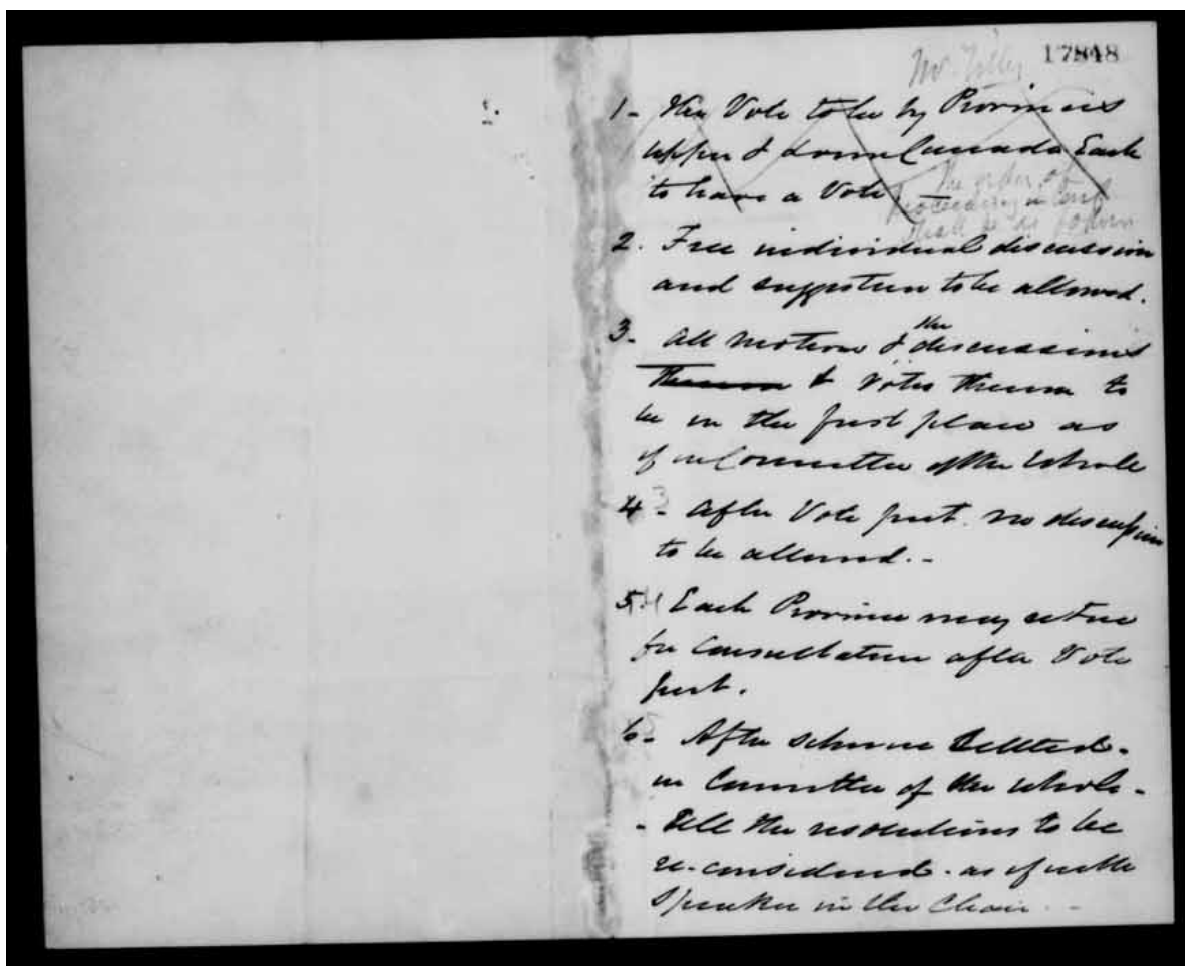


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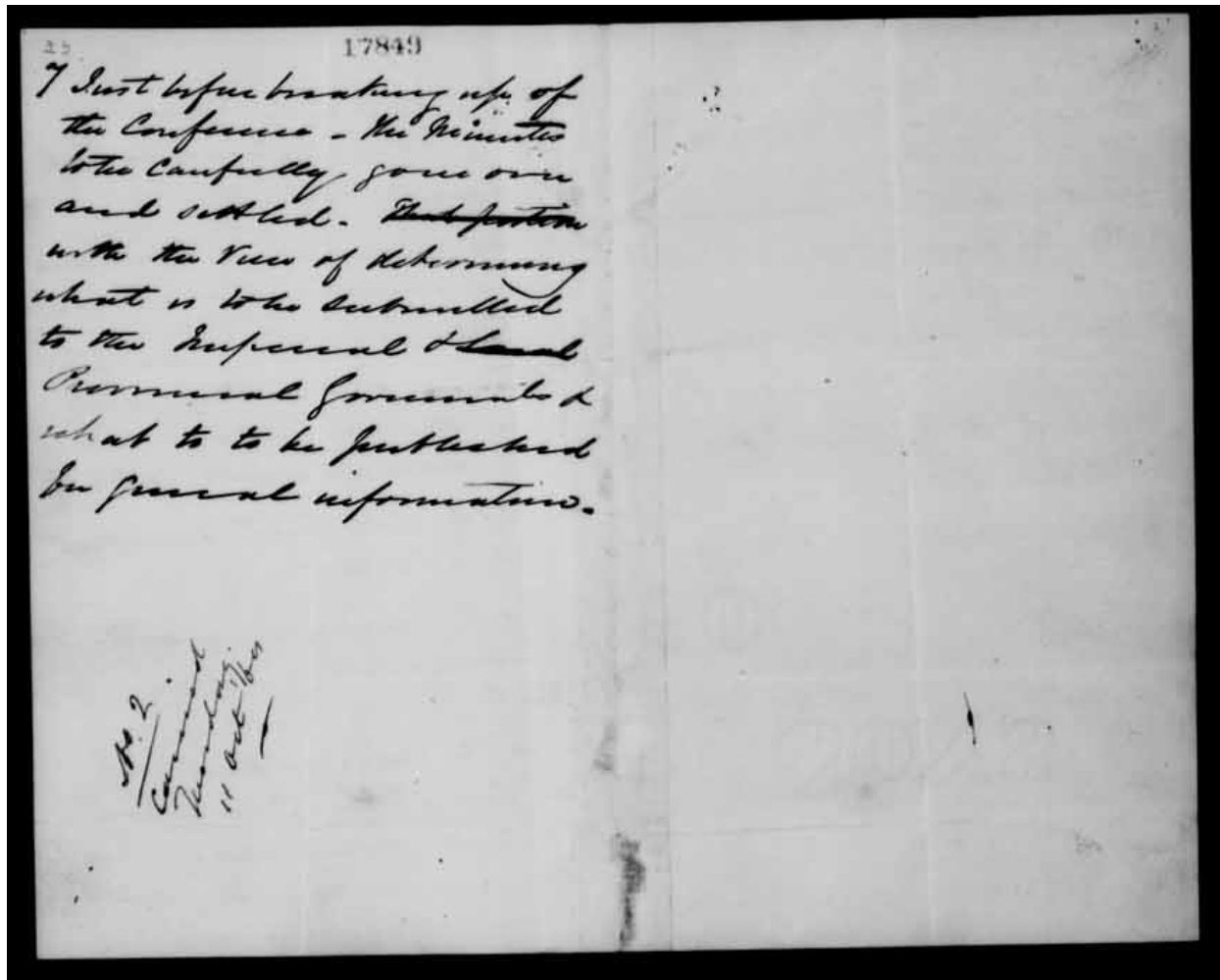
Moved by Hon Mr Palmer
W. H. P.
 That in taking the Votes on all
 questions to be decided by this Conference
 except questions of order, each Province
 or Colony, by whatever number of Delegates
 represented shall have one Vote, and
 that in Voting Canada be considered
 as two Provinces.

*M. L. d.
 W. H. P.
 11 Oct 1784*

THE QUEBEC RESOLUTIONS



BERNARD'S MINUTES AND NOTES



Mr. Palmer.

moves: -
 made provision to have one
 vote only -

Ag. MacDonald.

Propose that U & C should be
 considered as two Provinces, for
 voting.

Mr. Palmer concurs: -

Mr. Haveland proposes it shd. be in
 writing.

[It is understood that any question
 of order is to be settled by the vote of each]

Mr. Fisher says that in event of
 differences between delegates of
 any one Province, some public
 notice shd. be taken of it. -

Mr. Lohr thinks it unnecessary as
 being in a confidential conference,
 subject then dropped.

Motion 1. put by Chairman &
 carried unanimously. -

Ag. MacDonald - submits Res^{ns} as
 to management of conduct of
 Conference. -

BERNARD'S MINUTES AND NOTES

25

17852

Mr. Marshall proposed that if the
Delegates of a Sec: disagree,
the names of any dependents
therefrom - and whether
the vote be unanimous or not.

Adj. Marshall's acquiesces but
thinks that in the eventual review
of the minutes, it shd. be considered
how

Discussion of motion deferred
Yesterday resumed -
Adj. Marshall.

THE QUEBEC RESOLUTIONS

Mr. Brown moves seconded by Hon. Mr. Richibald, that it be

Resolved: That ~~in the event of a~~ Federation of the British North American Provinces ~~being agreed to by adopted~~, the system of Government best adapted under existing circumstances to protect the diversified interests of the several Provinces and secure efficiency harmony and permanency in the working of the Union - would be a general Government charged with ~~the~~ matters of common interest to the whole Country, and local governments for each of the Canadas and for the ~~Maritime~~ ^{of the Maritime Provinces} Provinces, charged with the control of ~~the~~ local matters in their respective sections - provision being made for the admission ~~hereafter~~ ^{hereafter} into the Union on equitable terms of the North West Territory, British Columbia and Vancouver

Carried
unanimously
Oct 12/64.

BERNARD'S MINUTES AND NOTES

minutes 12 Oct - 17866
42

Wednesday. 12 Oct.

(Members present. except
Ch Gray of P.E.S.)

Mrs. W. Carter, wife of Mr. W. Carter, and Mrs. M. W. Carter, wife of Mr. M. W. Carter, were present and stated that they had been unable to attend at the sitting yesterday, but that they cordially supported the resolutions passed on that day, and desired to be considered as having severally voted therefor.

Notes ~~It was secured by the Hon~~
~~Mr Brown~~

The Conference then resumed
the consideration of the motion
of the Hon W Brown
That &c.

And after debate,

The question of concurrence being put thereon, the same was unanimously resolved in the affirmative.

The Hon Mr. Shea rose and suggested that it would tend to the despatch of business before the Conference, if the several Resolutions intended to be moved were prepared by a committee composed of the Delegates of each Province in advance by those Gentlemen having the carriage

THE QUEBEC RESOLUTIONS

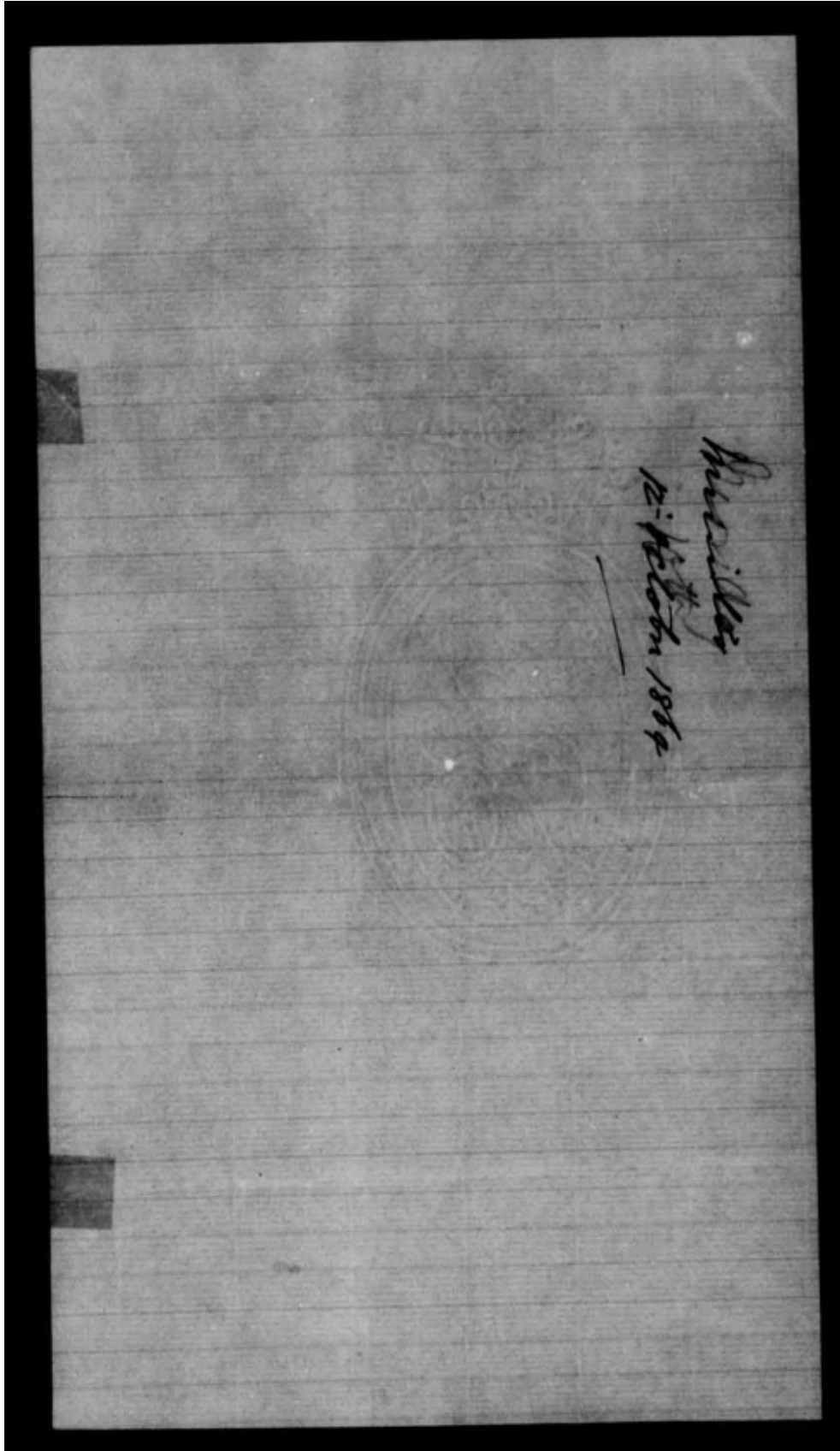
17897

~~These under their consideration:-~~
and moved that the Conference
should adjourn for week purpose,
and after debate,

The question of Commencement
being put thereon, the same was
unanimously resolved in the
affirmative.

The Chairman therefore
declared the Conference
~~concluded~~ adjourned until
tomorrow morning.

BERNARD'S MINUTES AND NOTES



THE QUEBEC RESOLUTIONS

A

Order

17865

The Chairman laid before the Conference the following letter from W. S. P. Day and others, requesting information of the proceedings of the Conference for publication in the Press. —

It was resolved that the same be referred to the Secretaries of the Conference to prepare an answer, declining the proposition made —

Motion 12 Oct 17868

To the Honorable Sir Etienne P. Tache' C. B.

se se se

Chairman of the Intercolonial Conference

Sir

The undersigned representatives of English and Canadian newspapers find that it would be impossible for them satisfactorily to discharge their duties, if an injunction of secrecy be imposed on the Conference and stringently carried into effect. They therefore beg leave to suggest whether, while the remarks of individual members of your body are kept secret, the propositions made and the treatment they meet with, could might not advantageously be made public, and whether such a course would not best accord with the real interests committed to the Conference. Such a kind of compromise between absolute secrecy and unlimited publicity is usually, we believe, observed in cases where an European Congress holds the peace of the world and the fate of nations in its hands:

And we have thought that the British American Conference might perhaps, consider this precedent not inapplicable to the present case.

Such

THE QUEBEC RESOLUTIONS

43

17869

such a course would have the further advantage
of preventing ill-founded and mischievous
rumours regarding the proceedings from obtaining
currency.

We have the honour to be

Sir

Your very obedient

humble servants

J. Philippe Olry

Charles Lindsay

Attorneys

Manilla Hotel
11th October 1864

17970

Gentlemen,

I have laid before the Conference your letter of 11th Inst: in which you suggest, whether whilst the remarks of individual Members of the Conference are kept secret, the propositions made and the treatment they meet with, may not be advantageously made public and whether such a course would not best accord with the real interests committed to the Conference.

Whilst the Members of the Conference fully appreciate the motives by which you are actuated in your communication, and are equally sensible of the deep interest naturally felt by the people of the several British North American Provinces in the ^{acts} proceedings of the Conference, they cannot but feel that it is injudicious and inexpedient, at the present stage of their proceedings, to furnish information which must, of necessity, be incomplete.

They are further of opinion that only will be more satisfactory to all, and more conducive to full discussion by the Conference of the important subject before them, that any communication be deferred until the ~~very~~ ^{body} matured deliberations of the Conference may enable them definitely to report to the respective Governments of the various Provinces interested.

THE QUEBEC RESOLUTIONS

17871 Communication ^{see of their} 46
that no disclosures should be
made until they are enabled
definitely to report the issue
of their deliberations to the
Govs of the respective Provinces

Minutes + Motions 130d. 17873

Thursday 13th October

(Members present)

The Members concerned were
(all) 50

It was moved by The Hon Mr.
Brown, seconded by The Hon
Mr Henry:-

No. 1

and after Debate,

The question of Concurrence
being put thereon, the same
was resolved in the affirmative

It was moved by The Hon Mr. Forke
seconded by The Hon Mr. Bishop

No. 2.

It was then moved in
amendment by The Hon Mr.
~~Forke~~ Forke seconded by The
Mr. Mitchell

No. 3.

It was then moved in
amendment by The Hon
Mr. Tilley, seconded by The Hon
Mr. Archibald

No. 4

And after debate

The question of Concurrence
in the last mentioned amendment
was put thereon, and the
Conference divided: and
the names of the Provinces

THE QUEBEC RESOLUTIONS

1787

were taken down as follows:
Contents.

Canada 2.
New Brunswick 1.
Newfoundland 1.

4

Non Contents.

Nova Scotia 1
P. E. Island 1

2

So the amendments
passed in the affirmative

It was then moved by Mr.
John A. Macdonald,
seconded by ^{Mr. Duff} Mr. Macdonald,
John H. Gray.

No. 5.

And after debate,

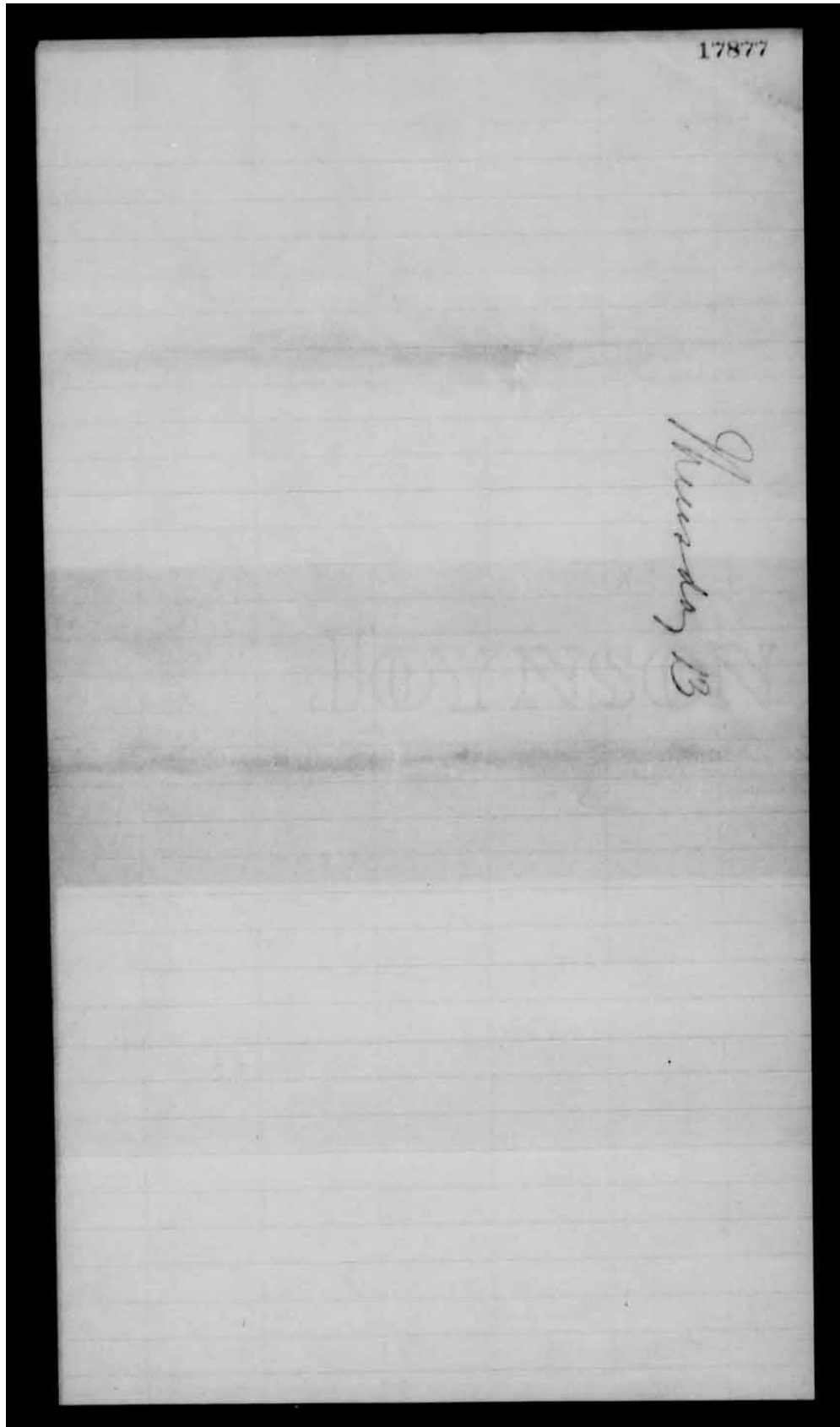
The question of concurrence
being put thereby the same
was unanimously resolved
in the affirmative.

It was then moved by Mr. John
A. Macdonald,
seconded by Mr. John W. Howat
No. 6.

It was moved in amendment by Mr. John
W. Howat, seconded by Mr. John W. Howat.

And during debate, the House
of Commons arising, the
Chairman declared the
Conference continued until
tomorrow.

BERNARD'S MINUTES AND NOTES



THE QUEBEC RESOLUTIONS

17878
 Resol. by Mr. Brown second Mr. Henry
 The proposed Union shall at present
 embrace the following
 Provinces.
 Upper Canada
 Lower Canada
 Nova Scotia.
 New Brunswick.
 Newfoundland and
 Prince Edward Island

18.1
 Resolved
 Oct 19/64

17879
 Resol. by Mr. Fisher second by Mr. Dufresne
 Resolved that the Constitution of the
 General and local Governments
 shall be formed upon the British
 Model so far as is consistent
 with an colonial condition and
 with a view to the perpetuation of
 our connection with the Mother
 country

Supd. by H. M. Luffus & Co. by the statute 17880 3
 That which it is the avowed
 design of this Conference
 to perpetuate the connection
 with the present state
 by every means in our
 power it is not ^{our} ^{indeed} ^{choice}
 aim to further ^{our} ^{the} ^{action}
 by the paper of a resolu-
 tion of a ^{simple} ^{character} ^{and} ^{which}
 may encompass ~~the~~
~~future action~~ ^{of selection}
 action in the ~~choice~~ ^{of}
 the best means ^{general} ^{of} ^{the}
 providing for the ^{interest}
 of the country.

THE QUEBEC RESOLUTIONS

M^d by Tolly Sec^y W. Mitchell 55 178814
 That in forming a constitution for the
 General Government the Conference with a view
 to the perpetuation of our connection with
 the mother Country & to the promotion of
 the best interests of the people of these
 provinces. desire as far as possible
 to follow the model of the British Co-
 stitution, so far as ^{our} circumstances
 of the Province will permit.

Moved by Mr. M. Broun Sec^y by Mr. Gray 178815
 There shall be a general Legislature
 for the Federated Provinces, composed
 of a Legislative Council and
 Legislative Assembly

Med. by Mr. Selley handed by Mr. Dickey 5217884
 Resolved That the Legislative Council
 in the Federal Legislature be composed
 as follows—

Upper Canadian	24
Lower Canadian	24
Promoters. New BR	32
Resolved Lord & SE 10.	<u>80 in all</u>

This was withdrawn

THE QUEBEC RESOLUTIONS

minutes & motions
14 Oct

17885

Friday - 14 Oct.

The Members were
convened / Col Gray M.P.?
absent from office

Conference resumed the
consideration of
the amendment ~~in~~

That &c

Mr. Kellogg

7
And after debate thereon rising
the amendment was, by
permission of the Conference
withdrawn

It was then moved by
The Hon^{ble} Mr. Dufferin, seconded by

And during debate the hour
of four o'clock arriving, the
Chairman declared the
Conference continued until
tomorrow.

For the purpose of forming
 moved by the Legislative Council, ⁵⁷ The
 I & M Donald Federated Provinces, shall be
 considered as consisting of
three divisions. 1st Upper
 Canada, 2^d Lower Canada
 and 3^d The 4 Maritime
 Provinces & Each Division shall
 be represented in the Legislative
 Council, by an Equal Number
 of Members.

Minutes & motions 13 Oct 178860
 Moved that on after Monday next
 the Conference commence its sittings
 at 10 o'clock AM and sit until
 two o'clock PM - And that it
 re-assemble at 7.30 PM and
 sit until adjourned on Motion
 carried unanimously
 11.1.18
 Oct. 15/64

THE QUEBEC RESOLUTIONS

Order

61 17887

It was Resolved

That on and after Monday
next the Conference commence
its sitting at 10 o'f. A. M. and
sit until 2 o'f. P. M. and that
it re-assemble at 7.30 P. M.
and sit until adjourned on
motion

Saturday 15 Oct.

The members were convened

Order The conference resumed
the consideration of the
amendment.

That for the purpose of
forming the Leg Council, the
Federal ~~for~~ Provinces shall be
considered as consisting of
three divisions 1st U.C. 2^d L.C.
3^d Nova Scotia New Brunswick
and the Island with equal
representation in the Leg C^o
and the Island of Newfoundland
to which — additional sepoies
shall be allotted.

It was moved in amendment
that for the purpose of representation
in the Leg Council the Confederation
shall be divided into 3 divisions,
U.C. L.C. & the Maritime Provinces
including Newfoundland and
that the apportionment amongst
them shall be as follows
U.C. 30. L.C. 30. N.S. 10. N.B. 10
Newfoundland 5 N.P. E. Id. 5.

THE QUEBEC RESOLUTIONS

63 17889

and during debate, and
at the hour of half past 2
pm, upon motion for
adjournment, being carried,
the Chairman declared the
Conference adjourned until
Monday the 17th inst.:-

minutes 17 Oct 178504

Monday. 17 Oct.

The members were
convened / Mr W. Gess
& W. Palmer ^{Mr Harry} absent

The Resolution passed
on the 17th inst. ~~was~~
was amended ^{and read} as follows:

/ Mr Brown's amendment /

The Conference resumed
the consideration of the
amendments.

That - No. 1.

and ~~the~~ after debate, the
same being amended,
It was Resolved

That for the purpose of
forming the Legfournail, the
Federated Provinces shall be
considered as consisting of
Three divisions 1st H.C. 2^d L.C.
3^d N.S. N.B. & P.E.I. with Equal
representation in the Legfournail

It was Resolved

No. 2

It was Resolved
That
(No. 3)

65 17891

And the Resolution having been communicated to the Newfoundland Delegates, the invitation was accepted, the right being reserved by them to press their claims for an increased representation in the Legislature.

And the hour of two o'clock evening, the Chairman declared the conference continued until half past seven o'clock in the evening:

And at half past seven o'clock in the Evening, the Members were convened.

(absent - Mr Campbell. Mr McGe.
Mr Pope. Mr Henry.

It was Moved
(No. 4)

It was Moved in Amendment
(No. 5)

And a motion at the hour of twelve o'clock p.m. a motion for adj. being carried, the Chairman declared the conference continued until tomorrow.

17893 67

Now the purpose of forming
 the Legislative Council
 the Federated Provinces shall
 be considered as consisting
 of three divisions 1st Upper
 Canada 2^d Lower Canada
 and third the Nova Scotia
 New Brunswick and
 Prince Edward Island
 with equal representation
 in the Legislative Council
~~and the Island of New~~
~~foundland to which~~
~~addition of representa-~~
~~tation shall be added.~~

No. 1
 Council
 Wray.
 Oct 17

THE QUEBEC RESOLUTIONS

17895

That Upper Canada be represented
in the Legislative Council by
24 Members Lower Canada
by 24 Members and The Three
Maritime Provinces by 24
Members of which Nova Scotia
shall have 10. New Brunswick
10 and P. E. Island 4 Members

Carried
unanimously
10. 2.
Oct 17.

100
100
100

17896

That the ~~Province~~ Colony of
Newfoundland, having sent a
deputation to this Conference be
now invited to enter into the
proposed Confederation - with
a representation in the Legislative
Council of four Members

Carried
3. Oct 17

17898

72

Nov 4
Nov 17

Nov 1
Oct 18

The Members of the Legislative
Council shall be appointed by
the Crown under the great Seal
of the General Government, and
shall hold office during life (unless
forfeited or otherwise vacated), ~~shall~~
~~be the whole duty by birth or~~
~~qualification of the full age~~
~~of 21 years, and shall possess~~
~~a real property qualification~~
~~of £5000~~ ~~and shall be~~
~~members, and be worth~~
~~that amount and above~~
~~their debts & liabilities.~~

THE QUEBEC RESOLUTIONS

73

Tuesday, 18 October Minutes 1901

The Chairman took the Chair at
10 o'clock when the
Members were convened.

The Conference resumed the
consideration of the Motion before it
that the Members of the
Legislative Council shall be
appointed by the Crown under the
great seal of the Prov. and
shall hold office during life.

And the hour of two o'clock
arriving, the Chairman declared
the Conference continued until half
past seven o'clock in the evening.

And at half past seven o'clock
in the evening, the Members were
convened.

And it was unanimously
Resolved,

That the Members of the
Legislative Council shall be
appointed by the Crown under the
great seal of the Prov. and shall
hold office during life.

It was unanimously
Resolved,

That the Members of the
Legislative Council shall be British
Subjects by Birth or Naturalization
of the full age of 30 years, shall

74

17:40

possess a real property qualification
of £4000 over and above
all encumbrances, and be
worth that sum over and
above their ~~present~~ debts and
liabilities.

And the hour of two o'clock
arriving, the Chairman declared the
Conference continued until half
past seven o'clock in the evening.

And at half past seven
o'clock in the evening, the members
were convened.

It was moved.

(a)

It was moved in amendment.

(b)

It was moved in amendment.

(c)

And at the hour of half
past eleven o'clock pm a motion
for adj. being carried, the Chair-
man declared the Conference continued
until tomorrow.

17903

The Members of the Legislative
 Council shall be British
 Subjects by birth or Naturalization
 of the full age of 30 Years,
 and shall possess a real
 Property qualification of
 \$4000 or more and above
 all incumbrances, and
 be worth that amount
 or more and above their debts
 and liabilities

2
 Tuesday
 18th
 March

Minutes 1904.

1791^{3/4}Wednesday Oct 19th.

The Chairman took the Chair at 10.40 o'clock a.m. when the Members were convened.

It was Resolved That the Members of the Legislative Council for the General Govt. shall in the first instance be selected from the Legislatures of the various Provinces (with the exception of the Island) to far as a sufficient number be found qualified and willing to serve.

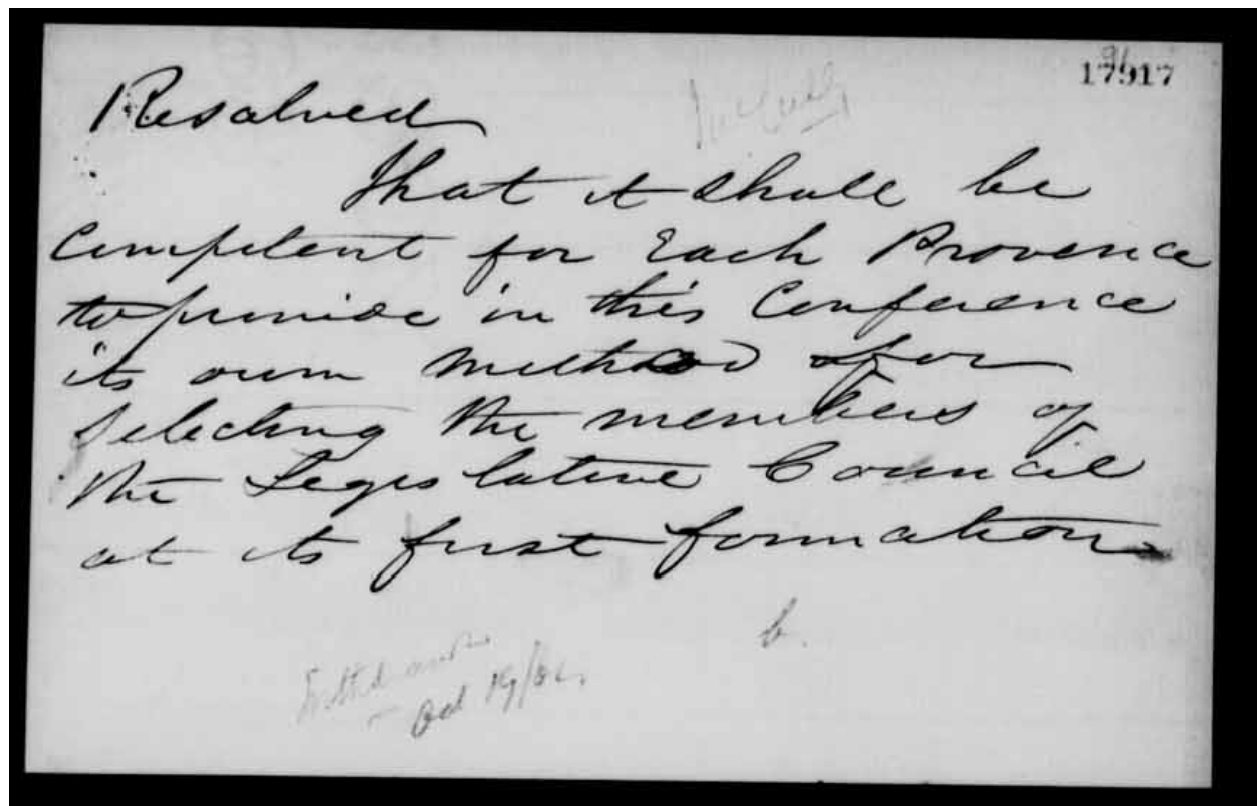
It was Unanimously Resolved, That the Members of the first Leg Council in the Federal Legislative shall be appointed by the Crown at the recommendation of the Federal Ex: Govt. upon the nomination of the respective Local Governments, and that in such nomination due regard be had to the claims of the Members of the Legislative Council of the Opposition in each Province so as that all political parties be as nearly as possible fairly represented.

Mr. Wm. P. Mitchell, a Delegate of New Brunswick, rose and stated his regret that private business imperatively required him to return home leave the Conference and to return to

17946

Resolved. That the mem-
bers of the Legislative Coun-
cil for the General
Government shall in
the first instance be
selected from the Legis-
lative Councils of ~~the~~
~~existing~~ in the various
Provinces, ^{so far as} ~~provided~~ a suffi-
cient number be found
qualified and willing
to serve

with the Exception of Pemuldran
Salmon



Art. 10.

~~Resolved~~

~~That the first nomination for the upper Branch of the United Legislature shall be open to all duly qualified persons in each Province or Colony.~~

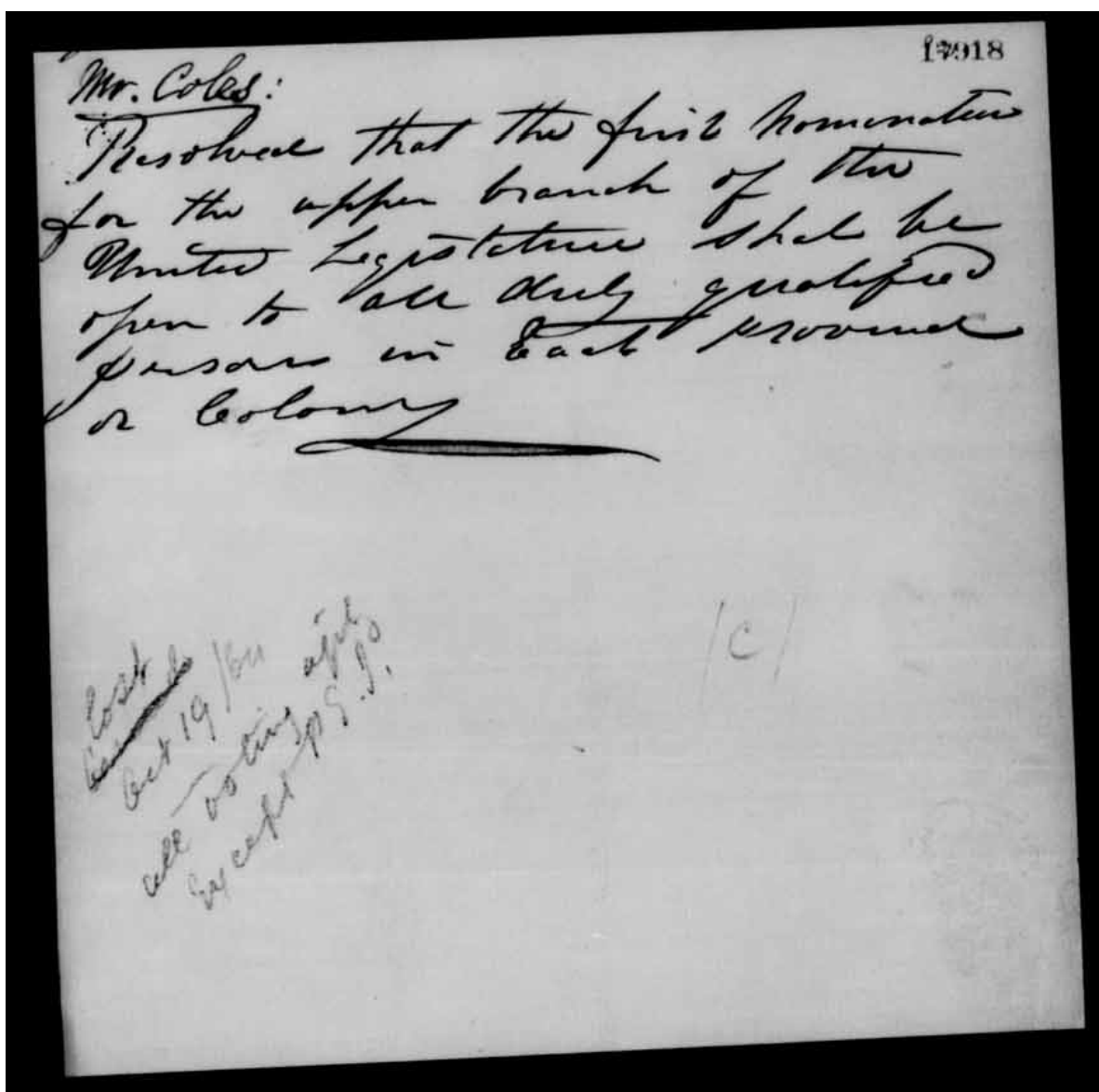
Resolved

That the upper Branch of the Legislature shall be chosen as follows: viz. That the first Election of members for the upper Branch of the United or Federal Legislature from each Province or Colony, shall be chosen by the majority of both Branches of the Legislature of each Province, and the persons so to be chosen shall be 30 years of age and out of duly qualified persons of the whole Province or Colony and

17907

all vacancies in the said
Branch shall be filled up
in the same way from
each Province where any
vacancy may occur. One
half of the said Council to
go out every four years after
the first Election, to be decided
by lot, the said drawing to
take place during the sitting of
the first sitting of the
United Parliament.

THE QUEBEC RESOLUTIONS



17919

Resolved-

Wednesday
19th

That in the first instance
the Members to be chosen for
the Legislative Council, ^{from the}
United Provinces ^{excepting} shall be chosen
by lot from the existing
Members of the Legislative
Councils of the several mentioned
Provinces and of those sitting
at Quebec from Upper and
Lower Canada respectively.
~~And that as vacancies occur
in the representation from
any Province they shall be
filled by the persons whose
names shall have been
drawn next in priority to
those first selected until
the whole number shall
be exhausted.~~

C 2
May 18
1 NYS
1 NYS
did not vote

THE QUEBEC RESOLUTIONS

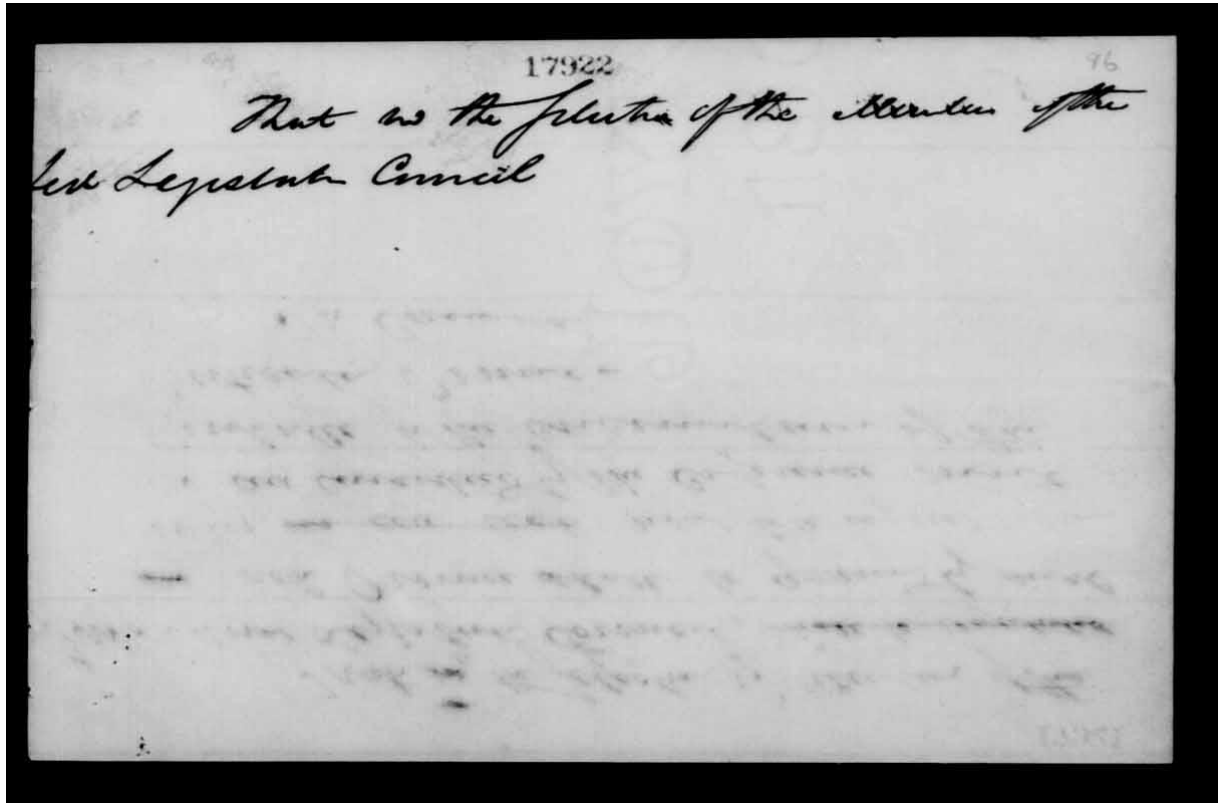
94 17920

That such first selection shall be made
 by the Local Government of each Province
 (~~except Prince Edward Island~~) ~~to be~~
 as far as a sufficient number be found as aforesaid
 and in case a sufficient number cannot
 be found, then the Local Govt shall
 name for appointment ^{such} duly qualified
 parties to make up the deficiency. Provided
 that the Government of Canada shall select
 for both sections of Canada. and that
 the Govt of Prince Edward Island shall
 name for appointment the whole ^{number} of the
 Legislative Councils allotted to it.

95 17921

That ~~in~~ the selection of members of the
 First Federal Legislative Council, shall be regulated
 in each Province shall be governed by such
 rules as are ~~now~~ ^{now} the agreed upon
 as are considered by the Conference most
 suitable to the circumstances of the
 Particular Province -
 And as to In Canada
 Archd. Lister

BERNARD'S MINUTES AND NOTES



Resolved

17923

97

That the members of the
first Legislative Council
in the Federal Legislature
shall be appointed by
the Crown at the recommendation
of the federal Executive
Government upon the
nomination of the respective
Local Governments. And that
in such nomination due
regard be had to the
claims of the members of
the Legislative Council
of the Opposition in each
Province so as that all
political parties in the
Legislature be as nearly
as possible fairly
represented

Unanimous
Wes:
19 Oct

17914

H. B. and he requested ~~that~~ leave of absence.

It was unanimously Resolved that leave of absence be granted to the Honorable W. Mitchell for the residue of the sittings of the Conference.

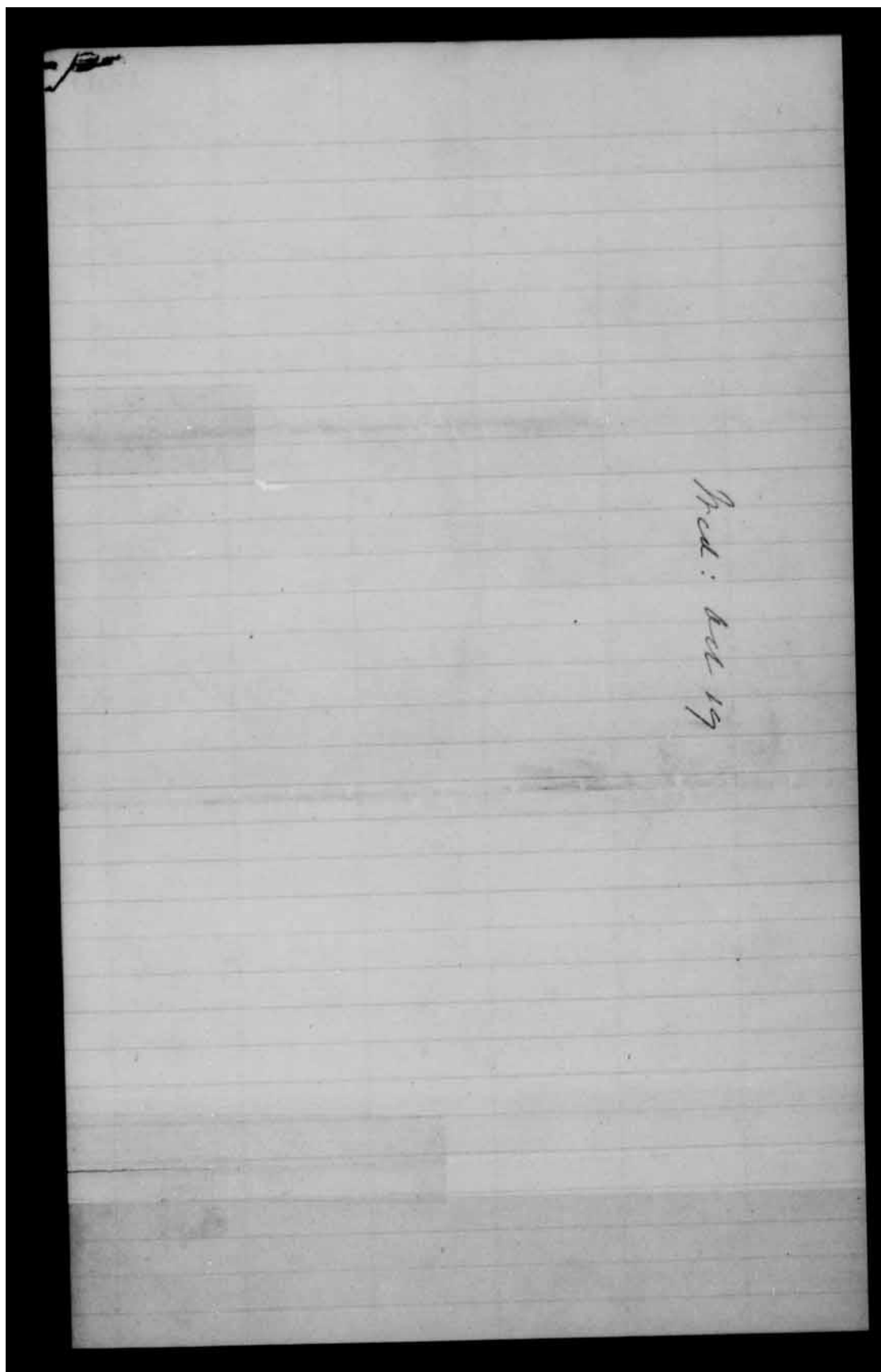
And at the hour of two o'clock p.m. the Chairman declared the Conference ~~continued~~ ^{continued} until half past seven o'clock p.m.

And at half past seven o'clock p.m. the Chairman took the Chair & the members were convened.

It was Resolved,
(Printed motion)

And at the hour of ten o'clock p.m. ~~upon~~ a motion for adjt. being carried the Chairman declared the conference continued until tomorrow inf.

THE QUEBEC RESOLUTIONS



17913
87

CONFIDENTIAL.

RESOLVED,—

194 That the basis of representation in the House of Commons shall be population, as determined by the Official Census every ten years ; and that the number of Members at first shall be ~~300~~ distributed as follows :

Upper Canada,	- - - - -	84 82
Lower Canada,	- - - - -	63 65
Nova Scotia,	- - - - -	19
New Brunswick,	- - - - -	15
Newfoundland,	- - - - -	7 and 8
Prince Edward,	- - - - -	5

— That each section shall distribute its representatives in such electoral divisions as it deems best ;

— That until the Official Census of 1871 has been made up, there shall be no change in the numbers of the Representatives from the several sections ;

— That immediately after the completion of the Census of 1871, and immediately after every decennial Census thereafter, the representation in each section shall be re-adjusted on the basis of population ;

— That for the purpose of such re-adjustments, Lower Canada shall always be assigned sixty-five Members, and each of the other sections shall at each such re-adjustment receive, for the ten years then next succeeding, the number of members to which it will be entitled on the same ratio of representation to population as Lower Canada will enjoy according to the Census then just taken by having sixty-five members.

— That no reduction shall be made in the number of Members returned by any section, unless its population shall have decreased relatively to the whole population of the whole Federation, to the extent of five *per centum* or over.

— That in computing at each decennial period, the number of Members to which each section is entitled, no fractional parts shall be considered, unless when exceeding one-half the number entitling to a Member, in which case a Member shall be given for each such fractional part.

— That the number of Members may at any time be increased by the Federal Parliament—regard being had to the proportionate rights then existing.

1871.
1871
from

THE QUEBEC RESOLUTIONS

17924

98

CONFIDENTIAL.

RESOLVED,—

That the basis of representation in the House of Commons shall be population, as determined by the Official Census every ten years; and that the number of Members at first shall be ~~200~~ distributed as follows:

194

Upper Canada, - - - - -	89	82
Lower Canada, - - - - -	65	65
Nova Scotia, - - - - -	19	19
New Brunswick, - - - - -	15	15
Newfoundland, - - - - -	7	and 8
Prince Edward, - - - - -	5	5

1924

— That each section shall distribute its representatives in such electoral divisions as it deems best;

— That until the Official Census of ¹⁸⁷¹~~1867~~ has been made up, there shall be no change in the numbers of the Representatives from the several sections;

— That immediately after the completion of the Census of ~~1867~~, and immediately after every decennial Census thereafter, the representation in each section shall be re-adjusted on the basis of population;

1871 from

— That for the purpose of such re-adjustments, Lower Canada shall always be assigned sixty-five Members, and each of the other sections shall at each such re-adjustment receive, for the ten years then next succeeding, the number of members to which it will be entitled on the same ratio of representation to population as Lower Canada will enjoy according to the Census then just taken by having sixty-five members.

— That no reduction shall be made in the number of Members returned by any section, unless its population shall have decreased relatively to the whole population of the whole Federation, to the extent of five *per centum* or over.

— That in computing at each decennial period, the number of Members to which each section is entitled, no fractional parts shall be considered, unless when exceeding one-half the number entitling to a Member, in which case a Member shall be given for each such fractional part.

— That the number of Members may at any time be increased by the Federal Parliament—regard being had to the proportionate rights then existing.

*all voted unanimously
except PE & appt*

17925
99

CONFIDENTIAL.

RESOLVED,—

That the basis of representation in the House of Commons shall be population, as determined by the Official Census every ten years; and that the number of Members at first shall be ~~184~~ distributed as follows:

1,396,091 —	Upper Canada, - - - - -	89 - 82
1,111,566 —	Lower Canada, - - - - -	65 - 65
330,887 —	Nova Scotia, - - - - -	19 19
252,047 —	New Brunswick, - - - - -	15 15
129,000 - 129,887 —	Newfoundland, - - - - -	7 and 8
80,887 —	Prince Edward, - - - - -	5 5
		194

That each section shall distribute its representatives in such electoral divisions as it deems best;

— That until the Official Census of 1871 has been made up, there shall be no change in the numbers of the Representatives from the several sections;

— That immediately after the completion of the Census of 1871, and immediately after every decennial Census thereafter, the representation in each section shall be re-adjusted on the basis of population; /itm

— That for the purpose of such re-adjustments, Lower Canada shall always be assigned sixty-five Members, and each of the other sections shall at each such re-adjustment receive, for the ten years then next succeeding, the number of members to which it will be entitled on the same ratio of representation to population as Lower Canada will enjoy according to the Census then just taken by having sixty-five members.

— That no reduction shall be made in the number of Members returned by any section, unless its population shall have decreased relatively to the whole population of the whole Federation, to the extent of five *per centum* or over.

— That in computing at each decennial period, the number of Members to which each section is entitled, no fractional parts shall be considered, unless when exceeding one-half the number entitling to a Member, in which case a Member shall be given for each such fractional part.

— That the number of Members may at any time be increased by the Federal Parliament—regard being had to the proportionate rights then existing.

256

CONFIDENTIAL.

*Draft Resolutions
Quebec Conference*

RESOLVED,—

That the basis of representation in the House of Commons shall be population, as determined by the Official Census every ten years ; and that the number of Members at first shall be 200—distributed as follows :

Upper Canada, - - - - -	89
Lower Canada, - - - - -	65
Nova Scotia, - - - - -	19
New Brunswick, - - - - -	15
Newfoundland, - - - - -	7 and
Prince Edward, - - - - -	5

— That each section shall distribute its representatives in such electoral divisions as it deems best ;

— That until the Official Census of 1881 has been made up, there shall be no change in the numbers of the Representatives from the several sections ;

— That immediately after the completion of the Census of 1881, and immediately after every decennial Census thereafter, the representation in each section shall be re-adjusted on the basis of population ;

— That for the purpose of such re-adjustments, Lower Canada shall always be assigned sixty-five Members, and each of the other sections shall at each such re-adjustment receive, for the ten years then next succeeding, the number of members to which it will be entitled on the same ratio of representation to population as Lower Canada will enjoy according to the Census then just taken by having sixty-five members.

— That no reduction shall be made in the number of Members returned by any section, unless its population shall have decreased relatively to the whole population of the whole Federation, to the extent of five *per centum* or over.

— That in computing at each decennial period, the number of Members to which each section is entitled, no fractional parts shall be considered, unless when exceeding one-half the number entitling to a Member, in which case a Member shall be given for each such fractional part.

— That the number of Members may at any time be increased by the Federal Parliament—regard being had to the proportionate rights then existing.

17941
Minutes & Motions 20 Oct

115

Thursday 20 October.

The Chairman took the Chair
at 10 o'clock when the Members
were convened.

It was ^{unanimously} Resolved
1. 2. 3. 4. 5.

And the hour of two o'clock
ensuing, the Chairman declared
the conference continued until
half past seven o'clock.

And at half past seven
o'clock p.m. the Chairman took
the Chair, and the Members were
convened.

It was unanimously Resolved
6. 7.

And at ten o'clock p.m. a
motion for adjt. being carried,
the Chairman declared the
conference continued until
tomorrow.

THE QUEBEC RESOLUTIONS

167942

1

That ~~each~~ the Legislatures of each Province
~~shall in the Act adopting the Federal~~
~~Constitution~~ shall adjust the limits
~~divide the~~ ^{such} Province into the
 proper number of Constituencies
 and define the boundaries of each of
 them

H. J. G. 10.

167943

These shall be a session of the L. C. and
 Assembly once at least in every year,
 so that a period of 12 Calendar Months
 shall not intervene between the
 last sitting of the L. C. and A. in one
 session and the first sitting of the
 Legislative Council & Assembly in the
 next session; And every Legislative
 Assembly shall continue for five years
 from the day of the return of the Writs
 choosing the same & no longer. Subject
 nevertheless to be sooner prorogued
 or dissolved by the Governor.

2/11/1871
 Thursday
 Oct 20

That until Provisions shall otherwise
 be made by the Legislature of the Federated
 Provinces, all the laws which at the date
 of the Proclamation, were actually such
 Confederation are in force in the ~~several~~ ^{several}
 Provinces respectively relating to the
 Qualification & Disqualification of any
 person to be elected or to sit or vote as
 a member of the Assembly in the
 said Provinces respectively, and relating
 to the Qualification or Disqualifications
 of Voters, & to the oaths to be taken by
 Voters, and to Returning Officers and
 the Polls and duties thereof, and the
 proceedings at elections, and the period
 during which such elections may be
 continued, and relating to the Trial
 of Controverted elections, & the Proceedings
 incident thereto & to the Vacating of
 Seats of Members & the returning and
 Execution of Writs in case of any Seat
 being Vacated otherwise than by a dissolution,
 shall respectively be applied to elections
 of Members to be made in the legislative
 Assembly of the Federated Provinces, for places
 situate in those ~~several~~ Provinces respectively
 for which such laws were passed

THE QUEBEC RESOLUTIONS

117945

The Executive Authority or Government shall be vested in the Sovereign of the United Kingdom of Great Britain and Ireland, and be administered according to the Well understood Principles of the British Constitution by the Sovereign personally or by Representative duly authorized...

4/ Thursday Oct. 20. carried unanimously

17946
120

The Sovereign or Representative of the Sovereign shall be Commander in Chief of the Land & Naval Militia Forces.

5/ Thursday Oct. 20. carried unanimously.

17947

121

Resolved

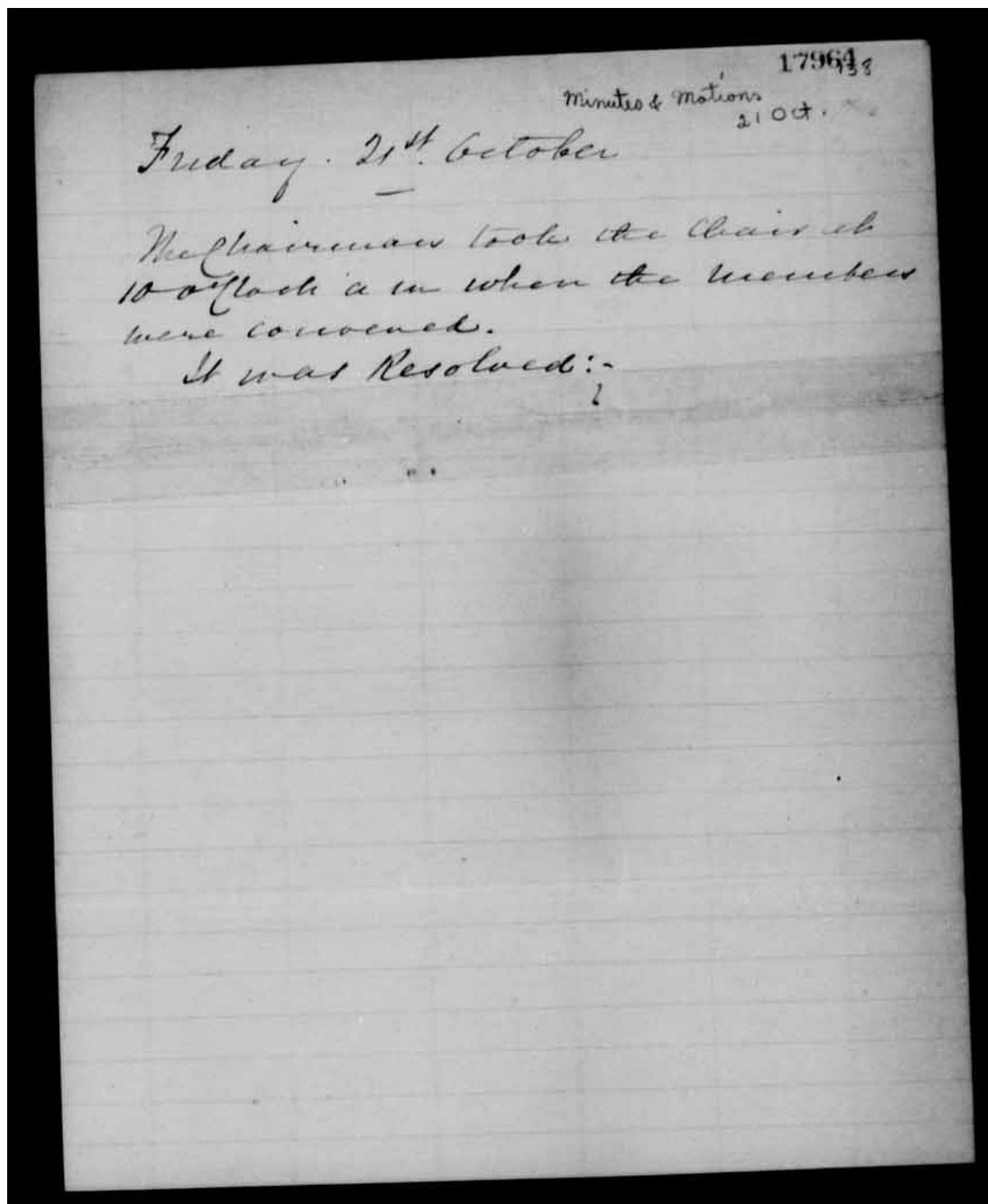
That with a view
 of reducing the expences of
 the ~~Local~~ Government it shall
 be ~~the duty of~~ such ~~Providence~~ ~~to~~
~~be recommended the~~ ~~free~~ ~~to~~ ~~reconstitution~~ ~~of its~~
~~constitution~~ ~~local~~ ~~Government~~, in such
 a way as shall be most
 acceptable to its own
 Legislature. Provided
 that in such ~~Reconstituted~~
 nothing be contained
 inconsistent with the
 Constitution of the
 Federal Government

In Clallam
 Gov sitting
 Thursday 20 Oct
 carried away

THE QUEBEC RESOLUTIONS

2. *2nd sitting Thursday 2nd Oct. unanimous* 17948
 122
 For each of the Provinces there shall be an Executive Officer styled the Lieutenant Governor who shall be appointed by the Governor General ^{in Council} under the great seal of the Federated Provinces, during pleasure - such pleasure not to be exercised before the expiration of the first five years, except for cause - such cause to be communicated in writing to the Lieutenant Governor immediately after the expiry of the pleasure as aforesaid, and also by message to both Houses of the General Legislature, within the first week of the first session afterwards.

BERNARD'S MINUTES AND NOTES



THE QUEBEC RESOLUTIONS

17965

131

CONFIDENTIAL

RESOLVED,

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 :—

1. Trade and Commerce.
2. The imposition or regulation of Duties of Customs on Imports and Exports.
3. The imposition or regulation of Excise Duties.
4. All or any other modes or systems of Taxation.
5. Currency and Coinage.
6. The Borrowing of Money on the Public Credit.
7. Banking and the issue of paper money.
8. The law relating to Bills of Exchange and Promissory Notes.
9. ~~The Rate of~~ Interest.
10. Legal Tender.
11. Weights and Measures.
12. Postal Service.
13. Bankruptcy and Insolvency laws ~~operating as a discharge of the debtor.~~ *ships* *and* *other* *works* *connecting any two or more of the Provinces together, extending beyond the limits of any one Province.* *Q*
14. Beacons and Light Houses. *Q*
15. ~~Navigation and Shipping.~~ *Q*
16. Sea Fisheries.
17. Patents of Invention and Discovery.
18. Copy Rights.
19. Telegraphic Communication and the incorporation of Telegraph Companies.
20. Naturalization. *and Aliens.*
21. Marriage and Divorce.
22. The ~~taking of the~~ Census.
23. Militia—Military and Naval Service and Defence.
24. Immigration.
25. Agriculture.
26. The Criminal Law; (except the Constitution of Courts of Criminal Jurisdiction.)
27. ~~Roads, Bridges,~~ *ships* *and* *other* *works* *connecting any two or more of the Provinces together, extending beyond the limits of any one Province.* *Q*
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.~~
29. ~~The Establishment of a General Court of Appeal for the Federated Provinces.~~
30. ~~Subsidies or grants in aid of the Local Governments.~~
31. ~~The Public Debt and Public Property.~~
32. ~~And Generally respecting all matters of a general character, not specially and exclusively reserved for the Local Governments and Legislatures.~~

Lines of Steam Ships between the Federated Provinces and other Countries.

17966
131

~~The~~ ~~lines~~
~~Lines of steam ships~~
between the Federated
Provinces and ~~Europe~~
other ~~continents~~.

This will be 28

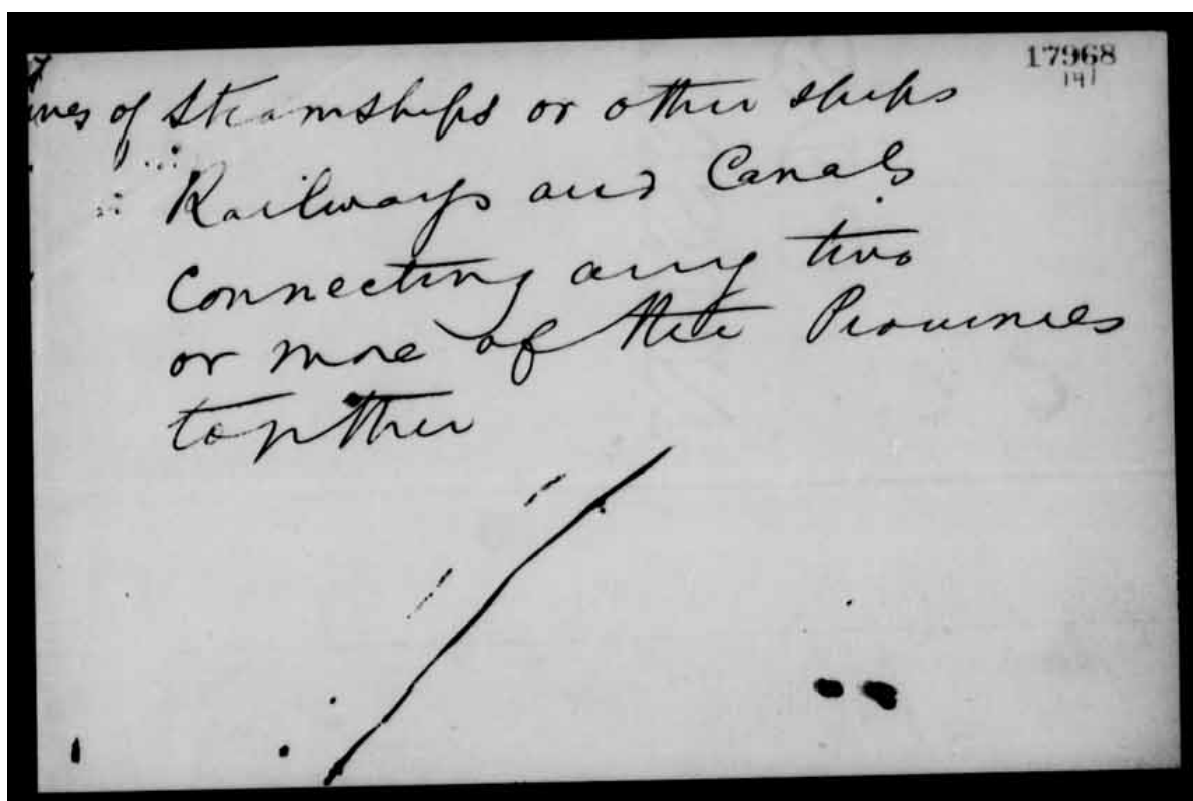
1.2.013

17967

~~All existing)~~
~~Lines of steam ^{ships} or other ships~~
~~Railways, Harbours, ^{and other} necessary~~
for intercommunication between
two or more Provinces

1.2.013

THE QUEBEC RESOLUTIONS



17969

142.

CONFIDENTIAL.

RESOLVED,—

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 :—

1. Trade and Commerce.
2. The imposition or regulation of Duties of Customs on Imports and Exports.
3. The imposition or regulation of Excise Duties.
4. All or any other modes or systems of Taxation.
5. Currency and Coinage.
6. The Borrowing of Money on the Public Credit.
7. Banking and the issue of paper money.
8. The law relating to Bills of Exchange and Promissory Notes.
9. ~~The Rate of Interest.~~
10. Legal Tender.
11. Weights and Measures.
12. Postal Service.
13. Bankruptcy and Insolvent ~~laws operating as a discharge of the debtor.~~ *cy*
14. Beacons and Light Houses. *Buoys*
15. ~~Ocean~~ Navigation and Shipping.
16. Sea Fisheries.
17. Patents of Invention and Discovery.
18. Copy Rights.
19. Telegraphic Communication and the incorporation of Telegraph Companies.
20. Naturalization. *and Aliens.*
21. Marriage and Divorce.
22. ~~The taking of the Census.~~
23. Militia—Military and Naval Service and Defence.
24. Immigration.
25. Agriculture.
26. The Criminal Law, (except the Constitution of Courts of Criminal Jurisdiction.)
27. Roads, Bridges, lines of Steam or other Ships, Railways, ^{canals} 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.
29. The Establishment of a General Court of Appeal for the Federated Provinces.
30. Subsidies or grants in aid of the Local Governments.
31. The Public Debt and Public Property.
32. And Generally respecting all matters of a general character, not specially and exclusively reserved for the Local Governments and Legislatures.

THE QUEBEC RESOLUTIONS

17970

Friday. Octr. 21st.

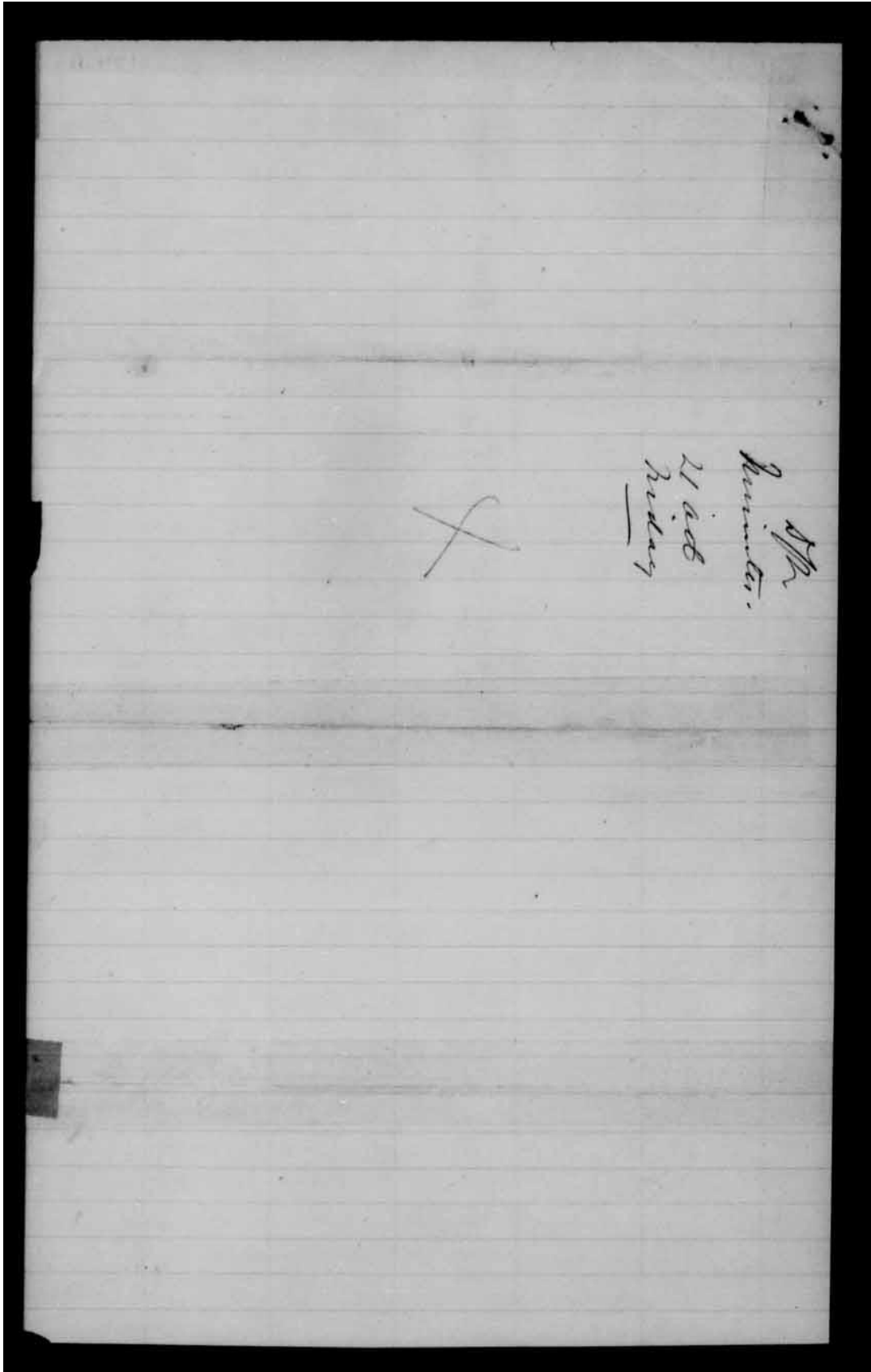
The Chairman took the Chair at
10 o'clock and when the Members
were convened.

It was Resolved.

(Finished Nov^r. / to 27.

And at the hour of 1/2 past 4
o'clock P.M., a motion for adjt.
being carried, the Chairman
declared the conference continued
until tomorrow at 12 o'clock noon.

BERNARD'S MINUTES AND NOTES



THE QUEBEC RESOLUTIONS

150

Saturday 22 October 17977
Minutes 22 Oct / 64 -

The Chairman took the Chair
at twelve o'clock, when the
Members were convened.

And during
The conference discussed
questions of Finance,

And at the hour of five
o'clock pm and a resolution for
adjournment being carried,
the Chairman declared the
conference continued until
Monday morning at 10 o'clock.

17978

131

Sat. Oct 22nd / 64

The Chairman took the Chair at
half past seven when the
members were convened.

It was moved,
(United Res. Motion)

And at the hour of five
o'clock p.m. and a motion for
adj. being carried the Chairman
declared the conference until
Monday night at 10 o'clock.

THE QUEBEC RESOLUTIONS



This is probably the motion referred to in Debate 22-2-1861 17979
152

CONFIDENTIAL.

*Motion
22 Oct.*

RESOLVED,—

1. That the Confederation shall be vested at the time of the Union with all Cash, Bankers' Balances, and other Cash Securities of each Province;
2. That the Confederation shall be vested with the Public Works and Property of each Province—to wit:

Canals;
Public Harbours;
Light Houses;
Steamboats, Dredges and Public Vessels;
River and Lake Improvements;
Railroads, Mortgages and other Debts due by Railroad Companies;
Military Roads;
Public Buildings, Custom Houses and Post Offices, except such as may be set aside for the use of the Local Legislatures;
Property transferred by the Imperial Government and known as Ordnance Property;
Armories, Drill Sheds, Military Clothing and Munitions of War;
Lands set apart for Public purposes;

3. The several Provinces shall remain each vested with all Public Property therein, except such as is hereinbefore vested in the Confederation, subject to the right of the Confederation to assume any Lands or Public Property required for Fortifications or the Defence of the Country.

4. The Confederation shall assume all the Debts and Liabilities of each Province. The Debt of Canada not specially assumed by Upper and Lower Canada respectively, shall not exceed at the time of the Union, \$62,500,000.

New Brunswick and Nova Scotia shall be at liberty to prosecute the works already authorized by their Legislatures within five years from this date; provided, the total amount of their liabilities do not exceed for—

Nova Scotia.....	\$8,000,000
New Brunswick.....	7,000,000

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

5. In consideration of the transfer to the General Legislature of the powers of Taxation, a grant in aid of each Province shall be made, equal to an amount of 80 cents per head of the Population as established by the Census of 1861. Newfoundland being estimated at 130,000 inhabitants. Such aid to be in full settlement of all future demands upon the General Legislature for local purposes, and to be payable half yearly in advance to each Province.

6. The position of New Brunswick being such as to entail large immediate charges upon her local revenues, it is agreed that for the period of ten years from the time when the Union takes effect, an additional allowance of \$63,000 per annum shall be made to that Province.

7. In consideration of the surrender to the Confederation of all the territorial rights of Newfoundland, it is agreed that an annual payment shall be made to that Province of \$150,000.

8. All engagements that may be entered into by Canada with the Imperial Government for the Defence of the Country shall be assumed by the Confederation.

THE QUEBEC RESOLUTIONS

18046

206

CONFIDENTIAL.

RESOLVED,—

1. That the Confederation shall be vested at the time of the Union with all Cash, Bankers' Balances, and other Cash Securities of each Province ;

2. That the Confederation shall be vested with the Public Works and Property of each Province—to wit :

Canals ;

Public Harbours ;

Light Houses ; *and Piers*

Steamboats, Dredges and Public Vessels ;

River and Lake Improvements ;

Railroads, Mortgages and other Debts due by Railroad Companies ;

Military Roads ;

Public Buildings, Custom Houses and Post Offices, except such as may be set aside for the use of the Local Legislatures *and governments*

Property transferred by the Imperial Government and known as Ordnance Property ;

Armories, Drill Sheds, Military Clothing and Munitions of War ;

Lands set apart for Public purposes ;

3. The several Provinces shall remain each vested with all Public Property therein, except such as is hereinbefore vested in the Confederation, subject to the right of the Confederation to assume any Lands or Public Property required for Fortifications or the Defence of the Country.

4. The Confederation shall assume all the Debts and Liabilities of each Province.

The Debt of Canada not specially assumed by Upper and Lower Canada respectively, shall not exceed at the time of the Union, \$62,500,000.

New Brunswick and Nova Scotia shall be at liberty to prosecute the works already authorized by their Legislatures within five years from this date ; provided, the total amount of their liabilities do not exceed for—

Nova Scotia..... \$8,000,000

New Brunswick..... 7,000,000

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

5. In consideration of the transfer to the General Legislature of the powers of Taxation, a grant in aid of each Province shall be made, equal to an amount of 80 cents per head of the Population as established by the Census of 1861. Newfoundland being estimated at 130,000 inhabitants. Such aid to be in full settlement of all future demands upon the General Legislature for local purposes, and to be payable half yearly in advance to each Province.

6. The position of New Brunswick being such as to entail large immediate charges upon her local revenues, it is agreed that for the period of ten years from the time when the Union takes effect, an additional allowance of \$63,000 per annum shall be made to that Province.

7. In consideration of the surrender to the Confederation of all the territorial rights of Newfoundland, it is agreed that an annual payment shall be made to that Province of \$150,000.

8. All engagements that may be entered into by ~~Canada~~ with the Imperial Government for the Defence of the Country shall be assumed by the Confederation.

Resolved, that all communications from the ~~several~~ ^{several} Premiers on the subject of the Confederation be addressed to Sir E. P. Tache the Premier of the Canadian Government, who shall be the medium of communication between ~~the Premiers~~ them,

CONFIDENTIAL.

RESOLVED,—

1. That the Confederation shall be vested at the time of the Union with all Cash, Bankers' Balances, and other Cash Securities of each Province ;

2. That the Confederation shall be vested with the Public Works and Property of each Province—to wit :

Canals ;

Public Harbours ;

Light Houses ;

Steamboats, Dredges and Public Vessels ;

River and Lake Improvements ;

Railroads, Mortgages and other Debts due by Railroad Companies ;

Military Roads ;

Public Buildings, Custom Houses and Post Offices, except such as may be set aside for the use of the Local Legislatures ;

Property transferred by the Imperial Government and known as Ordnance Property ;

Armories, Drill Sheds, Military Clothing and Munitions of War ;

Lands set apart for Public purposes ;

3. The several Provinces shall remain each vested with all Public Property therein, except such as is hereinbefore vested in the Confederation, subject to the right of the Confederation to assume any Lands or Public Property required for Fortifications or the Defence of the Country.

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Light Houses ;

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River and Lake Improvements ;

Railroads, Mortgages and other Debts due by Railroad Companies ;

Military Roads ;

Public Buildings, Custom Houses and Post Offices, except such as may be set aside for the use of the Local Legislatures ;

Property transferred by the Imperial Government and known as Ordnance Property ;

Armories, Drill Sheds, Military Clothing and Munitions of War ;

Lands set apart for Public purposes ;

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7. In consideration of the surrender to the Confederation of all the territorial rights of Newfoundland, it is agreed that an annual payment shall be made to that Province of \$150,000.

8. All engagements that may be entered into ~~by Canada~~ with the Imperial Government for the Defence of the Country shall be assumed by the Confederation.

THE QUEBEC RESOLUTIONS

158
Minutes 24 1885

Monday 24 Oct

The Chairman took the Chair
at 12 o'clock a m when the
Members were convened.

It was moved
by Mr. Mowat

and during debate,

and at the hour of two
o'clock from the Chairman declared
the meeting ~~to~~ ^{adjourn} ~~the~~ conference continued
until half past seven o'clock in
the evening.

And at half past seven
o'clock from the Chairman took the
Chair when the Members were
convened.

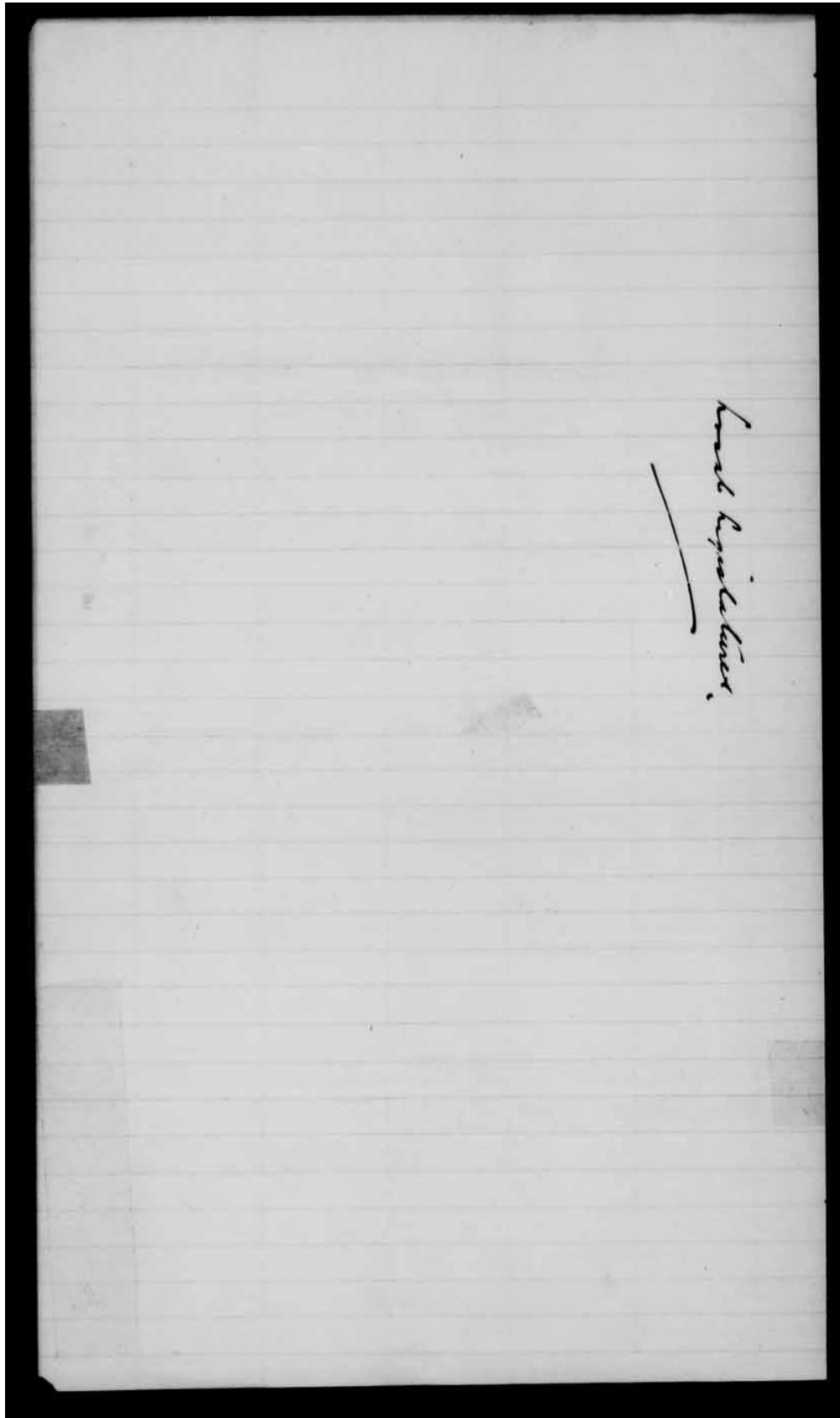
It was resolved,

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

1. Agriculture.

And at the hour of eleven
o'clock from a motion for adj. c.
being carried the ~~Chair~~ declared
the ~~Conf~~ continued until tomorrow.

BERNARD'S MINUTES AND NOTES



Small Squatules.

THE QUEBEC RESOLUTIONS

And the hour of two o'clock ~~arriving~~ 159
arriving, the Chairman declared
the conference continued until
half past seven o'clock in the
evening.

And at half past seven
o'clock p.m., the Chairman took the
Chair when the Members were
convened.

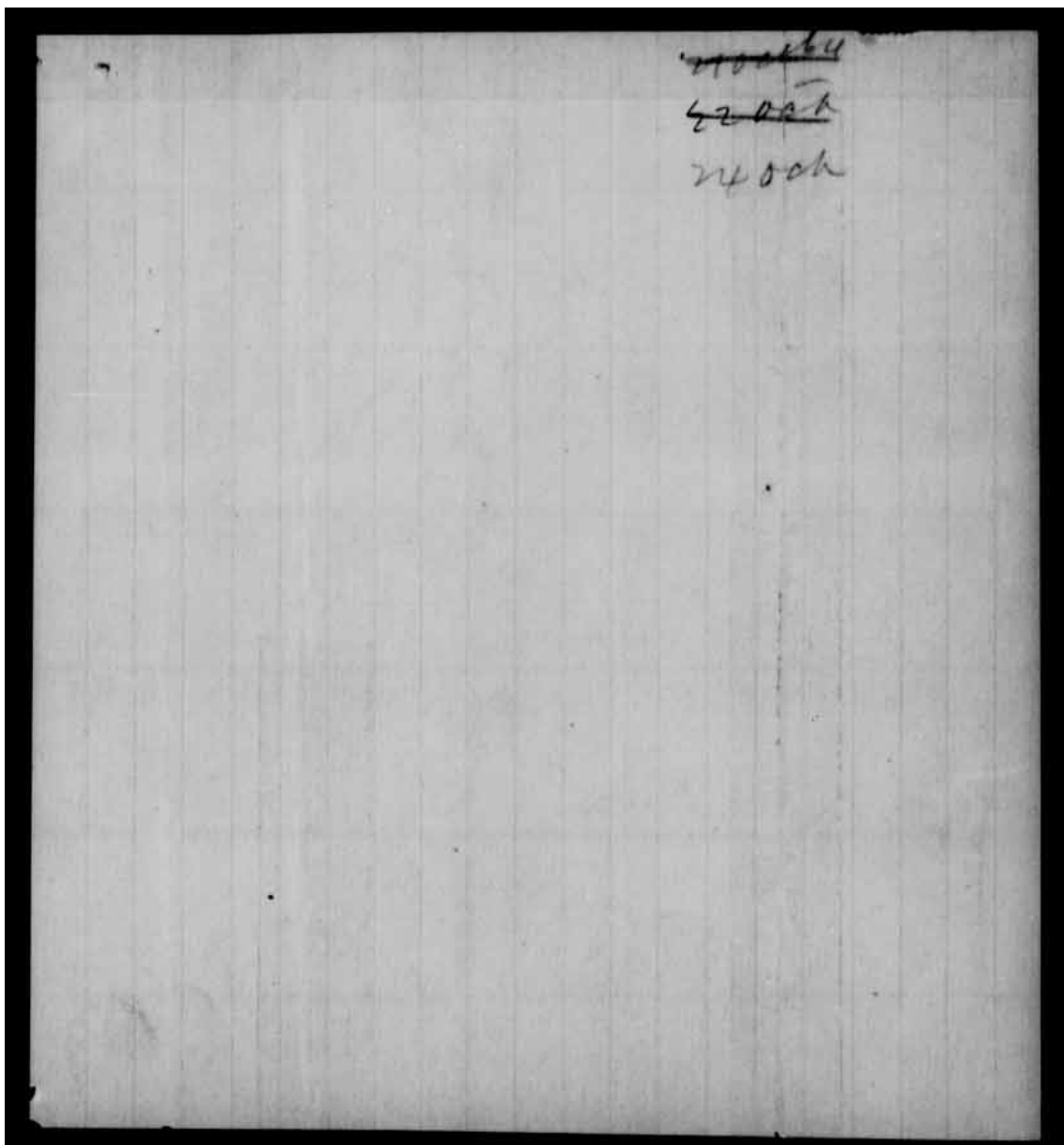
It was Resolved:

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

1. Agriculture.

And at the hour of eleven
o'clock p.m. a motion for adjournment
being carried, the Chairman
declared the conference continued
until tomorrow.

BERNARD'S MINUTES AND NOTES



THE QUEBEC RESOLUTIONS

160 17988

Motions 24 Oct

CONFIDENTIAL.

RESOLVED,—

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

1. Agriculture.
2. Education.
3. Emigration.
4. The sale and management of public lands, excepting lands held for general purposes by the General Government.
5. Property and civil rights, excepting those portions thereof assigned to the general legislature.
6. Municipal Institutions.
7. Inland Fisheries.
8. The construction, maintenance and management of Penitentiaries, and of Public and Reformatory Prisons.
9. The construction, maintenance and management of Hospitals, Charities and Eleemosynary Institutions.
10. All local works.
11. The Administration of Justice, and the constitution, maintenance and organization of the Courts, both of Civil and Criminal Jurisdiction.
12. The establishment of local offices and the appointment, payment and removal of local officers.
13. The power of direct Taxation.
14. Borrowing money on the credit of the Province.
15. Shop, Saloon, Tavern, and Auctioneer licenses.
16. Private and Local matters.

CONFIDENTIAL.

18014

*This is what
the Council moved
on 24 Oct. 99.*

RESOLVED,—

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

1. Agriculture.
2. Education. */with W. H. G. amendment/*
3. Emigration.
4. The sale and management of public lands, excepting lands ~~held for~~ *belonging to* general purposes by the General Government.
5. Property and civil rights, excepting those portions thereof assigned to the general legislature.
6. Municipal Institutions.
7. Inland Fisheries.
8. The ~~construction~~ *establishment* maintenance and management of Penitentiaries, and of Public and Reformatory Prisons.
9. The construction, maintenance and management of Hospitals, ~~Charities~~ *Hospitals* and Eleemosynary Institutions.
10. ~~All~~ local works.
11. The Administration of Justice, and the constitution, maintenance and organization of the Courts, both of Civil and Criminal Jurisdiction.
12. The establishment *and tenure* of local offices and the appointment *and* ~~payment and removal~~ of local officers.
13. ~~The power of~~ direct Taxation.
14. Borrowing money on the credit of the Province.
15. Shop, Saloon, Tavern, and Auctioneer licenses.
16. Private and Local matters.

*known
Monday Oct 25
not sitting*

Stand over.

THE QUEBEC RESOLUTIONS

18015 180
17. The Incorporation of Private
or local companies, except
such as relate to matters
assigned to the Federal Legislature.

18016

184

CONFIDENTIAL.

RESOLVED,—

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

1. Agriculture.
2. Education. *with houses*
3. Emigration. *Immigration*
4. The sale and management of public lands, excepting lands *belonging to* ~~held for~~ *general purposes by* the General Government.
5. Property and civil rights, excepting those portions thereof assigned to the general legislature.
6. Municipal Institutions.
7. Inland Fisheries.
8. The ~~construction~~ *establishment*, maintenance and management of Penitentiaries, and of Public and Reformatory Prisons.
9. The ~~construction~~ *establishment*, maintenance and management of Hospitals, Charities and Eleemosynary Institutions. *asylum*
10. ~~All~~ local works.
11. The Administration of Justice, and the constitution, maintenance and organization of the Courts, both of Civil and Criminal Jurisdiction.
12. The establishment of local offices and the appointment *and* payment ~~and~~ *removal* of local officers. *and*
13. ~~The power of~~ Direct Taxation.
14. Borrowing money on the credit of the Province. *with the*
15. Shop, Saloon, Tavern, and Auctioneer licenses. *other*
16. ~~Private and Local matters.~~ *But I usually sell such things of a private or local nature.*
17. *The incorporation of Private or local Companies, except such as relate to matters assigned to the Federal Legislature.*

THE QUEBEC RESOLUTIONS

18017
172

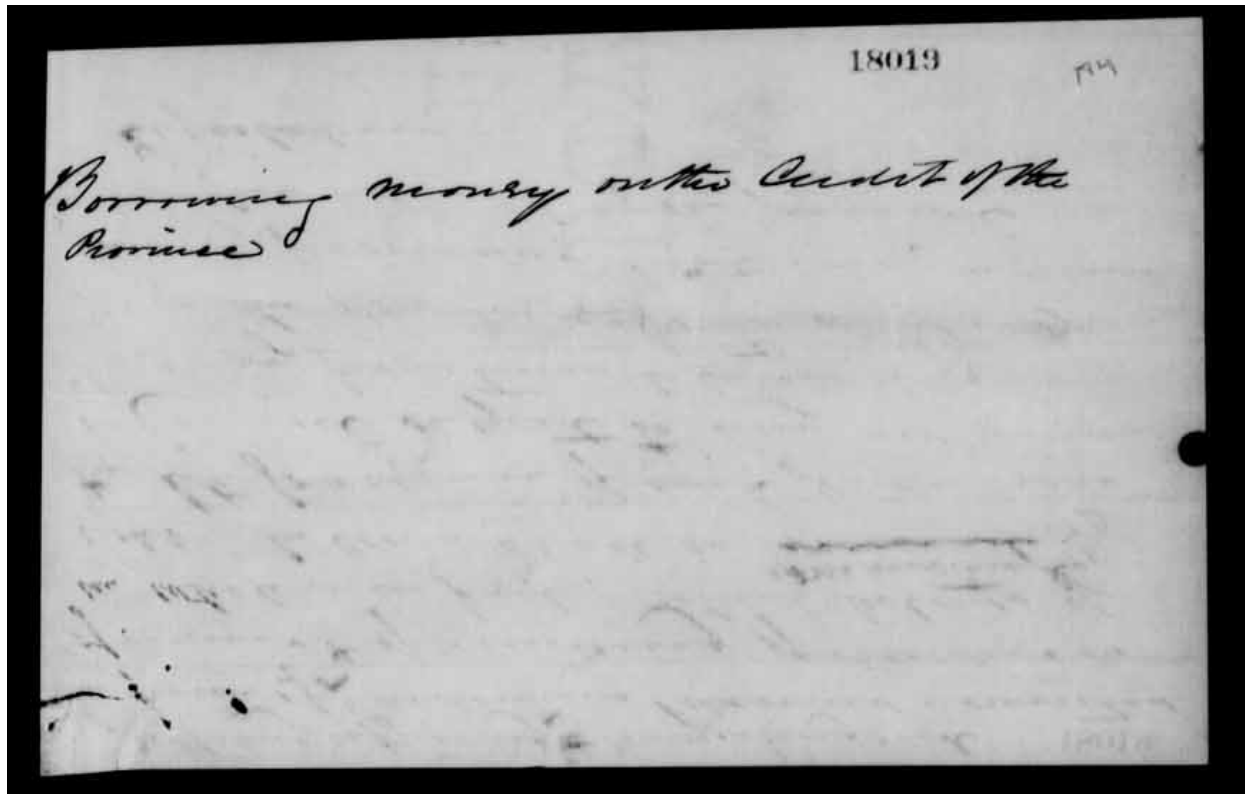
18 :

The local Legislature of each Province may from time to time alter the electoral Districts of the Province for the purposes of Representation in the House of Commons and distribute the Number of representatives to which the Province is entitled in any manner such Legislature may think fit.

18018₃

respecting, receiving, committing and
The power of Pardoning Persons convicted
of Crimes & of remitting of sentences
in whole or in part, which belongs of
right to the Crown shall be ^{administered} by
the Lt Governor of each Province
in Council subject to any restrictions
he may from time to time receive
from the General Gov^t and subject
to any provisions that may be made
in this behalf by the General
Legislature -

BERNARD'S MINUTES AND NOTES



THE QUEBEC RESOLUTIONS

18020
175

*Tuesday evg. -
25 Oct.*

CONFIDENTIAL.

hr. privat.

RESOLVED,

20 ✓ That the local legislatures shall have power to provide for inflicting punishment by fine, penalties, imprisonment or otherwise for the breach of laws passed in relation to any subject within their jurisdiction.

21 ✓ In regard to those subjects over which jurisdiction belongs to both the General and Local Governments, the laws of the General Government shall control and supersede those made by the Local Government, and the latter shall be void so far as they are repugnant to or inconsistent with the former.

22
Reserved 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 persons in respect of the same.

23
Reserved All sums due from purchasers or lessees of such lands, at the time of the Union, shall also belong to the Local Governments.

161 17989

Resolved that the local Legislatures
shall have power to make all
laws not given by this Conference
to the General Legislature expressly

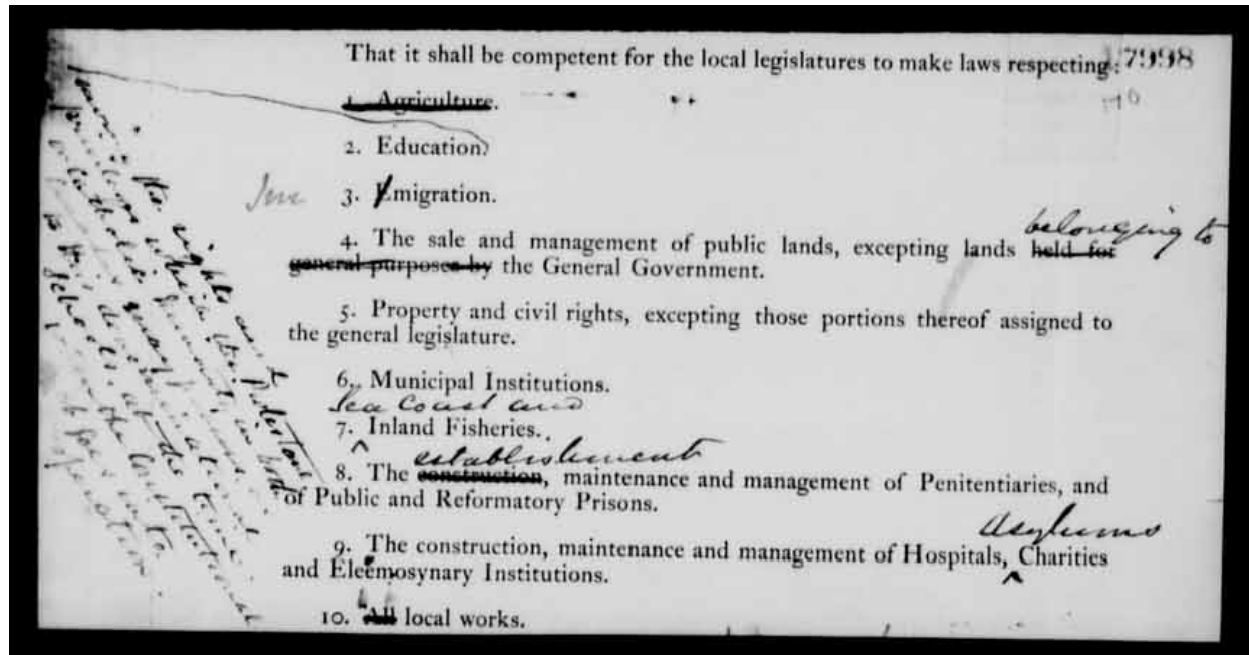
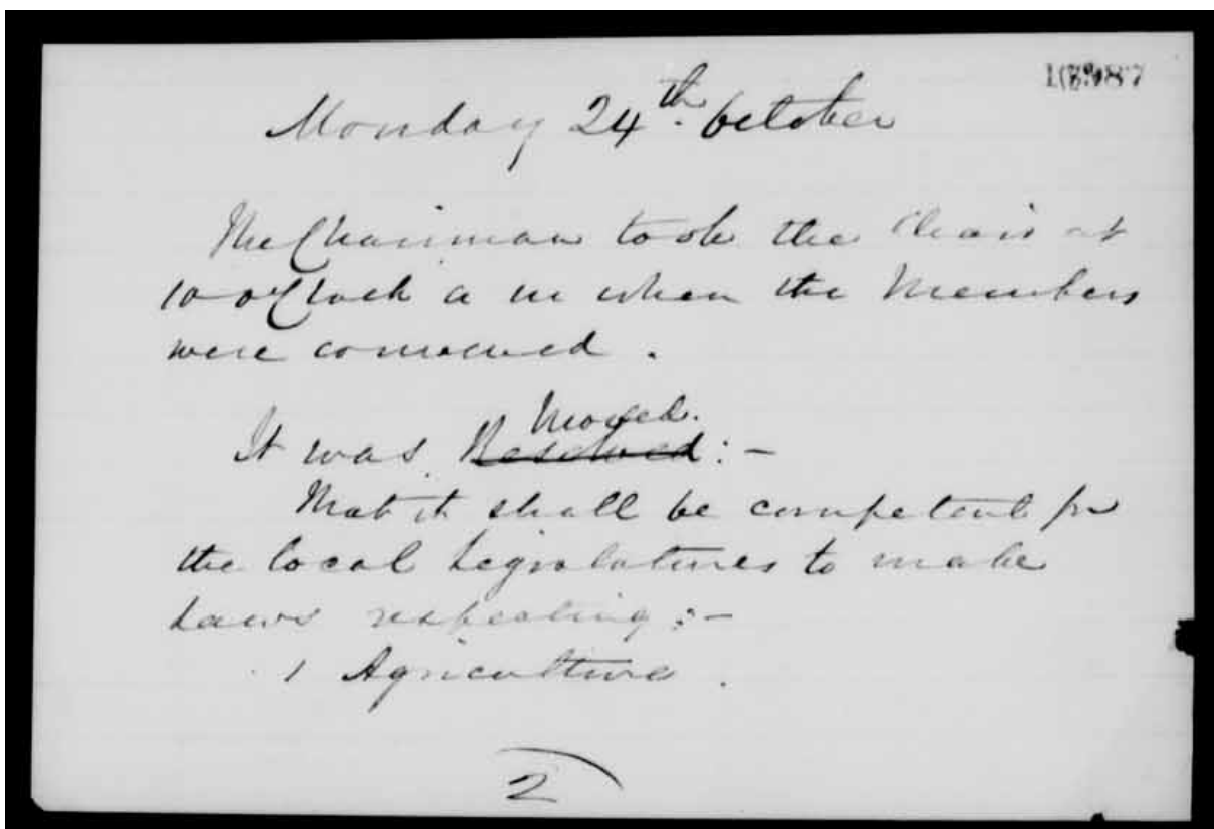
Copy lost
unseen
November 24
Oct
W. J. Pitts

162 17990

That it is inequitable to name
in the Constitution the subjects
to be entrusted to the local
Legislatures -

lost
Archibald
Oct 24 - Thursday
W. J. Pitts

THE QUEBEC RESOLUTIONS



BERNARD'S MINUTES AND NOTES

minutes 2508 Tuesday. 25th October. 1799:310

The Chairman took the Chair at 10 o'clock & as when the members were convened.

It was Resolved, -

3

- and Generally all matters of a ~~private~~ nature.
11. The Administration of Justice, and the constitution, maintenance and organization of the Courts, both of Civil and Criminal Jurisdiction.
 12. The establishment of local offices and the appointment, payment ^{and tenure} ~~and~~ removal of local officers.
 13. ~~The power of~~ direct Taxation.
 14. Borrowing money on the credit of the Province.
 15. Shop, Saloon, Tavern, and Auctioneer licenses.
 16. Private ^{and} Local ~~matters~~ nature.
 17. The incorporation of private or local Companies except such as relate to matters assigned to the Federal Legislatures.

THE QUEBEC RESOLUTIONS

18001

17/ 9

It was Resolved,

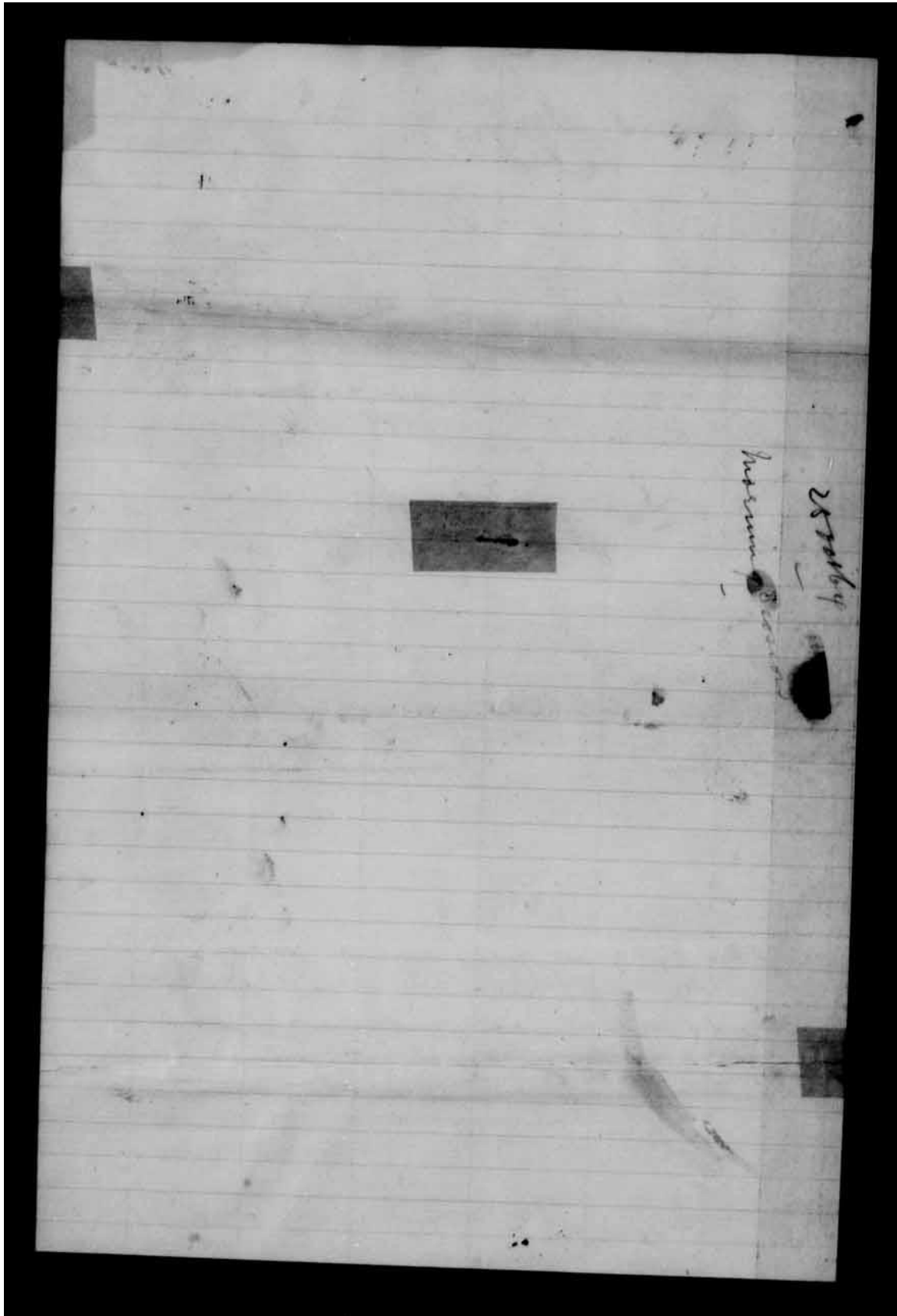
To postpone the consideration of—
11. The administration of justice,
and the constitution, maintenance,
and organization of the courts, both
of civil and criminal jurisdiction.

It was Resolved,

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

And at the hour of two o'clock
^{resumpt} from the Chairman declared the
Conference continued until
half past seven o'clock in the
evening

BERNARD'S MINUTES AND NOTES



18002

- ~~18~~
~~19~~ The local Legislature of each Province may from time to time alter the Electoral Districts of the Province for the purposes of representation in the House of Commons and distribute the number of representatives to which the Province is entitled in any manner such Legislature may think fit.
19. The power of respiting, reprieving, commuting and pardoning Prisoners convicted of crimes and of remitting of sentences in whole or in part, which belongs of right to the Crown shall be administered by the Lieutenant Governor of each Province in Council, subject to any instructions he may from time to time receive from the General Government, and subject to any provisions that may be made in this behalf by the General Legislature.

BERNARD'S MINUTES AND NOTES

20 - That the local legislatures shall have power to provide for inflicting 18003
punishment by fine, penalties, imprisonment or otherwise for the breach of laws
passed in relation to any subject within their jurisdiction.

21. In regard to those subjects over which jurisdiction belongs to both the 2
General and Local Governments, the laws of the General Government shall
control and supersede those made by the Local Government, and the latter
shall be void so far as they are repugnant to or inconsistent with the former.

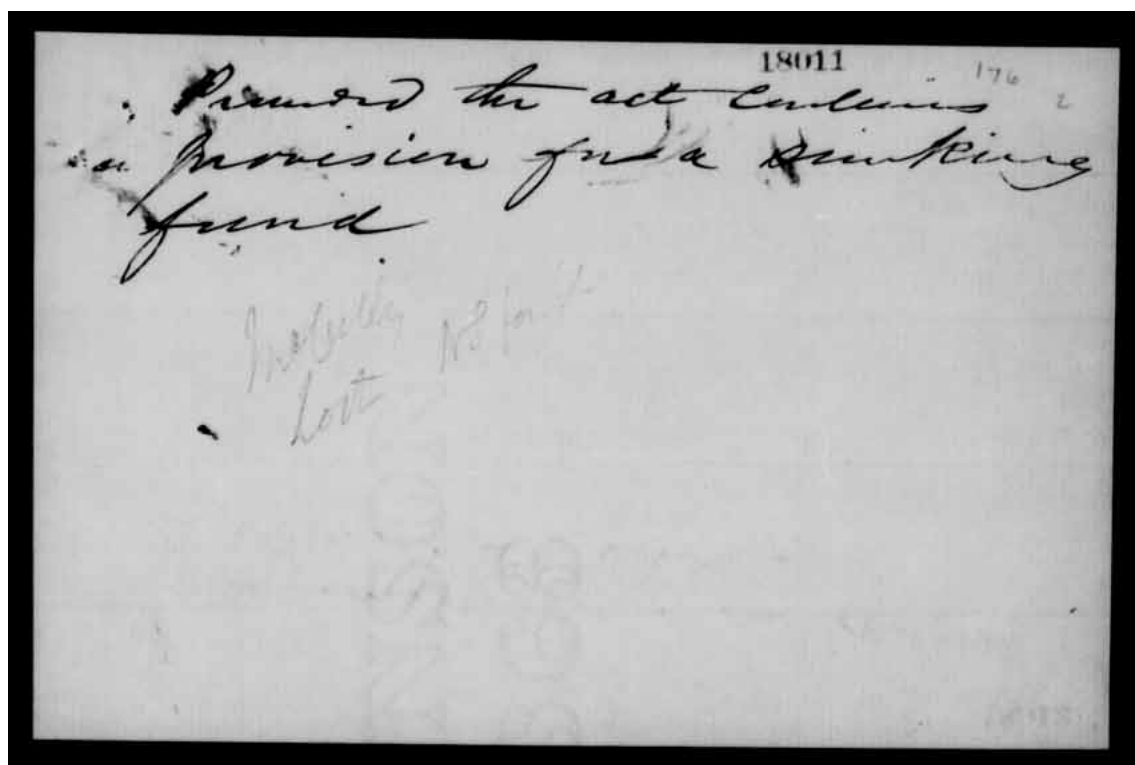
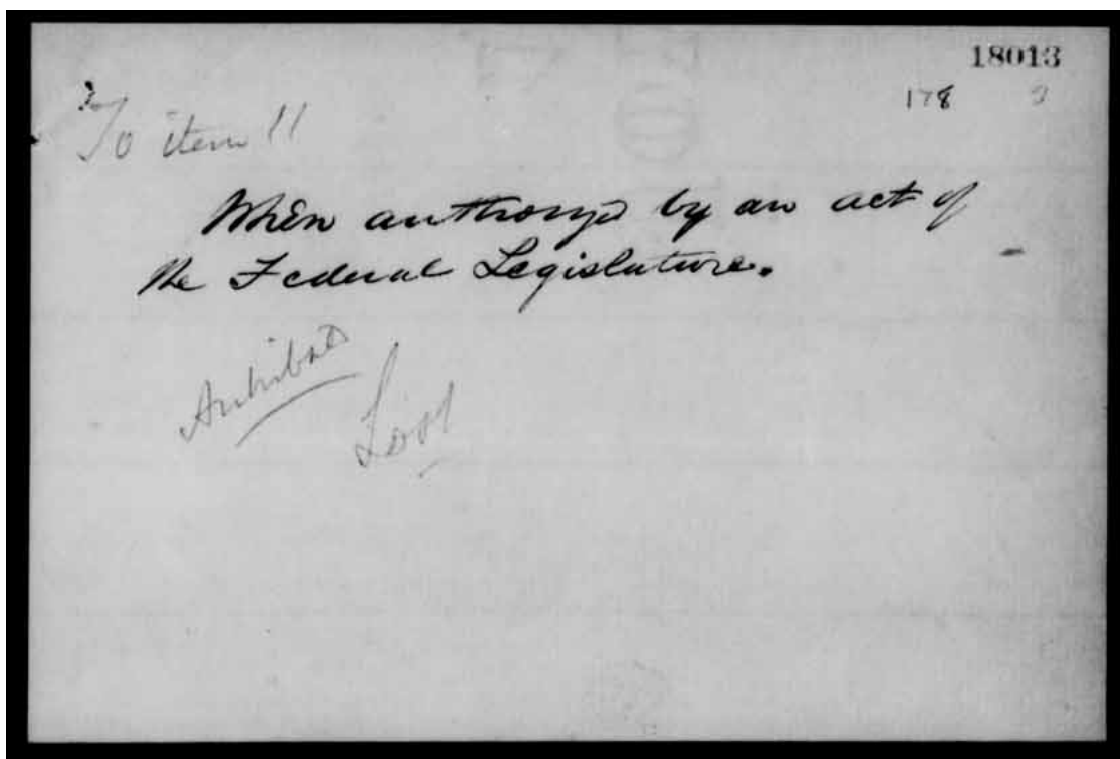
22. All lands, mines and minerals vested in Her Majesty in any of the said
Provinces for the use of such Province, shall belong to the Local Government 172
of the territory in which the same are so situate; subject to any trusts that may
exist in respect to any of such lands or to any interest of other persons in
respect of the same.

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

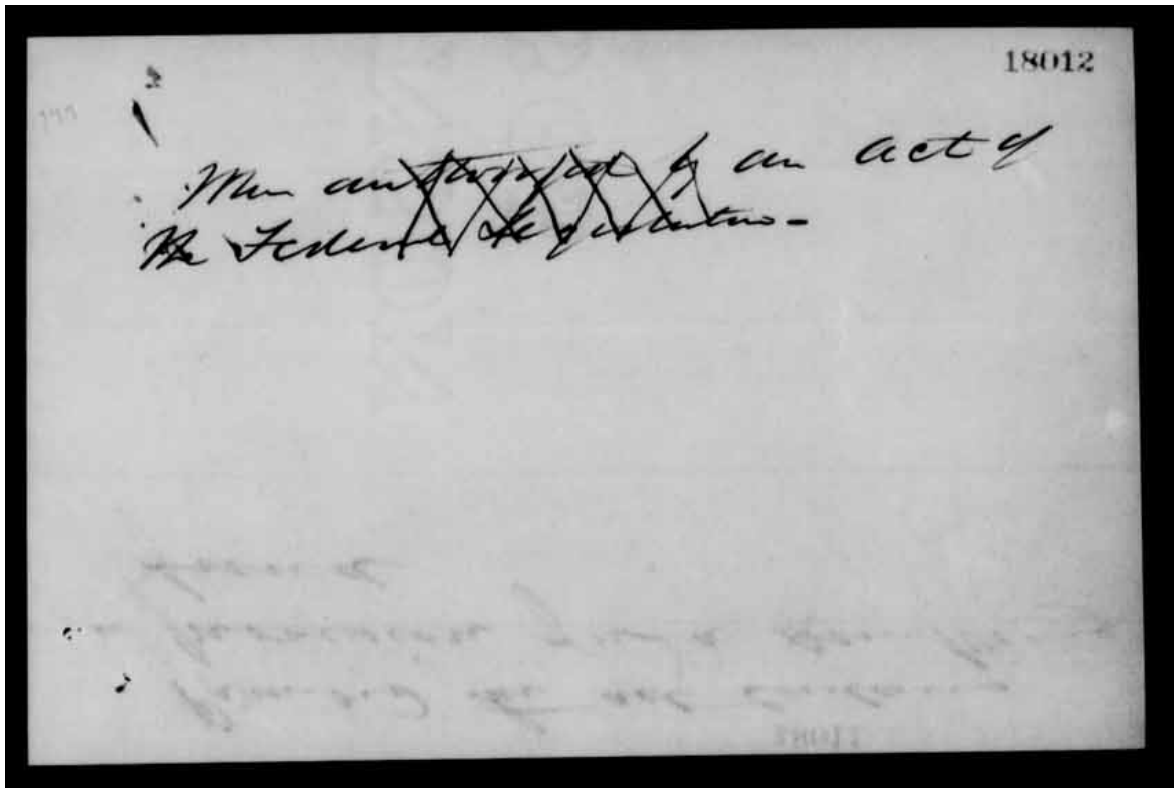
Mr. McGeer. motions 2504 18030

Saving the rights and privileges of which the
Protestant or Catholic Minorities in both
Canadas may possess as to their denomina-
tional Schools, at the time when the
Constitutional Act goes into
operation.

THE QUEBEC RESOLUTIONS



BERNARD'S MINUTES AND NOTES



THE QUEBEC RESOLUTIONS

14004
met at half past seven o'clock
p.m. The Chairman took the Chair,
and the Members were convened.

It was Resolved:

It was Resolved: —
To postpone the consideration of:

It was Resolved: —

297

CONFIDENTIAL.

RESOLVED,

That the local legislatures shall have power to provide for inflicting punishment by fine, penalties, imprisonment or otherwise for the breach of laws passed in relation to any subject within their jurisdiction.

In regard to those subjects over which jurisdiction belongs to both the General and Local Governments, the laws of the General Government shall control and supersede those made by the Local Government, and the latter shall be void so far as they are repugnant to or inconsistent with the former.

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 persons in respect of the same.

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

Privileges

THE QUEBEC RESOLUTIONS

18129

2.97

CONFIDENTIAL.

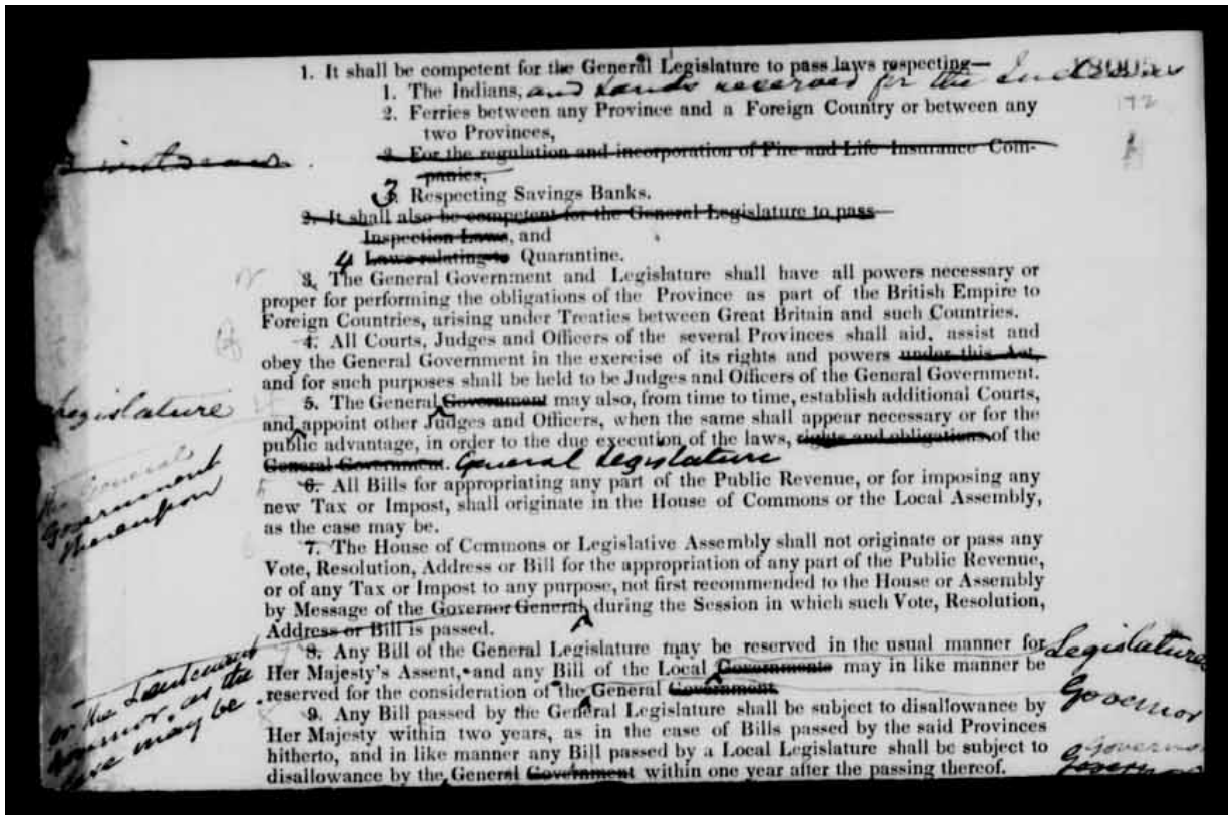
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In regard to those subjects over which jurisdiction belongs to both the General and Local Governments, the laws of the General Government shall control and supersede those made by the Local Government, and the latter shall be void so far as they are repugnant to or inconsistent with the former.

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 persons in respect of the same.

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



THE QUEBEC RESOLUTIONS

CONFIDENTIAL.

RESOLUTIONS SUGGESTED FOR CONSIDERATION.

RESOLVED,—

1. It shall be competent for the General Legislature to pass laws respecting—
 1. The Indians, *and lands reserved for the Indian*
 2. Ferries between any Province and a Foreign Country or between any two Provinces,
 3. *For the regulation and incorporation of Fire and Life Insurance Companies for insuring and incorporating*
 4. Respecting Savings Banks.

2. It shall also be competent for the General Legislature to pass—
 1. *Inspection Laws, and*
 2. *Laws relating to Quarantine.*

3. The General Government and Legislature shall have all powers necessary or proper for performing the obligations of the Province as part of the British Empire to Foreign Countries, arising under Treaties between Great Britain and such Countries.

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

5. The General Government may also, from time to time, establish additional Courts, and appoint other Judges and Officers, when the same shall appear necessary or for the public advantage, in order to the due execution of the laws, *rights and obligations of the* General Government *Legislature*.

6. All Bills for appropriating any part of the Public Revenue, or for imposing any new Tax or Impost, shall originate in the House of Commons or the Local Assembly, as the case may be.

7. The House of Commons or *Legislative* Assembly shall not originate or pass any Vote, Resolution, Address or Bill for the appropriation of any part of the Public Revenue, or of any Tax or Impost to any purpose, not first recommended to the House or Assembly by Message of the Governor General, during the Session in which such Vote, Resolution, Address or Bill is passed.

8. Any Bill of the General Legislature may be reserved in the usual manner for Her Majesty's Assent, and any Bill of the Local *Government* may in like manner be reserved for the consideration of the *General Government*.

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

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

THE JUDICIARY

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

12. A *sum* proportioned to the population of each Province shall be set apart annually out of the General Revenue, towards the expense of the Judiciary in each Province.

13. The sum so set apart for each Province shall be applied by the General Government to the payment of the salaries of the Judges of the Superior Courts in such Province; and in the case of any Province the salaries of whose Judges shall not exhaust the sum so set apart for such Province, the balance shall be paid over to the Province towards paying the inferior Judges thereof.

14. The number of Superior Judges shall not be increased, except by the concurrent action of the General and Local Legislatures.

15. The Judges of the Superior Courts, in each Province, shall be appointed by the General Government, and their salaries shall be fixed by the General Legislature.

16. The Lower Canada Judges shall be appointed from the Bar of Lower Canada.

17. The Judges of the other Provinces may be appointed from the Bar of any of the said Provinces, except Lower Canada.

18. All Judges of the Superior Courts shall hold their offices during good behaviour, and shall be removable only on the address of both Houses of the General Legislature.

19. The General Legislature shall have power to pass statutes for rendering uniform all or any of the laws relative to property and civil rights in Upper Canada, Nova Scotia, New Brunswick, Prince Edward Island and Newfoundland, and for rendering uniform the *proceedings* of all or any of the Courts in these Provinces. — *H*

20. The Seat of the Local Government in Upper Canada shall be Toronto; of Lower Canada, Quebec; of New Brunswick, Fredericton; of Nova Scotia, Halifax; of Prince Edward Island, Charlottetown; and of Newfoundland, St. John's, subject to any future action of the respective Local Governments in respect thereof.

which statutes shall take effect in each Province when sanctioned by the Legislature, and not to go into operation in any Province until sanctioned by the Legislature thereof.

18034₆

The Judges of the Courts of Record
in each Province shall be appointed & paid
and ~~paid~~ by the federal Government &
~~their salaries~~ and their salaries
shall be fixed ~~and paid~~ by the federal
Legislature. The Judges of the Court of Admiralty now receiving
* ~~salaries shall be paid by the present Govt.~~
The Judges of the Superior Courts shall
hold their offices during good behavior
and shall be removable only on the address
of both Houses of the federal Legislature

(1)

THE QUEBEC RESOLUTIONS

CONFIDENTIAL.

RESOLUTIONS SUGGESTED FOR CONSIDERATION.

RESOLVED,—

1. It shall be competent for the General Legislature to pass laws respecting
 1. The Indians, *and lands reserved for the Indians*
 2. Ferries between any Province and a Foreign Country or between any two Provinces, *and Harbours*
 3. ~~For the regulation and incorporation of Fire and Life Insurance Companies,~~
 4. Respecting Savings Banks.
2. It shall also be competent for the General Legislature to pass ~~Laws relating to Quarantine,~~ and Laws relating to Quarantine.
3. The General Government and Legislature shall have all powers necessary or proper for performing the obligations of the Province as part of the British Empire to Foreign Countries, arising under Treaties between Great Britain and such Countries.
4. All Courts, Judges and Officers of the several Provinces shall aid, assist and obey the General Government in the exercise of its rights and powers ~~under this Act~~ and for such purposes shall be ~~held~~ to be Judges and Officers of the General Government. *He G. G. may also, from time to time, establish additional Courts, and appoint other Judges and Officers, when the same shall appear necessary or for the public advantage, in order to the due execution of the laws, rights and obligations of the General Government.*
5. *Legislature*
6. All Bills for appropriating any part of the Public Revenue, or for imposing any new Tax or Impost, shall originate in the House of Commons or the Local Assembly, as the case may be.
7. The House of Commons or Legislative Assembly shall not originate or pass any Vote, Resolution, Address or Bill for the appropriation of any part of the Public Revenue, or of any Tax or Impost to any purpose, not first recommended to the House or Assembly by Message of the Governor General, during the Session in which such Vote, Resolution, Address or Bill is passed.
8. Any Bill of the General Legislature may be reserved in the usual manner for Her Majesty's Assent, and any Bill of the Local ~~Government~~ may in like manner be reserved for the consideration of the General Government.
9. Any Bill passed by the General Legislature shall be subject to disallowance by Her Majesty within two years, as in the case of Bills passed by the said Provinces hitherto, and in like manner any Bill passed by a Local Legislature shall be subject to disallowance by the General Government within one year after the passing thereof.
10. The North-West Territory, British Columbia and Vancouver shall be admitted into the Union on such terms and conditions as the General Legislature shall deem equitable, and as shall receive the assent of Her Majesty, and in the case of the Province of British Columbia or Vancouver as shall be agreed to by the Legislature of such Province.
11. The Judges of the Court of Admiralty shall be paid by the General Government.
12. A further sum proportioned to the population of each Province shall be set apart annually out of the General Revenue, towards the expense of the Judiciary in each Province.
13. The sum so set apart for each Province shall be applied by the General Government to the payment of the salaries of the Judges of the Superior Courts in such Province; and in the case of any Province the salaries of whose Judges shall not exhaust the sum so set apart for such Province, the balance shall be paid over to the Province towards paying the inferior Judges thereof.
14. The number of Superior Judges shall not be increased, except by the concurrent action of the General and Local Legislatures.
15. The Judges of the Superior Courts, in each Province, shall be appointed by the General Government, and their salaries shall be fixed by the General Legislature.
16. The Lower Canada Judges shall be appointed from the Bar of Lower Canada.
17. The Judges of the other Provinces may be appointed from the Bar of any of the said Provinces, except Lower Canada.
18. All Judges of the Superior Courts shall hold their offices during good behaviour, and shall be removable only on the address of both Houses of the General Legislature.
19. The General Legislature shall have power to pass statutes for rendering uniform all or any of the laws relative to property and civil rights in Upper Canada, Nova Scotia, New Brunswick, Prince Edward Island and Newfoundland, and for rendering uniform the practice of all or any of the Courts in these Provinces.
20. ~~The Seat of the Local Government in Upper Canada shall be Toronto, of Lower Canada, Quebec; of New Brunswick, Fredericton; of Nova Scotia, Halifax; of Prince Edward Island, Charlottetown; and of Newfoundland, St. John's, subject to any future action of the respective Local Governments in respect thereof.~~ *of the Local Govt in Upper Canada shall be Toronto. of Lower Canada Quebec. and the Seats of the Local Govts in the other Provinces shall remain as at present.*

18036

The Seat of Government of the Confederation
 should be Ottawa. Subject
 to the Royal prerogative. ~~and the~~
~~action of the General Government~~

44
 Carried
 unanimously

18037

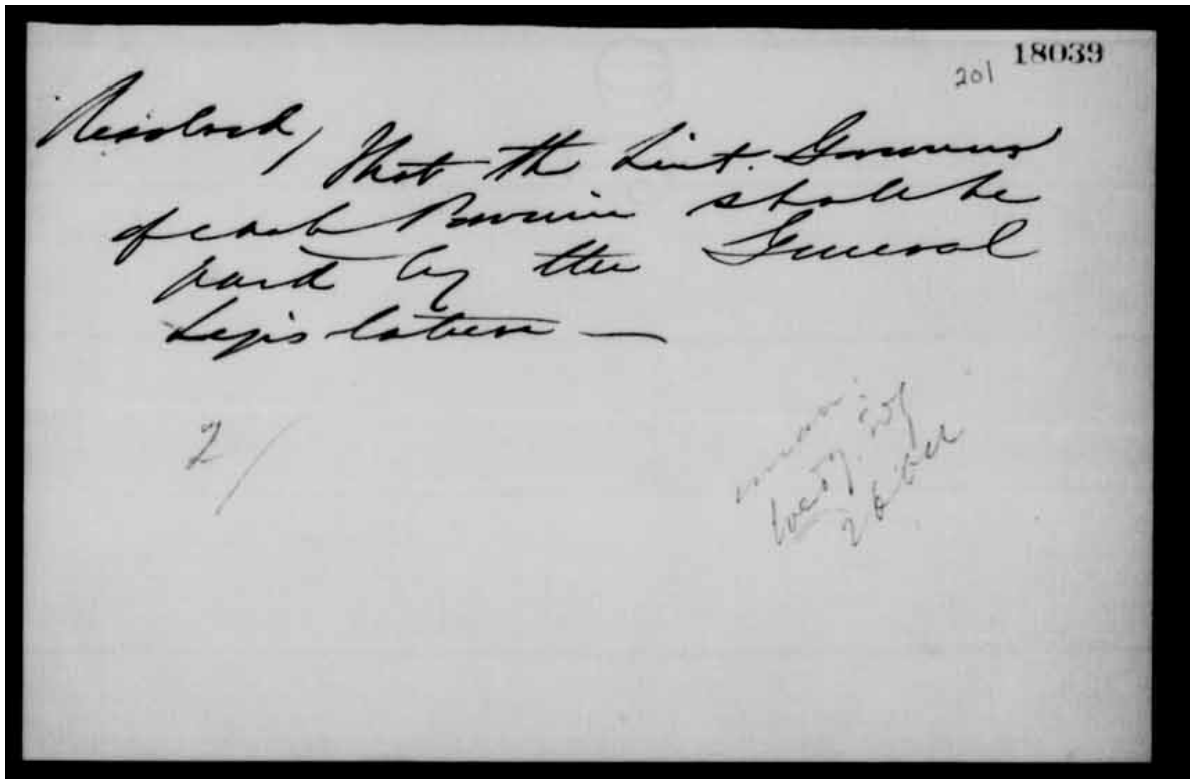
No lands or property belonging
 to the General or local Government
 should be liable to taxation.

18038

200

Resolved - That in the General
Legislation and in its
proceedings, the English
French languages ^{may} ~~shall~~
be both equally employed -
And in the local
Legislation of L.C. and
in the Federal and
local Courts of Lower
Canada -

1
Theodore D. J. -
26 Oct - 1861



THE QUEBEC RESOLUTIONS

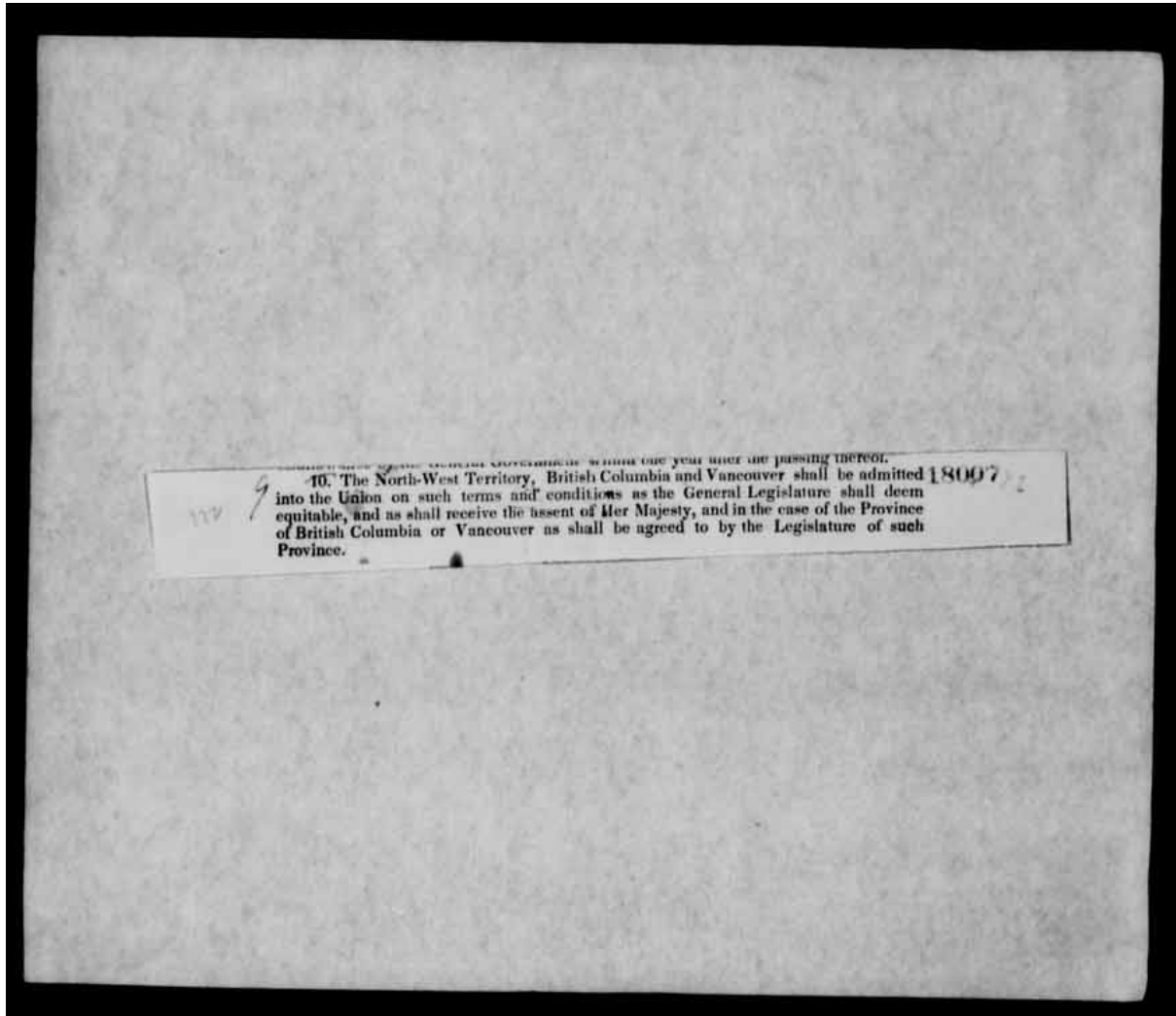
18040 202

Not in anticipation to pay the
 Salaries of the Lieutenant
 Governors - the Conference
 does not desire to perpetuate
 the claim of Power Beyond
 Island ~~to~~ upon the
 Imperial part for the
~~payment of the~~ amount
 now payable for the
 salary of the Lieutenant
 Gov. thereof -

2)

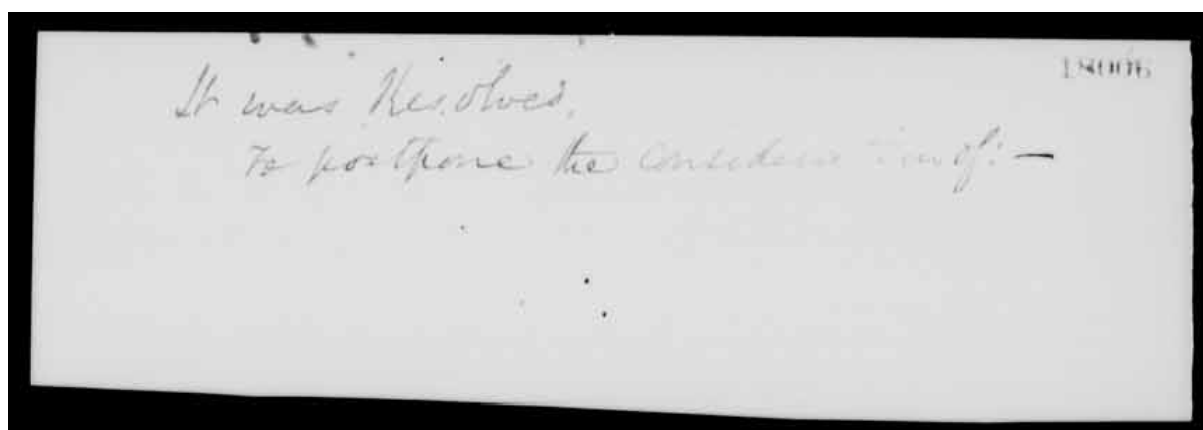
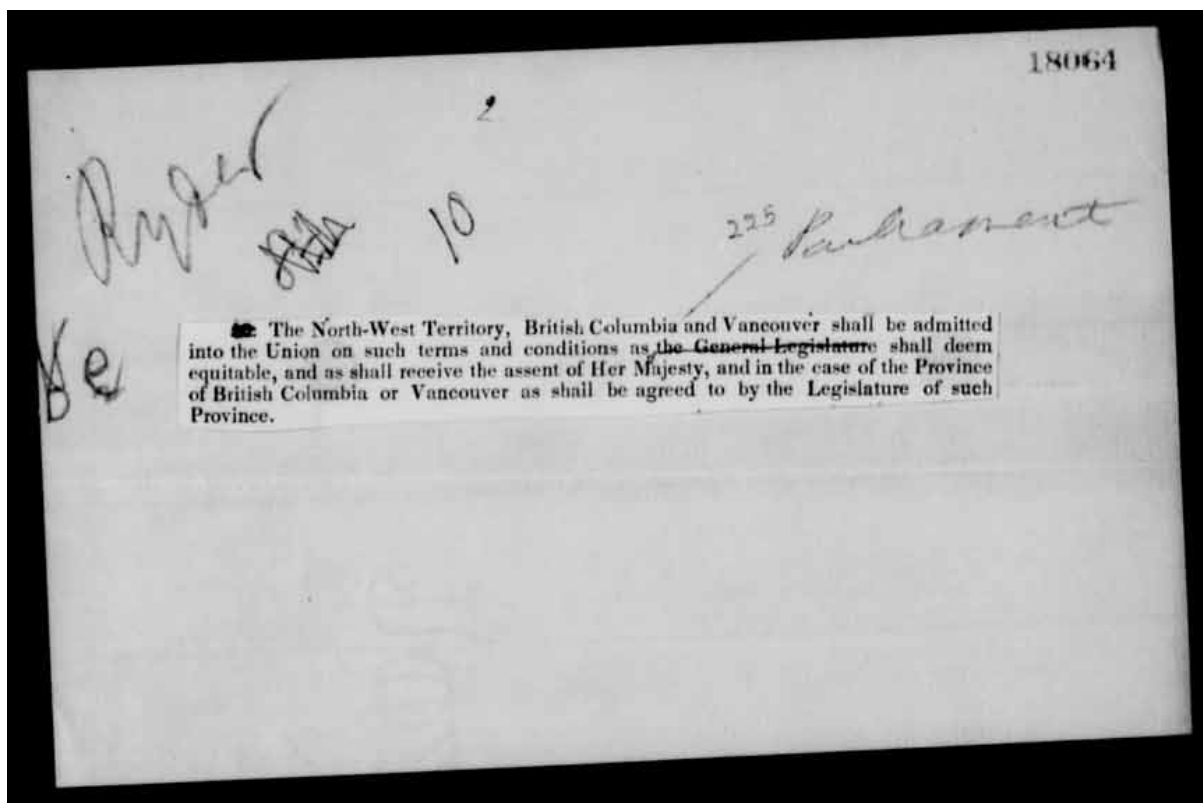
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BERNARD'S MINUTES AND NOTES



119 9
10. The North-West Territory, British Columbia and Vancouver shall be admitted 18007
into the Union on such terms and conditions as the General Legislature shall deem
equitable, and as shall receive the assent of Her Majesty, and in the case of the Province
of British Columbia or Vancouver as shall be agreed to by the Legislature of such
Province.

THE QUEBEC RESOLUTIONS



173 18008

Attention ~~having~~^{was} been called,
to the Minutes of the 13th. October
instant, by which it appeared
that Nova Scotia and
Prince Edward Island had
voted against the Motion
"That in framing a Constitution
for the General Government, the
Conference, with a view to
the perpetuation of our
connection with the Mother
Country and to the promotion
of the best interests of the
peoples of these Provinces,
desire to follow the model of
the British Constitution, so far
as our circumstances will
permit!"

It was Resolved,

That, with the view of
explaining the vote of Nova
Scotia and Prince Edward
Island in the negative on that
Resolution, the Amendment
proposed on that occasion
and should be entered in
the Minutes, as being that
expressive of the views of
Nova Scotia and Prince Edward

1809
174

blamed on the subject, and which led to their vote in the negative on the main motion: and which amendment is as follows:—

"That while it is the avowed desire of this conference to perpetuate the connection with the Parent State by every means in our power, it is not judicious to fetter our action by the passage of a resolution of a simply declarative character and which may embarrass our action in the selection of the best ^{means} of providing for the general and local government of the country."

And at the hour of twelve of the night, ~~the~~ a question for a permanent being carried, the Chairman declared the conference continued until tomorrow morning at eleven o'clock.

BERNARD'S MINUTES AND NOTES

Report of the 1895
And at the hour of half past
four o'clock p.m. a Motion for
adjournment being carried, the
Chairman declared the
conference terminated until
tomorrow at 12 o'clock noon.

THE QUEBEC RESOLUTIONS

186

18024

Minutes
26 Oct

4

Wednesday. 26th October

The Chairman took the Chair at
12 o'clock a.m. when the Members
were convened.

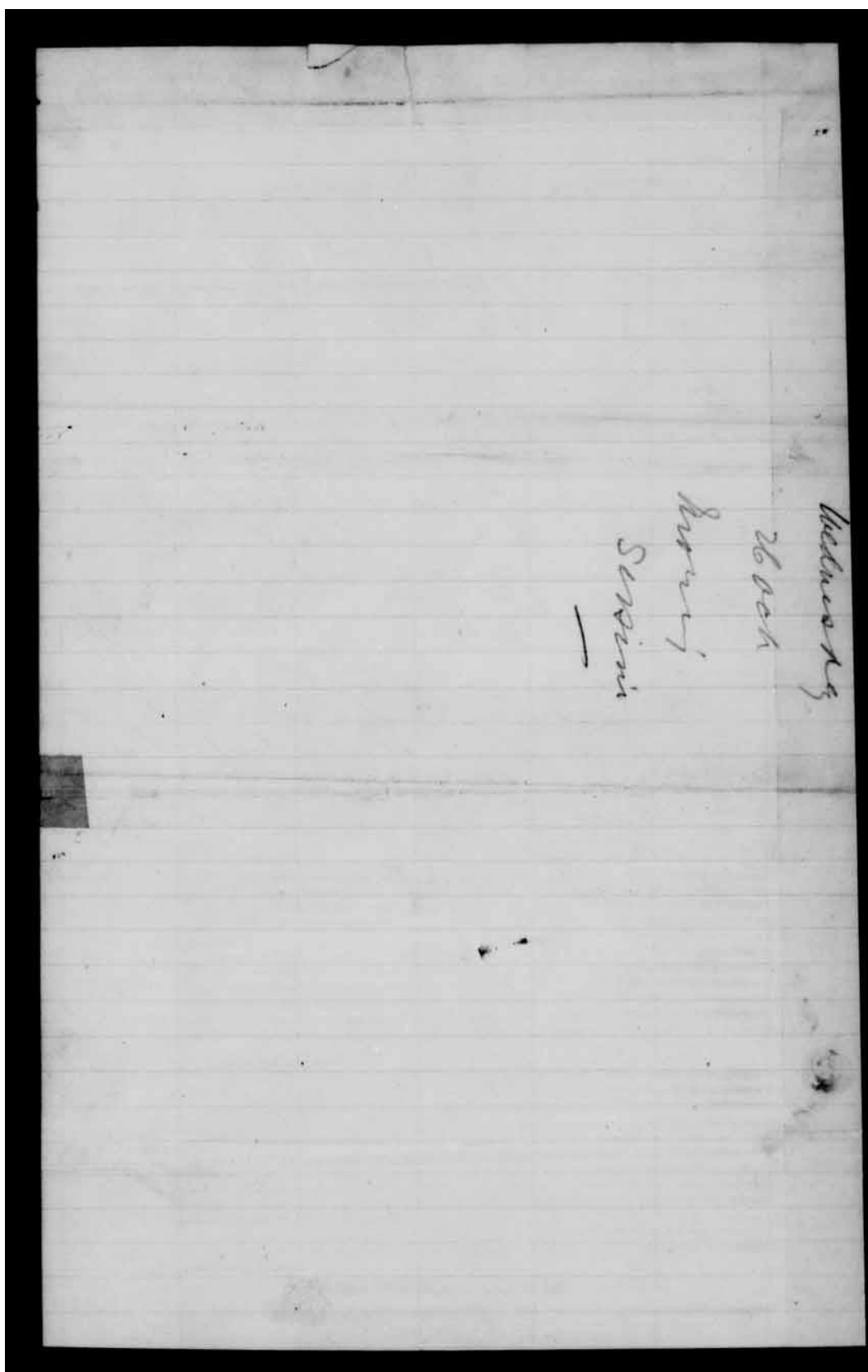
It was Resolved,

That the Judges of the
Courts of Record in each Province
shall be appointed and paid
by the General Government and
their Salaries shall be fixed by
the General Legislature.

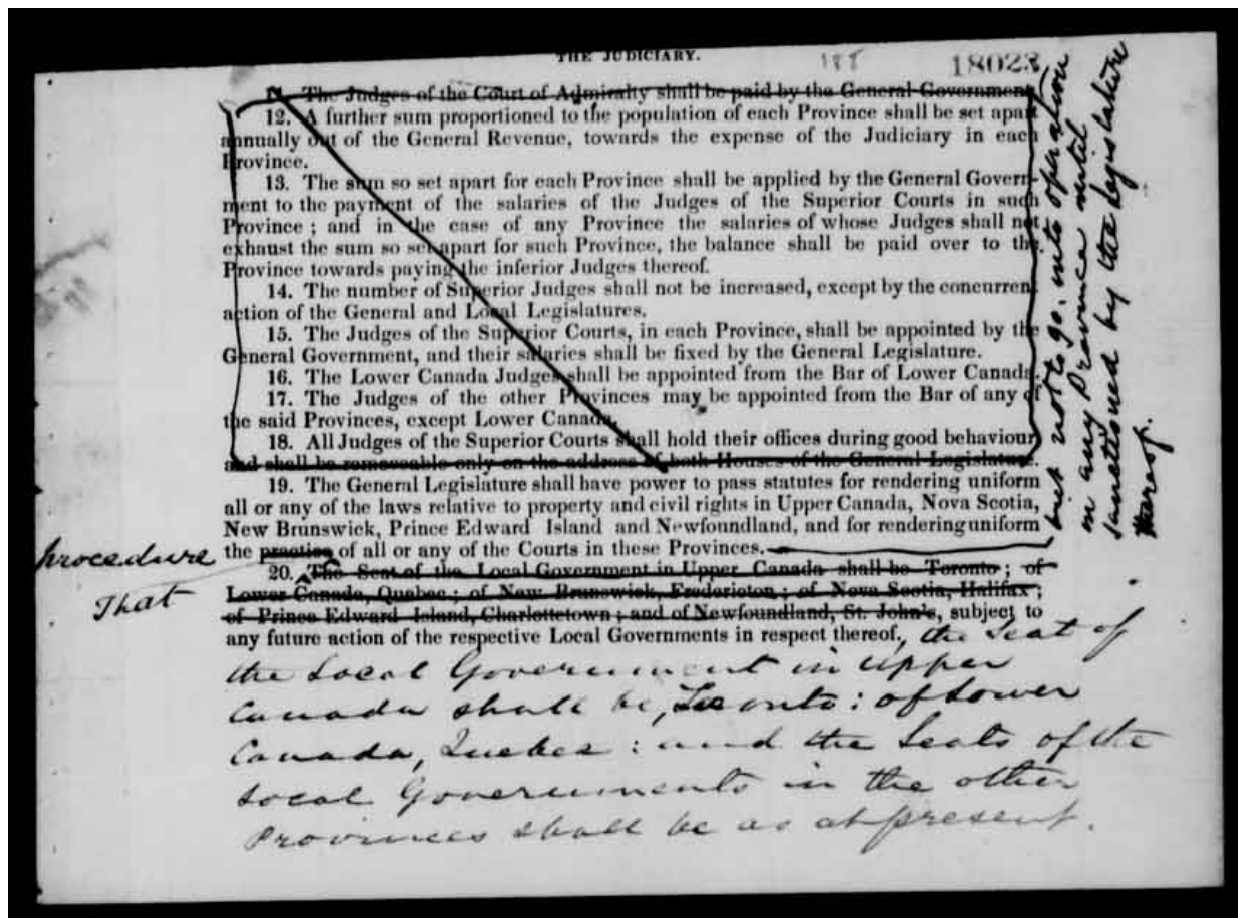
That the Judges of the
Court of Admiralty now receiving
salaries shall be paid by the
General Government.

That the Judges of the
Superior Courts shall hold their
offices during good behaviour
and shall be removable only
on the address of both Houses
of the General Legislature.

BERNARD'S MINUTES AND NOTES



THE QUEBEC RESOLUTIONS



This is ^{Wed} ~~Thursday~~ May the 26th

18025

189 And at half past seven o'clock
p.m. the Chairman took the
Chair, and the Members were
convened.

It was Resolved:—

a That in the General Legislature
and in its proceedings, the
English and French Languages
may be both specially
employed, And also in the
local Legislatures of Lower
Canada and in the Federal
and local Courts of Lower
Canada.

b That the Lieutenant
Governors of each Province
shall be paid by the General
Legislature.

c That in undertaking to
pay the salaries of the
Lieutenant Governors, the
Conference does not desire
to prejudice the claim of
Prince Edward Island upon
the Imperial Government
for the amount now
paid for the salary of the
Lieutenant Governor thereof.

187 4. The Confederation shall assume all the Debts and Liabilities of each Province.
The Debt of Canada not specially assumed by Upper and Lower Canada respec- 1-14
tively, shall not exceed at the time of the Union, \$63,500,000.

above Scotia shall enter into
the Confederation with a Debt
not exceeding \$8,000,000
and New Brunswick \$7,000,000
But it is expressly provided

2) But it is expressly provided 18026
 that in case Nova Scotia or
 New Brunswick do not incur
 liabilities beyond those for
 which their Governments are
 now bound and which shall
 make their respective Debts
 at the date of Union less than
 \$5,000,000 and \$7,000,000
 respectively, they shall then
 be entitled to benefit by the
 Interest at 5 per cent on the
 amount not so incurred,
 in like manner as is
 hereinafter provided for
 Newfoundland and Prince
 Edward Island. The foregoing
 resolution being in no respect
 intended to limit the powers
 now given to the respective
 Governments of those
 Provinces by Legislative
 authority, but to limit the
 Extreme amount of Charge
 to be brought by them against
 the Confederation. Provided
 always that the powers so
 conferred by the legislative
 respective Legislatures must
 be exercised within five years
 from this date or 11th 1867.

170
 Newfoundland and Prince Edward Island, not having incurred Debts equal to
 those of the other Provinces, shall be entitled to receive by half-yearly payments in
 advance from the Confederation the Interest at five per cent. on the difference between
 the actual amount of their respective Debts at the time of the Union, and the average
 amount of indebtedness per head of the Population of Canada, Nova Scotia and New
 Brunswick.

5. In consideration of the transfer to the General Legislature of the powers of
 Taxation, a grant in aid of each Province shall be made, equal to an amount of 80
 cents per head of the Population as established by the Census of 1861. Newfoundland
 being estimated at 130,000 inhabitants. Such aid to be in full settlement of all future
 demands upon the General Legislature for local purposes, and to be payable half yearly
 in advance to each Province.

6. The position of New Brunswick being such as to entail large immediate
 charges upon her local revenues, it is agreed that for the period of ten years from the
 time when the Union takes effect, an additional allowance of \$63,000 per annum shall
 be made to that Province. Provided that so long as the

2

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

5. In consideration of the transfer to the General Legislature of the powers of Taxation, a grant in aid of each Province shall be made, equal to an amount of 80 cents per head of the Population as established by the Census of 1861. Newfoundland being estimated at 130,000 inhabitants. Such aid to be in full settlement of all future demands upon the General Legislature for local purposes, and to be payable half yearly in advance to each Province.

6. The position of New Brunswick being such as to entail large immediate charges upon her local revenues, it is agreed that for the period of ten years from the time when the Union takes effect, an additional allowance of \$63,000 per annum shall be made to that Province, *provided that so long as the*

THE QUEBEC RESOLUTIONS

3) Provided that so long as the 18027
liability of that Province
remains under \$7,000,000,
a deduction equal to the
interest on such deficiency
shall be made from the
\$63,000.

7. In consideration of the
surrender to the Confederation
by New foundland 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.

In consideration of the surrender to the Confederation of all the territorial rights
of New foundland, it is agreed that an annual payment shall be made to that Province
of \$150,000.
8. All engagements that may be entered into by Canada with the Imperial
Government for the Defence of the Country shall be assumed by the Confederation.

M

18041

203

Nova Scotia shall enter the Confederation
 with a Debt not exceeding \$8,000,000
 And New Brunswick 7,000,000
 But it is expressly provided
 that in case Nova Scotia
 or New Brunswick do not
 incur liabilities beyond
 those for which their
 Governments are now bound
 and which shall make
 their ~~Debt~~ respective Debts
 at the date of Union
 less than \$8,000,000 &
 \$7,000,000 respectively -
 they shall then be entitled
 to benefit by the interest
 at 5% on the amount
not so incurred in like manner
 as is hereinafter provided.
 New Brunswick & Nova Scotia
 Edwards Island. The
 foregoing resolution being
 in no respect intended
 to limit the power now
 given to the respective
 Governments by the
~~Legislature~~ to limit
 the return amount of
 charges to be brought by
 them against the
 Confederation -
 provided always

THE QUEBEC RESOLUTIONS

18042

204

that the powers so conferred
by the Suspension Legislature
must be exercised within
one Year from this
date - or will then
lapse -

1 300 000
 $\frac{5}{5}$
 65,000,00

£65. 180 1/2

"if such To 6th Resⁿ

Provided that so long as the
 liability of that Province
 remains under \$1,000,000
~~the interest on the~~
~~amount of any deficiency~~
~~of that amount shall be from~~
~~time to time deducted from~~
~~the said sum of \$63,000.~~

a deduction equal to the
~~amount of the interest on~~
~~such deficiency shall be~~
~~deducted~~ from the \$63,000

THE QUEBEC RESOLUTIONS

18044 206

7. In consideration of the surrender to the
 Confederation of all by the Foundland
 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 ~~half~~ semi annual
 payments -

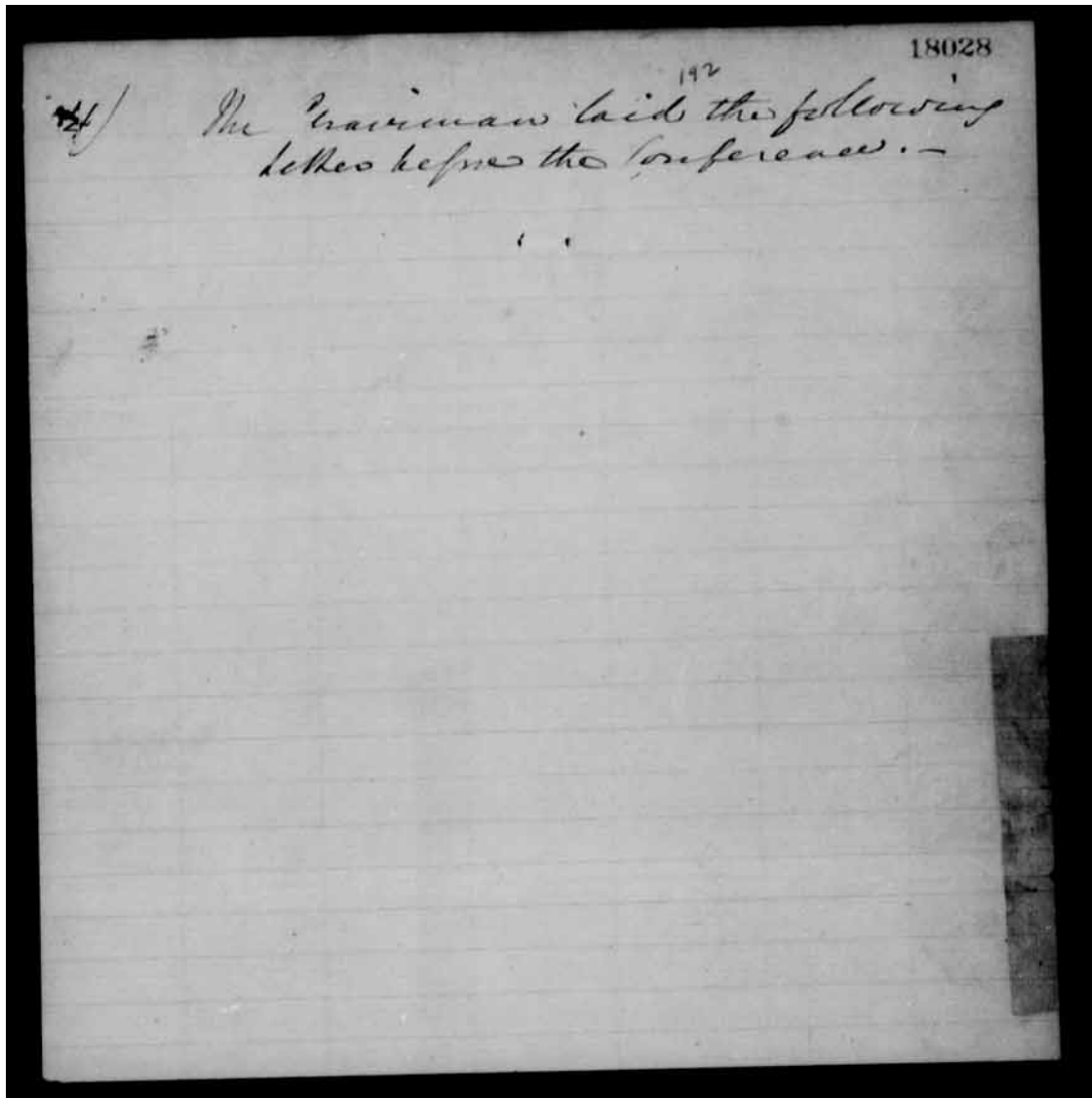
p. 9. 206

18045 297

Resolved 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 ~~on the subject~~
 in respect of the same

p. 17.

BERNARD'S MINUTES AND NOTES



18029

To the Honorable Sir E. P. Tache
 de de de
 Chairman Intercolonial Conference

Sir

The undersigned desire respectfully to learn whether the Conference will ~~at~~ instruct its Secretary to furnish them for publication, with a synopsis of the scheme of confederation which may result from its deliberations.

The previous objection to furnish information which must have been necessarily incomplete does not appear to apply, after the general plan has been agreed upon, and

18030

The undersigned on that account
 feel justified in renewing their
 application for an official statement
 of the proceedings of the conference.
 They trust the conference will not
 deem this renewed application im-
 portunate when the natural anxiety
 of the public to learn the result of
 its deliberations is considered, especially
 as an intelligent public opinion can
 only be formed upon a thoroughly
 reliable statement of the facts.

And they have the honor to remain
 Sir

Your very obedient
 humble servant
 Charles Lindsey
 for Leader

Bhamtulin
 for Medical Gazette

THE QUEBEC RESOLUTIONS

18031
194
Conference Chamber
Parliament House
Quebec. 26th Oct 1864

Gentlemen

I am desired by Sir
Etienne M. Taché to acknowledge
your note, requesting that you
may be furnished for publication
with a synopsis of the scheme
of confederation which may
result from the deliberations
of the Conference.

I am in reply to state that
the members of the Conference
are of opinion that the reasons
given in my former communication
as those which induced them
to decline your request in
respect to ensuring publicity
of their proceedings, are still
applicable: and that they
cannot yet feel themselves
justified in ^{giving official} ~~giving~~ publication
to the results of their deliberations.

I have the honor to be
Dear Sir,
Yours obedient servant,
Charles Lindsay
Secy to the Conference

BERNARD'S MINUTES AND NOTES

18032
This following answer was 194 ✓
read and ordered to be sent; —

18048

210

1
 The communications with the
 North Western Territory, and
 the improvement required for
 the development of the
 trade of the ~~North Western Territory~~
 62. with the Seaboard - ~~and the~~
~~the Great Lakes and the~~
~~St Lawrence~~ - are regarded
 by the Conference as
 subjects of the highest
 importance to the Can-
 = federation - and should
 be prosecuted at the
 earliest possible period
 when the state of the
 Federal Treasury will
 permit the Legislature
 to do so -

Lawrence Hall

minutes 2905 18049
211

Oct. 29, 1864 - 12 noon.

Moved by Dr. Lupton,

That in the absence of Sir
E. P. Taché, the Hon. Mr. J. A. G. McTavish do
take the chair. -

Carried & Mr. J. A. G. McTavish took the Chair.

18050

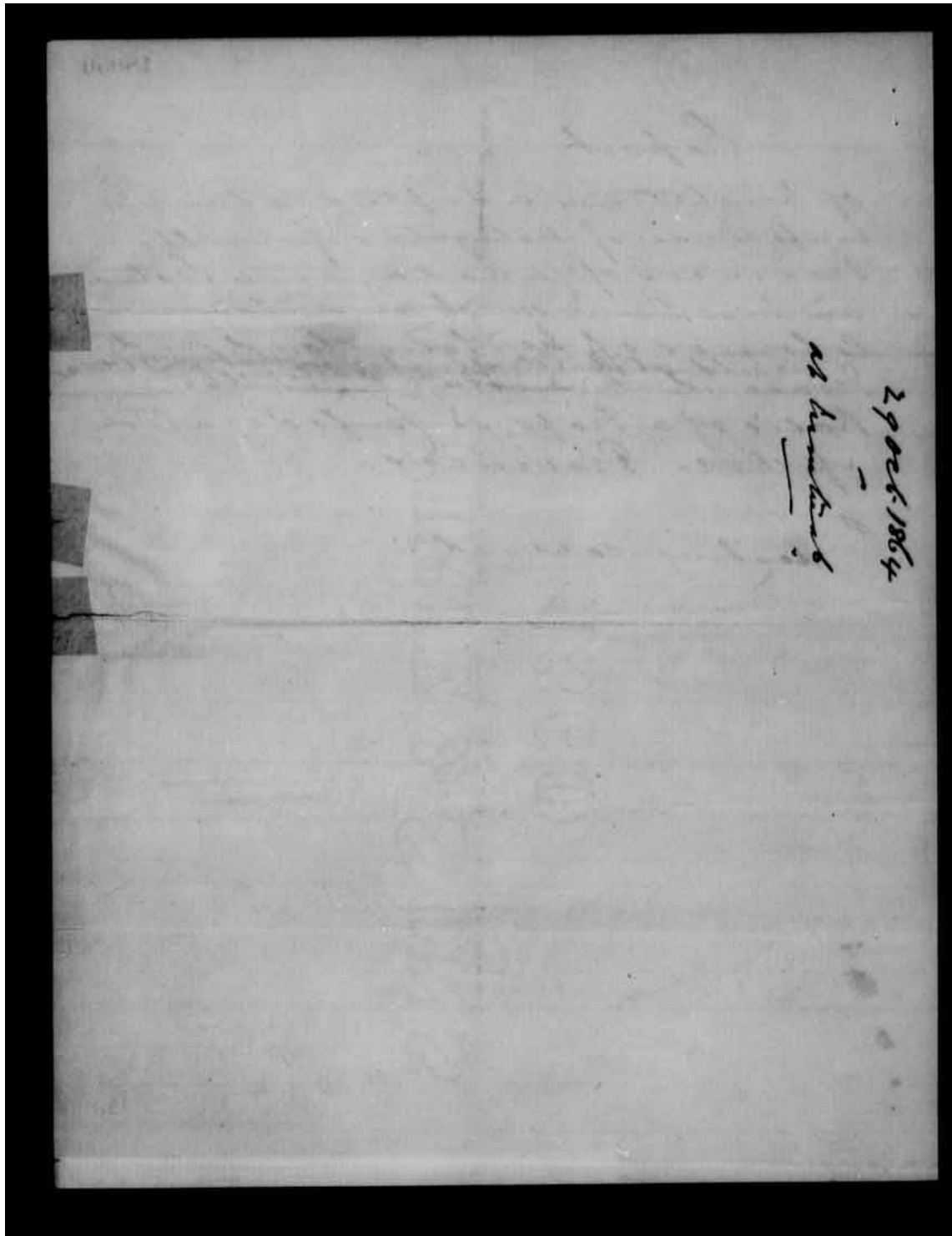
213.

Report

of Resolutions adopted at a
Conference of Delegates from the
Provinces of Canada, Nova Scotia,
and New Brunswick and the
Colonies of Newfoundland and
Prince Edward Island, ^{held at the City of Quebec at the request of the} at the
Meeting of a Proposed Confederation
of those Provinces.

A Heading - carried . .

BERNARD'S MINUTES AND NOTES



THE QUEBEC RESOLUTIONS

1787⁹⁸

Debate 12 Oct.

Mr. Palmer. does not oppose union
generally. - On discussion in advance
of the propositions contained in the
Res. - On Res. 10. Let Parl. we may
interpret. - I call attention to that
the acquisition of N. - On power as
delegates defined. - On deliberate
entirely on our own Province. - Is it
right & politic to embrace a union of
the U. S. issues. Mr. Brown's allusion
to the American view as to procuring
it. - Shd. we introduce any allusion
to it?

Mr. Carter. Shd. have heartily concurred
in vote of yesterday - regret my absence -
as regards motion now. - I like the

49.

17874

grandeur & magnitude of scheme. But
I do not see that ~~the~~ any one is
mistaken as to speaking of taking in the
H.B. Territories.

Am. W. Whelan. - Was absent yesterday ..
Does not desire to withdraw my adhesion
to the great & glorious principle involved
in the Union of yesterday. - Does not
fear a small colony like P.E.I. being
involved. We are forming a constitution
for a country larger than England in
territory. - Apprehension abroad in
Lower Prov; that Canada desires to
swamp & destroy their Prov.
character. - Such ought not to be
reported to. It is desirable that our
more Prov. character shd. be lost & form
one great country. -

Wednesday, 19 Oct^r

Debate 1904 17926

Mr. D. Tupper's motion as to the mode of appointing Leg. Council.

Mr. Macdonald reserves as to the appointment of first Leg. C. - excepting P.E. Isth. -

Mr. Fisher. Canada should not prescribe the mode - but leave the matter to the local Leg. -

D. Tupper. - This system throws to local Leg. an irritating matter. The Leg. will say they must settle this first before question of Confⁿ.

Mr. Chandler concurred.

Mr. Gully. In this Confⁿ, one of the points to carry it in Lower Prov. is that it will not incur expenses of any addⁿ - but decrease the local post's exp^s. Agrees with D. Tupper.

Mr. Coles. P.E.I. differs. We should not dictate course as to from whom to be taken. Leave it open to choose from all in the Province. - Excepting P.E.I. will satisfy me. It will place us in difficulty.

Mr. Henry. If we are limited to choose Leg. from present Leg. C. in Lower Prov., we are violating good principles. It will follow that we cannot have fresh men for 10 or 12 years. - Each post should choose its own men, in its own way. We should not limit ourselves

179281

Mr. Ingham. The N.S. will be abundantly satisfied by choosing to leg. out of the present men. Can put lawyers, merchants & different creeds out of them. — That confines this to first selection. —

Mr. Coler wants last. P.E.I. only voting for it.

Mr. McFulloch's withdrawn.

D. Ingham's carried. P.E.I. had only voting up to it.

Mr. Shea moves. — As to first selection of leg.

motion

Mr. Fisher objects. I feel we have been overruled by Canada in this. — It overrides the appt. & makes the leg. the greatest power. — May tie down other provinces if P.E.I. is excepted. — Canada has the power to choose. — As it is it will add greatly to diff. of N.B. It makes leg. controlling power. —

[D. Ingham. — question of order. — no discussion to be allowed after vote taken. — The point already settled.]

D. Ingham. Approves with Mr. Brown that all parties shd. be chosen for leg. — This motion will prevent that.

— Canadian Del. retired.

Mr. Galt. — Decided to drop last paragraph of motion. — Submits as a propn. to decide leg. C. by let from existing Councillors — except N.E.I.

179282

Question of

Mr. Brown. Altho' approved by Canadian
 Mel: by May: 7. I think it very objectionable
 carried by 9 to 3. but cannot agree to it.

Mr. McCully. If a question of delay in
 part of coalition, how much more, no to
 other part? not represented by coalition. --
 some modification of principle necessary,
 as stated in question. -- Regard, that
 due regard shd be had to the ^{views} ~~interests~~ of
 the Opposition, so that polit: parties may
 be equally represented in the Leg. --

Mr. Tupper. Canada has combination
 of parties. But in Lower Provinces
 otherwise & both parties entitled to
 be fairly represented. If N.T. called on
 to appoint 10. it shall be done by
 fair repres^t of all parties: but that
 shd. be the ~~result~~ result of Conf.
 though not necessary to publish it.

Col. Gray. N.B. -- a course to suit one part
 with suit another. Let Canada carry
 her own plans, as she pleases. We ought
 to leave to each Prov: the same. -- After
 the first batch is over, we fall into the
 rule prescribed by the Federal Court. --
 leave to each Local Leg: for first presentation
 Acc of Part: must carry out principle
 of mode of our constn, but as to first
 election choice, it must be settled
 otherwise. I wd. leave it to local part
 it wd. be their interest to get good men.

179293

Local Partnership will not come up in
Leg. of Fed. Govt. & therefore best men
will be chosen. No broad principle can
be found suited for all. - I w^d. propose
mode for first choice shall be
settled & prescribed by local Legislature. The
interests of both sides will be regarded. -
The Canadian Govt. can then carry their own
plan thro' their Legislature. -

Proposes motion as to mode of choosing
Leg. - But I object to the part res^d. as to
the body from whom they shall be
chosen. Motion withdrawn. -

Mr. Archibald. Can't reconsider question in
present stage as to body of choice. - Same as
of Leg. C. fixed - only now as to mode.
Whatever mode is adopted sh^d. be adopted
here rather than in local Leg.

Moves, as to settling mode of each Prov.
choosing, at once by Conf. - lay at once
what will suit each, and put it down
on the records. - Each Prov. to be guided by
such rules as they may now settle &
prescribe.

Mr. McFully. says ^{the} same as his amendment
of last night. The Conf. exhibits evidence
that as fundamental principles the
Provinces are not prepared for Fedⁿ.
My argt. is that if you leave to Local
Leg. it will be a bone of contention, &
jeopardise the Fedⁿ. The Reg. are under
no restraint as to ~~from~~ the composition
of the Leg. - The Executive would not
be so. -

THE QUEBEC RESOLUTIONS

in 1st instance 17:30H
Proves. That the legf. shall be chosen in
 Canada by Ballot: & in the other provs by
 the Ex: Govt.

Mr. Brown -

Mr. Brown. I appealed to other Prov. to aid
 my views, because Canada has decided
 by a majority - but contrary to the views of
 my party. We say we sh. not leave to
 the Ex: Govt. the legf. - Conflict might
 arise in Cabinet before choice made &
 a party administration might be
 formed.

Mr. Brown. But that exists in N. & N.B. at this
 time

Mr. Brown. But the plan could not be carried
 in Canada.

Mr. Brown. - Arrangements can be made as to
 consultation between parties in case of
 a party gov. - But we should not
 have a different system in the
 different Prov. - of great importance
 that all sh. have the same mode.

Mr. Brown. An essential point that the
 Ex: Govt. should appoint 1st legf. -

Mr. Brown. Before legf. can be formed, there
 must be an act. - I am content to
 take that the Govt. of each Prov. shall
 appoint, subject to the approval of the
 Ex: Council of the whole Fed: Govt. -

Mr. Brown. How do you construct the
 C. before the legf. -

1798¹⁵

McC. A.G. - An Ins. C. for Fedl. Gt. must be first thing. It will be in its native provincial after elections, party not having support must go out.

D^r Tupper withdraws his motion.

Tilley. - I think this is an additional guarantee to the minority, that party shall be represented. - Anything to the contrary will be a direct breach of the will of Conference.

Colas. - How is the minority to know the proposed appointment?

McC. A.G. The Fedl. Gt. will be bound to see that the parties appointed ~~cases~~ ^{are} appointed under this understanding, before their appointments are ratified.

Brown. I think fully, an amelioration of the evil under which we shd. labor if thea's motion carried. - But I think it still objectionable. - I press on the basis that each Province should be allowed to take its own mode of selection.

Archibald. I move unopposed.

It is desirable to have one plan for the whole. - Near. Prov. will probably adopt same system, & Canada should agree to one.

Fishes. Canada has forced us into a false position, by requiring choice to be made from existing leg. for. m. l. l. r.

McC. A.G. - must deny on the pt of Canada any attempt to coerce other Gt's.

1793³/₁₆

The other Provinces took the same view.
 McDougall. - Disagree with the shape in which
 Question bef. Conf. - Two questions submitted
 to Canada. - Mr. Brown asks the other Prov.
 to assist the minority of the Canadian
 Del. - That I think wrong. The escape of the
 minority of the
 Can. Prot. will be to discuss the matter
 afterwards, amongst themselves, & endeavour
 to change their colleagues' opinions.
 Brown. It was understood we shd. vote by
 Prov. but it was also that every individual
 member shd. speak ~~in~~ against the
 decision of his own Province.

McDougall. Is it the meaning of the Res.
 that the Fed. Prot. can displace or any
 number of Regl. Ass'ts in breach of a pact.
 McDougall. - It is the understanding that
 the Fed. Prot. shall be a Court of
 Equity to see the understanding of
 fairness ~~as to~~ party carried out.
 Osagey.

[Mr. Mitchell - private business requires
 him to leave - asks permission to
 absent himself.]

Eng. sitting. Wedg 19 Oct.

17933/187

Mr. Galt.

any way.

In reference to Mr. Brown's printed motion. - proposes 225 instead of 200. Divide 225 according to population. I calculate as follows:

99	on	U.C.
74	..	L.C.
21	..	N.S.
17	..	N.B.
8	..	Nfld
6	..	P.E.I.

Commence with census of 1861. Transferred at such subsequent census. - We have supposed pop. L.C. being tolerably equally in character w. afford best basis. - But having respect to rapid increase of U.C. we think the Lower Provinces shd. not be reduced if they do not increase in the same ratio. Therefore the Lower Provinces w. have the same they have now. unless in the very improbable case of anyone falling off by 5 per cent. or more: - that is a decrease relatively to the whole Federation. -

Unknown. We had thought best not to take census of 1861. ~~but~~ ^{and} the proportionate increase for ~~last~~ 5 years ^{thereby} change in 1861. but this may not be intelligible. ∴ it may be better to take the census of 1861 & the figures in motion will then better.

82	U.C.	15	N.B.
65	L.C.	7	Nfld
19	N.S.	5	P.E.I.
		193	

It only affects U.C.

17939

Brown's propos. to begin with a good number that it may not be disturbed for some time after.

Mr. McCully advocates measure it is - not to make any local distribution of members.

Chelmsford. - By accident this will suit both N.B. & N.S. one member for each county & one for each Metropolis will give the exact number given by Mr. Brown's scale of a total of 193.

The several provinces announced their consent & approval of the scheme of 193. on the population of 1861. - as precisely suiting the mode in which each could adapt their Electoral Divisions at present existing to such a state of things.

Mr. Shea however argues that tho' their census was taken in 1857, an allowance for the period ~~would~~ to Jan'y 1861 would entitle Newfoundland to another rep'nt. It is conceded by all provinces that Newfoundland shall have another rep'nt, thus making 8 for it, & in all 194.

The motion being put was carried

Mr. Haviland -

P.E.I. would rather be out of the Confederation. They would have no status. Only 4 members out of 194 would give P.E.I. no position.

Mr. Willey. - Rather a singular ground of objection - for they have objected to the basis of rep by Pop. and it was fully understood at Charlottetown that those who came to the conf^{ce} expected to have Rep by Pop. - Some difficulty might have arisen as to other points but not on this.

Mr. Palmer. I am not inimical to your scheme of Conf. Believe it will be productive of great benefits. I take exception to principle adopted in this Resⁿ - Rep by Pop: not applicable when a certain no. of provinces are throwing their resources into one Conf. & giving up their own self govt individually. - When a Colony surrenders that right, she sh^d. have something commensurate in the Conf. - Our debt is nothing - taxation vastly below that of other prov^s. - Trade & revenue rapidly increasing. - Why give up so

179887

great ~~uncertainty~~ for an uncertain benefit where we only have a feeble voice. - Looking first at larger Provt., Canada has seemed to herself a pointer us. of reports, than she had before. It may be said that we may join with Maritime Provinces in any matter before Govt., but that will still be far below Canada's no. of rep. wos. - Not even 2 or 3 more members would induce me to give my agent to the scheme. I never understood that any paper at Charlottetown was to be binding as to rep. by pop: - It was there made by those from Canada and I did not think it necessary to remark on them, as it was a mere suggestion then thrown out by Canada for consideration.

Mr. Shea. -

Speech just made should have been made before they came to conference. What brought us here? What brought about conf. except the difficulties in Canada as to Rep. by Pop: - We came here from Newfoundland with that understanding. Canada could not give way in such a matter. ~~This was~~ ^{It is} in a better position than Newfoundland in the Leg. Council as they have an equal number.

5/

17938 112

Mr. Coles. - Newfoundland is the cause of
 our getting a less representation in
 the leg. than we should have
 otherwise had. - I understood
 that this matter was to be settled
 by Rep by Pop. - I stated lately
 that I thought our P.E.I. Govt. should
 not have sent us here unless to
 carry out the views stated by the
 Canadian Govt. - The Atty. Gen. P.E.I.
 now states that the Govt. cannot
 accede to it. - I think we came
 here for Rep by Pop: & I regret that
 the A.G. P.E.I. had not previously
 stated that he could not accede
 to the principle of Rep by Pop, &
 abandoned the Conference. -

Mr. Haviland. - I am not a member of
 P.E.I. Govt. - I only express my
 individual opinion.

Mr. Coles. Then the Govt. should have
 instructed their Delegation properly.

Col. Craig. P.E.I. - Humiliating position.
 Then cast by Mr. Coles as Govt. - I came
 to Conference understanding fully
 the question - that I have never had
 any conversation with the Atty. Gen. -
 My idea was clear as day at
 noon day that we were to treat
 on the basis of Rep by Pop - the
 A.G. heard at Charlottetown as

much as I did. - None of us should certainly have been here unless the members of our Delegation had been agreed on the point. - All that I could get from P.E.I. I would, but I fancied we were fully agreed on these points at Charlottetown - and that our discussion was to be about details.

Mr. Galt. It would be matter of greatest regret that any difficulty should arise; ~~we~~ request P.E.I. to consider their decision. - It wd. be a matter of reproach to us that the smallest Colony should leave us -

Mr. Whelan. I shd. feel it my duty ^{to vote} against the Resⁿ., but we had better reconsider the matter. - Mr. Hamilton & I came here perfectly untrammelled - & without any instruction from the Govt. of P.E.I. That all proceedings were to be de novo & apart from any thing which had taken place ~~previously~~ at Charlottetown. - I thought P.E.I. not fairly treated as to represⁿ in the Leg. Council: but I gave way then. - I do not think I could however say that I was satisfied with the representations of Sir Fedl. Govt. - We are in an isolated position - our

THE QUEBEC RESOLUTIONS

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resources are ~~rather~~ good. & our people would not be content to give up their present benefits for the repr. of 5 members. It may be said that the Conf. will go on without N.E.I. & that we shall eventually be freed in. Better however that than that we should willingly go in to the Conf. with that repr. But if the Gov. who form the Delegation will take the responsibility on them, I may perhaps support them. -

D. Tupper moves adjournment.
adjourned at 10 o'cl P.M.

Thursday, 20 Oct. - Inf. sitting

2000

Mr. Brown - asked if P.E. Island will state what their views are on the Resⁿ of last year.

Mr. Palmer. - On making my observations last night, I was under impression that any vote given, a party voting was bound to maintain it. S. Eipper had said whoever voted for a proper could not afterwards oppose the subject in his local legislature; much appeared to be the general opinion by tacit consent. I could not consent that P.E.I. free of debt comparatively should come into Fedn. with other prot^d indebted largely, especially as nothing has been said or settled of relative shares of burdens to be borne by each. - I am told however by my colleagues from P.E.I. that the financial questions will follow the present discussion, & that the matter of representation must depend on the financial resolution. That may alter our position.

Mr. Coler. Every question must stand on its own footing. Why mix up financial matters with representation.

Col. Gray. I am instructed by my Co. Delegates that the provision of 5 members is unsatisfactory. P.E.I. is divided longitudinally into 3 Counties. Each with 10 members - But they always are opposed to each other in respect to change of representation. We cannot divide ^{County} into the 5 members.

179804

Mr. Brown. Every Province must revise its own Electoral Divisions to suit the number of representation.

Mr. Sales. Mr. Galt had proposed 6 for P. E. I. - I approved that rather than Mr. Brown's motion. because it allows us to divide our three Counties into 2 members each.

Mr. Pope. I was absent last night. I was under the impression that it had been clearly laid down at Charlottetown that Mr. G. Pope was to form the basis of the Lower House. I could not therefore have argued for a greater number than our population entitled us to get. I agree in all said by Mr. G. Pope & Mr. Sales. But the circumstances of P. E. I. are such that I hope Amfco will agree to give us such a number as we can divide amongst our three Counties. Nature as well as the original settlement of the Island has made 3 Counties. Let us give rise to much difficulty if we had to adjust 5 members to the 3 Counties. I cannot ask it as matter of right but of expediency, & without which it is impossible we could carry the measure in P. E. I. I therefore ask for 6 members.

Mr. Haviland. Fully agree with Mr. Pope. - It would be an insuperable difficulty to us if we have not 6 members.

179 Feb

Mr. Brown - To give P.E.I. 5 properly, the House should be 205. - However, we cannot depart from Rep by Pop. - Only thing to do, to take P.E.I. as the basis, which will give a House of 230. - altogether too large. - Give one member to each county & let the whole Legislature elect the other two, & keep the no. of 5 intact - or let the whole Island elect 5. - we should have to add 38 to House to give P.E.I. in Rep. by Pop.

Mr. A. A. Macdonald. - We are not bound by principle of Rep by Pop laid down out at Charlottetown. Our Constitution will so say - & will speak of the increased Rep. of Canada - & decreased that Rep. of the Lower Provinces. -

Mr. Galt. no use in asking Conf. to depart from principle laid down. We could not justify it. If principle is good, it is the same for all. - And we could not defend the action of giving 13,000 people in P.E.I. a member, where it requires 17,000 in any other Prov. for that purpose. It would be indefensible. - The difficulty is of a purely local nature. - Unpossible for Conf. to depart from the rule of population being the basis of rep.

Mr. McFullo. - Another reason - as to Constn

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of Upper House, we looked on that as flexible. - If we made concession, perhaps P.E. Ist might not come in; and besides the North West might require for some local reason, an increased Repⁿ. irrespective of Popⁿ. - The rule of Repⁿ: by Popⁿ: must be rigid & unyielding.

Mr. Dickey. - Five are members to each County in P.E.I. one to Charlottetown & one elected by the whole Island. - Members elected for Federal Legislative w^d. not be elected for local purposes, but is a repⁿ of the whole Island in Fedⁿ. - It is a question for Canada. - We (U.S.) would concede it tho' the 6 members, tho' it w^d. place us in difficulty.

Mr. Haviland. - No solution in above propositions.

Mr. Pope. Religious feeling in P.E.I. very high. - Protestants numerous & outnumber R.C. - & the 5th member as proposed by Dickey w^d. not represent R.C.

Mr. Fisher. I came here convinced that Repⁿ: by Popⁿ: was settled as basis on which the Province, were to be asked to be federated.

Mr. Coles. Whatever result of this matter, P.E.I. should submit. The matter has been settled. Let us go on with the business & let U.S.I. settle for themselves. When question comes before them.

17953

Feb.

A.G. Macdonald moves that the ^{Leg. (in Act)} ~~of each Province~~ shall divide ~~(in each)~~ each Province into Electoral divisions & prescribe boundaries. -

Carried unanym.

A.G. Macdonald moves as to duration of Parliament. 5 years. & annual sessions. Carried unanym.

Only 4 Parls out of 18 in England which have exceeded 5 years. -

The term Parliament is correct, because Parliament is dissolved, but Elections take place for Commons only.

I prefer term "House of Commons", but they do not like it to be used elsewhere than in England, as they have prescriptive rights. I desire a clause that all the rights of the Lords & Commons in their Legislative capacity shall be provided to the Federal Parliament. It would be necessary to say Legislative capacity, as the House of Lords have a Judicial Capacity.

A.G. Macdonald moves: -

Preserving Electoral Laws in several Provinces for the Election of Members for Fedl. Parl. until other Provisions made by Fedl. Parl.

Carried unanym.

A.G. Macdonald moves:

The Ex. Authority to be vested in Sovereign of N.S.W. &c. Carried unanym.

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D. Supper... Is it meant to leave to the
Queen - or to make any suggestion
as to the appointment of Viceroy?

A.G. Macdonald. Thinks it advisable not
to make any suggestion. At least it
should not be a constitutional suggestion.
Hereafter, Parliament of the Federation
may represent a desire for one of the
Royal family as Viceroy.

Mr. McCully - I suppose we should continue
to proceed as we have been proceeding by
a for: General -

Mr. Hogg - ~~We ought to express our~~
~~opinion as yet ourselves.~~

Mr. Brown. As to local govt. - we desire
in U.C. that they should not be expensive
& should not take up political matters.
We ought not to have two Electoral
Bodies. Only one body, members to be
elected once in every three years. - They
have whole legislative power - subject
to Gov. - I wd. have Lt. Governor
appointed by General Gov. - It wd.
then bring these bodies into harmony
with the Gen. Gov. - In U.C. Executive
officers wd. be Atty. Gen. - Treasurer
Secretary - Commr. Crown Lands - & Commr.
Public Affairs. These would
form the Council of the Lt. Governor.
I wd. prefer Gov. acts without advice, but
under certain vote, should be
obliged to assent. During recess, Gov.

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should have power to suspend ex-officers. - They might be elected for three years - or otherwise - You might safely allow County Councils to ~~all~~ appoint other officers, than those they now do. One Leg: Chamber for 3 years - no power of disputation - Elected on one day in each 3^d year. - Appointed by Fed: Govt. - Departmental Officers to be elected during pleasure or for 3 years - to be allowed to speak but not to vote.

W. Cartier. - I entirely differ with Mr. Brown. It introduces in our Local Bodies, republican institutions. -

W. Brown - moves -
That in the Local Govt there shall be but one Leg: Chamber.

Sir E. Taché. This motion is made merely to elicit opinion of Conf:ee

W. Wiley. New Brunswick differs from Mr. Brown - They propose to keep the existing things as they are, so far as consistent with experience. - ~~but~~ They propose ~~from~~ to Govt. to Departmental Officers - with seat in House.

W. Dickson - Propose details, settle principles - will take Conf:ee take present Local Govts. as model?

17356

Mr. Fisher. I am opposed to Mr. Brown's views. - I approve of the present system of local legislatures. - I agree with Mr. Brown in that the Local Govts should be appointed by the Fedl. Govt.

Mr. Carter. In 1842, we had one Chamber in Nfld - partly appointed by crown, partly by people - ~~and~~ ^{as} it worked well. An object to reduce expense.

Mr. Henry. - I think Uniformity is very desirable. - But you should first consider what is to be left to the local legislatures, before you proceed to discuss their constitutions.

Mr. McGe. No. Institute your body. Then assign its powers. -

Mr. Chandler. We are here to form a constitution for Federal Govt. - Let the Provinces otherwise remain as they are, so far as possible. -

Mr. Tupper. - I agree with general principles laid down by Mr. Brown that the local Govts. should be as simple & expensive as possible. - We should diminish the local Govts. but we must not shock too largely the prejudices of the people in that respect.

BERNARD'S MINUTES AND NOTES

17987
131.

W. McCully - We must have immediate
responsible governments.

adj'd. at 2 o'clock.
—

17958

Thursday. 20 Oct. Sup. sitting.

Mr. McCully - moves that each Province be free to reconstitute its own legislature. Govt. as most applicable to its own legislature. -

~~Self moved.~~
Mr. Ansbald. ~~That~~ moves Lt. Govt. to be appointed by Fedl. Govt. for 5 years, each Legislature to continue until altered. If Impl. Act authorizes this, then you leave several Govts. shown however of such matters as are taken from them by the ~~impl.~~ Fedl. Govt. -

Mr. Chandler. I think we should only form a Federal Constitution; we shd. have no resolution or Act relative to the local Govt. Let them retain what they have, & have power to manage their own local concerns. - The Impl. Govt. will never consent to put in an Act of Part. that the Crown shall appoint Lt. Governors on the recommendation of the ^{Fedl.} Govt. - It is perfectly understood that, as in case of her councillors, the Crown take the recommendation of the Govt. & appoint a suitable person.

17:00

Mr. Tully. I wd. make it absolute
in Federal Govt. to appoint St. James
Chandler. I think Impl. Govt. would
never acquiesce in that.

Harvey.

McDougal. From peculiar position of
Canada, we must get permission
to change.

Bickie. - Agrees with Chandler that Crown
should appoint St. James.

Brown. One material point. The choice
of Federal Leg. Commissioners will largely
diminish or extinguish the local
leg. - If you have a leg. local. you
then embarrass yourselves by reconstructing
that body. - Mr. McDougal says he is
willing to take a Govt. & two Ambassadors
a local Govt. & retains them afterwards.
See how insignificant are the matters
upheld at present to be left to
the local Govts. - As to private and
local Bills, that might be done
under the General Incorporation
Act.

Ch. MacDonald. The Impl. Act must
repeal the several Acts affecting
Const. of Colonies. Most a statute wd. be
to wipe them out as a matter.

17994

mode adopted in Ireland, by Resolutions, settling forth it is fit that such should be done, afterwards turned into Enactments. --

I have little doubt that when system complete, a Delegate will have to be sent to Engl. Parl. from each Province, charged with the interests of the Province, & to represent them to the Engl. Parl. & their views.

We sh^d. have improving as much as possible - but that is only a secondary matter as compared with the passage of the measure.

McCully. Let U.C. try a single Chamber, & if it succeeds, the other Provinces can afterwards adopt it.

Motion of Mr. McCully carried.

Dickey. ought not something to be laid down as to the constitution of the Federal Executive Parl.? - On the principle now adopted by U & L.C. ought not there to be some mode of choosing Advisors from the Agricultural Interest of all the mixed Agri: & Maritime Interests of L.C. & the great Maritime Interest of lower Provinces.

17961
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A.G. Macdonald. We cannot limit or define the power of the Crown in such respect. - See our Union Act. Nothing about Responsible Govt. - It is a system which we have adopted. There is not even any resolution in our Journals as to the action of the Executive. The Sovereign may have such number as she pleases. In Canada it was found convenient that both sections should be represented in the Cabinet & in time in practice it grew into an equal division. The same principle must obtain as to the body of advisors of the Govt. of the Federation. That must be a Provisional Cabinet. It will probably be very few, & mainly for necessary purposes. The Federal Parliament being elected, the person charged with Ministry will probably increase the number. We must leave such arrangements as to Equality in the Cabinet to chance or necessity.

Chandler concurs..

McGully. But the Royal Instructions limit the number to 9. It should be an unlimited number: - and that point seems generally conceded here.

17962

Henry - We should feel that the first
 post. at least sh^d. be formed with
 due number from Lower Provinces.
 We feel that as regards the Lower
 Provinces, we may be outvoted by
 U. & L. C. but we knew that before
~~the~~ we came, and are willing to
 run the risk of it. -

~~Dr. B. -~~
 A. G. Macdonald. I think there may
 be an expression of opinion as
 suggested by Dr. B. -

In the first formation of an
 Executive Council, I think the pr^o.
 sh^d. send for one man, thro'
 whom the writs for Elections should be
 issued - & choose his Council
 afterwards.

A. G. Macdonald - moves as to
 appointment of Lt. Governor & his
 mode of removal -

The office must be during
 pleasure - necessaril^y. the person
 may break down, misbehave &c.
 The term of Governors & Lt. Governors
 is usually 6 years but I have
 fixed it at 5 as being the
 duration of our Parli^{am}. - The Lt. Gov^r.
 will be a very high official. - He
 should be independent of the
 Federal Gov^t except ~~for~~ removal
 for cause.

17963

And it is necessary that he should not be removable by any new political party. It would destroy his independence. He should not be removable by an address from Legislature.

A.G. Macdonald proceeded to read his several proposed resolutions as to the powers of Federal & Local Govts. -

McCully - Suppose a Local Legislature passes a Law on a subject on which they have no authority. In New Zealand, no Laws of Local Leg. are of effect, until approved by Govt. Genl. -

A.G. Macdonald. - If it be clearly an excess, or the better opinion of Mr. Chief Law Officer, ^{to be so} it will be disallowed by Queen.

On motion of Mr. McCully,
adjourned at 1/4 to 11 p.m.

1797/4

Friday. Oct 21. Mf. sitting

Adj. McDonald moved Resolution
as laws to be made by Fed. Govt.

Mr. Galt proposes to take up subjects
for action.

2. As to duties of Customs on M. & P. B.
New B. has a duty on Timber. As
proceeds of lands will belong to
local Govt. it will be necessary to
consider this point as regards N. B.
An Export duty on Timber must be
on Timber of Public & Private lands, &
none could therefore be imposed at
Quebec. And a question may
arise as to exp. of Coal from
N. B. These questions however
affect Territorial Revenues.

Telling. Export duty imposed on N. B.
on Timber, because Stampage
took so much to collect. Private
land owners did not object to it;
a few Export Timber from Private
lands.

Mr. Cully. I understood Mines & Minerals
were to be under local Govt.
Therefore as to Coal in Exp. - Govt. Govt.
should not be at liberty to put Exp. Tax
on Coal.

Trupper. N. B. will rely, in the local
Govt. for its royalty on Coal, to meet
its expenses. - If Govt. Govt. have
right to impose duty on Coal, it will

17973

add to the means of Seal Post, & the sacrifice of the local post.

Galt. - You are assuming that the Coal Post will impose a duty on Coal. Whereas the fact is that the Seal Post, shd. be in a position to protect the Federation by avoiding a policy injurious to Fedn. -

Henry. - It is not an Export duty, on Coal in U.S. It is a Royalty, as it is pd. by consumers in the Province.

Custom of A. reversed.

3. Excise Duties.

4. Taxation.

Trappes moves to restrict it to General Taxation.

W. Macdonald objects. - You could not tax Shoes because it wd. not be a general tax - or impose Harbour dues for the same reason on any particular Harbour.

7. Banking.

W. Galt. - Existing Charters of Banks will be reserved. In Canada, they all expire in 1870, when the subject may be reconsidered.

8. Ocean Navigation & Shipping.

Gray of N.B. suggests some insertion

174783

providing for safety of passengers & provisions respecting proper machinery & inspection &c.

25. Agriculture. -

McGully. - It is said this is a convenient. But I think it is a dangerous thing - It will lead to a conflict between the two jurisdictions. I think U.C. & L.C. would prefer its being for local foots. -

Palmer. - Thinks it should be local. But I apprehend that will not prevent Genl. foots. to take control of Agriculture under their care, in respect to payment of money locally. -

Brown. - I do not think you can make it local, and yet expect that the genl. foots can give money to the local foots. - But if you put it under genl. foots you may have the advantage of our Bureau of Agriculture, a model farm &c. But I am willing it shd. be local - only not to look for money from ~~local~~ ^{full} foots.

Coles. I think it should be retained for the genl. foots. - There should be a Minister of Agriculture for the Fedl. foots.

Tupper. Approval of something being

17979

of a concurrent character. We should confine the jurisdiction neither to one or the ~~part~~ other exclusively. - The same remarks apply to Immigration - which is intimately connected with the Crown Land, & those are under the local Govt. -

Mr. Lee. The Genl. Govt. may draw attention to this country for settlement. Only permanent attraction we can offer is cheap land, free institutions &c. I propose that the local legislature, should be bound to let Immigrants have lands as hitherto. Immigrants should feel that they come to British America as a whole, & to choose lands where they like.

Dickey. The local Govts have as great an interest in the Genl. Govt. as in promoting Immigration.

Henry. Genl. Govt. ought to have control of agriculture. - If conflict likely to arise, I would rather withdraw it from the local Govt. but I do not fear any clashing between the two powers. We ought to keep up Bureau of Agriculture in our Confederation.

knowl. Items of Agriculture "Hunt"

4/

17975

should be vested in both Fedl. & local govt. - danger often arises where there is exclusive jurisdiction & not so often in cases of concurrent jurisdiction. In Municipal matters, the County & Township Councils often have concurrent juris.ⁿ -

McGully. Take another view. - The concurrent juris. is the source of the difficulties in the U.S.

knowat. - That is because there is a doubt whether there is a concurrent juris. or not.

Mr McGully - moves to strike out

25. Agriculture. You may	
Vote. Canada	2
U.S.	1
N.B.	1
N.H.	1
P.E.I.	1
	<u>6</u>

26. Criminal Law.

A.G. MacDonald. We should discuss appointment of judiciary - & as to local & Supreme judiciary. In whom appointment should be vested.

Suppos. Of special value a common system of jurisprudence.

5/-

17926

That is impossible on account of L.C. -
But as near as possible, it should be
attempted.

~~Dr. King~~. A.G. Warden. I am glad to
hear D. Ingham & W. Culler's views accord
with mine. - We may have one
statutory law, one system of courts, one
judiciary, and eventually one
Bar.

Wheat. I quite concur in the
advantages of one uniform system.
It would weld us into a nation.
We must however provide that the
Judges sh. be appointed & paid by
the Land Leg. - But if L.C. is excluded,
yet she will have a voice in
deciding for the other Provinces.

27. Roads & Bridges.

Tilling. moves to strike out and
leave to local gov^{ts}. the words
"Roads Bridges."

McFulley. concurs.

27 amended.

THE QUEBEC RESOLUTIONS

Saturday, Oct 22

Debate 22 Oct 17948

Mr. Galt. moves.

(Printed within).

Mr. Galt. very desirably that no question
shd. arise from which any Province
shd. complain of injustice. Any Province
being less indebted than other whether
from good fortune or good management,
shall benefit by it. Future liabilities
of Conf^d must be presumed to be for
benefit of all. We must start therefore
on a fair basis. - This therefore
proposed that certain principles shall
be laid down. The admission of the
principle 1. involves the admission of
the 2^d. And thence you must proceed
to draw the line prescribed by the 3^d. -
Necessary as to 4. because Conf^d has
made up its mind that lands & other
things shall belong to the local leg.

All works of an intercolonial nature to
which have created debt to be borne
by Conf^d should be vested in Conf^d.
Harbours. i.e. of ports, & national
cargoes, not being in private
corporations or towns. -
Railroads. In Canada we are not
proprietors of any Railroads, but have
lent large sums to them. - Buildings
for accommodation of local leg. as
distinguished from residences of the
Governor, should be left to local
legislatures. - Resolved three Resolutions.

17984

cover all the property to be taken by
 Genl. Govt. & the follop. resolutions
 proceeds to show what changes shall
 be adopted by Comfr. The principle
 of the 1st. ~~is~~ here attempted to be
 carried out. I propose 5 percent.
 as the rate of interest. Impossibility for
 us at this moment to decide
 debt & liabilities of several Provinces,
 I can only be ascertained when
 functions of local legislatures
 cease in that respect. - at that time
 ascertain amount & debit each
 Province. -

Debt of Canada different to others.
 as it enters as two Provinces, or
 previous subdivision of debt of C.
 must be made between U. & C.
 advantage of this mode of
 applicability, that people suppose
 debt of Canada a very severe one.
~~Can. & determine the~~ This subdivision
 must be done by Canadian leg.
 In case of U. B. we find an actual
 debt existing, and liabilities which
 may between this time and the
 Act of Union may become liabilities
 of the Confederation. - Further
 liabilities might be incurred, &
 it is therefore essential that a
 rule shd. be laid down, and that
 if, supporting the principle of
 equality, any one goes into such
 expense, it must be on their own
 account. - Same Office to audit
 all affairs of provinces, nothing

17982

a political officer, to ascertain position of the provinces in respect to liabilities. - How shall liabilities, charged against Provinces, be met. The 6th Resⁿ meets this, by providing a basis. - The reasons why amt. of \$25 inserted in this Resⁿ. - The present existing debts of all provinces ~~are~~ \$50,000,000. - The amt. of \$25 - will be \$22,500,000. Canadian debt as follows. -

Deb: debt. Jan 1864 - \$66,000,000
 his: liabilities

Debts incurred largely on Public Works. a matter of interest to Maritime Provinces, as being ~~of~~ for connecting the West. - The opening of Railways & Canals. - That class of Public Works, say \$25,000,000. - And in course of debts, years, some debts of that nature have ^{been} paid off out of Revenue. - Debt in respect of Railways - \$29,000,000. - As to G.T.R. \$15,000,000 - claim of province postponed to other claims. Must be considered in connection with the Intercolonial Railway - That part to his du tout especially so.

As to G.W.R. \$3,000,000 - a perfectly good asset & we have first charge Northern Ry. & Govt. purchased bonds.

17983

\$2 or \$2½ millions postponed to preference claims - about \$1,000,000. Mr. Sturges said pass them with other creditors. Hadn't receiving & paying something to Province. - Entries must be added interest accounts.

Guarantees - that are now direct obligations viz. Mont. Loan & Debt. - Canada conceives it better for her to assume these. -

\$8,000,000. net liabilities of Canada - \$5,000,000 - U.S.
 N.B. \$5½ millions or \$6 -
 newfd. within a fraction of 1 million
 A.P.E.I. in our currency \$240,000 -

\$25 placed in Canada = \$62,500.
 charged up Canada \$69,500,000
 N.B. it will about represent liabilities - the same in Nova Scotia.

17984

Tilly. - Scheme gives upd P. & I everything
 takes on the way - cost us
 gives us nothing in return.
 no value in G.T.P. stock: - yet put
 as a pett. - & as to Canal tolls, policy
 of Canadian port. not to look to them.
 You have fixed the population of
 N.B. as inferior to that of U.S. which
 is the case: but it ought not to be
 unmovably but to vary in its
 increase. The increase of the
 pop. will lessen the per capita
 tax.

Gray. N.B. - But our Railway is producing
 & yields 8 per cent. It is only the
 difference which shd. be charged
 of 2 p. 5 -

Tully. - Wrong to assume apelt to be
 of equal value when they are not
 so.

Mr. Cully. You shd. not assume the \$25
 as the debt. it ought to be \$14

Brown.

17991

Sunday Oct 24.

1863

October 24 Oct

In motion moves:

Mr. Chandler. I object to the proposed system. You are adopting a legislative Union instead of Fedl. The local Legislatures should not have their powers specified, but shd. have all the powers not reserved to the Federal Govt. And the only powers to be given to the Federal Govt. should be specified. You are now proceeding to destroy the Constitutions of the Local Governments & to give them less powers than they have had allowed them from England. It will make them merely large Municipal Corporations. - This is a vital question which decides the question between a Fedl. & Reg. Union, & will be fatal to the success of Conf. in lower Provinces.

Tupper. Have heard argument with surprise. Powers - undefined - must rest somewhere. Those who were at Charlottetown will remember that it was fully specified there that all the powers not given to Local should be

reserved to Federal Govt. This was
 stated as being the prominent matter
 of the Canadian scheme, & it was said
 then that it was desirable to have a
 plan contrary to that adopted by the
 U.S. It was a fundamental
 principle laid down by Canada, &
 the basis of our deliberations. -
 Chandler says that it gives a legi.
 instead of a Fed: Union. I think
 that a benefit. Is the Fed: Govt. to be of
 more delegates? We have proposed
 for a Legislative Dept. for the
 represent. of every section in all the
 Provinces. - Such a court Govt.
 ought to be charged with the
 fullest powers. It will be easier for
 every of the remotest settlers, in N.S.
 & N.B. to reach the Fedl. Legislature
 than the present Local Legislatures.
 If it were not for the peculiar
 condition of N.C. and that the
 Lower Provts. have not Municipal
 Systems such as N.Y. - I should prefer
 a Legislative Union instead of a
 Federal. - We ^{propose to} preserve the Local
 Govt. in the Lower Provts. because we
 have not Municipal Institutions.
 If Conf. limit the powers of the
 Fed. Leg., I feel that the whole
 platform is swept away from us.

Coles. - I did not understand this was laid down as a basis at Charlottetown. I thought there the only thing specified was Rep. by Pop. in Lower House. - I agree with Mr Chandler's view.

Haviland. Disappears with Chandler. Coles. - Understood the grand basis, so as to ~~avoid~~ difficulties, of U.S. ~~was~~ is to give limited powers to local legislatures.

Gray. A.H. Coles' memory short. Quotes from Mr. MacDonald's speech at Charlottetown & off Mr. Brown's that Fedl. Govt. were to have full powers & limited as to local. Whatever conclusion may be now arrived at, such was the basis of the Canadian Scheme. -

Chandler. My argument is not with as to merits. but as to what was laid down at Charlottetown. - We all agree that local Govt. should have local powers - we differ as to whether such powers should be defined.

Meffer. Under Chandler's view, the Govt. Govt. wd. be less than the St. Govt. & the Fedl. Govt. less than the local.

Dickey. Propose a Supreme Court of appeal to decide any conflict between Federal & State Rights.

History Council

I am rather inclined to agree with Mr. Chandler - Immense interests omitted in New York Union.

Brown. . . This matter received close attention of Canadian Post. - I should agree with Mr. Chandler were it not that we have done all we can to settle the matter with sufficient power to local leg. - I would let the Courts of each Province decide what is local & what Gen. Post. jurisdiction, with appeal to the Sup. Court.

McGulley. I refer to New Zealand Act, evidently framed to meet difficulty. It strangely defines what the Local Post. shall include - in 53rd cl: local Assembly to make laws to provide of N.Z. & shall contest & supersede those of Local Post. repugnant thereto. Mr. Brown will land us in position of U.S. by referring matter of conflict of jurisdiction to Courts. You thus set them over the Gen. Legislative.

City Merchants. . . N. Zealand Customs was a Leg. Union, over Federal. & imports went out under different financial laws. Local Chambers passed - in order to prove these, they gave the powers stated.

167 17935

to local legs but the Genl. Govt. had power to sweep these away. - That is just what we do not want. L.C. & the seven Provinces would not have such a thing. - No analogy between N.Z. & ourselves in such respects. Our friends now can decide where there is any conflict between the Imperial and Canadian Statutes. I think the whole affair would fail & the system be a failure if we adopted Chandler's views. It would be adopting the worst features of the U.S. We should concentrate the power in the Fedl. Govt. - Just adopt the decentralization of the U.S. -

Chandler would give Sovereign power to the local legs - just where the U.S. failed. - Canada would be infinitely stronger as she is than under such a system as proposed by Chandler. - It is said Tariff is one of causes of difficulties in U.S. - So it would be with us. - Looking at Agricultural interests of U.S. manufacturing of L.C. & oceans int. of Lower Provinces in respect to a Tariff, a Fedl. Govt. would be a mediator. No Genl. feeling of Patriotism in U.S. - In matters of difficulty, each man sticks to his individual State. Stephens - present V.P. - a strong Union man. yet when time came, he went with his State

16th 17996

Similarly we should each stick to our Province & not be British Americans. - It would be introducing a source of radical weakness. It w^d ruin us in the eyes of the Civilized world. All writers point out ~~failures~~ ^{failings} of U.S. - all the failings prognosticated by de la Beigneille are shown to be fulfilled.

Johnson. - Enumerate for local ^{govts} their powers. & give all rest to genl. gov. - but do not Enumerate both.

Palmer. - Decide to define what are general then what are local subjects; but we cannot define both. We cannot meet every possible case or emergency.

Henry. - We should not define powers of General Legislature. I w^d ask L.C. not to fight for a shadow. Give a chance to give genl. powers, (except such as given to local Legs) to Federal Leg. - Anything beyond that is hampering the case with difficulties. If we are to have Confederation let us have one on the principles suggested by Atty. G^l. Macdonald. - In U.S. no power to settle Constitutionality of an Act. - Hereafter we shall be formed by an

169 17997

Imperial Act & our Indps will have to lay what is Constitutional under it as regards Genl. or Local Legislation.

Dickey. Why did Impl. Stat. give the powers they did to New Zealand Genl. Govt.

Crandall. My plan is not precisely the same as U.S. - because Govt. does not in U.S. appoint the Govt. & the Leg. Councils. - If my plan is not adopted, I should rather have Elective Leg. Councils.

Gray A.B. Source of power flows from Impl. Govt. - We propose to substitute the Federal Govt. for the Impl. Govt. but the Fedl. Govt. being itself subservient to the Impl. Govt. - And as to the policy of the thing, I think it best to define the powers of the local powers as the public with themselves what matters they have reserved for their consideration, with which matters they will be familiar. To the humbler classes & the less Educated with to comprehend that their interests are protected -

Tuesday Evg.
Oct. 25.

Debate
Oct 25

184021

Mr. Macdonald moves powers to local
legislatures as to laws -

Fisher - objects to inspection laws. -
Many laws as to inspection - Fish,
Flour &c are local. And Steamboats
may be so.

Tupper - W. approve of local Legislature
having regulations of inspection
of Steamboats -

Stem struck out.

S. Mason - present of laws of local
for?.

Macdonald - objects - too great a
restriction -

Chandler concurs. in Wm. on's Rej. -
The reason

Gray. W.B. concurs in ditto.

Mr. Fuller thinks clause as drawn
is desirable.

Chandler - But your Courts
will decide whether the local
legislatures exceed their
powers, & they require a
second veto.

18022

Tuesday. 25th Oct.

Wm. Mawdsley's motion as to local laws
respecting:

2. Education

M^{rs} G. moved clause, saving rights
of Prot. & R.C. minorities.

Item 2 carried, with W. M. G. & Co. amended.

Fisheries. -

Col. Gray. P.E.I. desires concurrent
jurisdiction in Fed. Govt.

Amphlett concurs.

Carried "Sea Coast and Island Fisheries."

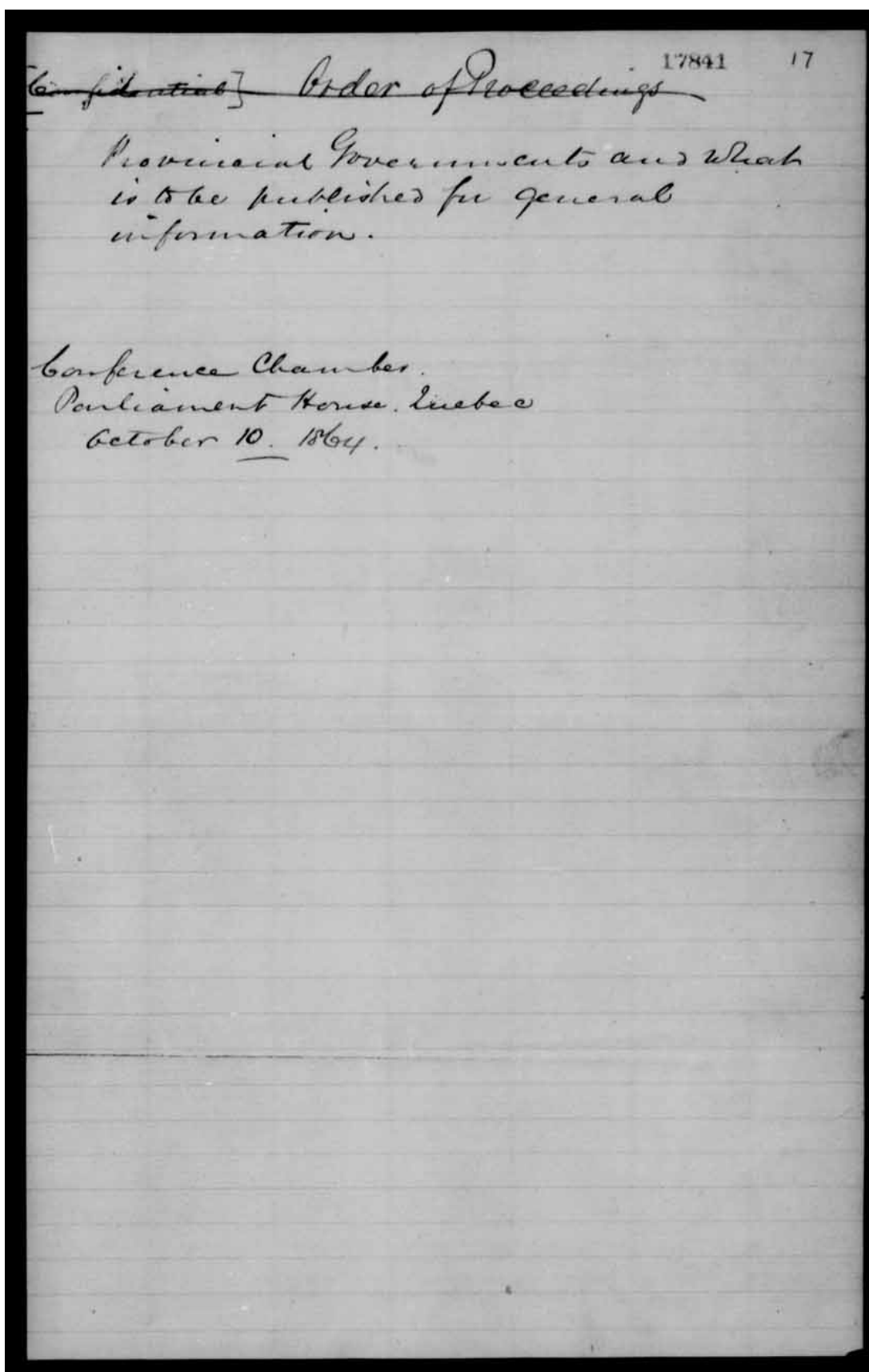
17840 Vancouver Min^a - 10 Oct 16Confidential.

Order of Proceedings to be observed
in Conferences
of the Provinces of British North America.

Resolved,

Except ^{Except}

1. In taking the votes on all questions to be decided by this Conference, except questions of order, each Province or Colony, by whatever number of delegates represented shall have one vote, and that in voting, Canada be considered as two Provinces.
2. That free and individual discussion ~~be~~ and suggestions be allowed.
3. That all motions and the discussion and votes thereon be in the first place as if in Committee of the whole.
4. That after vote put, no discussion be allowed.
5. That each Province may retire for consultation after vote put.
6. That after the scheme is settled in Committee of the whole, all the resolutions be reconsidered as if with Speaker in the ~~Chair~~ Chair.
7. That just before ~~immediate~~ breaking up the Conference, the Minutes be carefully gone over and settled, with the view of determining what is to be ~~settled~~ submitted to the Imperial and



18099

CONFIDENTIAL.

ORDER OF PROCEEDINGS

*To be observed in Conference of the Provinces of British
North America.*

RESOLVED,—

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2. That free and individual discussion and suggestion be allowed.
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5. That each Province may retire for consultation after vote put.
6. That after the scheme is settled in Committee of the Whole, all the resolutions be re-considered as if with Speaker in the Chair.
7. That just before the breaking up of the Conference, the Minutes be carefully gone over and settled, with the view of determining what is to be submitted to the Imperial and Provincial Governments and what is to be published for general information.

CONFERENCE CHAMBER,
Parliament House, Quebec,
October 10, 1864.