

1868

Confidential.

RESOLUTIONS

ADOPTED AT A

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

HELD AT

THE WESTMINSTER PALACE HOTEL, LONDON,

ON THE

FOURTH DAY OF DECEMBER,

ONE THOUSAND EIGHT HUNDRED AND SIXTY SIX.

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

2. In the Confederation of the British North American Provinces, the system of government best adapted under existing circumstances to protect the diversified interests of the several Provinces, and secure efficiency, harmony, and permanency in the working of the Union, is a General Government charged with matters of common interest to the whole country, and Local Governments for each of the Canadas, and for the Provinces of Nova Scotia and New Brunswick, charged with the control of local matters in their respective sections, provision being made for the admission into the Confederation, on equitable terms, of Newfoundland, Prince Edward Island, the North West Territory, and British Columbia.

Sir John A. Macdonald Papers
Volume 47, Part 2

PUBLIC ARCHIVES PUBLIQUES
CANADA

3. In framing a Constitution for the General Government, the Conference, with a view to the perpetuation of the connection with the mother country, and the promotion of the best interests of the people of these Provinces, desire to follow the model of the British Constitution, so far as circumstances will permit.

4. The Executive Authority or Government shall be vested in the Sovereign of the United Kingdom of Great Britain and Ireland, and be administered according to the well-understood principles of the British Constitution, by the Sovereign personally, or by the representative of the Sovereign duly authorized.

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

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

7. For the purpose of forming the Legislative Council, the Confederation shall be considered as consisting of three divisions:—

- First—Upper Canada,
- Second—Lower Canada, and
- Third—Nova Scotia and New Brunswick.

Each division with an equal representation in the Legislative Council.

Sir John A. Macdonald Papers
Volume 47, Part 2

8. Upper Canada shall be represented in the Legislative Council by twenty-four Members, Lower Canada by twenty-four Members, and the Maritime provinces by twenty-four Members, of which Nova Scotia shall have twelve and New Brunswick twelve Members.

9. The Colony of Prince Edward Island, when admitted into the Confederation, shall be entitled to a representation of four Members in the Legislative Council. But in such case the Members allotted to Nova Scotia and New Brunswick shall be diminished to ten each, such diminution to take place in each Province as vacancies occur.

10. The Colony of Newfoundland, when admitted into the Confederation, shall be entitled to a representation in the Legislative Council of four Members.

11. The North West Territory and British Columbia shall be admitted into the Union on such terms and conditions as the Parliament of the Confederation shall deem equitable, and as shall receive the assent of the Sovereign, and in case of the Province of British Columbia, as shall be agreed to by the Legislature of such Province.

12. The Members of the Legislative Council shall be appointed by the Crown under the Great Seal of the General Government, from among residents of the Province for which they are severally appointed, and shall hold office during life. If any Legislative Councillor shall for two consecutive Sessions of Parliament fail to give his attendance in the said Council, his seat shall thereby become vacant.

13. The Members of the Legislative Council shall be British subjects by birth or naturalization, of the full age of thirty years, shall each possess in the Province for which they are appointed, a continuous real property qualification of four thousand dollars over and above all incumbrances, and shall be and continue worth that sum over and above their debts and liabilities, and shall possess a continuous residence in the Province for which they are appointed, except in the case of persons holding official positions which require their attendance at the seat of Government pending their tenure of office.

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

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

16. The Speaker of the Legislative Council (unless otherwise provided by Parliament) shall be appointed by the Crown from among the Members

of the Legislative Council, and shall hold office during pleasure, and shall only be entitled to a casting vote on an equality of votes.

17. Each of the twenty-four Legislative Councillors representing Lower Canada in the Legislative Council of the General Legislature, shall be appointed to represent one of the twenty-four electoral divisions mentioned in schedule A of chapter first of the Consolidated Statutes of Canada, and such Councillor shall reside or possess his qualification in the division he is appointed to represent.

18. The basis of representation in the House of Commons shall be population, as determined by the official census every ten years, and the number of Members at first shall be one hundred and eighty-one, distributed as follows:—

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

19. Until the first General Election after the official census of One thousand eight hundred and seventy-one has been made up, there shall be no change in the number of representatives from the several sections.

20. Immediately after the completion of the census of One thousand eight hundred and seventy-one, and immediately after every decennial census thereafter, the representation from each Province in the House of Commons shall be

readjusted on the basis of population, such readjustment to take effect upon the termination of the then existing Parliament.

21. For the purpose of such readjustments, Lower Canada shall always be assigned sixty-five Members, and each of the other Provinces shall, at each 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 last taken by having sixty-five Members.

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

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

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

25. Until provisions are made by the General Parliament, all the laws which at the date of the Proclamation constituting the Union are in force in the Provinces respectively relating to the qualification and disqualification of any person to

be elected, or to sit or vote as a Member of the Assembly in the said Provinces respectively, and relating to the qualification or disqualification of voters, and to the oaths to be taken by voters, and to Returning Officers, and their powers and duties, and relating to the proceedings at elections, and to the period during which such elections may be continued, and relating to the trial of controverted elections, and the proceedings incident thereto, and relating to the vacating of seats of Members, and to the issuing and execution of new writs in case of any seat being vacated otherwise than by a dissolution, shall respectively apply to elections of Members to serve in the House of Commons of places situate in those Provinces respectively.

26. Every House of Commons shall continue for five years from the day of the return of the writs choosing the same, and no longer; subject, nevertheless, to be sooner prorogued or dissolved by the Governor-General.

27. There shall be a Session of the General Parliament once at least in every year, so that a period of twelve calendar months shall not intervene between the last sitting of the General Parliament in one Session and the first sitting thereof in the next Session.

28. The General Parliament shall have power to make laws for the peace, welfare, and good government of the Confederation (saving the Sovereignty of England), and especially laws respecting the following subjects:—

1. The public debt and property.
2. The regulation of trade and commerce.
3. The raising of money by all or any mode or system of taxation.
4. The borrowing of money on the public credit.
5. Postal service.
6. Lines of steam or other ships, railways, canals, and other works connecting any two or more of the Provinces together, or extending beyond the limits of any Province.
7. Lines of steam ships between the Confederated Provinces and other countries.
8. Telegraphic communication and the incorporation of Telegraph Companies.
9. All such works as shall, although lying wholly within any Province, be specially declared by the Acts authorising them to be for the general advantage.
10. The Census and statistics.
11. Militia, military and naval service, and defence.
12. Beacons, buoys, light-houses, and Sable Island.
13. Navigation and shipping.
14. Quarantine.
15. Sea coast and inland fisheries.
16. Ferries between any Province and a foreign country, or between any two Provinces.
17. Currency and coinage.
18. Banking: Incorporation of Banks, and the issue of paper money.
19. Savings Banks.
20. Weights and measures.
21. Bills of exchange and promissory notes.
22. Interest.

Sir John A. Macdonald Papers
Volume 47, Part 2

PUBLIC ARCHIVES PUBLIQUES
CANADA

23. Legal tender.
 24. Bankruptcy and Insolvency.
 25. Patents of Invention and Discovery.
 26. Copyrights.
 27. Indians, and land reserved for the Indians.
 28. Naturalization and Aliens.
 29. Marriage and Divorce.
 30. The Criminal Law, except the constitution of Courts of Criminal Jurisdiction, but including the procedure in Criminal matters.
 31. The establishment, maintenance and management of Penitentiaries.
 32. Rendering uniform all or any of the Laws relative to property and civil rights in Upper Canada, Nova Scotia, and New Brunswick, and rendering uniform the procedure of all or any of the Courts in these provinces; but any Statute for this purpose shall have no force or authority in any Province until sanctioned by the Legislature thereof, and the power of repealing, amending or altering such Laws, shall henceforward remain with the General Parliament only.
 33. The establishment of a General Court of Appeal for the Confederation.
 34. Immigration.
 35. Agriculture.
 36. And generally respecting all matters of a general character, not specially and exclusively reserved for the Local Legislatures.
29. The General Government and Parliament shall have all powers necessary or proper for performing the obligations of the Confederation aspart of the British Empire to Foreign Countries,

Sir John A. Macdonald Papers

Volume 47, Part 2

PUBLIC ARCHIVES PUBLIQUES
CANADA

arising under Treaties between Great Britain and such Countries.

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

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

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

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

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

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

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

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

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

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

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

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

1. The altering or amending their Constitution from time to time.
2. Direct taxation, and, in the case of New Brunswick, the right of levying timber dues by the mode and to the extent now

- established by law, provided such timber be not the produce of the other Provinces.
3. Borrowing money on the credit of the Province.
 4. The establishment and tenure of Local offices, and the appointment and payment of Local officers.
 5. Agriculture.
 6. Immigration.
 7. Education; saving the rights and privileges which the Protestant or Catholic minority in any Province may have by law as to denominational schools at the time when the Union goes into operation. And in any Province where a system of separate or dissentient schools by law obtains, or where the Local Legislature may hereafter adopt a system of separate or dissentient schools, an appeal shall lie to the Governor General in Council of the General Government, from the acts and decisions of the Local Authorities which may affect the rights or privileges of the Protestant or Catholic minority in the matter of education; and the General Parliament shall have power in the last resort to legislate on the subject.
 8. The sale and management of public lands, excepting lands belonging to the General Government.
 9. The establishment, maintenance and management of public and reformatory prisons.
 10. The establishment, maintenance and management of Hospitals, Asylums, Charities and Eleemosynary Institutions, except Marine Hospitals.
 11. Municipal Institutions.

Sir John A. Macdonald Papers
Volume 47, Part 2

PUBLIC ARCHIVES PUBLIQUES
CANADA

12. Shop, Saloon, Tavern, Auctioneer and other licenses for Local Revenue.
13. Local works.
14. The Incorporation of Private or Local Companies, except such as relate to matters assigned to the General Parliament.
15. Property and civil rights (including the solemnisation of marriage) excepting portions thereof assigned to the General Parliament.
16. Inflicting punishment by fine, penalties, imprisonment or otherwise, for the breach of Laws passed in relation to any subject within their jurisdiction.
17. The administration of Justice, including the constitution, maintenance, and organisation of the Courts, both of Civil and Criminal jurisdiction, and including also the procedure in civil matters.
18. And generally all matters of a Private or Local nature not assigned to the General Parliament.

42. All the powers, privileges and duties conferred and imposed upon Catholic separate schools and School Trustees in Upper Canada, shall be extended to the Protestant and Catholic Dissident Schools in Lower Canada.

43. The power of respiting, relieving and pardoning prisoners convicted of crimes, and of commuting and remitting of sentences in whole or in part which belongs of right to the Crown, shall, except in capital cases, be administered by the Governor of each Province in Council, subject to any instructions he may from time to time receive from the General Government, and subject

to any provisions that may be made in this behalf by the General Parliament.

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

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

46. No lands or property belonging to the General or Local Governments shall be liable to taxation.

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

48. The House of Commons or House of Assembly, shall not originate or pass any vote, Resolution, Address or Bill for the appropriation of any part of the Public Revenue, or of any tax or impost to any purpose, not first recommended by message of the Governor-General, or the Governor as the case may be during the session in which such Vote, Resolution, Address or Bill is passed.

Sir John A. Macdonald Papers

Volume 47, Part 2

PUBLIC ARCHIVES PUBLIQUES
CANADA

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

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

51. The seat of Government of the Confederation shall be Ottawa, subject to the Royal Prerogative.

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

53. All stocks, cash, bankers' balances, and securities for money belonging to each Province at the time of the Union, except as hereinafter mentioned, shall belong to the General Government.

54. The following Public Works and Property of each Province shall belong to the General Government, to wit:—

1. Canals.

- 2. Public harbours.
- 3. Light-houses and piers, and Sable Island.
- 4. Steamboats, dredges, and public vessels.
- 5. Rivers and lake improvements.
- 6. Railways and railway stocks, mortgages and other debts due by railway companies.
- 7. Military roads.
- 8. Custom-houses, post offices, and all other public buildings, except such as may be set aside by the General Government for the use of the Local Legislatures and Governments.
- 9. Property transferred by the Imperial Government, and known as Ordnance property.
- 10. Armouries, drill sheds, military clothing, and munitions of war, and lands set apart for general public purposes.

55. All lands, mines, minerals, and royalties vested in Her Majesty in the Provinces of Upper Canada, Lower Canada, Nova Scotia, and New Brunswick, for the use of such Provinces, shall belong to the Local Government of the territory in which the same are so situate; subject to any trusts that may exist in respect to any of such lands or to any interest of other persons in respect of the same.

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

57. All assets connected with such portions of the Public Debt of any province as are assumed by the Local Governments, shall also belong to those Governments respectively.

Sir John A. Macdonald Papers
Volume 47, Part 2

58. The several Provinces shall retain all other public property therein subject to the right of the General Government to assume any lands or public property required for fortifications or the defence of the country.

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

60. The debt of Canada not specially assumed by Upper and Lower Canada respectively, shall not exceed at the time of the Union sixty-two million five hundred thousand dollars; Nova Scotia shall enter the Union with a debt not exceeding eight million dollars, and New Brunswick with a debt not exceeding seven million dollars. But this stipulation is in no respect intended to limit the powers given to the respective Governments of those Provinces by Legislative authority, but only to determine the maximum amount of charge to be assumed by the General Government.

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

62. In consideration of the transfer to the General Parliament of the powers of taxation, the following sums shall be paid by the General

Government to each Province for the support of
their Local Governments and Legislatures:—

Upper Canada.	\$80,000
Lower Canada.	70,000
Nova Scotia	60,000
New Brunswick	50,000
	<hr/>
	\$260,000

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

63. 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 Sixty-three thousand dollars per annum shall be made to that Province. But that so long as the liability of that Province remains under Seven millions of dollars, a deduction equal to the interest on such deficiency shall be made from the Sixty-three thousand dollars.

Sir John A. Macdonald Papers
Volume 47, Part 2

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

65. The construction of the Intercolonial Railway being essential to the consolidation of the union of British North America, and to the assent of the maritime Provinces thereto, it is agreed that provision be made for its immediate construction by the General Government, and that the Imperial guarantee for three millions of pounds sterling pledged for this work be applied thereto, so soon as the necessary authority has been obtained from the Imperial Parliament.

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

67. The sanction of the Imperial Parliament shall be sought for the union of the Provinces on the principal adopted by this Conference.

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

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

Mr. Johnson

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Sir John A. Macdonald Papers
Volume 47, Part 2
PUBLIC ARCHIVES PUBLIQUES
CANADA