

CANADA'S PRIMARY CONSTITUTIONAL DOCUMENTS

THE QUEBEC RESOLUTIONS

INCLUDING

SEVERAL NEVER-PUBLISHED PRELIMINARY DRAFTS BY
GEORGE BROWN AND JOHN A. MACDONALD

AND A COLLECTION OF ALL PREVIOUSLY-PUBLISHED
PRIMARY DOCUMENTS RELATING TO THE
CONFERENCE

DOCUMENTS DATING FROM:

OCTOBER 10, 1864 - OCTOBER 29, 1864

(AS WELL AS SEVERAL CONTEXTUALLY-RELEVANT DOCUMENTS PRE-DATING AND
POST-DATING THIS CHRONOLOGY.)

CHARLES DUMAIS



SECOND EDITION

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The Quebec Resolutions:

Including Several Never-Published Preliminary Drafts by George Brown and John A Macdonald and a
Collection of All Previously-Published Primary Documents Relating to the Conference,
October 10, 1864 – October 29, 1864

Second Edition

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THE QUEBEC RESOLUTIONS



PREFACE

This book is the second edition of *The Quebec Resolutions: Including Several Never-Published Drafts by George Brown and John A. Macdonald and a Collection of All Previously-Published Primary Documents Relating to the Conference October 10, 1864 – October 29, 1864*. The first edition was published in eBook format in 2021, on the PrimaryDocuments.ca website. The second edition is now available in both eBook and print. This second edition improves upon the first by adding a substantial amount of new primary documents that inform the historical context. Part I and Part II are entirely preserved, while the Appendix has been substantially expanded. And, an updated Introduction and new Preface was added to the second edition. My hope is that this new historical context will help situate the drafting history contained in Part I and II more fully.

Two corrections have been made:

- First, in Part I, the document “Principles of Debts and Assets, October 26, 1864” has been corrected to read October 22nd, as items listed in that document were first tabled at the conference on October 22nd. I wish to express here my gratitude for my colleague Michael Scott for spotting the mistake.
- Second, it is now clear that the document “A.T. Galt’s Federation Resolutions Draft, 1858” was actually a summary of a despatch authored by Galt, George-Etienne Cartier, and John Ross, to the Secretary of State for the Colonies. The second edition now features the actual text of Galt’s federation resolutions, as tabled in the Legislative Assembly in 1858.

Given the ongoing interest in Canadian jurisprudence and academic work, and the positive feedback for the first edition, I hope that this volume will continue to be found of value by jurists, academics, and students alike.

Charles Dumais, Editor
Toronto, Ontario, 2025

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INTRODUCTION TO THE SECOND EDITION (2025)

The Quebec Conference took place from October 10 - 29, 1864. Delegates from the legislatures of the Province of Canada, New Brunswick, Nova Scotia, Prince Edward Island and Newfoundland convened at Quebec City and produced a blueprint for a new British North American constitution known as the “Quebec Resolutions.” These resolutions became the embryonic form of the *British North America Act, 1867* (hereafter referred to as the *Constitution Act, 1867*).¹ These resolutions included, notably, representation by population in the lower legislative house, equal and appointed representation in the upper house, a plan for the distribution of legislative powers between the federal and provincial levels of government, and protection for religious education for Catholic and Protestant minorities in Ontario and Quebec, respectively. Many resolutions entered the *Constitution Act, 1867* in language identical to that adopted at Quebec in 1864. The Quebec Resolutions therefore have much to tell those studying the historical origins and meaning of the *Constitution Act, 1867*.²

This volume provides, for the first time, new and never-before-seen working notes and drafts of the Quebec Resolutions produced and tabled at the Quebec Conference, 1864. Collectively they establish a completely new documentary history of the Quebec Resolutions, one that is more detailed and thorough than what is known in the existing scholarship. This includes, notably, a new history of the distribution of powers. These documents corroborate the existing primary documents already known and published elsewhere.³ As such, this volume lays the documentary foundations to pursue further work on the Quebec Conference and Confederation more broadly. This volume has been curated and organized chronologically to bring this new documentary history into focus.

The volume is divided into three parts:

- Part I: the working notes found in George Brown’s archival fonds;⁴
- Part II: the drafts of the Quebec Resolutions found in John A. Macdonald’s archival fonds;⁵ and,
- Part III: materials helpful to understanding Parts I and II—such as contemporaneous correspondences, speeches, and select newspaper reports spanning the period of 1858 to 1865.

While the materials in this volume are public documents available in one form or another, much of it is not well known, and certainly not easily accessible. To solve these problems, all relevant material for the

¹ In 1982, the *British North America Act, 1867* (30 & 31 Vict., c 3) was modernized as the *Constitution Act, 1867* (U.K.). According to section 2, the act is to be cited as the *Constitution Act, 1867*.

² The leading figures in this field are Eugénie Brouillet, Janet Krikorian and Robert C. Vipond. See their work in Eugénie Brouillet, Alain-G. Gagnon, and Guy Laforest (Editors), *The Quebec Conference 1864. Understanding the Emergence of the Canadian Federation* (McGill-Queen’s University Press, 2018).

³ Joseph Pope, *Confederation: Being a Series of Hitherto Unpublished Documents Bearing on the British North America Act* (Toronto: The Carswell Co. Ltd. Law Publishers, 1895); G. P. Browne, *Documents on the Confederation of British North America* (McCelland and Stewart, 1969 [2009]); P.B. Waite (1961) “Edward Whelan Report From the Quebec Conference”, in *The Canadian Historical Review* (University of Toronto Press, 1961).

⁴ George Brown Papers, MG 24 B, Vol. 2, at Library and Archives Canada.

⁵ John A. Macdonald Papers, MG26 A, Vol. 46, at Library and Archives Canada.

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Quebec Conference was reproduced in this volume. The goal, essentially, was to place the totality of the Quebec Conference's documentary history into the hands of the reader in a single, comprehensive, volume.

Two benefits have been immediately derived from undertaking this work. First, the materials found in Parts I and II corroborate the existing historical record to date that surrounds the Quebec Conference. That includes the documents published in Joseph Pope's (1895) publication, Gerald P. Browne's publication of A.A. Macdonald's 'minutes of conference' in his 1969 republication of Pope (1895);⁶ and Peter Waite's publication of Edward Whelan's 'minutes of conference' in the academic journal *The Canadian Historical Review*, in 1961.⁷ Secondly, these documents reveal significant gaps in the secondary literature that need attention, providing new avenues of research. For example, they reveal new material for understanding the role of American federalism in shaping Canada's existing federation. We leave this for future publication. The remainder of this introduction will speak to the laborious and intricately detailed task of transcription of these original papers and areas of archival retrieval requiring future work. I turn first to an overview of the task of transcription and dating these documents. This introduction then explores, in turn, the George Brown and John A. Macdonald papers, followed by the supplemental materials included in the volume. I conclude with a brief note on how this volume clarifies events that occurred after the Quebec Conference, 1864.

The Transcriptions

The discovery of unpublished working notes in the George Brown archival papers (in Part I of this volume) ignited the spark that there were potentially unpublished Quebec drafts unknown to the academic literature. This assumption would soon prove correct. After more research was undertaken, reviewing the archival papers of the participants at Quebec, a substantial amount of new material was discovered in the John A. Macdonald archival fonds. To this date, original materials have only been found in Brown and Macdonald archival fonds, but extensive work was completed on every delegate at Quebec.

After both the George Brown and John A. Macdonald papers were retrieved, the first task was to organize and date the documents, and this was facilitated by superimposing them against the existing publications and timeline created by Pope (1895) Browne (1969), and vice versa. The second task was to assess this reconstructed timeline and drafting history for gaps, hints, or references to other documents not in our possession. The process would repeat itself as new documents were found (and collected in this book in Part III).

Dating each of the working notes and drafts involved cross-referencing each document with the existing first-hand accounts of the conference, and vice versa. This cross-referencing had a dual benefit. First, it confirmed and corroborated the accuracy of the existing minutes and reports published in Pope (1895) and Browne (1969), and others. Secondly, the cross-referencing helped further elaborate the known chronology of events with more information. This confirmed and further transformed the existing timeline into a drafting history (in Parts I and II in this volume).

This process has enabled the PrimaryDocuments.ca team to assess the extent to which future archival work is needed. A drafting history will likely never be entirely complete. And while, in this volume, it is nearly so, there is evidence that further documentation *may* exist in relation specifically to the drafting of the Quebec Resolutions, 1864. For example, because the delegates from the Province of Canada negotiated among themselves prior and during the tabling of certain resolutions at the Quebec Conference, it is possible—in fact, perhaps likely—that additional working notes exist.⁸ Consider George Etienne Cartier's silence during the tabling of resolutions on the federal and provincial distribution of powers which seems more

⁶ Browne (1969 [2009]).

⁷ Waite (1961).

⁸ See Hewitt Bernard's minutes for October 12-13, 1864 (pp. 186-187 in the volume).

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reflective of a pre-understanding among the delegates from the Province of Canada than it is of missing entries in the reports.⁹ There may be evidence still out there detailing the extent of these pre-understandings. There is also evidence that certain delegates were tasked in writing specific resolutions (e.g., Alexander Galt on finance and George Brown on representation in the lower and upper houses).¹⁰ This dynamic may have also existed among the other participants of the conference, such as New Brunswick and Nova Scotia, but further research is required in the provincial archives.

There are also a few other areas that future editions of this volume will seek to expand. First and foremost, a comprehensive retrieval of newspaper editorials before, during and after the Quebec Conference from 1864 to 1865 are promising sources that would add historical context to the Quebec Conference. Furthermore, we also uncovered a large tranche of Hewitt Bernard's (Secretary of the Conference) original handwritten notes on the speeches and resolutions of the Conference. It appears some of these were *not* included in Pope's 1895 volume. This absence seems noteworthy. It would seem that the 'minutes' and 'reports' published in Pope (1895) were in fact summaries intended for Imperial authorities.¹¹ Archival work already shows (see Part III in this volume) that parts of resolutions were left out of these official 'minutes' and 'reports'. For example, Cartier's working notes in French seem of particular historical interest. Finally, more archival work on correspondence relating to the Quebec Conference from persons not in attendance may prove enlightening (Lieutenant-Governors and important business interests, for example). It is humbling that after more than 150 years, additional records have been found—unknown and lost to the scholarly world, now available in this volume.

Part I. The George Brown Papers

The materials in Part I document the first week's discussions at Quebec. The George Brown Papers in this volume are significant in at least one respect.¹² First, they provide insight into the thinking of one of the most important delegates at Quebec on a subject matter not typically connected to him, but which is arguably the most important matter at the conference: the federal and provincial distribution of powers. George Brown was the leader of the Reform Party and was known at the time for seeking parliamentary reform of representation by population in the Province of Canada—a measure that was staunchly opposed by John A. Macdonald and (in particular) George Etienne Cartier's Conservatives who sought to preserve the existing equal representation between English Upper Canada and (largely) French Lower Canada. The 'Great Coalition' agreement in June 1864 saw George Brown join John A. Macdonald's and George Etienne Cartier's Conservative-led Coalition Ministry for the purpose of seeking immediate constitutional reform. In exchange for Reform's support for a centralized British North American federation, the Conservatives offered Brown's wing their long-sought-after parliamentary reform—representation by population in the lower legislative chamber of the new federal parliament.

Interestingly, the Brown papers centre on an entirely different topic that seems to have been a key element during the conference—the difficult discussions over the distribution of powers in the new federation. Brown's working notes suggest that the Canadians were working and resolving among themselves (*in camera*) the details of the federal and provincial distribution of powers given the cultural duality of the Province of Canada before tabling resolutions in conference. These side negotiations did not prevent the Canadian

⁹ See Hewitt Bernard's minutes for October 24 and 25, 1864 (pp. 175-178 in the present volume).

¹⁰ See pp. 36 no. 7 and pp. 186-187 in the present volume.

¹¹ For evidence, see the *Edinburgh Review*, p. 338 in the present volume. It seems important to me that Pope's (1895) publication of the 'report' and 'minutes' of the conference is a publication of existing documents, and not his own compilation or reconstruction of disparate notes found. The "Preface" in Pope (1895) had left an impression that Pope had reconstructed these minutes himself.

¹² George Brown Papers, MG 24 B, Vol. 2, at Library and Archives Canada.

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delegates in also discussing in conference resolutions that they had already resolved among themselves, resolutions such as representation by population.¹³ The process seems to have been as follows. The Canadians would resolve a bulk of resolutions by themselves, given intra-Canadian sensitivities involved. These sensitivities included the Upper Canadian and Lower Canadian divide, and the political divide within the Coalition. After this, the resolution would then be tabled in the conference as a whole, sharing the proposals with the Maritime delegates.

The main question then was: how would this be received by their Maritime colleagues? For instance, would the fixed representation in the upper chamber combined with a lower chamber constituted on the principle of representation by population insisted by Brown's Reformers in Upper Canada, and settled with the other Canadian delegates also satisfy the Maritime provinces? With some minor deviations, it appears that what concerned the Canadians was settled by the Canadians and then their agreement was then put to the Conference in resolution and often (if not almost always) the resolution was approved. While George Brown's working notes are not conclusive, the context of 'minutes' and 'reports' strongly suggests that some negotiations occurred before the Canadian resolutions were tabled at the conference.¹⁴ If this is correct, it appears to me significant that this process was also followed on important subjects such as federalism and the distribution of powers.

Part II. The John A. Macdonald Papers

Part II contains John A. Macdonald's drafts of the Quebec Resolutions.¹⁵ These drafts appear to have been produced near the closing days of the Conference. The documents in Part II of this volume cover the period of October 26 to October 27, 1864. They are John A. Macdonald papers, and most significantly, they feature John A. Macdonald's longhand amendments. Almost all amendments, except perhaps those in the fourth draft, appear to have been made in conference. These drafts are important because they detail the whole drafting history of the Quebec Resolutions. And like George Brown's working notes, I believe they tell us a story about the developments of the federal distribution of powers, its drafting, and particularly, the development of its residual clause.

These drafts document the finalization of the distribution of powers and also fill in gaps in the existing 'minutes' and 'reports' found in Pope (1895), particularly the very end of the Conference where little is recorded. Since the amendments appear in John A. Macdonald's longhand, it is also conceivable that John A. Macdonald took the lead in organizing the resolutions agreed upon into a single coherent document near the end of the Conference. This is not to say that Macdonald was alone in this task. For instance, the residual clause in the distribution of powers is amended (in John A. Macdonald's longhand) in the final draft. Given the contention recorded in the 'minutes' and the 'reports' of the conference, surely John A. Macdonald did not reinsert this and amend the text himself without input from his colleagues.¹⁶ Moreover, it appears that changes to the residual power clause were only made at the very end of the Conference. This may indicate that these may have been, for the Maritime provinces, one of the most contentious resolutions at the conference, and thus, were only agreed to towards the end of the proceedings.

The Macdonald drafts appear to be a complete and integrated set. They collectively feature all the stages

¹³ An issue that the Canadians had already largely settled in the formation of the Great Coalition Cabinet.

¹⁴ *Supra* no. 10.

¹⁵ It is not clear why these drafts were retained by John A. Macdonald. After John A. Macdonald's death, his literary executor Joseph Pope appears to have re-collected them and deposited these papers and others in an archive inherited by Library and Archives Canada today. See Pope (1895). George Brown, in Part I of this book, and John A. Macdonald seem to be the only ones to have preserved materials.

¹⁶ See pp. 175-178 in this volume.

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of drafting from beginning to end.¹⁷ There might be a further draft — lost, if it ever existed — that would have logically been put into circulation after the “second working draft”, given the base text amended in the “third working draft”. Nevertheless, they all remarkably interlock. This holds tremendous significance in our ability to tell the development of the drafting history of the Quebec Resolutions, 1864.

A brief description of each draft consist as follows:

- The “first working draft” features a straightforward list of approved resolutions as they were introduced and accepted at the Conference. For the most part, and with only minor linguistic modifications, it mirrors the drafts found in the George Brown papers in Part I of this volume.¹⁸
- The “second working draft” features not only a significant number of amendments and new provisions debated on October 26-27 (e.g., judiciary and the North West Territory), but also (and most notably) what seems to also be John A. Macdonald’s restructuring of the entire scheme.¹⁹
- Next is the “third working draft” and it reflects the work of John A. Macdonald’s cutting and restructuring of the provisions and amendments that were added in committee on October 26-27.
- The “fourth working draft” was printed and debated on October 27, 1864, featuring notably the Quebec Resolutions’ final nomenclature. This final draft appears to have been completed as one of (if not) the last acts of (what I would call) the “drafting committee” at Quebec, which was on October 27, 1864. The nomenclature may not have been present in debate and added only afterward.

Part III. Related Materials

Part III of this volume features documents that are helpful for contextualizing the history in Parts I and II. I have opted to provide mostly documents when referenced or cited in the informal minutes and reports of the conference, and speeches. While I have also attempted to be inclusive and comprehensive, unfortunately, and unintentionally, many of the sources reflect perhaps the Conservative view of John A. Macdonald. This is reflective, perhaps, of the dominance of Conservatism in the development of Confederation. The *Edinburgh Review* in 1865 certainly thought so.²⁰ Regardless, future editions will try to restore balance to the materials by adding sources such as A.A. Dorion’s Liberal critique of the Quebec Resolutions (published in the Appendix for this volume).

The following is a summary of materials in Part III of this volume:

- **Document 1 (July 7, 1858):** Alexander Galt’s federation proposal, tabled in the Canadian legislature in 1858 during legislative debates on constitutional reform;
- **Document 2 (Oct. 25, 1858):** A tentative distribution of powers, proposed by George Etienne Cartier, John Ross and Alexander T. Galt in a despatch to Sir E.B. Lytton, Secretary of State for the Colonies dated 1858;

¹⁷ See the commentary in footnotes for each of the drafts in Part II. The John A. Macdonald Papers, pp. 29-38; 39-52; 53-64-65-73.

¹⁸ This list is a near exact summary of the resolutions documented in H. Bernard’s informal meeting minutes, which are reproduced on pp. 127-152 of this volume.

¹⁹ Scholars have recently argued that John A. Macdonald’s revision of the sequence of the resolutions (see “working draft 2” in this volume) subverted what was initially a more democratic emphasis of the legislative power in the earlier drafts of the scheme, thus privileging the executive power over the legislative—a shift they argue helped define the dominance of the executive in Canadian *Constitution Act 1867*, and since then the Office of the Prime Minister. See Vipond, Robert C., Krikorian, Jacqueline D., and Cameron, David R., “The Quebec Resolutions and the Ideas Left Behind”, in *The Quebec Conference 1864. Understanding the Emergence of the Canadian Federation*, edited by Eugénie Brouillet, Alain-G. Gagnon, and Guy Laforest (McGill-Queen’s University Press, 2018), pp. 265-281. Admittedly, this emphasis on democracy might be a reading of the resolutions more consistent with the Reformer and Liberal parties at the time.

²⁰ See page 338 in this volume.

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- **Documents 3 - 5 (June - July 1864):** Speeches in favor of confederation, delivered by Thomas D'Arcy McGee after the formation of the Great Coalition;
- **Document 6 (Sept. 1864):** The earliest known draft of the federal division of power providing some evidence to the precondition for the Quebec Conference Charles Tupper mentions at the Quebec Conference; this earliest division of powers is found in a despatch from New Brunswick Lieutenant-Governor Gordon;
- **Document 7 (1864):** Imperial correspondence authorizing the Quebec Conference;
- **Document 8 (Sept. 1864):** A speech, delivered by John A. Macdonald in Halifax following the Charlottetown Conference;
- **Documents 9 - 12 (Oct. 1864):** Hewitt Bernard, Andrew A. Macdonald, and Edward Whelan's respective notes, styled variously as "minutes" and "reports," of the proceedings at the Quebec Conference;
- **Documents 13 and 14:** Examples of stand-alone draft resolutions that are not featured in Pope (1895).
- **Document 15 (Oct. 29, 1864):** Edward Whelan's "corrected" Montreal draft;
- **Document 16:** A speech, delivered by George Etienne Cartier at Montreal, on the subject of the distribution of powers, placing an emphasis on significance for Lower Canada;
- **Document 17:** A speech, delivered by Thomas D'Arcy McGee at a banquet in Montreal on the topic of confederation;
- **Documents 18 (Nov. 3 1864):** A speech, delivered by George Brown at an event in Toronto on the topic of confederation, notably cited by A.A. Dorion's speech on November 7, 1864;
- **Document 19 (Nov. 7, 1864):** A speech, delivered by A.A. Dorion, opposing confederation;
- **Documents 20 - 22 (Nov. 10 - 23, 1864):** Correspondence between John A. Macdonald, Charles Tupper Samuel L. Tilley and Alexander T. Galt, correcting errors in the Quebec Resolutions;
- **Document 23 (Nov. 23, 1864):** A speech, delivered by Alexander T. Galt at Sherbrooke on the subject of the Quebec Resolutions;
- **Document 24 (Nov. 26, 1864):** A commentary on the Quebec Resolutions contemporaneously published in *The Economist* (UK).
- **Document 25 (Dec. 13, 1864):** Correspondence from Charles Tupper to John A. Macdonald on mistakes in the Quebec Resolutions and some difficulties in Nova Scotia in relation to Confederation;
- **Document 26 (Dec. 22, 1864):** A speech, delivered by Thomas D'Arcy McGee at Compton, on the Quebec Resolutions;
- **Document 27 (Dec. 23, 1864):** Correspondence between Governor General Monck and Secretary of State for the Colonies Cardwell analyzing the Quebec Resolutions;
- **Documents 28 and 29 (Jan. 1865):** Two contemporaneous academic reviews, published in the *Edinburgh Review* and the *Westminster Review*;
- **Document 30 (March 1865):** The final text of the Quebec Resolutions, as moved and adopted by the Canadian legislature;
- **Document 31 (May 1900):** A selection from the catalogue of books from the library of the late Sir John A. Macdonald, then being placed on auction.²¹

In all cases, the documents published in Part III, as with the documents published in Part I and II, are linked to images of the original documents, which readers may inspect online on the PrimaryDocuments.ca website. To facilitate this examination, a QR code was placed alongside every transcript in our volume. Scanning the code will allow the reader to inspect the primary document in its original form.²²

²¹ Admittedly, I am unsure about this kind of source. See my footnote commentary on page 375. Others however might find it useful.

²² The only exception is Document No. XXIV. "The Text of the Federal Constitution...", from *The Economist*, at p. 307.

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Conclusion: After Quebec

We know from the existing literature that a conference of delegates reconvened briefly on October 29, 1864, in Montreal, under the chairmanship of George Etienne Cartier. While preparing travels westward to visit Upper Canada, this smaller convocation reassembled without John A. Macdonald and Sir Etienne P. Taché to simply re-read in final form the text of the resolutions agreed at Quebec City.²³ It may be that this group of delegates had not seen the final text of the resolutions and this convocation was simply for this purpose. Little is known about the Montreal meeting in the secondary literature. The following volume however adds two critical pieces of information to this period of history. First, according to the contemporaneous account of Prince Edward Island delegate Edward Whelan, “unimportant alterations” were made in Montreal, and a “corrected copy” was produced.²⁴ While Whelan suggests that changes were made, even if “unimportant”, these do not appear in the subsequent final resolutions circulated well after the conference in November and December, 1864. The reason appears to be that the copy read in Montreal was erroneously thought to be the final draft. Whelan’s supposed “corrected copy” published in his newspaper *The Examiner* (Nov. 14, 1864), when compared to John A. Macdonald’s “fourth working draft”, is incomplete and missing several changes (notably the major nomenclature).

Second, it appears that John A. Macdonald not only had possession of the final text (“fourth working draft”), but that it was hurriedly handed to a stenographer to be reproduced on a larger manuscript paper, later to be signed by all the delegates—which was accomplished in Ottawa. This manuscript features large paper and elegant script suited for public display. Unfortunately it also contained several errors later discovered by John A. Macdonald and Samuel L. Tilley.²⁵ This large manuscript version appears to have been abandoned, and surprisingly Canada’s first domestic written constitution sits unceremoniously in Archives of Ontario today. It is also the only copy that appears to have been signed by most of the delegates.²⁶ It can be found at the Ontario Archives, and it is digitized on the PrimaryDocuments.ca website.²⁷ During the 1864-1865 period, both corrected and uncorrected drafts appear to have been mistakenly circulated.²⁸ Unfortunately, as the *Canadian Confederation Debates* in 1865 corroborate, these mistakes caused confusion as to whether the Canadian coalition government was open to making alterations to the Quebec scheme. Even today, several scholars continue to cite the erroneous copies as official text.²⁹

In conclusion, it is my hope that the present volume will be useful to those wanting to use and more importantly to expand the drafting history and origins of Canada’s constitution. It is my hope that this volume builds upon the foundational work of the likes of Joseph Pope. And while this record is nearly

²³ The exact number of delegates in attendance is not clear, but Etienne Pascal Taché and John A. Macdonald were certainly absent, it appears due to illness.

²⁴ See Whelan’s publication of the Quebec Resolutions styled “corrected copy” on p. 223.

²⁵ See pp. 263-269, 311-312 in this volume.

²⁶ The stenograph manuscript was signed by 17 of the 33 delegates. For Canada, the Attorney-Generals, John A. Macdonald and G.E. Cartier. For Nova Scotia, Attorney General, W.A. Henry, and J. McCully, A.G. Archibald. For New Brunswick, Premier S. L. Tilley, Attorney-General M. Johnson, and C. Fisher. For Newfoundland, F. Carter and A. Shea. And finally for Prince Edward Island, Attorney General E. Palmer, and W.H. Pope, T.H. Haviland, E. Whelan, and A.A. Macdonald.

²⁷ This document is held at the Ontario Archives. I am currently undertaking a diplomatics analysis of it. See also p. 62, note no. i, in this volume. It also contains mistakes in resolutions nos. 24, 29(3) and 43(1).

²⁸ The scope, the correspondence, and the procedures adopted to fix mistakes after the Quebec Conference is a complex topic, and a paper on this subject is forthcoming. For the first scholar to take note of the mistakes, see Sir Joseph Pope’s *Confederation: Being a Series of Hitherto Unpublished Documents Bearing on the British North America Act* (Toronto: The Carswell Co. Ltd. Law Publishers, Etc., 1895), p. 38. A few others have, but they have not added anything significant to Pope (1895). These mistakes are also debated in the *Canadian Confederation Debates*, 1865. It appears that corrected and uncorrected drafts of the Quebec Resolutions were circulated by error, confusing the legislative members during the *Canadian Confederation Debates* in 1865.

²⁹ Notably, see the full text of the Quebec Resolutions reproduced in Janet Ajzenstat, et al., *Canada’s Founding Debates* (Stoddart Publishing Co., 1999).

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complete, there are certainly some documents still remaining to be rediscovered. It is my hope to add to this volume in the event those discoveries are made. Readers are encouraged to consult PrimaryDocuments.ca for updates on these and other materials.

Charles Dumais, Editor
Toronto, Ontario, 2025

THE QUEBEC RESOLUTIONS



NOTE ON TRANSCRIPTIONS

Principles and Approach

This note outlines the principles and approach for collecting and transcribing the archival papers in this book. With a few exceptions in the Appendix, this book mostly features official government documents, printed on official parliamentary paper. These documents mostly follow a standardized type, size of paper, and font. Many of them are chronologically interconnected, almost always reference each other, and feature authenticating parliamentary watermarks and other insignia confirming their official government status. And many were found at Library and Archives Canada (exclusively in the George Brown Fonds, and the John A. Macdonald Fonds).¹

First, their official nature, confirmed via watermarks, marks and source origins, satisfy our requirements for authenticity and reliability.² Readers may not only examine these details themselves by referring to the commentary and citations provided for each document, or by consulting the scans of the original documents available on PrimaryDocuments.ca, and via the provided QR Code.

Secondly, there is a consistency throughout these primary documents such that a relatively simple and straightforward transcription system can be easily followed. The standardization of type and size of paper, as well as font, and the uniformity of the drafting process at Quebec (the consistent use of strikethroughs for amendments and consistent approach to longhand textual insertions) have made it possible to construct a simple set of rules for transcription.³

Readers should know however that not all papers in this book were found dated. While in many cases the documents were found also out of order, it has been nevertheless possible to assign a relatively precise date to each document and reconstruct their chronology. This was achieved first by cross-referencing each document with the existing “Minutes” and the various “Reports” of the Quebec Conference created by Hewitt Bernard (the Conference Secretary), Prince Edward Island delegates Andrew A. Macdonald, and Edward Whelan. And, by secondly examining the drafting history that emerged from this reconstructed chronology. The textual excisions and insertions unfold from draft to draft as perfectly as one could ever hope. The record now is entirely dated and chronologically coherent. Readers may find this information in footnotes and confirm it via links to the original documents.

First, they can refer to the commentary in footnotes for each document, explaining the dating assigned to it. And secondly, they can refer to the various “Minutes” and “Reports” of the Conference used in this reconstruction. These “Minutes” and “Reports” are reproduced and available in full in the Appendix to this volume. While they have been published elsewhere,⁴ with the exception of Edward Whelan’s report,

¹ See “George Brown Fonds” at Library and Archives Canada, MG 24 B 40 Vol. 21, and “John A. Macdonald Fonds” at Library Archives Canada, MG 26 A, Vol. 46.

² See particularly Luciana Duranti’s “Reliability and Authenticity: The Concepts and Their Implications”, in *Archivaria*, Vol. 39, pp. 5-10; as well as Peter Hogg’s *Constitutional Law of Canada* (Carswell, 2014) and the legal literature cited in that volume.

³ I’ve been inspired by David L. Vander Meulen and Thomas G. Tanselle’s “A System of Manuscript Transcription”, in *Studies in Bibliography*, Vol. 52 (1999), pp. 201-212.

⁴ See Joseph Pope’s *Confederation: Being a Series of Hitherto Unpublished Documents Bearing on the British North America Act* (Toronto:

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they have never been cross-referenced and verified. For the first time, we may now confirm their cross-authenticity and cross-reliability. Across three different accounts, the “Minutes” and “Reports” not only validate each other, but also reveal a much fuller and compelling portrait of the drafting history. For the first time, readers can now access this fuller drafting history, and the sources used to make this determination, along with scans to the originals. Access to Edward Whelan’s public “Report” of the Conference, which was made contemporaneously available through the Charlottetown *Examiner* newspaper in 1864, has also not been published until now.

Many features of this collection of documents facilitate a transcription system. In this task, I have opted to follow the rigorous principles of what is known as the science of “diplomats” – a long-established field with developed principles and rules for reproducing primary and official papers.⁵ This approach requires a specific set of features, including textual and visual alterations and intrusion (striketroughs, blotting, the location of word insertions, and other symbols) be described and included in a transcription. Its purpose is not only to produce a truly faithful transcription and to give the reader everything he or she would need without having to examine the primary source, but to also provide a better guide to understanding these original documents.

The principles followed from this approach are outlined below. A total of seven (7) rules of transcription were adopted. They are as follows:

Rule 1: All original amendments are reported inside brackets, italicized and superscripted.

Example: “... the General Revenue ^{*[as subsidy toward local expenditures]*} towards...”

Rule 2: For cancelled text, I have used the strikethrough.

Example: “9. ~~The Rate of~~ Interest.”

Rule 3: When a word is illegible, whether a cancellation or an amendment, the following was inserted: ^{*[illegible]*}. When a symbol was used, and could not be replicated, a description was inserted in brackets: ^{*[checkmark]*}.

Example: “Shall the ^{*[illegible]*} provided items be committed to the general government or to the local?^{*[checkmark]*}”

Rule 4: Typographical peculiarities like printing were not preserved (line breaks, unusual spacing, text positioning, and so forth).

Rule 5: Punctuation and period spellings were however retained. In a few rare cases, shorthand was expanded to facilitate meaning.

Rule 6: Where the document did not have a title, I provided one.

Rule 7: All my editorial commentary is reported in footnotes. The risk for confusion where this

The Carswell Co. Ltd. Law Publishers, 1895), and G. P. Browne, J. Aizenstat, *Documents on the Confederation of British North America* (McClelland and Stewart, 1969 [2009]).

⁵ See Luciana Duranti, “Diplomatics: New Uses for an Old Science, Part I”, in *Archivaria*, vol. 28 (Summer, 1989), and the same title Part II in *Archivaria*, vol. 2 (Winter, 1989-1990), Part III in *Archivaria*, vol. 30 (Summer, 1990), and Part 4 in *Archivaria*, vol. 31 (Winter, 1990-1991).

NOTE ON TRANSCRIPTIONS

existed was minimized by indicating the author's initials.
The above set of rules was rigorously followed in the production of this book.

Charles Dumais, Editor
Toronto, Ontario, 2025

PART I: THE GEORGE BROWN PAPERS

Materials from the George Brown Papers at Library and Archives



MG 24, B 40, Vol. 21

THE DRAFTS OF THE QUEBEC RESOLUTIONS



*(Scan QR code to view the primary document
from which this material is sourced)*

(I.) WORKING NOTES

OCTOBER 10-11, 1864

Source: [Library and Archives Canada, MG 24, B 40, Vol. 21, 3763](#)

3763

Composition of Executive (Macdonald, Cartier, Brown, Galt)

Maintain Responsible Gov.?

L. Provinces formed into one Prov.?¹

[illegible] —U.C.—L.C.—Maritime Prov.

Debt

Tariff

What local matters?

What general matters?

How construct the Law *[illegible]*?

How local authority Constructed?

330.867

252.047

080.552

663.466

U.C. 1.396.091

L.C. 1.110.664

3.170.221²

¹ The set MG24 B40 3763-3769 (transcribed in this section, parts 1, 2 and 3) all connect. They are all in Brown's longhand writing. Unlike later papers (which show signs of being amended in committee), these are also Brown's own 'working notes' – notes he made for himself for side-session drafting (and may not have been intended for circulation). The set MG24 B40 3763-3769 also relate to each other. For instance, paper MG24 B40 3763 (above) has a number of 'questions' which are in turn 'answered' in [MG24 B40 3764-3765](#) (on the topics of executive cabinet and its composition, distribution of powers to name a few), and [MG24 B40 3768-3769](#) are cleaner second drafts (with minor revisions) of papers MG24 B40 3764-3765.

I have tentatively dated MG24 B40 3763 (above) October 10th-11th 1864 since parts of it (notably the third question – whether the lower provinces, i.e., Maritime provinces, will form one province) was a formal resolution on October 12th, 1864 ([see A.A. Macdonald's \(PEI\) account in this volume](#)). Since the Conference's proceedings officially began on October 10th, 1864, and this page closely relates to papers [MG24 B40 3764-3765](#), and also follow the themes raised by Cartier, Macdonald, and Galt across these two days (see [Bernard's "Report of Discussions"](#) and [A.A. Macdonald's \(PEI\) "informal record"](#) in this volume), all support the tentative dating of October 10th-11th 1864.

Briefly, there are two surprising lines in MG24 B40 3763 (above). First the 'composition of the executive' does not list Taché from the list – who was the current Premier and considered the one person capable of holding the coalition together – and especially J.A. Macdonald (conservative) and G. Brown (reformer) together. The reason for this omission is not clear, except perhaps Taché had expressed an intention of retiring after confederation. This is not featured in any biographical account that I could find and remains somewhat puzzling. The Quebec Resolutions (and their drafts in this volume) also have nothing to say on the structure of the first cabinet mentioned above (unlike say the selection of the first legislative council or later styled Senate), aside from resolutions on the executive's power, of course.

The passage in regards to the cabinet also suggests that the composition of the first federal executive council was to be bipartisan as the composition of the Canada delegation was for the conference, and as the coalition government of the Province of Canada had been at this time. If we look forward to 1867, this was in fact the case. For reasons too complex to cover here, all with few exceptions like Brown and McGee, entered the Dominion's first cabinet in 1867. Secondly, questioning 'responsible government' is surprising. It's not clear why this was raised, but the question as to the local legislatures maintaining responsible government did emerge later in the conference. This is what this passage is most likely referring to. [C.D.]

² These figures refer to the population estimates for each of the provinces. See Historical Statistics Canada figures at bit.ly/QRNote1. [C.D.]

THE QUEBEC RESOLUTIONS



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from which this material is sourced)*

(II.) NOTES ON THE DISTRIBUTION OF POWERS

OCTOBER 12, 1864

Source: [Library and Archives Canada, MG 24, B 40, Vol. 21, 3764-3766](#)3764¹Shall the ^[illegible] provided items be committed to the general government or to the local?

<u>General</u>	<u>Local</u>
^[checkmark] Trade	Inland fisheries
^[checkmark] Currency	Public Lands & Settlement
^[checkmark] Taxation for general purposes	Education
^[checkmark] Banking	Reservation for ^[illegible] minorities
^[checkmark] Interest	Prisons
Postal Service	Hospital & Charities
Militia & Defence	Agriculture ^[illegible]
Administration of justice – Criminal	Roads
Intercolonial Works ~~Civil?~~	Power to ^[illegible]
~~Public Lands & Settlement?~~	Registration of titles
^[checkmark] Sea Fisheries	Municipal laws
Power to subsidize local governments	^[illegible]
^[checkmark] Naturalization	Coroner
^[checkmark] Navigation	~~All parish bills~~
^[checkmark] Census	~~marriage & divorce~~
Assume Property & Debts ^[illegible]	~~local works~~
^[checkmark] Agriculture ^[illegible]	All private & Local Bills except ^[illegible]
^[checkmark] Light-Houses	
~~Power to restrict debts of local govern-~~	
~~ments~~	
^[checkmark] Insolvency	
^[checkmark] Patents & Copyrights	
^[checkmark] Marriage & Divorce	
^[checkmark] Weights & Measures	
^[checkmark] Telegraph	
<u>Doubtful</u>	
Civil Law?	
^[illegible]	

¹ MG24 B40 3764 (above) along with MG24 B40 3765 (next page) are in fact a large single sheet folded in two. Also, MG24 B40 3764-3765 'answers' the 'questions' posed in [MG24 B40 3763](#) earlier (closely examine here MG24 B40 3763 and MG24 B40 3765). I have tentatively dated the set MG24 B40 3764-3765 October 12th for the simple reason that MG24 B40 3765 possesses an amendment on the number of legislative councillors the new federation should have, which takes the form in MG24 B40 3765 of an earlier draft of the resolutions actually submitted in conference on October 13th, 1864 (closely compare with A.A. Macdonald's (PEI) "Notes," p. 187 in this volume).

I would like to highlight two points about the distribution of powers. The distribution of power in MG24 B40 3764-3765 surprisingly follows the structure and content of the post-Charlottetown distribution of powers that is found in [Lieut.-Governor Gordon's September 22nd despatch](#) (see pp. 110-111, in this volume). The distribution of powers in MG24 B40 3764 preserves almost everything from that 'post-Charlottetown' version except provisions regarding the control of public lands, immigration, and mines and minerals which are missing in this version and found in the Gordon despatch.

As such, MG24 B40 3764-3765 (along with [Lieut.-Governor Gordon's despatch](#)) provide actual evidence that much of the structure of the distribution of powers had already been discussed and 'worked on' after the close of the Charlottetown Conference September 1864. This is significant because the delegates did not begin drafting resolutions at the Quebec Conference from scratch. Far from it. The Charlottetown Conference, September 1864, records might be helpful. If we want *[Footnote continues on next page]*

THE QUEBEC RESOLUTIONS

notes on the distribution of powers — continued

3765

Executive as now

Composition of Cabinet to be left to Crown

Legislative Council

Nova Scotia – 21

New Brunswick – 22

Canada – 72

P.E. – 13

128

~~Sixty members~~ [seventy five members or 72]
to be paid –

~~Debts of local gov.~~

~~Prisons~~

~~Hospitals~~

~~Agriculture~~

~~Roads~~

[illegible]

~~Registration of~~ [illegible]

~~Bankruptcy~~

[illegible]

~~Coroner~~

[illegible]

[illegible]

Medicine

Insurance Corporations

Building [illegible]

Railway [illegible]

Land [illegible]

Telegraph

Debts of Municipalities

Leg. Assembly

Nova Scotia 55

New Brunswick 43

Canada 130

P.E. 30

258

Min. 150 – Max 200

Paid?

~~Term?~~ [illegible]

[illegible]

[illegible]

[illegible] arrival

3766

Local Bodies

Power to be defined in constitutional act

Gen. Gov to be [illegible] of federal gov.

Lower House + Upper House

[Footnote continues from previous page] to understand the origins of the federal distribution of powers, we might need to turn to these earlier sources. As Lieut.-Governor Gordon tellingly observes, what the delegates did need to work out at Quebec was 'the balance' of this new distribution of power. [C.D.]

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THE QUEBEC RESOLUTIONS



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(III.) NOTES ON THE DISTRIBUTION OF POWERS WITH REVISIONS

OCTOBER 12, 1864

Source: [Library and Archives Canada, MG 24, B 40, Vol. 21, 3768-3769](#)

		3768 ¹
Trade	Education – with reservation	
Currency & Coinage	Inland Fisheries	
Banking	Public Lands & Settlement	
Taxation	Prisons	
Interest	Hospitals & Charities	
Insolvency	Agriculture – <i>[illegible]</i> <i>[Concurrent]</i>	
Weights & Measures	Road & Bridges	
Navigation	Power to borrow money under restriction <i>[illegible]</i>	
Light Houses	Registration of titles	
Sea Fisheries	Municipal Laws	
Patents & Copyrights	All Private & Local legislation except matter specially	
Telegraph Incorporation	made general by the constitution	
Naturalization	Appointments –	
Marriage & Divorce	Administration of Justice	
Agriculture – <i>[illegible]</i> <i>[concurrent]</i>	Civil Laws	
Census	Executive –	
Postal Service	Legislative Council:	
Militia & Defence		NS 21
~~Adm of Justice~~ Criminal Law		NB 22
Intercolonial Works		Canada 72
Power to Subsidize Local Leg.		<u>P.E. 13</u>
Assume Property & Debts		128
All general legislation except matter specially		
made local	72 or 75	
Emigration – Concurrent	To be paid	
Power to establish a Court of appeal	-----	
	Leg. Assembly:	
?		N.S. 55
Civil Law. Judiciary		N.B. 43
Court of Appeal		Canada 130
Tariff?		<u>P.E. 30</u>
How local gov. <i>[illegible]</i>		258
Uniformity or?		
	150 to 200	
	Paid	
	Qualification	
	<i>[illegible]</i>	
	How often meet.	

¹ MG24 B40 3768 (above) follows primarily the same structure as MG24 B40 3764-3765. The amendments in Brown's longhand on [MG24 B40 3764-3765](#) are found incorporated into this document. Like [MG24 B40 3764-3765](#), I have tentatively dated MG24 B40 3768 and 3769 October 12th 1864 for the simple reason (again) the number of legislative councillors proposed for the new federation on MG24 B40 3768 is "72 or 75" whereas the number formally proposed during committee is first 72 councillors on October 13th, 1864. These notes must predate that formal resolution. There was I believe a drafting side-session on the evening of October 12th 1864 (as suggested by [A.A. Macdonald's \(PEI\) "informal record"](#)), and these are Brown's working notes of that session which saw the formal drafting of a number of resolutions (see [A.A. Macdonald's \(PEI\) "informal record."](#) pp. 186-187 in this volume). [C.D.]

THE QUEBEC RESOLUTIONS

notes on the distribution of powers with revisions—continued

3769¹

Power of disallowance [checkmark]
[illegible]

Power to alter our government [checkmark]

Ferries [checkmark]

[illegible] of law?

[illegible]

All matters affecting [illegible]

[illegible]

[illegible]

Coroners?

Tariffs

Registrars

Clerks of the Peace

Country attorneys

Indians? [checkmark]

Inspection of commodities? [checkmark]

Imprisonment for debt? [checkmark]

[illegible] foreign bills?

[illegible]

Transference of Public Buildings [checkmark]

Seats of Gov. [checkmark]

Preservation of [illegible]

[illegible] Religious rights

Appeal

Veto to General Government [checkmark]

Power to Parliament to distribute [illegible] [checkmark]

~~Nothing to prevent members in both chambers~~

~~Power to compel fulfilment of obligations~~

~~Who gets criminal power?~~

[illegible]

[illegible]

[illegible]

¹ I have included MG24 B40 3769 as an extension of MG24 B40 3768 since it features notes on the distribution of powers, and it is inserted in this order by Library and Archives Canada. However, there are too many provisions that are illegible.

I would also note two lines that are surprising on this page. First, it is surprising to find ‘the power to alter our government’. But it was probably only discussed in the context of local constitutions, since this provision would otherwise oddly refer to a power to amend what would be British legislation. Unfortunately, there are no other records that might indicate what was being entertained. Second, it is also surprising to find the topic of Indigenous peoples (“Indians”) in what seems to be among additional draft provisions for the distribution of powers. The question of Indigenous peoples or “Indians” was mentioned in [Cartier, Ross, and Galt’s “1858 Despatch”](#) (see p. 84 of this volume) but the topic is conspicuously missing in [Lieutenant-Governor Gordon’s 1864 Despatch](#). The provision is however only incorporated later when considering the topic of the uniformity of laws in [Brown’s “Resolutions on Indians, ferries, etc.”](#) October 25th–26th 1864, p. 23 in this volume. [C.D.]

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THE QUEBEC RESOLUTIONS



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(IV.) AMENDED DISTRIBUTION OF POWERS ("GENERAL LEGISLATURE")

OCTOBER 21, 1864

Source: [Library and Archives Canada, MG 24, B 40, Vol. 21, 3746](#)

3746¹

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. *[checkmark]*
2. The imposition or regulation of Duties of Customs on Imports and Exports.
3. The imposition or regulation of Excise Duties. *[checkmark]*
4. All or any other modes or systems of Taxation. *[checkmark]*
5. Currency and Coinage. *[checkmark]*
6. The Borrowing of Money on the Public Credit. *[checkmark]*
7. Banking and the issue of paper money. *[checkmark]*
8. The law relating to Bills of Exchange and Promissory Notes. *[checkmark]*
9. ~~The Rate of Interest.~~²
10. Legal Tender. *[checkmark]*
11. Weights and Measures. *[checkmark]*
12. Postal Service. *[checkmark]*
13. Bankruptcy and Insolvency ^[cy] ~~laws operating as a discharge of the debtor.~~ *[checkmark]*

¹ Unlike the previous papers, MG24 B40 3746-47, 3750-51 were likely submitted to committee. One can find an unamended copy of MG24 B40 3746 formally considered to the committee on October 21st, 1864 in [Bernard's "Minutes"](#) in this volume. The amendments in this paper however are contemporaneous, since the resolutions and their amendments were submitted and accepted on this date by the committee of delegates. For this reason, I have tentatively dated this document on October 21st, 1864.

There are two important points that should be highlighted for MG24 B40 3746 (above). First, the language describing the jurisdictions of each level of government is significantly different across all drafts in this volume. MG24 B40 3746 focuses on the powers of the federal jurisdiction, and it describes the distribution of its powers from the local jurisdiction with the word "exclusive" (see the last provision no. 32 on the next page). The words "except" and "especially" are also used, while the post-Charlottetown distribution of powers used the word "respective" (for the post-Charlottetown division of powers, see [Lieutenant-Governor's Sep. 22 despatch](#) on p. 110 of this volume). The significance of this language should be more closely studied, but it is clear that 'respective' is not as strong as 'exclusive', and also clear that the Canadian delegates thought that "exclusive" might not have been enough since they added "especially" in provision no. 32 (on the next page). This language most likely captures a desire to give protection to local jurisdictions but also a desire to constrain local powers by overly defining them while giving more 'elasticity' to the federal jurisdiction.

Second, the general framework in the federal powers (in the document above) seems to follow another feature of the post-Charlottetown text. Like the post-Charlottetown text, MG24 B40 3746 strongly favours the centralization and control of the economy to the federal jurisdiction (the first 22 resolutions seem to be related to economic matters, while the rest focus on matters of uniformity – e.g., militia, criminal law, and judiciary, and the jurisdiction over "Indians"), whereas non-economic matters tend to be exclusively placed under the jurisdiction of the local or provincial government, given their variations, but in a way that is *especially* defined in greater detail. As I explore [below](#) (see "[amended distribution of powers \('local legislature'\)](#)," October 24th, 1864, p. 21 in this volume), efforts to protect local matters (with exclusive powers) may have ended up empowering federal jurisdictions by overly constraining the former (in provincial legal language of jurisdiction). [C.D.]

² An illegible word is blotted out at this spot. [C.D.]

THE QUEBEC RESOLUTIONS

amended distribution of powers ("general legislature")—continued

14. Beacons ^[Buoys] and Light Houses. ^[checkmark]
15. ~~Ocean~~ Navigation and Shipping.¹
16. Sea Fisheries. ^[checkmark]
17. Patents of Invention and Discovery. ^[checkmark]
18. Copy Rights. ^[checkmark]
19. Telegraphic Communication and the incorporation of Telegraph Companies. ^[checkmark]
20. Naturalization ^[, and Aliens] ^[checkmark]
21. Marriage and Divorce. ^[checkmark]
22. The ~~taking of the~~ Census.
23. Militia – Military and Naval Service and Defence. ^[checkmark]
24. Immigration. ^[checkmark]
25. ~~Agriculture~~. ^[Agriculture] ^[checkmark]²
26. The Criminal Law ~~(except the Constitution of Courts of Criminal Jurisdiction.)~~
- ^[X] 27. ~~Roads, Bridges,~~ ^[L] Lines of Steam ^[ships] or other Ships, Railways, ^[and] Canals and other Works connecting any two or more of the Provinces together, ~~or extending beyond the limits of any one Provinces.~~ ^[lines of Steamship between the Federated Provinces & other countries].
- ^[X] 28. ~~All such Works, as shall, although lying wholly within any one Province, be specially declared by the Acts authorizing them to be for the general advantage.~~
29. The Establishment of a General Court of Appeal for the Federated Provinces. ^[checkmark]
- ^[X] 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.³

¹ An illegible initial or symbol is found inserted at this spot. [C.D.]

² This word is indeed crossed-out and re-inserted. See [Bernard's "Minutes,"](#) pp 142-143, and ["Report of Discussions,"](#) pp. 173-174 in this volume. [C.D.]

³ This list of powers was in fact resubmitted later on this day to the committee with all the amendments accepted, except resolutions 29 to 32 excised. See [Bernard's "Minutes,"](#) pp. 143-144 in this volume. [C.D.]

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(V.) PRINCIPLES OF DEBTS AND ASSETS

OCTOBER 22, 1864

Source: [Library and Archives Canada, MG 24, B 40, Vol. 21, 3751](#)

3751¹

CONFIDENTIAL.

RESOLVED,—

That the following principles shall be adopted in forming the basis upon which the Debts and Assets of the several Provinces are to be assumed by the Confederation:

1. No Province shall entail a heavier charge upon the Confederation than the others.
2. Any Province not so largely indebted as the others is entitled to benefit thereby.
3. A common rate of charge shall therefore be settled, and all beyond such rate shall be borne by the Province indebted, and deducted from its subsidy.
4. All Assets arising from sources not transferred by the Local Legislatures shall belong to the Provinces respectively.

In conformity with the foregoing principles—

- 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; a Schedule of the same being prepared by the Auditor General, and the amounts thereof placed at the credit of each Province respectively.
 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 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

¹ MG24 B40 3751 (above) features some resolutions that were formally submitted to the committee on October 22nd, 1864 (see [Bernard's "Minutes,"](#) pp. 144-145). For this reason, I have tentatively dated this document October 22nd, 1864. [C.D.]

THE QUEBEC RESOLUTIONS

principles of debts and assets—continued

therein, except such as is heretofore 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 Debts and Liabilities of each Province—A schedule thereof shall be prepared by the Auditor General and the amount entered as a charge against each Province respectively—Interest at the rate of ____ per cent. shall be chargeable thereon, and deducted from any moneys payable by the Confederation to such Province.
5. Canada shall undertake to subdivide her entire Liabilities between the Provinces of Upper and Lower Canada—so that the whole burden connected therewith, to be borne by the Confederation shall be chargeable to the said Provinces.
6. In consideration of the Public Property vested on the Confederation, and to establish an uniform and equal rate of contribution as against the actual Public Debt of each Province, the Confederation shall place at the credit of their respective accounts an amount equal to \$25 per head of the Population by Census of 1861. Newfoundland being considered as having at that date 130,000 inhabitants. And the interest at five per cent on such sum shall be placed at their credit, as against the annual charge incurred on their respective accounts.
7. 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 per head of the Population as established by the Census of 1861. Newfoundland being estimated at 130,000 inhabitants. Such aid to be placed half yearly in advance to the credit of each Province.
8. The Balance due to each province shall be estimated semi-annually, and paid to the Local Governments.
9. 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.

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**(VI.) AMENDED DISTRIBUTION OF POWERS
("LOCAL LEGISLATURE")**

OCTOBER 24, 1864

Source: [Library and Archives Canada, MG 24, B 40, Vol. 21, 3747](#)

3747¹

Confidential.

Resolved, --

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

1. Agriculture.
2. Education.
3. *[Im]* 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.

¹ MG24 B40 3747 (above) features the local distribution of power as formally submitted to committee on October 24th, 1864 (see [H. Bernard's "Minutes,"](#) pp. 145-146). For this reason, I have tentatively dated it October 24th, 1864. Like [MG24 B40 3746](#) (previous set), the provincial powers follow the draft structure of the post-Charlottetown distribution of powers (see [Lieutenant-Governor Gordon's despatch on Sep. 22, 1864](#) on the proposed division of powers, pp. 110-111). The provincial powers are less broad in scope than the federal powers, and they focus almost exclusively on all local matters unrelated to the economy and trade, perhaps reflecting an understanding that the powers of the federal government would initially be broad on matters relating to the economy and trade (including interprovincial trade), while the provincial powers would be the inverse – i.e., while they would be especially defined. [C.D.]

THE QUEBEC RESOLUTIONS



*(Scan QR code to view the primary document
from which this material is sourced)*

(VII.) RESOLUTIONS ON INDIANS, FERRIES, ETC.

OCTOBER 25-26, 1864

Source: [Library and Archives Canada, MG 24, B 40, Vol. 21, 3750](#)

3750¹

CONFIDENTIAL.

RESOLUTIONS SUGGESTED FOR CONSIDERATION.

Resolved, —

1. It shall be competent for the General Legislature to pass laws respecting—
 1. The Indians,²
 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,
 4. Respecting Savings Banks.
2. It shall also be competent for the General Legislature to pass—
Inspection Laws, 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.
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.

¹ The first nine resolutions in MG24 B40 3750 (above) were read on October 25th and the tenth resolution was debated on this day but is cut-out on the original. The remainder of the resolutions were read and debated on October 26th (see [Bernard's "Minutes,"](#) pp. 148-151 in this volume). Based on this information, and the amendments made on it, I have tentatively dated MG24 B40 3750 October 25th & 26th 1864. We learn from [Bernard's "Minutes,"](#) that there were additional financial resolutions proposed by A.T. Galt on the 26th but they are curiously not featured here (see [Bernard's "Minutes,"](#) pp. 151-152 in this volume). [C.D.]

² If MG24 B40 3750 (above) is properly dated October 25th and 26th, the discussion on the distribution of powers then continued until near the end of the conference. It seems significant that the delegates after determining the local jurisdiction moved onto matters that they desired federal uniformity, and that this focused first on judiciary (with exceptions provided to Quebec) is not surprising but that matters of uniformity included Indigenous peoples ("Indians") certainly is important.

This latter point is especially significant because the relationship and treatment of indigenous peoples in British North America was decidedly different inside the continent (where an American military presence was found) as opposed to the Maritimes (where the threat of the American military was less felt) (See Peter H. Russell's *Canada's Odyssey: A Country Based on Incomplete Conquests* (University of Toronto Press, 2017) and my book review in the *Canadian Journal of Political Science*). Allocating the responsibility of "Indians" to the federal legislature decidedly signaled and ensured a uniform treatment of indigenous peoples in Canada (or we must say uniform mistreatment and injustice). In the imperial correspondences and despatches for 1865-1866, this matter is left very ambiguous and the authority for doing so never explicitly acknowledged or defined. Future editions of this volume will expand greatly on this topic. [C.D.]

THE QUEBEC RESOLUTIONS

resolutions on Indians, etc. — continued

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~~ ^[Legislatures] may in like manner be reserved for the consideration of the ~~General Government~~ ^[Governor General].
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~~ ^[Governor General] within one year after the passing thereof.¹

THE JUDICIARY

11. The Judges of the Courts of Admiralty shall be paid by the General Government.
12. ~~A further~~ ^[Out of the] sum proportioned to the population of each Province ~~shall be set apart~~ annually out of the General Revenue ^[as subsidy toward local expenditures] 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 removeable only on the address of both Houses of the General Legislature.

¹ The tenth provision is torn from the original page. This missing clause can found in a copy of this document, found in the [Bernard papers](#), in this volume on p. 149. The tenth clause reads,

"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." [C.D.]

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.

PART II: THE JOHN A. MACDONALD PAPERS

Materials from the John A. Macdonald Papers at Library and Archives



MG 26, A, Vol. 46

THE QUEBEC RESOLUTIONS



*(Scan QR code to view the primary document
from which this material is sourced)*

(I.) FIRST WORKING DRAFT

OCTOBER 26, 1864

Source: [Library and Archives Canada, MG 26, A, Vol. 46, 18164-18168](#)¹

18164

[STRICTLY CONFIDENTIAL.]

RESOLUTIONS.

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.²

That in the Federation of the British North American Provinces the System of Government best adapted under existing circumstances to protect the diversified interests of the several Provinces and secure efficiency, harmony and permanency in the working of the Union, -- would be a general Government charged with matters of common interest to the whole Country, and Local Governments for each of the Canadas and for the Provinces of Nova Scotia, New Brunswick and Prince Edward Island, charged with the control of local matters in their respective sections,-- Provision being made for the admission into the Union on equitable terms of Newfoundland, the North-West Territory, British Columbia and Vancouver.³

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 people of these Provinces, desire to follow the model of the British Constitution, so far as our circumstances will permit.⁴

That there shall be a General Legislature for the Federated Provinces, composed of a Legislative Council and Legislative Assembly.⁵

That for the purpose of forming the Legislative Council, the Federated Provinces shall be considered as consisting of three divisions, 1st. Upper Canada, 2nd. Lower Canada, 3rd. Nova Scotia, New Brunswick and Prince Edward Island, with equal representation in the Legislative Council.⁶

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 Ten, New Brunswick, Ten, and Prince Edward Island, Four Members.⁷

¹ There is also another copy of this document but it does not feature any amendments (MG26 A 18159-18163). It can be accessed at [PrimaryDocuments.ca by scanning the QR code on the left](#). [C.D.]

² Tabled on October 10th, 1864. See [Bernard's "Minutes,"](#) p. 127 in this volume. [C.D.]

³ Tabled on October 11th, 1864. See [Bernard's "Minutes,"](#) pp. 129-130 in this volume. [C.D.]

⁴ Tabled on October 13th, 1864. See [Bernard's "Minutes,"](#) p. 131 in this volume. [C.D.]

⁵ Tabled on October 13th, 1864. See [Bernard's "Minutes,"](#) *ibid.* [C.D.]

⁶ Tabled on October 13th, 1864. See [Bernard's "Minutes,"](#) p. 132 in this volume. [C.D.]

⁷ Tabled on October 17th, 1864. See [Bernard's "Minutes,"](#) p. 134 in this volume. [C.D.]

THE QUEBEC RESOLUTIONS

first working draft—continued

That the Colony of Newfoundland having sent a Deputation to this Conference be now invited to inter into the proposed Confederation, with a representation in the Legislative Council of four Members.¹

That 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.²

That the Members of the Legislative Council shall be British Subjects by Birth or Naturalization, of the full age of Thirty Years, shall possess a real property qualification of four thousand dollars over and above all incumbrances, and be worth that amount over and above their debts and liabilities.³

That the Members of the Legislative Council for the General Government shall in the first instance be selected from the Legislative Councils of the various Provinces, with the exception of Prince Edward Island, so far as a sufficient number be found qualified and willing to serve.⁴

That the Members of the Legislative Council for the General Government shall in the first instance be selected from the Legislative Councils of the various Provinces, (with the exception of Prince Edward Island,) so far as a sufficient number be found qualified and willing to serve.⁵

That the Members of the first Legislative Council in the ~~Federal~~ ^[General] 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 be as nearly as possible fairly represented.⁶

18165

2

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 194, distributed as follows:

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

That each section shall distribute its Representatives in such Electoral Divisions as it deems

¹ Tabled on October 17th, 1864. See [Bernard's "Minutes,"](#) p. 134 in this volume. [C.D.]

² Tabled on October 17th, 1864. See [Bernard's "Minutes,"](#) p. 135 in this volume. [C.D.]

³ Tabled on October 18th, 1864. See [Bernard's "Minutes,"](#) *ibid.* [C.D.]

⁴ Tabled on October 18th, 1864. See [Bernard's "Minutes,"](#) p. 136 in this volume. [C.D.]

⁵ This provision and the one preceding it are in fact printed twice in the original. [C.D.]

⁶ Tabled on October 19th, 1864. See [Bernard's "Minutes,"](#) p. 138 in this volume. [C.D.]

⁷ Tabled on October 19th, 1864. See [Bernard's "Minutes,"](#) pp. 138-139 in this volume. [C.D.]

best.¹

That until the Official Census of 1871 has been made up, there shall be no change in the number of Representatives from the several sections.²

That immediately after the completion of the Census of 1871, and immediately after every Decennial Census thereafter, the Representation from each section shall be re-adjusted on the basis of Population.³

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.⁴

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.⁵

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.⁶

That the number of Members may at any time be increased by the Federal Parliament, -- regard being had to the proportionate rights then existing.⁷

That the Legislature of each Province shall divide such Province into the proper number of constituencies and define the boundaries of each of them.⁸

That there shall be a session of the Legislative Council and Assembly once at least in every year, so that a period of twelve calendar months shall not intervene between the last sitting of the Legislative Council and Assembly in one session and the first sitting of the Legislative Council and 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 and no longer, subject nevertheless to be sooner prorogued or dissolved by the Governor.⁹

That until provisions shall otherwise be made by the Legislature of the Federated Provinces, all the Laws which, at the date of the Proclamation constituting such Confederation, 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

¹ Tabled on October 19th, 1864. See [Bernard's "Minutes,"](#) p. 139 in this volume. [C.D.]

² Tabled on October 19th, 1864. See [Bernard's "Minutes,"](#) *ibid.* [C.D.]

³ Tabled on October 19th, 1864. See [Bernard's "Minutes,"](#) *ibid.* [C.D.]

⁴ Tabled on October 19th, 1864. See [Bernard's "Minutes,"](#) *ibid.* [C.D.]

⁵ Tabled on October 19th, 1864. See [Bernard's "Minutes,"](#) *ibid.* [C.D.]

⁶ Tabled on October 19th, 1864. See [Bernard's "Minutes,"](#) *ibid.* [C.D.]

⁷ Tabled on October 19th, 1864. See [Bernard's "Minutes,"](#) *ibid.* [C.D.]

⁸ Tabled on October 20th, 1864. See [Bernard's "Minutes,"](#) p. 140. [C.D.]

⁹ Tabled on October 20th, 1864. See [Bernard's "Minutes,"](#) *ibid.* [C.D.]

taken by voters, and to Returning Officers and the powers 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, and the proceedings incident thereto and to the vacating of seats of Members and the issuing and execution of new Writs in case of any seat being vacated otherwise than by a dissolution,-- shall respectively be applied to Elections of Members to serve in the Legislative Assembly of the Federated Provinces, for places situate in those Provinces respectively for which such Laws were passed.¹

That the Executive Authority of 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.²

That the Sovereign or Representative of the Sovereign shall be Commander in Chief of the Land and Naval Militia Forces.³

That with a view of reducing the expenses of the Local Governments, it shall be left to each Province to recommend the reconstruction of its Local Constitution, in such a way as shall be most acceptable to its own Legislature; Provided that in such reconstruction, nothing be contained inconsistent with the Constitution of Federal Government.⁴

18166

3

That 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 exercise 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.⁵

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. Interest.
10. Legal Tender.

¹ Tabled on October 20th, 1864. See [Bernard's "Minutes,"](#) p. 140. [C.D.]

² Tabled on October 20th, 1864. See [Bernard's "Minutes,"](#) *ibid.* [C.D.]

³ Tabled on October 20th, 1864. See [Bernard's "Minutes,"](#) p. 141. [C.D.]

⁴ Tabled on October 20th, 1864. See [Bernard's "Minutes,"](#) *ibid.* [C.D.]

⁵ Tabled on October 20th, 1864. See [Bernard's "Minutes,"](#) *ibid.* [C.D.]

11. Weights and Measures.
12. Postal Service.
13. Bankruptcy and Insolvency Laws.
14. Beacons, Buoys and Light Houses.
15. 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 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. Lines of Steamships or other Ships, Railways and Canal, connecting any two or more of the Provinces together.
- [X] 28. Lines of Steamships between the Federated Provinces and other Countries.¹

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

1. Agriculture.
2. Education; saving the rights and privileges which the Protestant or Catholic minority in both Canadas may possess as to their Denominational Schools, at the time when the Constitutional Act goes into operation
3. Immigration.
4. The sale and management of Public Lands, excepting Lands belonging to the General Government.
5. Property and civil rights, excepting those portions thereof assigned to the General Legislature.
6. Municipal Institutions.
7. Sea coast and Inland Fisheries.
8. The establishment, maintenance and management of Penitentiaries, and of Public and Reformatory Prisons.
9. The establishment, maintenance and management of Hospitals, Asylums, Charities and Eleemosynary Institutions.
10. Local Works.
11. The Administration of Justice, and the Constitution, maintenance and organization of the Courts—both Civil and Criminal Jurisdiction.

18167

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

12. The establishment and tenure of local Offices, and the appointment and payment of local Officers,
13. Direct Taxation,

¹ Tabled on October 21st, 1864. See [Bernard's "Minutes,"](#) p. 142 in this volume. [C.D.]

THE QUEBEC RESOLUTIONS

first working draft—continued

14. Borrowing Money on the credit of the Province,
15. Shop, Saloon, Tavern, Auctioneer and other licenses,
16. The Incorporation of private or local Companies, except such as relate to matters assigned to the Federal Legislature,
17. And generally all matters of a private or local nature,
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.
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.¹

That the Local Legislature 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.²

That 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.³

To postpone the consideration of, --

That all lands, mines and minerals vested in Her Majesty in any of the said Provinces for the use of such Province, shall belong to the Local Government of the territory in which the same are so situate; subject to any trusts that may exist in respect to any of such lands or to any interest of other person in respect of the same.⁴

That all sums due from purchasers or lessees of such lands, at the time of the Union, shall also belong to the Local Governments.⁵

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,
3. Respecting Savings Banks, and
4. Quarantine.⁶

2. 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,

¹ The original provincial portion of the distribution of powers was first tabled on October 24th and 25th, 1864. See [Bernard's "Minutes,"](#) pp. 145-148 in this volume. [C.D.]

² Tabled on October 25th, 1864. See [Bernard's "Minutes,"](#) p. 148. [C.D.]

³ Tabled on October 25th, 1864. See [Bernard's "Minutes,"](#) *ibid.* in this volume. [C.D.]

⁴ Tabled on October 25th, 1864. See [Bernard's "Minutes,"](#) *ibid.* in this volume. [C.D.]

⁵ Tabled on October 25th, 1864. See [Bernard's "Minutes,"](#) *ibid.* in this volume. [C.D.]

⁶ There is a lengthier provision inserted here. It reads: "2. It shall also be competent for the General Legislature to pass—Inspection laws, and Laws relating to quarantine." Tabled on October 25th, 1864. See [Bernard's "Minutes,"](#) p. 149 in this volume. [C.D.]

arising under Treaties between Great Britain and such Countries.¹

3. 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 Judges and Officers of the General Government.²

4. The General Legislature may also, from time to time, establish additional Courts, and the General Government thereupon 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 of the General Legislature.³

5. 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.⁴

6. 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 of Assembly by Message of the Governor General, or the Lieutenant Governor, as the case may be, during the Session in which such Vote, Resolution, Address or Bill is passed.⁵

18168

5

7. Any Bill of the General Legislature 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.⁶

8. 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 Governor General within one year after the passing thereof.⁷

To postpone the consideration of: --

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.⁸

That the Judges of the Court of Record in each Province shall be appointed and paid by the General Government, and their salaries shall be fixed by the General Legislature.⁹

¹ Tabled on October 25th, 1864. See [Bernard's "Minutes,"](#) p. 149 [C.D.]

² Tabled on October 25th, 1864. See [Bernard's "Minutes,"](#) *ibid.* [C.D.]

³ Tabled on October 25th, 1864. See [Bernard's "Minutes,"](#) *ibid.* [C.D.]

⁴ Tabled on October 25th, 1864. See [Bernard's "Minutes,"](#) *ibid.* [C.D.]

⁵ Tabled on October 25th, 1864. See [Bernard's "Minutes,"](#) *ibid.* [C.D.]

⁶ Tabled on October 25th, 1864. See [Bernard's "Minutes,"](#) *ibid.* [C.D.]

⁷ Tabled on October 25th, 1864. See [Bernard's "Minutes,"](#) *ibid.* [C.D.]

⁸ Tabled on October 25th, 1864. See [Bernard's "Minutes,"](#) *ibid.* [C.D.]

⁹ Tabled on October 26th, 1864. See [Bernard's "Minutes,"](#) p. 150 in this volume. [C.D.]

THE QUEBEC RESOLUTIONS

first working draft—continued

That the Judges of the Court of Admiralty now receiving salaries shall be paid by the General Government.¹

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.²

That 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 procedure of all or any of the Courts in these Provinces; but not to go into operation in any Province until sanctioned by the Legislature thereof.³

That, subject to any future action of the respective Local Governments in respect thereof, the Seat of the Local Government 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.⁴

That the Seat of Government of the Confederate Province shall be Ottawa, subject to the Royal Prerogative.⁵

That no lands or property belonging to the General or Local Government shall be liable to taxation.⁶

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 by the General Government for the use of the Local Legislatures and Governments;
Property transferred by the Imperial Government and known as Ordinance 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.⁷

¹ Tabled on October 26th, 1864. See [Bernard's "Minutes,"](#) p. 150 in this volume. [C.D.]

² Tabled on October 26th, 1864. See [Bernard's "Minutes,"](#) *ibid.* [C.D.]

³ Tabled on October 26th, 1864. See [Bernard's "Minutes,"](#) *ibid.* [C.D.]

⁴ Tabled on October 26th, 1864. See [Bernard's "Minutes,"](#) p. 151 [C.D.]

⁵ Tabled on October 26th, 1864. See [Bernard's "Minutes,"](#) *ibid.* [C.D.]

⁶ Tabled on October 26th, 1864. See [Bernard's "Minutes,"](#) *ibid.* [C.D.]

⁷ The provisions numbered 1 to 3 on this page were first tabled on October 22nd, 1864, according to [Bernard's "Minutes,"](#) (see p. 144 in this volume). It is not clear why this is the case – that is, why these provisions don't follow the [*Footnote continues on next page*]

[Footnote continues from previous page] chronological order that all the other provisions in this document follow. It may be that financial matters were up for discussion at multiple points in time, and they were for convenience's sake placed here. Note also that additional financial provisions were tabled on October 26th, but they are not featured here. These additional provisions were tabled by Galt, and it may be that these are only those of John A. Macdonald's. It is conceivable that Macdonald had printed the initial list of provisions tabled at the conference, including those he was re-tabling on October 26th, and that Galt had his own separate print-outs. This might suggest that the draft (above) was meant for discussion on October 26th, and that it is John A. Macdonald's print out for the committee. Since the committee adjourned at midnight on the 25th, the print-out must have been produced in time for the October 26th morning committee. Work into A.T. Galt's archival papers have not revealed more drafts. [C.D.]

THE QUEBEC RESOLUTIONS



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(II.) SECOND WORKING DRAFT

OCTOBER 26-27, 1864

Source: [Library and Archives Canada, MG 26, A, Vol. 46, 18142-18155](#)

18142¹

[STRICTLY CONFIDENTIAL.]

RESOLUTIONS.

[¹] 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.

[²] That in the Federation of the British North American Provinces the System of Government best adapted under existing circumstances to protect the diversified interests of the several Provinces and secure efficiency, harmony and permanency in the working of the Union, – would be a general Government charged with matters of common interest to the whole Country, and Local Governments for each of the Canadas and for the Provinces of Nova Scotia, New Brunswick and Prince Edward Island, charged with the control of local matters in their respective sections, – Provision being made for the admission into the Union on equitable terms of Newfoundland, the North-West Territory, British Columbia and Vancouver.

[³] 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 people of these Provinces, desire to follow the model of the British Constitution, so far as our circumstances will permit.

[⁴] That 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.

[⁵] That the Sovereign or Representative of the Sovereign shall be Commander in Chief of the Land and Naval Militia Forces.

[⁶] That there shall be a General Legislature for the Federated Provinces, composed of a Legislative Council and ~~Legislative Assembly~~ [*House of Commons*].

[⁷] That for the purpose of forming the Legislative Council, the Federated Provinces shall be considered as consisting of three divisions, 1st. Upper Canada, 2nd. Lower Canada, 3rd. Nova Scotia, New Brunswick and Prince Edward Island, with equal representation in the Legislative Council.

[⁸] That Upper Canada shall be represented in the Legislative Council by 24 Members, Lower

¹ This “working draft” features provisions that were tabled in committee up to October 26th 1864. We also know from [A.A. Madon-ald’s \(PEI\)](#) account that the conference adjourned at midnight on October 26th 1864. I dated this document October 26th and 27th reflecting the likelihood that John A. Macdonald worked on them during the conference on October 26th 1864 and likely into the morning of October 27th 1864. [C.D.]

THE QUEBEC RESOLUTIONS

second working draft—continued

Canada by 24 Members, and the three Maritime Provinces by 24 Members, of which Nova Scotia shall have Ten, New Brunswick Ten, and Prince Edward Island, Four Members.

[9] That the colony of Newfoundland ~~having sent a Deputation to this Conference be now invited~~ ^[shall be entitled] to enter ~~into the proposed Confederation~~ ^[Union], with a representation in the Legislative Council of four Members.

That the North-West Territory, British Columbia and Vancouver shall be admitted into the Union on such terms and conditions as ~~the General Legislature~~ ^[Parliament] 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] That 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.

[12] That the members of the Legislative Council shall be British Subjects by Birth or Naturalization, of the full age of Thirty Years, shall possess a real property qualification of four thousand dollars over and above all incumbrances, and be worth that amount over and above their debts and liabilities. ^[illegible]¹

18143

[15] 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 194, distributed as follows:

Upper Canada	82
Lower Canada	65
Nova Scotia	19
New Brunswick	15
Newfoundland	8
and Prince Edward Island	5

[16] That each section shall distribute its Representatives in such Electoral Divisions as it deems best.

[17] That until the Official Census of 1871 has been made up, there shall be no change in the number of Representatives from the several sections.

[18] That immediately after the completion of the Census of 1871, and immediately after every Decennial Census thereafter, the Representation from each section shall be re-adjusted on the basis of Population.

[19] 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.

¹ Resolutions no. 13 and 14 are not found here, on p. 18142, except there is a non-legible comment at the bottom of the page that could be early drafts of these two resolutions. [C.D.]

[20] 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~~ ^[Union], to the extent of five per centum or over.

[21] 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.

[22] That the number of Members may at any time be increased by the Federal Parliament,-- regard being had to the proportionate rights then existing.

[23] That the Legislature of each Province ^[in the Act consenting to the Union], shall divide such Province into the proper number of constituencies and define the boundaries of each of them.

[24] The local Legislature of each Province may ^[afterwards] 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.

[27] ~~That there shall be a session of the Legislative Council and Assembly~~ ^[Federal Parliament] once at least in every year, so that a period of twelve calendar months shall not intervene between the last sitting of the ~~Legislative Council and Assembly~~ ^[Federal Parliament] in one session and the first sitting of the ~~Legislative Council and Assembly~~ ^[Federal Parliament] in the next session:

[26] ~~And every Legislative Assembly~~ ^[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.¹

[25] That until provisions shall otherwise be made by the ~~Legislature of the Federated Provinces~~ ^[Federal Parliament], all the Laws which, at the date of the Proclamation constituting ^[the Union may be] ~~such Confederation, are in~~² 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 the powers and duties thereof,-- 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 to the vacating of seats of Members and ^[to] the issuing and execution of new Writs in case of any³ seat being vacated otherwise than by a dissolution, -- shall respectively apply to Elections of Members to serve in the House of Commons, for places situate in those Provinces respectively.

18144

¹ Resolutions 26 and 27 in this text were initially a single resolution. The longhand believed to be John A. Macdonald's separated it and renumbered them into two resolutions. [C.D.]

² As inconsequential a detail it may be, John A. Macdonald here placed a strikethrough all the way over the word "in" and I think this is a mistake. It makes more sense to keep that preposition in the sentence. Here, the strikethrough is reproduced as found on the page. [C.D.]

³ From "any seat being vacated..." is cut off on the original page. It is reconstructed by consulting later drafts. [C.D.]

THE QUEBEC RESOLUTIONS

second working draft—continued

Part of no. 11

Provided that absence from the Legislature for two consecutive sessions shall render such seat absolutely vacant.¹

18145

To be substituted for no 12

That the Members of the Legislative Council shall be British Subjects by Birth or Naturalization, of the full age of Thirty Years, shall possess a continuous Real Property qualification of four thousand dollars over and above all incumbrances, and shall be and continue worth that sum over and above their debts and liabilities except in the case of Newfoundland where the property may be either real or personal.²

18146

[13] That the *[first selection of the]* Members of the Legislative Council ~~for the General Government~~ shall ~~in the first instance~~ be selected *[made]* from the Legislative Councils of the various Provinces, with the exception of Prince Edward Island, so far as a sufficient number be found qualified and willing to serve,

~~That the Members of the Legislative Council for the General Government shall in the first instance be selected from the Legislative Councils of the various Provinces, (with the exception of Prince Edward Island,) so far as a sufficient number be found qualified and willing to serve.~~

~~That the Members of the first Legislative Council in the Federal Legislature~~³ *[such members]* shall be appointed by the Crown at the recommendation of the Federal *[General]* 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 that all political parties *[may]* be as nearly as possible *[be]* fairly represented.

[11 ½] The twenty-four Legislative Councillors representing Lower Canada in the Legislative Council of the Federal Legislature shall be appointed to represent each 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 therein or possess his qualification therein.⁴

18147

...⁵ vacated otherwise than by a dissolution, – shall respectively be applied to Elections of Members to serve in the ~~Legislative Assembly of the Federated Provinces~~ *[House of Commons]* for places situate in those Provinces respectively ~~for which each Laws were passed.~~

~~That 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~~

¹ This resolution is written in longhand on a separate piece of paper attached here. [C.D.]

² This resolution is also written on a separate piece of paper attached here. [C.D.]

³ The part “willing to serve” in resolution numbered 13 connects with “such members shall be appointed” at this exact point. [C.D.]

⁴ This resolution is in longhand on a separate piece of paper “taped” at the bottom of the page. [C.D.]

⁵ The beginning of this passage is cut off from the original page. [C.D.]

duly authorized.

~~That the Sovereign or Representative of the Sovereign shall be Commander in Chief of the Land and Naval Militia Forces.~~

~~That with a view of reducing the expenses of the Local Governments, it shall be left to each Province to recommend the reconstruction of its Local Constitution, in such a way as shall be most acceptable to its own Legislature; Provided that in such reconstruction, nothing be contained inconsistent with the Constitution of the Federal Government.~~

18148

3

~~That 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 exercise 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.~~

~~[28] That it shall be competent for the General Legislature~~ *[The Federal Government shall have power]* ~~to make Laws for the peace, welfare and good Government of the Federated Provinces (saving the Sovereignty of England) and especially Laws respecting~~ *[the following subjects]:*

<i>[1]</i>	<i>[The Public Debt and Property]</i>
<i>[renumbered to 2]</i>	~~1.~~ <i>[The regulation of]</i> Trade and Commerce.
<i>[renumbered to 3]</i>	~~2.~~ The imposition or regulation of Duties of Customs on Imports and Exports <i>[except on exports of timber, logs, masts, spars, deals, and sawn lumber and of coal and other minerals].</i>
<i>[renumbered to 4]</i>	~~3.~~ The imposition or regulation of Excise Duties.
<i>[renumbered to 5]</i>	~~4.~~ <i>[The raising of money by]</i> All or any other modes or systems of Taxation.
<i>[renumbered to 19]</i>	~~5.~~ Currency and Coinage.
	~~6.~~ The Borrowing of Money on the Public Credit.
<i>[renumbered to 20]</i>	~~7.~~ Banking and the issue of paper money.
<i>[renumbered to 23]</i>	~~8.~~ The law relating to Bills of Exchange and Promissory Notes.
<i>[renumbered to 24]</i>	~~9.~~ Interest.
<i>[renumbered to 25]</i>	~~10.~~ Legal Tender.
<i>[renumbered to 22]</i>	~~11.~~ Weights and Measures.
<i>[renumbered to 7]</i>	~~12.~~ Postal Service.
<i>[renumbered to 26]</i>	~~13.~~ Bankruptcy and Insolvency Laws.
	~~14.~~ Beacons, Buoys and Light Houses
	~~15.~~ Navigation and Shipping.
<i>[16]</i>	<i>[Quarantine.]</i> ¹
<i>[18]</i>	<i>[Ferries between any Province and a Foreign Country, or between any two Provinces.]</i> ²
<i>[renumbered to 17]</i>	~~16.~~ Sea Fisheries.
<i>[renumbered to 27]</i>	~~17.~~ Patents of Invention and Discovery.
<i>[renumbered to 28]</i>	~~18.~~ Copy Rights.

¹ The following provision is found written in longhand in the margin on the right-hand side. [C.D.]

² The following provision is also found written in the margin on the right-hand side. [C.D.]

THE QUEBEC RESOLUTIONS

second working draft—continued

- [renumbered to 10] ~~19.~~ Telegraphic Communication and the incorporation of Telegraph Companies.
[29] *[Indians and Lands reserved for the Indians.]*¹
- [X] [renumbered to 30] ~~20.~~ Naturalization and Aliens.
- [renumbered to 31] ~~21.~~ Marriage and Divorce.
- [renumbered to 12] ~~22.~~ The Census.
[33] ~~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 procedure of all or any of the Courts in these Provinces; but not to go into operation~~ *[any Statute for this purpose shall have no force or authority]* in any Province until sanctioned by the Legislature thereof.²
- ~~23.~~ Militia – Military and Naval Service and Defence.³
- ~~24.~~ Immigration.⁴
- ~~25.~~ Agriculture.⁵
- ~~26.~~ The Criminal Law, (except the Constitution of Courts of Criminal Jurisdiction).⁶
- [renumbered to 8] ~~27.~~ Lines of Steamships or other Ships, Railways and Canals connecting any two or more of the Provinces together.⁷
- [renumbered to 9.] ~~28.~~ Lines of Steamships between the Federated Provinces and other Countries.

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

- ~~1.—Agriculture.~~
- ~~2.—Education; saving the rights and privileges which the Protestant or Catholic minority in both Canadas may possess as to their Denominational Schools, at the time when the Constitutional Act goes into operation.~~
- ~~3.—Immigration.~~
- ~~4.—The sale and management of Public Lands, excepting Lands belonging to the General Government.~~
- ~~5.—Property and civil rights, excepting those portions thereof assigned to the General Legislature.~~
- ~~6.—Municipal Institutions.~~
- ~~7.—Sea coast and Inland Fisheries.~~
- ~~8.—The establishment, maintenance and management of Penitentiaries, and of Public and Reformatory Prisons.~~
- ~~9.—The establishment, maintenance and management of Hospitals, Asylums, Charities and Eleemosynary institutions.~~
- ~~10.—Local Works.~~
- ~~11.—The Administration of Justice, and the Constitution, maintenance and~~

¹ The following provision is found written in longhand in the margin on the right-hand side. [C.D.]

² This provision is cut off and placed at this exact point. [C.D.]

³ This provision is covered by above clipped numbered 33. [C.D.]

⁴ This provision is also covered. [C.D.]

⁵ This provision is also covered. [C.D.]

⁶ This provision is also covered. [C.D.]

⁷ This provision is partially covered by the above clipped provision numbered 33. There are also additions insertions at the end of this provision, but they are not legible. [C.D.]

~~organization of the Courts—both Civil and Criminal Jurisdiction.~~

[11] All such works as shall, although lying wholly within any Province be specially declared by the Acts authorizing them to be for the general advantage.¹

[renumbered to 34]

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 Debts and Public Property.~~

[renumbered to 37]

~~32. And Generally respecting all matters of a general character, not specially and exclusively reserved for the Local Governments and Legislatures.²~~

18149

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

~~12. The establishment and tenure of local Offices, and the appointment and payment of local Officers,~~

~~13. Direct Taxation,~~

~~14. Borrowing Money on the credit of the Province,~~

~~15. Shop, Saloon, Tavern, Auctioneer and other licenses,~~

~~16. The Incorporation of private or local Companies, except such as relate to matters assigned to the Federal Legislature,~~

~~17. And generally all matters of a private or local nature,~~

~~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.~~

~~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.~~

~~That the Local Legislature 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.~~

~~That 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.~~

~~To postpone the consideration of:—~~

~~That all lands, mines and minerals vested in Her Majesty in any of the said Provinces for the~~

¹ This provision is found written in longhand at the bottom of the page. [C.D.]

² Provisions numbered 34 to 37 are found cut off and placed here. [C.D.]

THE QUEBEC RESOLUTIONS

second working draft—continued

~~use of such Province, shall belong to the Local Government of the territory in which the same are so situate; subject to any trusts that may exist in respect to any of such lands or to any interest of other person in respect of the same.~~

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

~~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,~~

~~3.—Respecting Savings Banks, and~~

~~4.—Quarantine.~~

[renumbered to 29] ~~2.~~ 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.

[renumbered to 30] ~~3.~~ 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 ^[Court] Judges and Officers of the General Government.

[renumbered to 31] ~~4.~~ The General Legislature ^[Federal Parliament] may also, from time to time, establish additional Courts, and the General Government ^[may] thereupon 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 of the General Legislature ^[Parliament].

~~5. 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.~~

~~6. 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, or the Lieutenant Governor, as the case may be during the Session in which such Vote, Resolution, Address or Bill is passed.~~

18150

[33] Until the Consolidation of the Laws of Upper Canada, New Brunswick, Nova Scotia, Newfoundland and Prince Edward Island, the Judges of these Provinces appointed by the General Government shall be selected from their respective Bars.¹

[36] That 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 exercise of the pleasure as aforesaid, and also by message to both Houses of the General Legislature ^[Parliament], within the first week of the first Session afterwards.

¹ Found in longhand at the top of the page. [C.D.]

[36a] ~~That~~ the Lieutenant Governor of each Province shall be paid by the General Legislature.

[36b] 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.

[37] The Local Government and Legislature of each Province shall be constructed in such manner as the existing Legislature of each Province shall provide in the Act assenting to the Union.¹

18151

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

[renumbered to 4]	~~1.~~	Agriculture.
[renumbered to 6]	~~2.~~	Education; saving the rights and privileges which the Protestant or Catholic minority in both Canadas may possess as to their Denominational Schools, at the time when the ~~Constitutional Act~~ [Union] goes into operation.
[renumbered to 5]	~~3.~~	Immigration.
[renumbered to 6, then strikethrough, inserted 7]	~~4.~~	The sale and management of Public Lands, excepting Lands belonging to the General Government.
[renumbering illegible]	~~5.~~	Property and civil rights, excepting those portions thereof assigned to the General Legislature.
[renumbering illegible]	~~6.~~	Municipal Institutions.
[renumbering illegible]	~~7.~~	Sea coast and Inland Fisheries.
[renumbered to 9]	~~8.~~	The establishment, maintenance and management of Penitentiaries, and of Public and Reformatory Prisons.
[renumbered to 10]	~~9.~~	The establishment, maintenance and management of Hospitals, Asylums, Charities and Eleemosynary institutions.
[renumbered to 13]	~~10.~~	Local Works.
[renumbered to 17]	~~11.~~	The Administration of Justice, ~~and~~ [including] the Constitution, maintenance and organization of the Courts – both of Civil and Criminal Jurisdiction [and including also the procedure in Civil matters].

That it shall be competent for the Local Legislatures to make laws respecting:—²

[renumbered to illegible]	~~12.~~	The establishment and tenure of local Offices, and the appointment and payment of local Officers,
	~~13.~~	~~Direct Taxation,~~
[renumbered to illegible]	~~14.~~	Borrowing Money on the credit of the Province,
[renumbered to illegible]	~~15.~~	Shop, Saloon, Tavern, Auctioneer and other licenses,
[renumbered to illegible]	~~16.~~	The Incorporation or private or local Companies, except such as relate to matters assigned to the Federal Legislature,
[renumbered to 18]	~~17.~~	And generally all matters of a private or local nature,
	~~18.~~	~~The local Legislature of each Province may from time to time alter the Electoral Districts of the Province for the purpose of Representation in the House of Commons, and distribute the number of representatives to~~

¹ Found in longhand at the bottom of the page. [C.D.]

² This provision is covered by the above provisions which are clipped over it. [C.D.]

THE QUEBEC RESOLUTIONS

second working draft—continued

~~which the Province is entitled in any manner such Legislature may think fit.~~
[renumbered to 40] 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 ^[Parliament].

[16] ~~That the Local Legislature 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.

18152

38 After the Union the Local Legislatures shall have power to alter or amend their Constitution from time to time.¹

39 The Local Legislatures shall have power to make Laws respecting the following subjects:
1. Direct taxation, and the imposition of duties on the export of timber, logs, masts, spars, deals and sawn lumber and of coals and other minerals.²

18153

5

~~7. Any Bill of the General Legislature 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.~~

~~8. 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 Governor General within one year after the passing thereof.~~

~~To postpone the consideration of:—~~

~~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.~~

[32] ~~That~~ ^[The General Government shall appoint] the Judges of the ^[superior] 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 ^[and of the County Courts of Upper Canada, and Parliament shall fix their salaries].

[34] That the Judges of the Court of Admiralty now receiving salaries shall be paid by the

¹ This provision is written out in longhand. [C.D.]

² This provision is also written out in longhand. [C.D.]

General Government.

[35] 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 ^[Parliament].

That 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 procedure of all or any of the Courts in these Provinces; but not to go into operation in any Province until sanctioned by the Legislature thereof.¹

18154

[41] That in regard to these ^[all] subjects over which jurisdiction belongs to both the General and Local Governments, the laws of the General Government ^[Federal Parliament] shall control and supersede those made by the Local Government ^[Legislature], and the latter shall be void so far as they are repugnant to or inconsistent with the former.

[41 ½] That both the English and French languages may be employed in the General Legislature and in its proceedings, and ^[illegible] in the Local Legislature of Lower Canada, and in the Federal and Local Courts of Lower Canada.²

[42] That no lands or property belonging to the General or Local Government shall be liable to taxation.

[renumbered to 43] 5. 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 Local Assembly, as the case may be.

[renumbered to 44] 6. 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, or the Lieutenant Governor, as the case may be, during the Session in which such Vote, Resolution, Address or Bill is passed.

[renumbered to 45] 7. Any Bill of the General Legislature 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.

[renumbered to 46] 8. 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 Governor General within one year after the passing thereof.

[47] That, subject to any future action of the respective Local Governments in respect thereof, the Seat of the Local Government 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.

¹ This provision is torn off at the bottom of the page. Some amendments can be partially visible, which suggests that perhaps the damage to the manuscript is not contemporaneous to John A. Macdonald's collage. [C.D.]

² This provision is inserted in longhand at this exact point. [C.D.]

THE QUEBEC RESOLUTIONS

second working draft—continued

That the Seat of Government of the ~~Confederate~~^[d] Province^[s] shall be Ottawa, subject to the Royal Prerogative.

[renumbered to 48] ~~1.~~ That the Confederation shall be vested at the time of the Union with all Cash, Banker's Balances, and other Cash Securities of each Province;

[renumbered to 49] ~~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 by the General Government 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 or 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 Fortification or the Defence of the Country.~~

18155

[51] All lands, mines, minerals and royalties vested in Her Majesty in the Provinces of Upper Canada, Lower Canada, Nova Scotia, New Brunswick and Prince Edward Island, for the use of such Provinces, shall belong to the Local Government of the territory in which the same are so situate; subject to any trusts that may exist in respect to any of such lands or to any interest of other persons in respect of the same.¹

[51 ½] All sums due from purchasers or lessees of such lands, mines or minerals at the time of the Union, shall also belong to the Local Governments.²

[renumbered to 52] ~~2.~~ The several Provinces shall remain each vested with all ^[other] 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 Fortification or the defence of the Country.³

[53] The Confederation shall assume all the Debts and Liabilities of each Province.

[54] The Debts of Canada not specially assumed by Upper and Lower Canada respectively, shall

¹ The text provided here is reconstructed from later drafts. [C.D.]

² This portion is also not legible and reconstructed from later drafts. [C.D.]

³ This provision is cut off and placed onto this section of the page. [C.D.]

not exceed at the time of the Union	\$62,500,000
Nova Scotia shall enter into the Confederation with a debt not exceeding	8,000,000
And New Brunswick	7,000,000

[55] But it shall be 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 respective debts at the date of Union less than \$8,000,000 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 respective Legislatures must be exercised within five years from this date or will then lapse.

[56] 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.

[57] In consideration of the transfer to the General Legislature 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 habitants. Such aid shall 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.

[58] 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 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.

[59] In consideration of the surrender to the Confederation by Newfoundland of all its rights in Mines and Minerals, and of all the ungranted and unoccupied Lands of the Crown, it is agreed that the sum of \$150,000 shall each year be paid to that Province by semi-annual payments. Provided that the Colony shall retain the right of opening, constructing and controlling Roads and Bridges through any of the said Lands, subject to any Laws which the General Legislature may pass in respect of the same.

[60] All engagements that may be entered into with the Imperial Government for the defence of the Country shall be assumed by the Confederation.

[61] That the Federal Government will secure, without delay, the completion of the Intercolonial Railway from Rivière du Loup through New Brunswick to Truro in Nova Scotia.¹

¹ This resolution is cut off and inserted at bottom of this page. [C.D.]

THE QUEBEC RESOLUTIONS



*(Scan QR code to view the primary document
from which this material is sourced)*

(III.) THIRD WORKING DRAFT

OCTOBER 27, 1864

Source: [Library and Archives Canada, MG 26, A, Vol. 46, 18156-18158](#)¹

18156

[STRICTLY CONFIDENTIAL.]

RESOLUTIONS.

~~That~~² 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.

~~That~~ in the Federation of the British North American Provinces the System of Government best adapted under existing circumstances to protect the diversified interests of the several Provinces and secure efficiency, harmony and permanency in the working of the Union, -- would be a general Government charged with matters of common interest to the whole Country, and Local Governments for each of the Canadas and for the Provinces of Nova Scotia, New Brunswick and Prince Edward Island, charged with the control of local matters in their respective sections, -- Provision being made for the admission into the Union on equitable terms of Newfoundland, the North-West Territory, British Columbia and Vancouver.

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

~~That~~ 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.³

~~That~~ the Sovereign or Representative of the Sovereign shall be Commander in Chief of the Land and Naval Militia Forces.

~~That~~ there shall be a General Legislature [*or Parliament*] for the Federated Provinces, composed of a Legislative Council and [*a*] House of Commons.⁴

~~That~~ for the purpose of forming the Legislative Council, the Federated Provinces shall be considered as consisting of three divisions, 1st. Upper Canada, 2nd. Lower Canada, 3rd. Nova

¹ Note that there are [two other similar copies of this document](#) but with slight variations, which suggests that there may have been a side-editing session (the first is MG26 A 18133-18135 and the second is MG26 A 18139-18141). The base text in any of these versions (above or the other two similar copies) are exactly the same (J.A. Macdonald may have been sitting with other delegates during this side-session). I have reproduced MG26 A 18156-18158 (above), and incorporated the amendments found in (MG26 A 18139-18141) as well. The footnote commentary below indicates the source of each amendment. Note that MG26 A 18133-18135 contains no amendments. [Both copies can be found on PrimaryDocuments.ca by scanning the QR code on the left.](#) [C.D.]

² The word "that" is cancelled in MG26 A 18156-18158. [C.D.]

³ There is a note in the second copy (MG26 A 18139-18141) of this draft that is written in left margin, but it is not legible. [C.D.]

⁴ This amendment is found in MG26 A 18156-18158. [C.D.]

THE QUEBEC RESOLUTIONS

third working draft—continued

Scotia, New Brunswick and Prince Edward Island, with equal representation in the Legislative Council.

~~That~~ Upper Canada ^[shall] 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 Ten, New Brunswick Ten, and Prince Edward Island Four members.¹

~~That~~ the colony of Newfoundland shall be entitled to enter the proposed Union, with a representation in the Legislative Council of four Members.

The North-West Territory, British Columbia and Vancouver shall be admitted into the Union, on such terms and conditions as ^[the Parliament of the Federated Provinces]² Parliament 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.

~~That~~ 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; ~~Provided that~~ ^[but] absence ^[illegible] from the Legislature for two consecutive sessions shall render such ^[His] seat absolutely vacant.³

~~That~~ the members of the Legislative Council shall be British Subjects by Birth or Naturalization, of the full age of Thirty Years, shall possess a continuous real property qualification of four thousand dollars over and above all incumbrances, and shall be and continue worth that sum over and above their debts and liabilities, ~~except~~ ^[illegible] in the case of Newfoundland where the property may be either real or personal.⁴

~~That~~ if any question shall arise as to the qualification of a Legislative Councillor, the same shall be determined by the Council.

~~That~~ the first selection of the Members of the Legislative Council shall be made from the Legislative Councils of the various Provinces, with the exception of Prince Edward Island, so far as a sufficient number be found qualified and willing to serve; such Members shall be appointed by the Crown at the recommendation of the General Executive Government, upon the nomination of the respective Local Governments, and that in such nomination, due regard ^[shall] be had to the claims of the Members of the Legislative Council of the opposition in each Province, so that all political parties may as nearly as possible be fairly represented.⁵

That the Speaker of the Legislative Council (until ~~it is~~ otherwise provided by the ~~Legislature~~ ^[Parliament]) shall be appointed by the Crown from among the members of the Legislative Council, and ^[shall] hold office during pleasure, and ~~he~~ shall only be entitled to a casting vote on an equality of votes.⁶

The twenty-four Legislative Councillors representing Lower Canada in the Legislative Council of the ~~Federal~~ Legislature, shall be appointed to represent one of the twenty-four Electoral

¹ There is a note in the left margin in the second copy (MG26 A 18139-18141), but it is not legible. [C.D.]

² This amendment is found only in the second copy (MG26 A 18139-18141). [C.D.]

³ Amendments in this provision are found only in the second copy (MG26 A 18139-18141). [C.D.]

⁴ Ibid. [C.D.]

⁵ The amendment in this provision is found only in the second copy (MG26 A 18139-18141). [C.D.]

⁶ Amendments in this provision are found only in the second copy (MG26 A 18139-18141). [C.D.]

Divisions mentioned in Schedule A of Chapter first of the Consolidated Statutes of Canada, and such Councillor shall reside or possess his qualification ~~therein~~ *[the Division he is appointed to represent]*.¹

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 194, distributed as follows:

Upper Canada	82
Lower Canada	65
Nova Scotia	19
New Brunswick	15
Newfoundland	8
and Prince Edward Island	5

~~That each section shall~~ *[illegible]* ~~distribute its Representatives in such Electoral Divisions as it deems best.~~²

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

That immediately after the completion of the Census of 1871, and immediately after every Decennial Census thereafter, the Representation from 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 Union, 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~~ *[General]* Parliament, -- regard being had to the proportionate rights then existing.³

That the Legislature of each Province, in ~~the Act consenting to~~ *[illegible]* the Union, *[illegible]* shall divide such Province into the proper number of constituencies, and define the boundaries of each of them.⁴

¹ Amendments in this provision are found only in the second copy (MG26 A 18139-18141). [C.D.]

² The following cancelled provision is found only in the second copy (MG26 A 18139-18141). [C.D.]

³ Amendments in this provision are found only in the second copy (MG26 A 18139-18141). [C.D.]

⁴ Ibid. [C.D.]

third working draft—continued

That the ^[local] Legislature of each Province may afterwards, from time to time, ~~alter the Electoral 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.¹

That until provisions shall ~~otherwise~~ be made by the ~~Federal~~ ^[General] Parliament, all the Laws which, at the date of the Proclamation constituting the Union, ~~may be~~ ^[are] in force in the Provinces respectively, relating 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, --² 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 to the vacating of seats of Members and to the issuing and execution of new Writs in case of any seat being vacated otherwise than by a dissolution, -- shall respectively apply to Elections of Members to serve in the House of Commons, for places situate in those Provinces respectively.³

^[illegible] 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.⁴

^[illegible] That there shall be a Session of the ~~Federal~~ ^[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 ~~Federal~~ ^[General] Parliament in one Session and the first sitting of the ~~Federal~~ ^[General] Parliament in the next Session.⁵

18157

2

That the ~~Federal~~ ^[General] Parliament shall have power to make Laws for the peace, welfare and good Government of the Federated Provinces (saving the Sovereignty of England) and especially Laws respecting the following subjects:⁶

1. The Public Debt and Property.
2. The Regulation of Trade and Commerce.
3. The imposition or regulation of Duties of Customs on Imports and Exports, except on Exports of Timber, Logs, Masts, Spars, Deals, and Sawn Lumber and of Coal and other Minerals.
4. The imposition or regulation of Excise Duties.
5. The raising of money by all or any other modes or systems of Taxation.
6. The Borrowing of Money on the Public Credit.
7. Postal Service.

¹ Amendments in this provision are found only in the second copy (MG26 A 18139-18141). [C.D.]

² The hyphen seems blotted out in the second copy (MG26 A 18139-18141). [C.D.]

³ Amendments in this provision are found only in the second copy (MG26 A 18139-18141). [C.D.]

⁴ The amendment in this provision is found only in the second copy (MG26 A 18139-18141). [C.D.]

⁵ Amendments in this provision are found only in the second copy (MG26 A 18139-18141). [C.D.]

⁶ Ibid.

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8. Lines of Steam or other Ships, Railways, Canals and other works, connecting any two or more of the Provinces together or extending beyond the limits of any Province.
 9. Lines of Steamships between the Federated Provinces and other Countries.
 10. Telegraphic Communication and the incorporation of Telegraph Companies.
 11. All such works as shall, although lying wholly within any Province be specially declared by the Acts authorizing them to be for the general advantage.
 12. The Census.
 13. Militia -- Military and Naval Service and Defence.
 14. Beacons, Buoys and Light Houses.
 15. Navigation and Shipping.
 16. Quarantine.
 17. Sea Fisheries.
 18. Ferries between any Province and a Foreign Country, or between any two Provinces.
 19. Currency and Coinage.
 20. Banking and the issue of paper money.
 21. Savings Banks.
 22. Weights and Measures.
 23. Bills of Exchange and Promissory Notes.
 24. Interest.
 25. Legal Tender.
 26. Bankruptcy and Insolvency.
 27. Patents of Invention and Discovery.
 28. Copy Rights.
 29. Indians and Lands reserved for the Indians.
 30. Naturalization and Aliens.
 31. Marriage and Divorce.
 32. The Criminal Law (except^[ing] the Constitution of Courts of Criminal Jurisdiction) but including the procedure on Criminal matters.
 33. 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 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.¹
 34. The Establishment of a General Court of Appeal for the Federated Provinces.
 35. Immigration.
 36. Agriculture.
 37. And generally respecting all matters of a general character, not specially ~~and exclusively~~ reserved for the Local Governments and Legislatures.²

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.³

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.

¹ The amendment in this provision is found only in the second copy (MG26 A 18139-18141). [C.D.]

² Amendments in this provision are found only in the second copy (MG26 A 18139-18141). [C.D.]

³ The amendment in this provision is found only in the second copy (MG26 A 18139-18141). [C.D.]

THE QUEBEC RESOLUTIONS

third working draft—continued

That the Federal Parliament may also, from time to time, establish additional Courts, and the Government may thereupon 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 of Parliament. The General Government shall appoint and pay the Judges of the Superior Courts in each Province, and of the County Courts of Upper Canada, and Parliament shall fix their salaries.

Until the Consolidation of the Laws of Upper Canada, New Brunswick, Nova Scotia, Newfoundland and Prince Edward Island, the Judges of these Provinces appointed by the General Government shall be selected from their respective Bars.

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 Parliament.

That 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 exercise of the pleasure as aforesaid, and also by message to both Houses of Parliament, within the first week of the first Session afterwards.

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

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.

That the Local Government and Legislature of each Province shall be constructed in such manner as the existing Legislature of such Province shall provide in the Act consenting to the Union.

After the Union the Local Legislatures shall have power to alter or amend their constitution from time to time.

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

Direct taxation, and the imposition of duties on the Export of Timber, Logs, Masts, Spars, Deals and Sawn Lumber and of Coal and other Minerals.

Borrowing money on the credit of the Province.

The establishment and tenure of local Offices, and the appointment and payment of local officers.

Agriculture.

Immigration.

Education; saving the rights and privileges which the Protestant or Catholic minority in both Canadas may possess as to their Denominational Schools, at the time when the Union goes into operation.

The sale and management of Public Lands, excepting Lands belonging to the General Government.

Sea coast and Inland Fisheries.

The establishment, maintenance and management of Penitentiaries, and of Public

and Reformatory Prisons.

The establishment, maintenance and management of Hospitals, Asylums, Charities, and Eleemosynary Institutions.

Municipal Institutions.

Shop, Saloon, Tavern, Auctioneer and other Licences.

Local Works.

The Incorporation of private or local Companies, except such as relate to matters assigned to the Federal Legislature.

Property and civil rights, excepting those portions thereof assigned to the General Legislature.

Inflicting punishment by fine, penalties, imprisonment or otherwise for the breach of laws passed in relation to any subject within their jurisdiction.

The Administration of Justice, including the Constitution, maintenance and organization of the Courts – both of Civil and Criminal Jurisdiction, and including also the Procedure in Civil matters.

And generally all matters of a private or local nature.

The power of respiting, reprieving, commuting and pardoning Prisoners convicted of crimes, and 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 Parliament.

18158

3

That in regard to all subjects over which jurisdiction belongs to both the General and Local Government, the laws of the ~~Federal~~ ^[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.¹

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

That no lands or property belonging to the General or Local Government shall be liable to taxation.

That 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 Local Assembly, as the case may be.

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 of Assembly by Message of the Governor General, or the Lieutenant Governor, as the case may be, during the Session in which such Vote, Resolution, Address or Bill is passed.

Any Bill of the General Legislature 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

¹ Amendments in this provision are found only in the second copy (MG26 A 18139-18141). [C.D.]

THE QUEBEC RESOLUTIONS

third working draft—continued

consideration of the Governor General.

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 Governor General within one year after the passing thereof. ^[illegible]¹

That the Seat of Government of the Federated Provinces shall be Ottawa, subject to the Royal Prerogative.

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

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, ^[Stocks], Mortgages and other debts due by Railroad Companies;
- Military Roads;
- Public Buildings, Custom Houses and Post Offices, except such as may be set aside by the General Government for the use of the Local Legislatures and Governments;
- Property transferred by the Imperial Government and known as Ordinance Property;
- Armories, Drill Sheds, Military Clothing and Munitions or War;
- Lands set apart for public purposes.

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

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

The several Provinces shall remain each vested with all other 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 Fortification or the defence of the Country.

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

The Debts of Canada not specially assumed by Upper and Lower Canada respectively, shall not exceed at the time of the Union \$62,500,000
Nova Scotia shall enter into the Confederation with a debt not exceeding \$ 8,000,000
And New Brunswick \$ 7,000,000

¹ The illegible note in this provision is found only in the second copy (MG26 A 18139-18141). [C.D.]

But it shall be 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 respective debts at the date of Union less than \$8,000,000 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 in 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 only to limit the extreme maximum amount of charge to be brought by them against the Confederation. Provided always that the powers so conferred by the respective Legislatures shall be exercised within five years from this date or will then lapse.

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.

In consideration of the transfer to the General Legislature 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 habitants. Such aid shall 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.

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 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.

In consideration of the surrender to the Confederation by Newfoundland of all its rights in Mines and Minerals, and of all the ungranted and unoccupied Lands of the Crown, it is agreed that the sum of \$150,000 shall each year be paid to that Province by semi-annual payments. Provided that the Colony shall retain the right of opening, constructing and controlling Roads and Bridges through any of the said Lands, subject to any Laws which the General Legislature may pass in respect of the same.

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

That the Federal Government will secure, without delay, the completion of the Intercolonial Railway from Rivière-du-Loup through New Brunswick to Truro in Nova Scotia.

The communications with the North-Western Territory, and the improvements required for the development of the Trade of the Great West with the Seaboard, are regarded by this Conference as subjects of the highest importance to the Confederation, and should be prosecuted at the earliest possible period, when the state of the Federal Finances will permit the Legislature to do so.

The Sanction of the Imperial and Local Parliaments shall be sought for the Union of the Provinces, on the principles adopted by the Conference.

The proceedings of the Conference, when finally revised, shall be signed by the Delegates,

THE QUEBEC RESOLUTIONS

third working draft—continued

and submitted by each Deputation to its own Government, and the Chairman is authorized to submit a copy to the Governor General for transmission to the Secretary of State for the Colonies.¹

¹ We know from [A.A. Macdonald's \(PEI\) account](#) that the conference committee decided on the 27th to have the resolutions authenticated with signatures of the delegates in attendance (see p. 195 in this volume). This provision is found on this draft—it is the last provision above. This suggests that the document above was prepared by the person tabling the motion (likely John A. Macdonald). This draft is the document that I believe was brought to the committee discussion that morning. The amendments may reflect a side-editing group session to edit the exact language for the provisions on this date. The existence of this side-session might explain why there are multiple copies of this draft in the Macdonald papers and some of them do not seem to be John A's longhand. A side-editing group might also explain why the minute records for both [Bernard](#) and [A.A. Macdonald \(PEI\)](#) are missing. We should also note that the original manuscript featuring the signatures still exists, it can be found at [Archives Ontario, F775, 1964, Item 7 \(MU 2147\), 10032673](#). It is a rather stunningly large manuscript, probably meant for public display and features a peculiar stenographic display. I am currently undertaking a diplomatics analysis of this manuscript. It is largely unknown in the academic and legal literature, and this will be the first of its kind. [C.D.]

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THE QUEBEC RESOLUTIONS



*(Scan QR code to view the primary document
from which this material is sourced)*

(IV.) FOURTH WORKING DRAFT

OCTOBER 27, 1864

Source: [Library and Archives Canada, MG 26, A, Vol. 46, 18136-18138](#)

18136

[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, 10 October, 1864, as the Basis of a proposed Confederation of those Provinces and Colonies]

[1.] ~~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.

[2.] ~~That~~ in the Federation of the British North American Provinces the System of Government best adapted under existing circumstances to protect the diversified interests of the several Provinces and secure efficiency, harmony and permanency in the working of the Union, -- would be a general Government charged with matters of common interest to the whole Country, and Local Governments for each of the Canadas and for the Provinces of Nova Scotia, New Brunswick and Prince Edward Island, charged with the control of local matters in their respective sections, -- Provision being made for the admission into the Union on equitable terms of Newfoundland, the North-West Territory, British Columbia and Vancouver.

[3.] ~~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 people of these Provinces, desire to follow the model of the British Constitution, so far as our circumstances will permit.

[4.] ~~That~~ 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.] ~~That~~ the Sovereign or Representative of the Sovereign shall be Commander in Chief of the Land and Naval Militia Forces.

[6.] ~~That~~ there shall be a General Legislature ^[or Parliament] for the Federated Provinces, composed of a Legislative Council and ^[a] House of Commons.

[7.] ~~That~~ for the purpose of forming the Legislative Council, the Federated Provinces shall be considered as consisting of three divisions, 1st. Upper Canada, 2nd. Lower Canada, 3rd. Nova Scotia, New Brunswick and Prince Edward Island, each division with an equal representation in the Legislative Council.

[8.] ~~That~~ Upper Canada ^[shall] 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 Ten, New Brunswick Ten, and Prince Edward Island Four Members.

[9.] ~~That~~ the colony of Newfoundland shall be entitled to enter the proposed Union, with a

THE QUEBEC RESOLUTIONS

fourth working draft—continued

representation in the Legislative Council of four Members.

[10.] ~~That~~ the North-West Territory, British Columbia and Vancouver shall be admitted into the Union, on such terms and conditions as the Parliament of the Federated Provinces 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.] ~~That~~ the Members of the Legislative Council shall be appointed by the Crown under the Great Seal of the General Government and shall hold Office during Life; if any Legislative Councillor shall, for two consecutive sessions of ~~the Legislature~~ ^[Parliament], fail to give his attendance in the said Council, his seat shall thereby become vacant.

[12.] ~~That~~ the Members of the Legislative Council shall be British Subjects by Birth or Naturalization, of the full age of Thirty Years, shall possess a continuous real property qualification of four thousand dollars over and above all incumbrances, and shall be and continue worth that sum over and above their debts and liabilities, but in the case of Newfoundland ^[and Prince Edward Island], the property may be either real or personal.

[13.] ~~That~~ if any question shall arise as to the qualification of a Legislative Councillor, the same shall be determined by the Council.

[14.] ~~That~~ the first selection of the Members of the Legislative Council ^[except as regards Prince Edward Island] shall be made from the Legislative Councils of the various Provinces, ~~with the exception of Prince Edward Island~~ so far as a sufficient number be found qualified and willing to serve; such Members shall be appointed by the Crown at the recommendation of the General Executive Government, upon the nomination of the respective Local Governments, and ~~that~~ in such nomination due regard shall be had to the claims of the Members of the Legislative Council of the opposition in each Province, so that all political parties may as nearly as possible be fairly represented.

[15.] ~~That~~ the Speaker of the Legislative Council (~~until~~ ^[unless] otherwise provided by ~~the said~~ 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.

[16.] ~~That~~ 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.

[17.] ~~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 194, distributed as follows:

Upper Canada	82
Lower Canada	65
Nova Scotia	19
New Brunswick	15
Newfoundland	8
and Prince Edward Island	5

[18.] ~~That~~ until the Official Census of 1871 has been made up, there shall be no change in the number of Representatives from the several sections.

[19.] ~~That~~ immediately after the completion of the Census of 1871, and immediately after every Decennial Census thereafter, the Representation from each section in the House of Commons shall be re-adjusted on the basis of Population.

[20.] ~~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~~ ^[last] taken by having sixty-five members.

[21.] ~~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 Union, to the extent of five per centum ~~or ever~~.

[22.] ~~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.

[23.] ~~That~~ the Legislature of each Province, shall ~~prior to the Union~~ divide such Province into the proper number of constituencies, and define the boundaries of each of them.

[25.] ~~That~~ the number of Members may at any time be increased by the General Parliament, -
- regard being had to the proportionate rights then existing.

[24.] ~~That~~ the Local Legislature of each Province may ~~afterwards~~, from time to time, alter the Electoral Districts for the purposes of Representation in the House of Commons, and distribute the representatives to which the Province is entitled in such Local Legislature, in any manner such Legislature may think fit.

[26.] ~~That~~ 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 the qualification and disqualification of any person to be elected, or to sit or vote as a member of the Assembly in the said Provinces respectively -- and relating to the qualification or disqualification of voters, and to the oaths to be taken by voters, and to Returning Officers and their powers and duties, -- and relating to the proceedings at Elections, -- and to the period during which such Elections may be continued, and relating to the Trial of Controverted Elections, and the proceedings incident thereto, and ^[relating] to the vacating of seats of Members and to the issuing and execution of new Writs in case of any seat being vacated otherwise than by a dissolution, -- shall respectively apply to Elections of Members to serve in the House of Commons, for places situate in those Provinces respectively.

[27.] ~~That~~ 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.

[28.] ~~That~~ 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 ~~of the General Parliament~~ ^[thereof] in the next session.

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

1. The Public Debt and Property.
2. The Regulation of Trade and Commerce.
3. The imposition or regulation of Duties of Customs on Imports and Exports, except on Exports of Timber, Logs, Masts, Spars, Deals, and Sawn Lumber, and of Coal and other Minerals.
4. The imposition or regulation of Excise Duties.
5. The raising of money by all or any other modes or systems of Taxation.
6. The Borrowing of Money on the Public Credit.
7. Postal Service.
8. Lines of Steam or other Ships, Railways, Canals and other works, connecting any two or more of the Provinces together or extending beyond the limits of any Province.
9. Lines of Steamships between the Federated Provinces and other Countries.
10. Telegraphic Communication and the incorporation of Telegraph Companies.
11. All such works as shall, although lying wholly within any Province be specially declared by the Acts authorizing them to be for the general advantage.
12. The Census.
13. Militia -- Military and Naval Service and Defence.
14. Beacons, Buoys and Light Houses.
15. Navigation and Shipping.
16. Quarantine.
17. Sea Coast and Inland Fisheries.
18. Ferries between any Province and a Foreign country, or between any two Provinces.
19. Currency and Coinage.
20. Banking ^[Incorporation of Banks] and the issue of paper money.
21. Savings Banks.
22. Weights and Measures.
23. Bills of Exchange and Promissory Notes.
24. Interest.
25. Legal Tender.
26. Bankruptcy and Insolvency.
27. Patents of Invention and Discovery.
28. Copy Rights.
29. Indians and Lands reserved for the Indians.
30. Naturalization and Aliens.
31. Marriage and Divorce.
32. The Criminal Law, excepting the Constitution of Courts of Criminal Jurisdiction, but including the procedure ^{therein} in Criminal matters.
33. Rendering uniform all or any of the laws relative to property and civil rights in Upper Canada, Nova Scotia, New Brunswick, ^[Newfoundland and] Prince Edward Island, ~~and Newfoundland~~ and for 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.
34. The Establishment of a General Court of Appeal for the Federated Provinces.
35. Immigration.
36. Agriculture.

37. And Generally respecting all matters of a general character, not specially and exclusively reserved for the Local Governments and Legislatures.

[30.] ~~That~~ the General Government and Parliament shall have all powers necessary or proper for performing the obligations of the ^[Federated] Province^[s], as part of the British Empire to Foreign Countries arising under Treaties between Great Britain and such Countries.

[31.] ~~That~~ the General Parliament may also, from time to time, establish additional Courts, and the ^[General] Government may ~~thereupon~~ appoint ~~other~~ Judges and Officers ^[thereof], when the same shall appear necessary or for the public advantage, in order to the due execution of the laws of Parliament.

[32.] ~~That~~ 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.] ~~That~~ the General Government shall appoint and pay the Judges of the Superior Courts in each Province, and of the County Courts of Upper Canada, and Parliament shall fix their salaries.

[34.] ~~That~~ until the Consolidation of the Laws of Upper Canada, New Brunswick, Nova Scotia, Newfoundland and Prince Edward Island, the Judges of these Provinces appointed by the General Government shall be selected from their respective Bars.

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

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

[37.] ~~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 Parliament.

LOCAL GOVERNMENT.

[38.] ~~That~~ 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 exercise of the pleasure as aforesaid, and also by message to both Houses of Parliament, within the first week of the first Session afterwards.

[39.] ~~That~~ the Lieutenant Governor of each Province shall be paid by the General ~~Legislature~~ ^[Government].

[40.] ~~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.

[41.] ~~That~~ the Local Government and Legislature of each Province shall be constructed in such manner as the existing Legislature of such Province shall provide ~~in the Act assenting to the Union.~~

THE QUEBEC RESOLUTIONS

fourth working draft—continued

[42.] ~~That for the Union~~ the Local Legislatures shall have power to alter or amend their constitution from time to time.

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

- [1.] Direct taxation, and the imposition of Duties on the Export of Timber, Logs, Masts, Spars, Deals and Sawn Lumber and of Coals and other Minerals.
- [2.] Borrowing money on the credit of the Province.
- [3.] The establishment and tenure of local Offices, and the appointment and payment of local officers.
- [4.] Agriculture.
- [5.] Immigration.
- [6.] Education; saving the rights and privileges which the Protestant or Catholic minority in both Canadas may possess as to their Denominational Schools, at the time when the Union goes into operation.
- [7.] The sale and management of Public Lands, excepting Lands belonging to the General Government.
- [8.] Sea coast and Inland Fisheries.
- [9.] The establishment, maintenance and management of Penitentiaries, and of Public and Reformatory Prisons.
- [10.] The establishment, maintenance and management of Hospitals, Asylums, Charities, and Eleemosynary Institutions.
- [11.] Municipal Institutions.
- [12.] Shop, Saloon, Tavern, Auctioneer and other Licences.
- [13.] Local Works.
- [14.] The Incorporation of private or local Companies, except such as relate to matters assigned to the ~~Federal Legislature~~ ^[General Parliament].
- [15.] Property and civil rights, excepting those portions thereof assigned to the General ~~Legislature~~ ^[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 organization 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].

[44.] ~~That~~ the power of respiting, reprieving, ~~commuting~~ 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 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] Parliament.

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3.

MISCELLANEOUS

[45.] ~~That~~ 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.

[46.] ~~That~~ both the English and French languages may be employed in the General Legislature [Parliament] and in its proceedings, and in the Local Legislature of Lower Canada, and [also] in the Federal [Courts] and Local [in the] Courts of Lower Canada.

[47.] ~~That~~ no lands or property belonging to the General or Local Government shall be liable to taxation.

[48.] ~~That~~ 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 Local [House of] Assembly, as the case may be.

[49.] ~~That~~ the House of Commons or Legislative [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 to the House of Assembly by Message of the Governor General, or the Lieutenant Governor, as the case may be, during the Session in which such Vote, Resolution, Address or Bill is passed.

[50.] ~~That~~ any Bill of the General Legislature [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.

[51.] ~~That~~ any Bill passed by the General Legislature [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.

[52.] ~~That~~ the Seat of Government of the Federated Provinces shall be Ottawa, subject to the Royal Prerogative.

[53.] ~~That~~ subject to any future action of the respective Local Governments in respect thereof, the Seat of the Local Government 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.

PROPERTY AND LIABILITIES.

[54.] ~~That~~ all [Stocks], Cash, Bankers' Balances and other Cash Securities [for money belonging to] each Province, at the time of the Union [except as hereinafter mentioned] shall belong to the General Government.

[55.] ~~That~~ 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;
- [4.] Steamboats, Dredges and Public Vessels;
- [5.] River 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 other Public Buildings, except such as may be set aside by the General Government for the use of the Local Legislatures and

THE QUEBEC RESOLUTIONS

fourth working draft—continued

- Governments;
- [9.] Property transferred by the Imperial Government and known as Ordnance Property;
- [10.] Armories, Drill Sheds, Military Clothing and Munitions or War; and
- [11.] Lands set apart for Public purposes.

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

[57.] ~~That~~ all sums due from purchasers or lessees of such lands, mines or minerals at the time of the Union, shall also belong to the Local Governments.

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

[59.] ~~That~~ the several Provinces shall ~~remain vested with~~ ^[retain] all other Public Property therein, subject to the right of the ~~Confederation~~ ^[General Government] to assume any Lands or Public Property required for Fortifications or the Defence of the Country.

[60.] ~~That~~ the General Government shall assume all the Debts and Liabilities of each Province.

[61.] ~~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; Nova Scotia shall enter ~~into the Confederation~~ ^[Union] with a debt not exceeding, \$ 8,000,000; and New Brunswick, with a debt not exceeding 7,000,000.

[62.] ~~But it shall be 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 ~~respective~~ debts at the date of Union less than \$8,000,000 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 in 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 only to limit the maximum amount of charge to be ~~brought~~ ^[assumed] by ~~them against~~ the General Government. Provided always that the powers so conferred by the respective Legislatures shall be exercised within five years from this date or the same shall lapse.

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

[64.] ~~That~~ in consideration of the transfer to the General ~~Legislature~~ ^[Parliament] of the powers of Taxation, an annual 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. The population of Newfoundland being estimated at 130,000. Such aid shall be in full settlement of all future demands upon the General Government for local purposes, and shall be paid half-yearly in advance to each Province.

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

[66.] ~~That~~ in consideration of the surrender to the General Government by Newfoundland of all its rights in Mines and Minerals, and of all the ungranted and unoccupied Lands of the Crown, it is agreed that the sum of \$150,000 shall each year be paid to that Province, by semi-annual payments. Provided that the ~~Colony~~ ^[Province] shall retain the right of opening, constructing and controlling Roads and Bridges through any of the said Lands, subject to any Laws which the General Parliament may pass in respect of the same.

[67.] ~~That~~ all engagements that may, before the Union, be entered into with the Imperial Government for the Defence of the Country shall be assumed by the General Government.

[68.] ~~That~~ the General Government shall secure, without delay, the completion of the Intercolonial Railway from Rivière-du-Loup through New Brunswick to Truro in Nova Scotia.

[69.] ~~That~~ the communications with the North-Western Territory, and the improvements required for the development of the Trade of the Great West with the Seaboard, are regarded by this Conference as subjects of the highest importance to the Federated Provinces, and shall be prosecuted at the earliest possible period that the state of the Finances will permit ~~the Parliament to do so~~.

[70.] ~~That~~ the Sanction of the Imperial and Local Parliaments shall be sought for the Union of the Provinces, on the principles adopted by the Conference.

[71.] [*That Her Majesty the Queen be solicited to determine the Rank and Name of the Federated Provinces shall be.*]

[72.] ~~That~~ the proceedings of the Conference, ~~when finally revised,~~ shall be signed by ^[authenticated by the signatures of] the Delegates, and submitted by each ~~Deputation~~ ^[Delegation] to its own Government, and the Chairman is authorized to submit a copy to the Governor General for transmission to the Secretary of State for the Colonies.¹

¹ [According to A.A. Macdonald](#), the final day on which delegates tabled resolutions was on October 27th, 1864 (see p. 195 in this volume). The following amendments and final nomenclature must have been decided on October 27th. It is for this reason that I have dated this draft tentatively October 27th, 1864. [C.D.]

PART III: RELATED MATERIALS

Related Materials



THE QUEBEC RESOLUTIONS



*(Scan QR code to view the primary document
from which this material is sourced)*

**(I.) ALEXANDER GALT'S FEDERATION
RESOLUTIONS, TABLED IN THE LEGISLATIVE
ASSEMBLY OF THE PROVINCE OF CANADA**

JULY 7, 1858

Source: [*Journals of the Legislative Assembly of the Province of Canada \(1858\)*, 815.](#)¹

Mr Galt *moved to resolve, seconded by Mr. Pope, and the Question being proposed,*

1. That in view of the rapid development of the Population and resources of Western Canada, irreconcilable difficulties present themselves to the maintenance of that equality which formed the basis of the Union of Upper and Lower Canada—and require this House to consider the means whereby the progress which has so happily characterized this Province may not be arrested through the occurrence of sectional jealousies and dissensions: It is therefore the opinion of this House that the Union of Upper and Lower Canada should be changed from a Legislative to a Federative Union by the sub-division of the Province into two or more Divisions, each governing itself, in local and sectional matters, with a general Legislature and Government for subjects of national and common interest; and that a Special Committee be now named to report on the best means and mode of effecting such constitutional changes.
2. That considering the claims possessed by this Province on the North Western and Hudson's Bay Territories, and the necessity of making provision for the government of the said Districts, it is the opinion of this House, that in the adoption of a Federative Constitution for Canada, means should be provided for the local Government of the said Territories under the General Government, until population and settlement may from time to time entitle them to be admitted into the Canadian Confederation.
3. That a General Confederation of the Province of New Brunswick, Nova Scotia, Newfoundland, and Prince Edward's Island, with Canada and the Western Territories, is most desirable, and calculated to promote their several and united interests, by preserving to each Province the uncontrolled management of its peculiar institutions, and of those internal affairs, respecting which difference of opinion might arise with other members of the Confederation, while it will increase that identity of feeling which pervades the possessions of the British Crown in North America; and by the adoption of an uniform policy for the development of the vast and varied resources of these immense Territories, will greatly add to their national power and consideration;—and that a Special Committee be appointed to report on the steps to be taken for ascertaining, without delay, the sentiments of the inhabitants of the Lower Provinces, and of the Imperial Government, on this most important subject.

Mr. Brown *moved, in amendment, seconded by Mr. Foley,*

That all the words after “that” to the end of the Question, be left out, and the words, “it is expedient that the Representation of the people in the Canadian Parliament should be

¹ The legislative debates in the Provincial Legislative Assembly, on Alexander T. Galt's resolutions, may be found on [Primary Documents.ca at bit.ly/QRNote2](#). These are also found published in [Oscar D. Skelton's *The Life and Times of Sir Alexander Tilloch Galt* \(Oxford University Press, 1920\)](#) at no. 14, pp. 219-221. [C.D.]

THE QUEBEC RESOLUTIONS

Galt's federation resolutions—continued

based on population, without regard to a separating line between Upper and Lower Canada," inserted instead thereof.

And objection being taken to the said amendment, Mr. Speaker decided,

That inasmuch as the amendment was not analogous, and bore no affinity to the main Question, it could not be entertained, and was out of Order.

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THE QUEBEC RESOLUTIONS



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from which this material is sourced)*

**(II.) GEORGE ETIENNE CARTIER, JOHN ROSS, AND
ALEXANDER GALT, DESPATCH TO RIGHT HON.
SIR E.B. LYTTON, SECRETARY OF STATE FOR THE
COLONIES ON THE SUBJECT OF FEDERATION
RESOLUTIONS**

OCTOBER, 1858

Source: [UK, Colonial Office, Question of Federation of the British Provinces in America, 1858¹](#)

CONFIDENTIAL.

**QUESTION OF FEDERATION
OF THE
BRITISH PROVINCES IN AMERICA.**

*Colonial Office,
November 1858.*

No. 8

**EXTRACT of a Confidential DESPATCH from Governor SIR E. HEAD to SIR.
E.B. LYTTON.**

(No. 15.)

October 22, 1858.

I NOW pass on to the third point, that of having assumed the responsibility of mentioning in the speech proroguing Parliament the possibility of an union of the British North American Provinces.

The Minute of Council, forwarded with my despatch of the 9th of September, No. 118, will sufficiently show that I was not blind to the fact that any practical measures with regard to such a proposal must originate, not with the Government of Canada, but with that of the Queen. The substance of this Minute of Council was suggested by myself with the view of marking this important point. Nor did I, in fact, by my speech, bring the subject under the notice of the Canadian Parliament for the first time. It was before them at that very time. Early in the last session, Mr. Galt, then unconnected with the Ministry, put on the votes* a notice for the consideration of it, which was not yet disposed of.

When Mr. Galt, therefore, came into office; it was natural that the question of an union of the Colonies should at once be discussed. I found him and several of the gentlemen about to assume office deeply impressed with the idea that, in some such union alone could be found the ultimate solution of the great question which had been made a ground of agitation by Mr. Brown, and his friends, at the general election, viz., the existing equality of representation of Upper and Lower Canada, and the alleged injustice inflicted on the former by such equality. This question is one, I need not say, which threatened to touch the root of the present union of the two sections of Canada as by law established, and might imperil its existence by reviving all the old antagonism of race and religion.

¹ The following transcriptions are taken from a larger collection of materials. [C.D.]

THE QUEBEC RESOLUTIONS

Cartier, Ross, & Galt's federation despatch—continued

Mr. Galt and Mr. Cartier, on taking office, were naturally anxious to offer to the Legislative Assembly some indication of the policy by which they hoped to meet this difficulty, more especially as Mr. Galt's opinions on the subject were already known, and had been recorded on the journals of the House.

It will, I think, be seen that my position was a very difficult one. The Legislature was to be prorogued immediately, and it was thus utterly out of my power to consult Her Majesty's Government, in any official shape, as to the propriety of the step which I was about to take. The intimation of the Ministerial policy, to be of any use, had to be made at once, before Parliament separated. I did not think that I could, under these circumstances, refuse to announce to the Legislature that I would correspond with Her Majesty's Government, and with the other Colonies, not with reference to the best mode of effecting such an union, but as to the principles on which it might hereafter be possible.

* Votes and proceedings of the Legislative Assembly, No. 4, Tuesday, March 2, Notices of Motion.

Ditto, No. 82, July 7, 1858.

No. 9

COPY of a LETTER from MESSRS. CARTIER, ROSS, & GALT to SIR. E.B. LYTTON

London, October 25, 1858.

(Received October 27, 1858.)

Sir,

WE have the honour to submit, for the consideration of Her Majesty's Government, that the Governor-General, acting under the advice of his responsible advisers, has been pleased to recommend that the subject of a Federate Union of the Provinces of British North America should form the subject of discussion by Delegates from each Province, to be appointed under the orders of Her Majesty's Government. And we have been instructed to urge, the importance of this step, as well, upon grounds peculiar to Canada, as from considerations affecting the interests of the other Colonies, and of the whole Empire.

It is our duty to state that very grave difficulties now present themselves in conducting the Government of Canada, in such a manner as to show due regard to the wishes of its numerous population. The union of Lower with Upper Canada was based upon perfect equality being preserved between these Provinces—a condition the more necessary from the differences in their respective language, law, and religion; and although there is now a large English population in Lower Canada, still these differences exist to an extent, which prevents any perfect and complete assimilation of the views of the two sections.

At the time of the Union Act, Lower Canada possessed a much larger population than Upper Canada, but this produced no difficulty in the government of the Provinces under that Act. Since that period, however, the progress of population has been more rapid in the western section, and claims are now made on behalf of its inhabitants for giving them representation in the Legislature, in proportion to their numbers; which claims, involving, it is believed, a most serious interference with the principles upon which the Union was based, have been and are strenuously resisted by Lower Canada. The result is shown by an agitation fraught with great danger to the peaceful and harmonious working of our constitutional system, and consequently detrimental to the progress of the Province.

The necessity of providing a remedy for a state of things that is yearly becoming worse, and

of allaying feelings that are daily aggravated by the contention of political parties, has impressed the Advisers of Her Majesty's Representative in Canada with the importance of seeking for such a mode of dealing with these difficulties as may for ever remove them. In this view it has appeared to them advisable to consider how far the Union of Lower with Upper Canada could be, rendered essentially Federative in combination with the Provinces of New Brunswick, Nova Scotia, Newfoundland, and Prince Edward's Island, together with such other territories as it may be hereafter desirable to incorporate with such Confederation, from the possessions of the Crown in British North America.

The Undersigned are convinced that Her Majesty's Government will, be fully alive, to the grave nature of the circumstances referred to, which are stated by them under the full responsibility of their position as advisers of the Crown in Canada. They are satisfied that the time has arrived for a Constitutional discussion of all means whereby the evils of internal dissension may be avoided in such an important dependency of the Empire as Canada. But independent of reasons affecting Canada alone, it is respectfully represented that the interests of the several Colonies, and of the Empire, will be greatly promoted by a more intimate and united government of the entire British North American Possessions. The population, trade, and resources of all these Colonies have so rapidly increased of late years, and the removal of trade-restrictions has made them, in so great a degree, self-sustaining, that it appears to the Government of Canada exceedingly important to bind still more closely the ties of their common allegiance to the British Crown, and to obtain for general purposes, such an identity in legislation as may seem to consolidate their growing power, thus raising, under, the protection of the Empire, an important Confederation on the North American Continent.

At present, each Colony is totally distinct in its government, its customs and trade, and its general legislation. To each other no greater facilities are extended than to any foreign State; and the only common tie is that which binds all to the British Crown. This state of things is considered to be neither promotive of the physical prosperity of all, nor of that moral union which ought to be preserved in the presence of the powerful Confederation of the United States.

With a population of 3,500,000, with a foreign commerce exceeding 25,000,000/ sterling, and a commercial marine inferior in extent only to those of Great Britain and the United States, it is in the power of the Imperial Government, by sanctioning a confederation of these Provinces, to constitute a dependency of the Empire valuable in time of peace, and powerful in the event of war; for ever removing the fear that these Colonies may ultimately serve to swell the power of another nation.

In the case of the Australian Colonies, the Imperial Government have consented to their discussion of the question of confederation, although the reasons for it, as, relates to the Empire, can scarcely be either so urgent, or so important, as those which affect British North America.

The Government of Canada do not desire to represent the feelings of the other Provinces; their application is confined to the request that the Imperial Government will be pleased to authorize a meeting of delegates on behalf of each Colony, and of Upper and Lower Canada respectively, for the purpose of considering the subject of a Federative union, and reporting on the principles upon which the same could be properly based; that such delegates should be appointed by the Executive Government of each Colony, and met with as little delay as possible; and that the report of such delegates should be addressed to the Secretary of State for the Colonies, and that a copy of it, as soon as it is prepared, should be placed in the hands of the Governor and Lieutenant-Governor of each Colony, in order that he may lay the same before the Provincial Parliaments with as little delay as possible.

Upon the report of such delegates, it will be for Her Majesty's Government to decide whether the interests of the Empire will be promoted by confederation, and to direct the action of the Imperial Parliament thereon, with the concurrence of the Legislatures of the respective colonies.

THE QUEBEC RESOLUTIONS

Cartier, Ross, & Galt's federation despatch—continued

We have, &c.
(Signed) G.E. CARTIER.
JNO. ROSS.
A. GALT.

The Right Hon. Sir E. Lytton, Bart.,
&c. &c. &c.

No. 10

COPY of a LETTER from Messrs. CARTIER, ROSS, and GALT, to SIR E.B. LYTTON.

(Private and Confidential)

London, October 25, 1858.

SIR,

IN the official communication which we have this day the honour the address to you on the confederation of the British North American Provinces, we have felt it improper to offer any opinion upon the details which will form the subject of the proposed discussion by Delegates. It is also our duty not to cause embarrassment by advancing views which may yet have to be greatly modified. We venture, however, in compliance with your desire for a confidential communication on these points, to suggest:—

That the Federal, Government should be composed of a Governor General, or Viceroy, to be appointed by the Queen; of an Upper House, or Senate, elected upon a territorial basis of representation and of a House of Assembly, elected on the basis of population. The Executive to be composed of Ministers, responsible to the Legislature:

That the powers of the Federal Legislature and Government should comprehend the Customs, Excise, and all trade questions; postal service, militia, banking, currency, weights and measures, and bankruptcy; public works of a national character; harbours and lighthouses; fisheries, and their protection; criminal justice; public lands, public debt, and government of unincorporated and Indian territories.

It will form a subject for mature deliberation whether the powers of the Federal Government should be confined to the points named, or should be extended to all matters not specially entrusted to the Local Legislatures.

The Confederation might include the constitution of a Federal Court of Appeal.

The general revenue, having been first charged with the expense of collection, and of civil government, to be subject to the payment of interest on the public debt of the Confederation to be constituted from the existing obligations of each. The surplus to be divided each year, according to population.

The net revenue from public lands, in each province, to be its exclusive property, except in the case of new territories. It may be expedient, for a limited time, to provide, from the general revenue, a certain fixed contribution for educational and judicial purposes, until provision is made for the same by each member of the Confederation.

It will be observed that the basis of confederation now proposed differs from that of the United States in several important particulars. It does not profess to be derived from the people, but would be the Constitution provided by the Imperial Parliament; thus affording the means of remedying any defect, which is now practically impossible under the American Constitution.

RELATED MATERIALS

Cartier, Ross, & Galt's federation despatch—continued

The Local Legislatures would not be in a position to claim the exercise of the same sovereign powers, which have frequently been the cause of difference between the American States and their General Government to this may be added that, by the proposed distribution of the revenue, each province would have a direct pecuniary interest in the preservation of the authority of the Federal Government. In these respects it is conceived that the proposed Confederation would possess greater inherent strength than that of the United States, and would combine the advantages of the unity for general purposes of a Legislative union, with so much of the Federative principle as would give all the benefits of local government and legislation upon questions of provincial interest.

We have, &c.
(Signed) G.E. CARTIER.
JNO. ROSS.
A. GALT.

The Right Hon. Sir Edward B. Lytton,
&c. &c. &c.

No. 11

COPY of a DESPATCH from Lieutenant-Governor the Hon. T. MANNERS SUTTON to SIR E.B. LYTTON.

Government House, Fredericton, New Brunswick,
September 29, 1858.
(Received October 18, 1858.)

(No. 50.)

SIR,

ON the 17th instant I received from the Governor-General the despatch of which a copy is inclosed.

I forthwith laid this despatch and its enclosure before my Council, and I have now the honour to transmit to you the copy of a Memorandum submitted to me by my Council on the important question to which Sir E. Head's despatch refers.

This Memorandum will, I know, receive your attentive consideration, and it only remains for me to state that I entirely concur in the opinions expressed by my Council.

I have, &c.

(Signed) J.H.T. MANNERS SUTTON.

The Right Hon. Sir E.B. Lytton, Bart.
&c. &c. &c.

ENCLOSURE 1 in No. 11

Governor Sir. E. HEAD to Lieutenant-Governor the Hon. T. MANNERS SUTTON:

Quebec, September 9, 1858.

SIR,

I HAVE the honour to transmit, for your Excellency's information, the inclosed copy of a

THE QUEBEC RESOLUTIONS

Cartier, Ross, & Galt's federation despatch—continued

Minute of the Executive Council of Canada, approved by myself, on the subject of a Federative union of the British North American Provinces.

I have, &c.
(Signed) EDMUND HEAD.

The Lieutenant-Governor of New Brunswick,
&c. &c. &c.

ENCLOSURE 2 in No. 11

COPY of a REPORT of a Committee of the Honourable the Executive Council, dated 4th September 1858, approved by his Excellency the Governor-General.

THE Committee of Council are respectfully of opinion that it is expedient to bring the subject of the union of the British North American Colonies under the notice of Her Majesty's Government with as little delay as possible, and to inform the Government of each such Colony that the attention of Her Majesty has been called to the subject by your Excellency.

That your Excellency should submit to the Right Honourable the Secretary of State for the Colonies the propriety of authorizing 'a meeting of delegates on behalf of each Colony, and of Upper and Lower Canada respectively, for the purpose of considering the subject of such Federative union, and reporting on the principles on which the same could properly be based.

That such delegates should be appointed by the Executive Government of each Colony, and meet with as little delay as possible.

That the report of such delegates should be addressed to the Secretary of State for the Colonies, and that a copy of it, as soon as it is prepared, should be placed in the hands of the Governor and Lieutenant-Governor of each Colony, in order that they may lay the same before the Provincial Parliament, with as little delay as possible.

ENCLOSURE 3 in No. 11

MEMORANDUM.

To his Excellency the Honourable J. H. T. Manners Sutton, &c.

THE Committee of Council have had under confederation the despatch of the Governor-General, of the 9th instant, containing the report of the Executive Council of Canada on the subject of a Federative union of the British North American Provinces.

The Council are deeply impressed with the importance of the subject, requiring, as it does, the most deliberate and mature consideration.

The British North American Provinces have each attained a great degree of material prosperity under their present constitution; and the increased power of self-government recently conferred upon them, has left them nothing to envy in the political condition of the citizens of the neighbouring Republic.

The Council are of opinion that the interests of this Province, and of all the British North American Provinces, require that when the question of a Federal or Legislative union of the Provinces is formally brought before the people, it should be raised in such a manner, and at such a time, as would afford a reasonable prospect, at least, of arriving at a speedy and satisfactory conclusion.

And without expressing any opinion as to the practicability or effect of such a union as that referred to in the Memorandum of the Council of Canada, the Council would state that,

RELATED MATERIALS

Cartier, Ross, & Galt's federation despatch—continued

although the subject of a union of the Colonies has to some extent been discussed in the public press here, the attention of the Provincial Legislature has never been directed to this matter, nor has it been a prominent subject of consideration among the constituencies, and in this respect New Brunswick occupies a very different position from Canada.

And it may be remarked that if the recommendation of the Canadian Government be adopted by the Secretary of State, the question of a Legislative union with any or all of the other Provinces must be excluded from consideration by the Commission.

Under these circumstances, the Council would respectfully submit, that a reasonable time should be allowed for consideration, before the commencement of any such inquiry as that contemplated by the Government of Canada.

(Signed) CHARLES FISHER.

S.L. TILLEY.

JAMES BROWN.

W.H. STEVENS.

A.J. SMITH.

CHARLES WALTERS.

September 25, 1858.

No. 12

COPY of a DESPATCH from Lieutenant-Governor the Hon. T. MANNERS SUTTON to SIR E.B. LYTTON

(Private and Confidential)

Government House, Fredericton New Brunswick,
October 2, 1858.

SIR,

IN my despatch of the 29th ultimo, No. 50, I have officially laid before you a copy of the Memorandum of my Council on the proposal (emanating from the Executive Council of Canada) that the Secretary of State should forthwith authorize the appointment; by the respective Governments of the British North American Provinces; of Commissioners to consider the subject of a Federative union of all the British North American Provinces, and to report thereon to the Secretary of State.

2. I confess, Sir, that I learnt, with some surprise, and my, Council were equally unprepared for the announcement, that the Executive Council of Canada had advised the Governor-General to recommend the Secretary of State to authorize the appointment of this Commission, without previously ascertaining the views of the Government of this province (or, so far as I am aware, of the Governments of Nova Scotia or Prince Edward's Island) on the expediency of the proposed inquiry.

3. But, although I do not profess to be conversant with all the details and particulars of the present political condition of Canada, I am sufficiently well informed on the subject to be aware that the exigencies of the present time may form a sufficient justification for the step which, has been taken by the Canadian Government, am also afford grounds for inducing Her Majesty's government to take into consideration, with the hope of allaying excitement in Canada, suggestions which, under other circumstances, they might not be disposed to entertain.

4. It is possible that a Federative union of the British North American Provinces would afford

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Cartier, Ross, & Galt's federation despatch—continued

to the Canadian Government the readiest mode of escape from the difficulties and embarrassments which now surround the settlement of the "seat of Government" question, and I presume that I am right in supposing that, although the ostensible object of the proposed inquiry is the union by Federative bonds with Canada of the other British North American Provinces, the Canadian Government have no less in view the, severance of the bond which now joins the two Canadas in a Legislative Union, and the substitution for that bond of a more elastic tie of a Federal or a Federative character.

5. Both these questions, viz., the "seat of Government" question, and the expediency, or non-expediency, of substituting a Federative for the Legislative union between the Canadas, are exclusively Canadian questions. But the proposal of the Canadian Government affects this province equally with Canada, and although I have purposely confined within very narrow limits the remarks contained in my official despatch, it is, I think, my duty to lay before you, confidentially, but frankly, and without reserve, the opinions which I entertain not only with regard to the policy of the proposed inquiry, and the constitution of the proposed Commission, but also with respect to the probable results of a Federal or Federative union of the British North American Provinces.

6. As regards the policy of, the proposed inquiry I should observe that, although the Memorandum of my Council is couched in guarded terms, you will have no difficulty in ascertaining from it that they are of opinion, first, that if a union of the British North American Provinces is to be discussed, this discussion should embrace the question of a Legislative, as well as that of a Federal or Federative union, and the expediency of uniting some, as well as that of uniting all the provinces; and, secondly, that the immediate commencement of such an inquiry as that proposed by the Canadian Government, even if that inquiry should embrace the expediency of a Legislative, as well as a Federal, union of some, as well as of all, the British North American Provinces would be, to say the least of it, premature; and in these opinions I entirely concur, not only for the reasons stated in the Memorandum, but also because I believe that the inquiry, if now instituted, would result either in the early completion of a Federal or Federative union of the British North American provinces (and I should deprecate the establishment of such a union for reasons which I shall attempt fully to explain in a subsequent part of this despatch), or in the dangerous excitement and agitation which, in these provinces, always accompanies a protracted discussion on constitutional questions of importance.

7. And I should here observe that if (as probably will be the case) it should be urged in favour of the recommendation of the Canadian Government, that the authorization by the Secretary of State of the, respective Governments of the British North American Provinces to appoint tie Commissioners of inquiry will not render it compulsory on any of those Governments to exercise this authority, such an argument, however plausible, would be (so far, at least, as this Government is concerned), entirely fallacious; for, if authority to appoint the Commission of inquiry be granted, the pressure to which my Council would be subjected by Canada would (unless the Government of Nova Scotia should join them in resisting this pressure, of which, as matters now stand, I have no expectation), compel then, although convinced of the impolicy of the, step, to advise me to nominate a Commissioner. The arguments, therefore, which my Council have, in their Memorandum, urged against the immediate commencement of the proposed inquiry. are applicable, also, to the immediate authorization by the Secretary of State of the appointment of the Commission. And although it is not expressly stated in the Memorandum, I know that this is the opinion of my Council.

8. I now turn to the proposed constitution of the Commission. It is true that the authority to appoint the Commission would proceed from the Crown, and it is also true that the Commissioners would address their report to the Secretary of State; but the Commissioners would be appointed by the respective Governments of the British North American Provinces (the Canadian Government nominating two out of five), and copies of their report, as soon as it is prepared, would be necessarily transmitted by the Secretary of State to the respective

Governors of the Provinces, to be laid before the Legislature of each Province with as little delay as possible.

Now the fact that the appointment of the Commission was authorized by the Secretary of State would give to the report of the Commissioners appointed by the Provincial Governments additional weight and authority, and, although the Secretary of State might, it is true, when transmitting their report to the Governors of the Provinces to be laid before their Legislatures, accompany it with suggestions or- instructions, these suggestions or instructions would have far less weight than would attach to them if given before the inquiry commenced; and, if they should be at variance with the wishes any of the Provincial Legislatures, excitement and discontent might be the result. It appears to me, then, that it would scarcely be possible to constitute a Commission, or to frame an inquiry, in a manner which would give the Canadian Government more power of deciding the question according to their own views, or more completely exclude Her Majesty's Government, from exercising any influence, other than that of direct coercion, in its settlement.

9. But the question of uniting by Federative bonds the British North Provinces is confessedly one which not only vitally affects the present condition and future prospects of each of the Provinces, but also involves Imperial interests of immense importance and with your permission, I shall now submit to you, as clearly as I can, the reasons which induce me to fear that any such union would be productive of very disastrous consequences.

10. I have, in a former paragraph of this despatch, stated that the purport of the Governor-General's despatch of the 9th of September took me, as well as my Council, by surprise. But the question of a Union, whether Federative or Legislative, of all or of some of the British North American Provinces is not new to me; on the contrary; it forced itself on my consideration at a very early period after my arrival in the Province, not only because I saw symptoms *vide* my despatch Private, June 12, 1855, to Lord John Russell) which led me to believe that the question would, ere long, be raised, in one shape or another, but also because I very soon traced most of the difficulties which have beset: the practical working of the system of "responsible Government" in this Province to causes the character of which necessarily led me to consider whether an union of this Province with some, at least, of the other Provinces, might not be productive of benefit to all.

11. And I should observe that, early in the course of last year (1857), I stated, in compliance with a request, to that effect which I received from Sir E. Head; to him, the opinions which I had formed on this subject, and these opinions I have seen no reason to alter. The correspondence which passed between the Governor-General and myself on the occasion referred to was strictly private and unofficial, but I feel no difficulty in thus referring to it, because my letter was written to Sir E. Head (who was then on the eve of visiting England) expressly with the view of its being shown to the then Secretary of State, and I have no reason to doubt that it was laid before the Secretary of State, or, at all events, that its purport was communicated to him.

12. Well then, Sir, I have no hesitation in saying, that in this province (and I believe that the same state of affairs exists to, at least, an equal extent in Prince Edward's Island, and, to some extent, in Nova Scotia), the smallness of the number of seats in the House of Assembly (which gives to one or two members the same power over a Government which in England is exercised by a large party, under the guidance of leaders of acknowledged ability and reputation), the petty nature of the questions commonly discussed in the House of Assembly, and the consequent absence of any motive sufficient to induce the men of the highest standing here to compete for legislative honours, or to accept official appointments, and the limited number and inferior attainments of those from among whom the Representative of the Crown must choose his responsible advisers, have combined to degrade both the Government and the Legislature.

13. For the House of Assembly here now generally consists, with few exceptions, of men to whom the pay of a member (about 80/. currency per annum) is of great importance, who

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Cartier, Ross, & Galt's federation despatch—continued

have sought seats in the Legislature, not on public grounds, but for personal objects, and who., having obtained these seats, not on account of their political ability or political principles, but by promises of patronage or local benefits to their constituents, neglect no opportunity of making the best bargain they can, for their supporters and themselves, for their votes in the Legislature.

14. For this state of affairs the province does not, within itself, contain any remedy, which must, therefore, be sought for from without the province; and from a very early period of my government, I have regarded the union of New Brunswick with some of the neighbouring provinces as affording the only cure for the evils to which I have referred. But a Federal or Federative union with the other provinces would, in my humble judgment, only aggravate these evils, and introduce others of a description even more disastrous to the provinces so united, and dangerous to their connection with the mother country.

15. I presume that the word "Federative" has been used in the Memorandum of the Executive Council of Canada to imply that the union which they contemplate is not to be necessarily of the same character as that which binds together the several States of the neighbouring Republic. But upon whatever basis a Federative union might be formed, it must, I think, be liable to one of two objections, either of which ought, as it appears to me, to be fatal to such a scheme. For if the Local Governments and Local Legislatures are still to continue to exercise the same authority in local legislation and local matters which now appertains to them (and there is comparatively little business of any other description which they are now called upon to discuss), then the result of such a union will be still further to degrade the Local Governments and Legislatures without diminishing their authority while the Central Government and Central Legislature, nominally endorsed with high powers, and proud of their position, but with little or no business of a purely Colonial character to occupy their attention, would, I fear, claim an authority on subjects not purely Colonial, but also of Imperial importance (such as questions of foreign trade, &c.), and shortly be brought into collision with Her Majesty's Government and with the Imperial Parliament. If, on the other hand, the Local Governments and Local Legislatures were shorn of a large portion of their present powers (to which proposal I do not believe that the Lower Provinces would agree), the inhabitants of the Lower Provinces would, in my opinion, very soon, if not immediately, become discontented with an arrangement which would deprive them of the power they now possess over the management of their own affairs, and render New Brunswick, Nova Scotia, and Prince Edward's Island, Provinces of Canada, instead of being, as they now are, Provinces of the British Empire. And in the attempt to regain that which they had lost, they might, and, as I think, probably would look, not, indeed, to the Government at Washington for assistance, but to the Northern States of the Union. Again, the establishment of a Federal or Federative union would, as I believe, be immediately followed by an agitation in favour of the election of the Local Governors, instead of their being nominated by the Crown. And it would be the more difficult to resist this application on account of the purely local or municipal character of the powers with which the Governors would be intrusted; but the compliance with the request would be in my opinion highly dangerous, not only because it would at once be fatal to British influence in the Local Governments and Local Legislatures, but also because it would, I believe, be followed quickly by a similar application from the United Provinces, with regard to the Governor-Generalship, still more difficult to resist from the force with which it would be pressed, but the compliance with which would at once practically sever the connexion between the Crown and British North America.

16. A Legislative union of the British North American Provinces is not liable to all the objections which, as I believe, apply to a Federal or Federative union; but it is liable to the objection that great discontent in the Lower Provinces would follow the centralization in one Government, and in one Legislature, at Quebec or Montreal, of the powers and authority now vested in the Governments and Legislatures of the several provinces; and, moreover, I believe that

no single Government or single Legislature could, in present circumstances, satisfactorily govern and legislate for a territory extending over an area so immense, and so sparsely populated as many portions of that territory are.

Such a union, then (however practicable or expedient it may hereafter become), would at present be, in my opinion, impolite, even if it were practicable; but it is not practicable, for Canada does not desire such a union, and the Lower Provinces would, I believe, reject it.

17. There are, however, no such objections (at least in my opinion) to a Legislative union between the Lower Provinces, viz., New Brunswick, Nova Scotia, and Prince Edward's Island. On the contrary, I believe that such a union would confer incalculable benefits on all the three Provinces, and that it would form an additional security for the continuance of harmony between Her Majesty's Government and the Provincial Government, and of the existing connection with the mother-country.

The close contiguity of the three Provinces, the identity of their interests, and the existing facilities of the inter-communication between them, which will be materially increased when the railway from Halifax joins the railway from St. John to Shediac Point to such a union, and the fusion of the three Governments and Legislatures into one would not be regarded by the people of any one of the provinces, in the light in which they would regard the transference of the powers now vested in their own, Governments and Legislatures to a Government and Legislature stationed at Quebec or Montreal.

Indeed, I believe that the people of this province and Prince Edward Island might be brought without difficulty to view with this union, and, unless the step now taken by the Canadian Government should have altered the views of the people of Nova Scotia, I am inclined to believe that they, too, would, approve of it.

18. It would be out of place in this despatch to discuss the details of such a union; but, so far as I am able to judge, there would be no insuperable obstacles to carrying it into effect.

The financial and commercial questions, which would be necessarily raised, might, as it appears to me, be arranged without much trouble; and although it is very possible that, at first, the seat of Government question might present some difficulties, these difficulties might, I think, be overcome. For it is clear that neither Fredericton, nor Halifax, nor St. John could be chosen. Fredericton would have few, if any supporters, St. John would have none; and Halifax would not have so deep an interest in the matter as would be the case if she were not to continue, the head-quarters of the troops stationed in the three provinces, and of the British fleet on the North American station. I am therefore disposed to believe that the three provinces might be brought to concur in the selection of some central spot as the seat of Government for the three provinces. And, at all events, even if it should be found necessary, for a time to adopt the system of a migratory Government, inconvenient and expensive, as this system is, both the inconvenience and expense would be far more than counterbalanced by the political advantages and financial saving which would result from the union.

19. I fear that I have trespassed at too great a length upon your attention in discussing this question; but I should not have felt myself justified in bringing it before you if I had not given to the details connected with it that consideration which enables me to express a hope that, if you should be of opinion that a Legislative union between the Lower Provinces would be desirable, it might be possible to effect that union.

20. But the institution of the inquiry proposed by the Canadian Government would, even if that inquiry should embrace the Legislative as well as Federal union of some, as well as of all, the British North American provinces, certainly place new and most formidable difficulties in the way of attaining this object; and if this inquiry be now instituted, it will, I think, be difficult to prevent a Federative union of all the British North American provinces, not because the people of New Brunswick, or (so far as I am aware) of Nova Scotia and Prince Edward's Island, are in favour of such a scheme, but because Canada will exercise an overpowering influence in the decision of the question.

21. If, on the other hand you should think fit, either on the ground that the application of

THE QUEBEC RESOLUTIONS

Cartier, Ross, & Galt's federation despatch—continued

the Canadian Government has not been concurred in by the Governments of all the provinces to be affected by the inquiry, or on any other grounds, to defer a compliance with, if not absolutely to reject, that application, then I think that I could (if such a course seemed desirable to you) be enabled, without committing Her Majesty's Government or myself, to raise the question of a Legislative union of the Lower Provinces, in such a manner as would afford to this scheme a fair prospect of success, and, at all events, render more difficult the concurrence of the Lower Provinces in any plan for uniting by Federative bonds all the British North American Provinces.

I have, &c.
(Signed) J.H.T. MANNERS SUTTON.

The Right Hon. Sir E.B. Lytton,
&c. &c. &c.

No. 14

COPY of a DESPATCH from Lieutenant-Governor the Hon. T. Manners SUTTON to Sir E.B. LYTTON.

Government House, Fredericton, New Brunswick, October 11, 1858.
(Received November 1, 1858.)

(Private and Confidential.)

SIR,

I HAVE thought it right in my official despatch of this day's date, No. 53, to call your particular attention to the day on which your despatch of the 10th September, No. 15, reached me, in order that you may be aware that I did not receive this despatch until after I had transmitted to you the Memorandum of my Council, enclosed in my official despatch of the 29th September, No. 50, and my confidential despatch of 2nd instant; for I need scarcely say that if I had been in possession of your despatch of the 10th September at the time when the Memorandum of the Executive Council of Canada (on the subject of a Federative union of the British North American Provinces) was under the consideration of my Council, I should have gladly availed myself, and have urged (probably with success) my Council to avail themselves, of the authoritative announcement contained in your despatch, that the union of the Provinces is a question the initiation in which belongs to the Executive authority of the Empire and not to that of any one of the Provinces.

Hitherto there has been a very general impression here that in raising the question of a federative union, the Executive Council of Canada has acted with the sanction, if not directly at the instance, of Her Majesty's Government. I have not, you are aware, acted on this impression, in which I did not myself concur, but its prevalence here has created additional difficulties in dealing with the question.

These difficulties are removed by your despatch of 10th September, No. 15, the purport of which I shall immediately communicate to my Council.

I may add, that one of the principal reasons which induced me at this particular time to press upon your attention (in my confidential despatch of the 2nd October) the question of a Legislative union of the Lower Provinces, was the belief that there would be less danger that the people of this Province would, either now or hereafter, yield to Canadian influence, and express themselves in favour of a Federative union, if a Legislative union with Nova Scotia and Prince Edward's Island were presented to their notice. As the matter now stands, there is not, of course, the same motive for immediate action, but I may be permitted to state, that

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Cartier, Ross, & Galt's federation despatch—continued

(for myself) I adhere to the opinions expressed in my confidential despatch with respect to the benefits which might be expected from a Legislative union of the Lower Provinces, no less than to those which I had the honour to submit to you in, the same despatch, with respect to the probable results of a Federative union of all or of any of the Provinces.

I beg you, however, to understand that although I have long and anxiously considered the question, I have not in any way committed myself or Her Majesty's Government in the matter.

I have, &c.

(Signed) J.H.T. MANNERS SUTTON.

The Right Hon. Sir E.B. Lytton, Bart.
&c. &c. &c.

No. 15

COPY of a DESPATCH from Governor SIR A. BANNERMAN to SIR E.B. LYTTON.

(No. 83)

Government House, Newfoundland, October 11, 1858.
(Received November 1, 1858.)

SIR,

I HAVE to acknowledge the receipt of your despatch of the 10th September, No. 17, with enclosures.

2. I have the honour to inform you that I received a letter from the Governor-General of Canada, enclosing copy of a report of a Committee of the Executive Council, dated the 9th of September, on the subject of a Federative union, and their proposal that Delegates should meet from each Colony to discuss the question.

3. The Executive Council Newfoundland have passed a Minute, which I shall forward to the Governor-General, stating, that when authority is given by the Secretary of State for holding such a meeting, the Executive Council of Newfoundland will not fail to be represented at that meeting.

4. As the Minute of the Council of Canada bears, that the Government of each Colony should be informed of the Report they, had made on the 4th of September, which was, approved of by his Excellency the Governor-General, I considered it to be my duty to lay his Excellency's despatch before the Council, but explaining to them that the question was an Imperial one, and taking care that their Minute was sufficiently guarded to recognize only the authority of the Secretary of State.

I have, &c.
(Signed) A. BANNERMAN.

P.S.—It is understood on this side of the Atlantic that the proposition of a Federative union originated with the British Government; there could not be a worse tribunal for its discussion than Delegates chosen from the Executive Councils.

A.B.

The Right Hon. Sir E.B. Lytton, Bart.,
&c. &c. &c.

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(III.) THOMAS D'ARCY MCGEE, SPEECH GIVEN TO BISHOP'S COLLEGE, LENNOXVILLE

JUNE 27, 1864

Source: [Thomas D'Arcy McGee, *Speeches and Addresses...* \(1865\), 93-95.](#)¹

BISHOP'S COLLEGE, LENNOXVILLE, C.E.

REMARKS MADE AT THE ANNUAL CONVOCATION OF THE UNIVERSITY OF BISHOP'S COLLEGE, LENNOXVILLE, C.E., JUNE 27TH, 1864.

Your Excellency, Mr. Chancellor, Ladies and Gentlemen:—I must confess that when I accepted the kind invitation of the Chancellor of Bishop's College, and when yesterday I left Quebec, I had hoped that for a season at least, I had left the duties of a public speaker altogether behind me. Besides, Mr. Chancellor, though not wholly unaccustomed to being called to my feet at a moment's notice elsewhere, this is an occasion and a presence in which I should shrink from anything like unconsidered or ill-considered speaking. It may, perhaps, be doubted, if it is ever admissible for a man to speak without some degree of previous preparation—unless, indeed, he is forced to speak, as he may be forced to strike, in sheer self-defence. You have put me, sir, in that attitude, but I beg you to consider at what a disadvantage. You ought to consider whether or not I had my oratorical wardrobe with me. You ought to have considered that my thesis might be in my trunk at the Sherbrooke station.

You will permit me, however, now that I have broken the ice (a most refreshing metaphor in this sort of weather), to enlarge for a moment on two ideas which were referred to by His Excellency in another place, and which have been fructifying in my mind ever since. They led to two trains of thought, one of which included the consideration of the material inheritance, and the other the consideration of the mental inheritance of the young men of Canada. When I am told that this College has not yet completed its twentieth year; when I consider that it stands almost within the shadow of the ancient pines which bowed to the same blasts that impelled Cabot and Cartier on their courses when I reflect a moment on the riches which abound above the soil, in the soil, and under the soil of Canada, I cannot but think the merely material prospects of the young men of this country are prospects to be envied. And when I consider on the other hand our mental inheritance,—the conquering English speech, in which a man may travel round the world and find himself on no shore a stranger—when I think of the hived and hoarded wisdom of antiquity, made common to us all by the two magicians, moveable types and the steam press; when I remember that although much has been lost, a priceless amount has been saved from the wreck of ancient schools and societies, I must again congratulate the fortunate youthhood of these Provinces on their ample mental inheritance.

One thing, also, ought not to be omitted; it is the glorious associations connected with our own home history. Patriotism will increase in Canada as its history is read. No province of any ancient or modern power—not even Gaul when it was a province of Rome—has had nobler Imperial names interwoven with its local events. Under the French kings Canada was the theatre of action for a whole series of men of first-rate reputation—men eminent for their energy, their fortitude, their courage, and their accomplishments, for all that constitutes and adorns civil and military reputations. Under our English sovereigns—from the days of Wolfe

¹ Full Citation: [Thomas D'Arcy McGee, *Speeches and Addresses Chiefly on the Subject of British-American Union* \(London: Chapman and Hall, 1865\), 93-95.](#) The paragraphs have been divided for readability as no paragraph divisions exist in the original. [C.D.]

THE QUEBEC RESOLUTIONS

McGee's speech at Lennoxville—continued

to those of the late lamented Lord Elgin (to speak only of the dead), our great names are interwoven with some of the best and highest passages in the annals of the Empire. We have not, therefore, a history simply provincial, interesting only to the Provincials themselves; but a history which forms an inseparable and conspicuous part in the annals of the best ages of the two first Empires in the world, France and England.

I congratulate you, young gentlemen, natives of Canada, on that fact, and I trust you may years hence, at other convocations, when other dignitaries preside, and another age graduates, that you may be enabled to tell your successors how, even within your own time, a great step was taken towards the consolidation and advancement of British North America in the good days when Lord Monck was Governor-General of Canada. Pardon me for having kept you so long, and be good enough to accept my most heartfelt thanks for your very kind and cordial reception.

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(IV.) THOMAS D'ARCY MCGEE,
"PROSPECTS OF UNION" SPEECH GIVEN AT THE
DRILL-ROOM, HALIFAX, N.S.

AUGUST 14, 1864

Source: [Thomas D'Arcy McGee, *Speeches and Addresses...* \(1865\), 96-99.](#)¹

PROSPECTS OF THE UNION.

REMARKS AT A DINNER GIVEN TO THE CANADIAN PARLIAMENTARY EXCURSIONISTS TO THE MARITIME PROVINCES, AT THE DRILL-ROOM, HALIFAX, N.S., AUGUST 14TH, 1864.

Mr. McGee said: Let me say at the outset that the idea of this visit did not originate with the Canadians; the credit of the invitation and the merit of its conception are due to the citizens of St. John and of Halifax, headed, in the one case by Mr. Donaldson, and by your Mayor in the other. In the next place it would be unfair if I forgot to state that to the great railway of Canada and its public-spirited directors is also due the possibility of our carrying into execution the design of visiting these Provinces, in what I fear you must feel to be rather an invading host.

Men have different objects of ambition; some wish to be great orators, others artists, others to be distinguished in the naval or military services of their country; but to be a good companion and a good fellow-traveller is surely a worthy ambition. There are some of our fellow-travellers, and some also of the sons of Nova Scotia, whom we all desire to hear, and I shall, therefore, make my speech very short. Though I believe I am a good comrade, yet I must say that I am afraid, judging from the present attachment of some of our company to this place, they intend to settle here, or else to deprive your city of some of its fairest treasures. I name no names; I trust that having given this intimation of their design, you will take all proper precautions to preserve the peace of the city.

I will make one or two observations on secular matters, and first with respect to the public advantage to which this visit may be converted. I can say, as one of the persons representing one of the chambers of the Legislature of Canada, that we did not place any man under any political promise in asking him to join this excursion. There was no political design in the mind of those who sent the invitation or of those who accepted it. I am not myself here as a Minister of the Crown, but simply as a member of the Legislature; but I may say that I hope, and every person present must also hope, that before any great length of time passes we shall have a practical commentary on the intercolonial hospitality of which we are now the recipients. My fears are that we may move too slowly. We do move slowly in British America. In some respects it is our safety—in some cases *inertia* is an excellent trait of national character, and it might be excellent now if our neighbour's house were not on fire; but being on fire, slowness in trying to prevent the dangerous element reaching us is nothing else than the act of a maniac. The man who can shut his eyes and blind his thoughts to the circumstances passing around him, is unworthy to have a place in the councils of these free Provinces. I repeat, I fear that we may move too slowly—that we may be overtaken by the coming Northern storm—that we may waste our time—that we may lose the golden moment of opportunity—which, it has been well said, is given to individuals and nations once in a lifetime, and

¹ Full Citation: [Thomas D'Arcy McGee, *Speeches and Addresses Chiefly on the Subject of British-American Union* \(London: Chapman and Hall, 1865\), 96-99.](#) The paragraphs have been divided for readability as no paragraph divisions exist in the original. [C.D.]

THE QUEBEC RESOLUTIONS

McGee's "Prospects of Union" speech at Halifax—continued

which, if neglected, may never come again. I will add frankly, my hope for a better policy is in the character of the gentlemen who will meet at the proposed Charlottetown Conference. I don't know how far it will go. It must be a preliminary meeting of course. If it places us a step backward, I shall be grievously disappointed; if it puts us a step forward, we shall be greatly encouraged. My hope is in the character of the gentlemen who will assemble,—in their desire to sink merely local questions. Who will oppose—who are now opposed to our union? Only those who have a vested interest in their own insignificance. For, what is it we are called upon to sacrifice? Nations have been called upon often to sacrifice much for the sake of religious and secular liberty—year after year, generation after generation, they have sent out the flower of their youth to die upon the battle-field in order that the *patriae* might be saved. But what are we called upon to sacrifice? A few sectional prejudices, a few personal prejudices, some few questions of etiquette and precedence! These we are asked to place upon the altar of general union for the benefit of the whole. The metropolitan Power, with a wisdom which we might well emulate, has invited us to ask the union as a boon that we might have for the asking, Rest assured, if we remain long as fragments, we shall be lost; but let us be united, and we shall be as a rock which, unmoved itself, flings back the waves that may be dashed upon it by the storm. Let me appeal to the press and public men of these Provinces, as I would to those of Canada. Don't aggravate the difficulties that lie ahead. Don't magnify particular obstacles that stand in the way of the leading spirits of the different Colonies—as I must call those who have devised this Conference; for it is a Nova Scotia project, this idea of a Conference in respect to Union of the Colonies. I appeal to the press to back up those who have the moral courage to look the future in the face, and are endeavouring to protect these Provinces against the dangers that threaten them. I have had some experience of political life in America—both in the Northern States and in the Provinces—and I think I can prophecy—though it is a dangerous ground to venture on political prophecy that we shall never take a decennial census again, either as British Colonies or independent States, except we have an union of one kind or other.

Before I sit down you will permit me to say, in addition to what has been said by Monsieur Bureau who comes from Eastern Canada, and by Mr. McCrea who comes from the extreme west—from the borders of Lake St. Clair—that all of us, both those who are silent and those who speak, feel deeply the uniform kindness with which we have been treated since we have been here. I have been here before, and that was one reason why I was so anxious to come again. My friends have consulted me, and I have told them that this is the ordinary kindness of Nova Scotia; and now, I think I may say for them, one and all, that their ambition is to be classed henceforth among your friends. You will permit me on their part to return our heartfelt thanks. From their Excellencies the Lieutenant-Governor, the Vice-Admiral, his Grace the Archbishop—from all classes of the citizens of Halifax, there has been nothing but one continued series of kindnesses since we landed here. That kindness was not merely local, it met us beyond the borders of the Province—in the persons of our friends, Mr. Pryor, Mr. Coleman, and Mr. Wier. They took the trouble to pass the bounds of this Province to meet us, and therefore I think I may say your hospitalities surpass all bounds. Mr. McGee concluded by proposing the health of the Mayor and citizens of "Halifax the hospitable."

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RELATED MATERIALS



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**(V.) THOMAS D'ARCY MCGEE,
"SOME OBJECTIONS TO A CONFEDERATION OF
THE PROVINCES CONSIDERED" ADDRESS AT
TEMPERANCE HALL, HALIFAX**

AUGUST 16, 1864

Source: [Thomas D'Arcy McGee, *Speeches and Addresses...* \(1865\), 100-107.](#)¹

Mr. Mayor, Ladies and Gentlemen: Those whose opinions I have every reason to receive with deference,—those who, in this city, have ever been my kind friends, and who hold distinguished places among its citizens have been pleased to say that an address on the subject which has been announced to you would be a useful and almost a necessary close to the Intercolonial festivities of the last fortnight. I have cheerfully yielded my opinion to theirs, and I am therefore to address you, on the subject announced—"Some Objections to a Confederation of the Provinces considered."

In the first place, Ladies and Gentlemen, I must solicit your kind consideration for whatever you may find defective in the treatment of a subject, so limited even as this is. The festivities of which we, from Canada, have been the objects for several days past, were not, as you may well imagine, the best possible preparation for the discussion of the most important public question ever submitted to the people of these Provinces. I should, I am free to own, have liked more time for uninterrupted reflection, but the commands laid on me were irresistible, and I am here, on short notice, to do the best in my power.

I shall come at once, with your leave, to the matter in hand—the much-talked-of Confederation. The proposal though not very new is yet not at all definite; it is therefore liable to all sorts of conjecture; all sorts of notions are afloat about it, and will continue to be afloat until the scheme acquires something like consistency, when we may fairly look for two great natural parties, Unionists and anti-Unionists, ranging themselves on opposite sides of the broad field which will then be fairly open for our discussion.

At the outset I must observe upon the danger we all run of attaching some arbitrary existing meaning to the terra "Confederation" itself. Of confederations there may be, and there have been, as many varieties as of consolidated monarchies. England is a monarchy—so is Russia; but how unlike! The Netherlands were a confederacy, with an hereditary head; Switzerland is a confederacy without any permanent head, hereditary or elective; the neighbouring States are a confederacy, with an elective head, supreme for his time over the army and navy and the administration of affairs. It is not absolutely necessary that our British American Confederacy—if it should be called into existence—should reproduce the American, the Swiss, or the Dutch model; we ought to be able—I trust our leading men are able—to strike out a new creation from the same fruitful source of free governments, to plant amongst us a new variety of the same famous stock, suited to our soil and congenial to our climate. Why should they not? What are the principal objections which have so far developed themselves? Two or three of the chief I will endeavour to state fairly and discuss fairly, and it will be for you to decide with what effect, for I believe I need hardly say to you, I am a friend and earnest advocate of a strong and speedy Confederation.

I. The first objection which meets one in society is very naturally this—the inherent weakness of Confederacies themselves, as illustrated in the failure of the South American and the disruption of the North American Confederacies. It must be admitted that the South American

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THE QUEBEC RESOLUTIONS

McGee's "Some Objections" speech at Halifax—continued

Confederacies were short-lived—were in fact mere abortions—that they died almost as soon as their existence was proclaimed; it must be confessed, too, that the great Northern Confederacy has been driven to submit to a dictator at the real presence of domestic danger; but, as I said before, Confederacies are of many kinds, and the question, therefore, is many-sided.

Reasoning after the fact, it is easy to be wise, and reasoning on a familiar case, it is easy to be eloquent. The example of the Northern American States which, less than a century ago, were "sister colonies" of Nova Scotia and Canada, may serve as a guide as well as a warning to us. For the present purpose we will pass over the Spanish Republics, where there has been a failure of civilisation rather than a failure of the federal system, and we will consider only the familiar example of the States. They broke away forcibly from the body of the Empire,—I will not say without justification; but having broken away, the generation that succeeded this violent separation set their hearts upon making their society as unlike Europe as possible.

Now, I will not pretend to say that we should desire to mould America—even if it were possible, which it is not—on the forms of Europe,—but I will venture to allege that Europe, in its positive Christianity, in its ancient learning, in its manners, and in its conservatism, presents to America many subjects for study, for imitation, and for admiration. When, therefore, the American Democrat of our century said in his heart, "I will make my country as unlike the rest of Christendom as I can," he said a vain and foolish thing, and his vanity and folly have brought their own punishment. Every one, of course, has his theory as to the disruption of that Confederacy, and you would probably like to hear my theory. Well, it is this: Every constitution we have any record of, placed the principle of infallibility, at least the seat of absolute last resort,—somewhere. In England, it is in the Queen in Council; in the United States, it was placed in the Supreme Court. When, by their local legislation, a large portion of the States themselves rejected the doctrine of the infallibility, the inviolability of their Supreme Court, when they broke down the very shrine of their constitution, the Government, with or without civil war, was overset.

Now, supposing with this example before our eyes we were to form a Confederation, why should we invite at a future day a like catastrophe? Why not rather engraft into our system the essentially British principle of investing with inviolability the executive head of the State,—the Viceroy, Duke, or Prince, who might be selected to rule over us? It is of the nature of an executive to be self-protective, and in according such a head all necessary powers, we but follow Nature,—a good guide, when well understood. I account for the failure of the American system to protect itself from domestic enemies, except by unconstitutional means, by the peculiar distribution and limitation of powers under that system,—not from the mere fact of its being a confederated rather than a consolidated Government.—But there is no possible compulsion upon us to make a similar distribution of powers. On the contrary, enlightened as we have been by late events, the natural result would be a Confederacy framed on different principles, in some respects, from the Republican Union.

II. Another objection commonly urged against a union of these Provinces is the heavy public debt of Canada. It is true we owe above \$67,000,000; but we are nearly if not quite 3,000,000 people; the assessed value of our real property alone exceeds \$400,000,000; our revenue this year, if I am well informed, will considerably exceed our expenditure; the average per head of our debt does not exceed yours in Nova Scotia, for your population; while half the millions we owe are solidly represented by our great public works, stretching from Lake Huron to the borders of New Brunswick. Though our debt is large, I do not admit that the burthens it imposes are unbearable, while I hope to show you on the other hand that the inducements we offer you to unite with us are neither specious nor inconsiderable. Under a common tariff we would offer you a three-million market; under the more intimate commercial system thus established we would offer to your young men connections and employments which no isolated Province can now afford them; through us you would secure your share in the future of that great North-western territory which Lord Sterling estimated capable of sustaining a population of 20,000,000 of souls.

These are material inducements to union; but there is one of a nature rather less tangible, which yet I hold to be most important. As an element of our common security—as a contribution towards our mutual defence—it is impossible to attach too much importance to the moral effect of our union. Both on ourselves and on our neighbours the mere fact of our being united for purposes of defence would have a most salutary effect, and might go a long way to avert the attempts which might be made, with a greater prospect of success, against our estranged and isolated communities. As it is, we are bound up in each other's fate without being allied for each other's help—we are associated in danger, but not in preparation. If, therefore, I add the consideration of our mutual defence to the more material considerations of internal free trade, as an inducement to your union with Canada, I feel confident I am doing my duty at once to Canada and the Maritime Provinces.

III. A third objection arises from the vast extent of country which it is proposed to bring, for general purposes, under one general Government. I do not underrate the difficulties arising from the straggling and outstretched nature of our territory. But modern science has fortunately provided us a remedy against this evil—in steam communication. This invaluable means of communication is, of itself, a reason for union, since we cannot absolutely command its good offices without clubbing our capital. It is not creditable to any of us, nor is it worthy of the enterprise of the Empire to reflect, that if a Canadian wishes, for example, to visit the North-west, he must be indebted to an American enterprise, and pay tribute to an American route; while if he wishes to visit these Provinces, he must, as we all have done, be under the same necessity of travelling over American soil, and sailing on American waters, to meet his fellow-subjects on the Atlantic! This is a state of things which ought not to be allowed to continue, and which I am persuaded will not be allowed, if Mr. Fleming's Intercolonial Survey should prove, as I have reason to believe it will prove,—that the long-desired highway can be built for a reasonable sum such as these Provinces can shoulder. Upon the feasibility of that road, I admit, the best answer to this objection depends,—an answer I will not anticipate; but if it should be favourable, I beg, gentlemen, you will observe, that it brings even the most distant constituencies of British America as near to each other, in time, as the Scottish constituencies were to London in the last century, or as the Irish constituencies were, fifty years ago, to the same centre of authority.

You will permit me now to refer to the general impression of many other difficulties in the way of confederation. I shall not go in detail into the discussion of these difficulties, but I will simply ask, as one of my Canadian colleagues did on a critical occasion, "What are statesmen for, if not to remove difficulties?" I have never heard—I do not think you have ever heard—of any state being founded or enlarged, or delivered from danger, except by surmounting difficulties. "But how to do it?" Some one will ask, "What is your plan?" "What do you propose?" I reply, for the hundredth time, here and elsewhere, that I do not presume to answer questions of this magnitude on my individual responsibility. I would proceed as our ancestors always proceeded, in such cases, by taking the *sensus communis*, with the sanction of the Crown, and I would not fear for the adequacy of the answer after common consultation.

There will, Mr. Mayor and Gentlemen, rest assured, be more than one Conference, before this momentous negotiation can be either completed or abandoned. What we want for the discussion of all the main particulars is our best men, irrespective of their party antecedents. The cry of British America at this hour should be "Men! More men!" not merely an increase of number, but an increase in quality as well as in quantity. Let me illustrate what I mean, by a remote allusion. Alcæus, who, for the lofty truths he uttered, and the music of his utterance, was called "the divine" taught a free nation of antiquity, which, from smaller beginnings than ours, rose to fill a first place in history, that it was not in broad-armed navies, nor in battle-mented walls, that the greatness of a state consisted, but in men, high-minded and brave, who knew their rights, and how to preserve them. Here, where we are now assembled, another form of the same thought presents itself to me: time was, when your noble harbour, the pride and boast of all British America, was burthened only by the transitory shadows of

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McGee's "Some Objections" speech at Halifax—continued

the cloud and the canoe, where now we see such broad-armed navies ride as never were dreamt of by the divine Alcæus. Its depths were as fruitful then as now—its tides as constant—its shores as sheltering; but the civilised man has succeeded to the savage, and even the face of Nature itself has changed, under the filial offices of her darling child—the European man. As in material triumphs, so it may be in political. Give us men—high-minded men—men who know their rights, and how to secure them—and we will change the moral and political aspect of British America as greatly and as beneficially as the physical aspect of the once barbarous Chebucto has been changed, since the foundation of the good city of Halifax.

And now, Mr. Mayor, Ladies and Gentlemen, I have, however imperfectly, complied with the wishes of many valued friends, who desired that I should say a few parting words to you on this subject. By this time to-morrow the waters of the Bay of Fundy will be between our kind friends and us;—before the end of the week, if it please God, we shall be back again in our Canadian homes, recounting the pleasant adventures we have had here and in New Brunswick. Will you permit me, before taking my leave, to utter one last word of appeal to the press and public of these Maritime Provinces?

Before I may be able to visit you again, it is possible, nay it is probable, the fate of British America, for all time to come, will be decided. So certain am I that the present moment is decisive of our fate—so certain that elements hostile to our future existence as free, but not democratic States, are in active existence—so assured do I feel that the men who now sway our several councils must save or sacrifice our future fortune—that once more I would beseech all to whom my feeble voice may reach, not to embarrass this great discussion by minor issues. On the contrary, as was said of old, "a great spirit befitteth a great fortune." I trust our press and our public men will exhibit now, in the crisis of our destiny, such a spirit, and that the Great Ruler of all things may, in His infinite wisdom, dispose the hearts of our statesmen to seek above all the true good of the people they govern, and to sink out of sight everything trivial and temporary, personal and mercenary, for the sake, the sole sake, of our glorious British America—for the sake of justice, and peace, and freedom, and Christian civilisation.

If, in conclusion (said the hon. gentleman)—if we are indeed of the race who began that work of civilisation twenty centuries ago in the British Isles, in a soil originally so unfavourable, with implements so inferior to what we now possess, and who from such beginnings have worked out such stupendous results—if we are worthy to represent that race—then we shall repeat on a larger scale, commensurate with the largeness of the basis on which we are to raise our structure, the constitutional triumphs of that race, in reconciling liberty with law, in domesticating justice with freedom, in crowning a fair and venerable authority by the voice and hand of an intelligent, self-governed population.

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THE QUEBEC RESOLUTIONS



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**(VI.) LIEUTENANT GOVERNOR ARTHUR H.
GORDON'S DESPATCH TO THE SECRETARY OF
STATE FOR THE COLONIES ON THE SUBJECT OF A
PROPOSED DIVISION OF POWERS**

SEPTEMBER 22, 1864

Source: [Senate of Canada, *The O'Connor Report on the British North America Act \(1939\)*, pp. 84-86¹](#)

No. 28.

Fredericton, 22nd September 1864.

Sir,—In my Despatch of 12th instant, I stated that the Conference of Delegates appointed to consider the Union of the Lower Provinces had adjourned from Charlottetown, in Prince Edward Island, to Halifax.² The Delegates have since removed to Saint John, and on the 15th instant reached Fredericton, still accompanied, as they have been through out their journeyings, by the Canadian Cabinet. From hence they returned to Saint John, where they separated, with the intention of meeting again at Quebec on the 10th proximo.

It is not, however, to chronicle the rambles of this ambulatory Conference that I now address you, but to convey to you such further information as I have been able to collect with respect to the probable results of its deliberations.

As I anticipated, the Union of the Lower Provinces appears to be for the present totally lost sight of in the consideration of the larger scheme now proposed, and the apprehension which I expressed in my Despatch of 12th instant have been realized;³ for the principle that the Lower Provinces should enter the Federation as three separate and independent bodies was, with little apparent reluctance, conceded by the Canadian Ministers, when it became evident that a persistence in the idea that the Legislative Union of the Lower Provinces should form a preliminary to the subsequent Federal Union was likely to endanger the success of the latter scheme.

The discussions of the Conference were for the most part conducted in a conversational and informal manner. Two subjects, however, were, I understand, debated at some length, in more elaborately prepared speeches. These subjects were—the composition and mode of election of the Legislative Council, and the authority from which appointments to the local judiciary should emanate.

With regard to the former subject less difference of opinion was found to exist than I should have anticipated. It was agreed that the Federal Legislative Council should consist of 60 members, 20 from Upper Canada, 20 from Lower Canada, and 20 from the Maritime Provinces. It was generally desired that the members of this body should be nominated for life by the Crown, and with hardly an exception, the elective principle, as applied to the Legislative Council, was decidedly condemned. The system of nomination is on the whole, perhaps, the best

¹ Senate of Canada, *Report Pursuant to Resolution of the Senate to the Honourable the Speaker by the Parliamentary Counsel relating to the Enactment of the British North America Act, 1867, any Lack of Consonance between its Terms and Judicial Construction of them and Cognate Matters*, by William F. O'Connor (Ottawa: J.O. Patenaude, I.S.O., 1939), Annex 2, pp. 84-86.

² According to Browne (1969), this despatch is redacted. In criticism of the [O'Connor Report](#), Browne published the unredacted September 26th 1864 version. I've opted to make the publicly available September 22nd Despatch available and noted in footnotes where redacted passages occurred. In my view this provides the best way to compare both versions. In that version, the opening paragraph said: "Messrs. Cartier Galt and Brown remained at my house during their stay in Fredericton, and communicated their views to me with great candour and at considerable length." [C.D.]

³ Ibid. Here: "for, notwithstanding the vehement remonstrance of Mr. Brown and the more measured expostulations of Mr. Galt..." [C.D.]

THE QUEBEC RESOLUTIONS

Lt.-Gov. Gordon's despatch—continued

feasible method of appointment. The very best mode of selection would, in my opinion, be that of election for life by a very highly qualified constituency—but in this case a perpetual agitation would probably be kept alive for the reduction of the qualification. In my opinion, however, the mode of selection is far less important than the retention of the seat for life when once obtained. The possession of a seat for life tends to encourage an honest freedom of thought, speech and action on the part of Members of the Upper House, and it is in this character of comparative independence that one of the main uses of the Legislative Council is to be found.¹

With respect to the appointment of the Judges, a very animated discussion took place; and I am informed that one of the Delegates made an extremely effective speech on the subject. He showed that were the Federation established, and the local Legislatures consequently deprived of much of their present importance, there would be less temptation than now exists for leading members of the Bar to enter into the field of local politics. Those who wished to enter public life at all, would naturally look to the Federal Legislature as the scene of their labours; and if the local Governments were allowed to appoint Judges to be selected from their own supporters in the local Assemblies, the Bench might be speedily filled with men who would fail to command the respect of those practising before them. He, therefore, strongly urged that the appointment of all the Judges should be vested in the Central Government, and urged the adoption of some measure which should entirely remove these appointments from the influence of party politics. On the other hand considerable reluctance to adopt this view was, I learn, exhibited by some Members of the Conference.

With regard to the important question of the attributes to be assigned to the respective Legislatures and Governments, there was a considerable divergence of opinion.²

The result of the discussion roughly appears to be the following apportionment of subjects as those to be dealt with by the General and Local Legislatures respectively.

To the Federal Legislature is given the control of—

Trade,
Currency,
Banking,
General Taxation.
Interest and Usury Laws,
Insolvency and Bankruptcy,
Weights and Measures,
Navigation of Rivers and Lakes.
Lighthouses,
Sea Fisheries,

¹ *Supra* footnote 1, p. 109. Here it reads: "Were its members to be elected for a limited period they would, I fear, be too apt to be influenced by the same miserable and cowardly dread of their constituents which too generally paralyzes the utility and saps the honesty of members of the Assembly, but which, while it is to be deplored, cannot be wondered at nor indeed censured with the severity merited under other circumstances, when it is remembered that many of them are to a great measure dependent on the pay which as Members they receive and which, should they displease those who send them to Parliament, they will probably lose. I may observe that, should it be finally determined that the Federal Legislative Council is not to possess an elective character it will be worthy of consideration whether the first members of this chamber ought not to be nominated directly by the Crown in order to avoid that preponderance of a single political party which would probably result from their nomination on the recommendation of the local Ministry of the day." [C.D.]

² *Ibid.* Here it reads: "The aim of Lower Canada is a local independence as complete as circumstances will permit, and the peculiarities of race, Laws, religion and habits which distinguish its people render their desire respectable and natural. A similar desire, but prompted by less worthy motives, animates the Delegates from Prince Edward Island and some of those from this Province, who fear the loss of the local importance which attaches to a separate Government. Those on the other hand who look chiefly to the future and desire to see the British North American Provinces forming a strong and united State are desirous, as I before observed in my previous Despatch, to reduce the local Legislatures and Governments to the smallest possible dimensions, to invest them with the smallest possible position of independent powers, and to obliterate, as far as practicable, existing Provincial boundaries." [C.D.]

Patent and Copyright Laws,
Telegraphs,
Naturalization,
Marriage and Divorce,
Postal Service,
Militia and Defence,
Criminal Law,
Inter-Colonial Works.

The Local Legislatures are to be entrusted with the care of—
Education, (with the exception of Universities,)
Inland Fisheries,
Control of Public Lands,
Immigration,
Mines and Minerals,
Prisons,
Hospitals and Charities,
Agriculture,
Roads and Bridges,
Registration of Titles,
Municipal Laws.

As I have already observed, it is proposed that the Conference should meet again at Quebec on the 10th proximo, and I suppose that some decision will then be adopted as to the Constitution of the local Legislatures and local Executive Governments, a subject which at present has only been touched on with great hesitation, and treated with the utmost vagueness.¹

I have, &c. (Signed)

Arthur H. Gordon.

¹ *Supra* footnote 1, p. 109. Here the letter concludes with two lengthy paragraphs. "It is true that Mr. Brown, Mr. Galt and some others speak of reducing the local legislatures to a single chamber, the President of which should be the Chief Executive Officer within each Province, but in general the wish appears to prevail that each Province should, as now, retain its Lieutenant Governor, responsible Executive Council, and two Houses of Parliament, with all their existing machinery of public officers. Probably this view will prevail, but I must repeat my opinion that no federative union will be of the slightest worth which does not secure the paramount control of the General Legislature and subordinate the officers of the local Executive to those of the Central Government. If an officer filling the place of Governor is required (for which, however, under the supposed circumstances I can see no necessity) let him be named by the Governor General: - let the bylaws of the local Assemblies cease to be styled "Acts" and be designated as "Ordinances" "Regulations" or by some such term: let the local officials be under central Control: - above all, let the power of the general legislature to modify, alter, or abolish the local Governments be fully recognized.

10. But to this it may be objected that Lower Canada will not consent. Very possibly; but if this is the case, although in my mind it furnishes some argument against any federative union at all, (as shewing that separation not greater identity is the desire with which the project is proposed,) it affords none whatever for effecting an imperfect and valueless one. That the controlling power should rest in the federal legislature and that the federal and local Assemblies should not be of coequal independence and authority is, in my opinion, the main point to attain. Should this be secured, I look upon the keeping up for a time of existing institutions in the separate Provinces, as comparatively immaterial, though I consider it inexpedient: but, if the local bodies are to be exempt from all modification hereafter by the Federal Parliament, I think that, if the scheme proceeds on that footing the existing Provincial organization should at once be entirely broken up and new and arbitrary divisions created; otherwise, although there are no real distinct Provincial interests or ideas to separate the people, the tradition of Provincial independence will perpetuate local jealousies, which it is desirable to efface, and nourish a false idea of local importance to the great and lasting injury of British North America as a whole." [C.D.]

THE QUEBEC RESOLUTIONS



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(VII.) CORRESPONDENCE BETWEEN HER
MAJESTY'S GOVERNMENT AND THE GOVERNORS
OF THE SEVERAL PROVINCES ON THE
QUEBEC RESOLUTIONS

SEPTEMBER 23-DECEMBER 3, 1864

Source: [*Journals of the Legislative Council of the Province of Canada \(1865\), 36-48.*](#)

Lord Monck to Mr. Cardwell

(Copy, No. 135.)

Quebec, 23rd September, 1864

SIR,—Referring to my Despatches, No. 124, of August 26th, and No. 129, of September 1st, I have the honor to transmit a copy of an approved Minute of the Executive Council of Canada, requesting me to invite the Governments of Nova Scotia, New Brunswick, Prince Edward Island and Newfoundland, to send Representatives to a Conference with the Ministers of Canada at Quebec, to be held for the purpose of considering the question of the Union of these Provinces, and to digest a practical plan for the realization of the idea which should be submitted for your approval.

The desire for a closer union amongst these Colonies than has hitherto existed appears to be very generally felt, both in Canada and in the Lower Provinces.

It appears to me that the mode of proceeding suggested in this Minute is the only one in which the views entertained by the leading politicians of the British North American Colonies, on this important subject, can be brought intelligibly and in a practical form before your attention.

This course is also, I think, that which was pointed out by the Duke of Newcastle in his Despatch to Lord Mulgrave (Nova Scotia, No. 182), of July 6, 1862, transmitted to me for my information, on the same day, as that which ought to be pursued in the circumstances.

I have therefore had no hesitation in complying with the request of my Executive Council, and I have addressed identical communications—of which I enclose a copy to the Lieutenant Governors of Nova Scotia, New Brunswick and Prince Edward Island, and to the Governor of Newfoundland,—inviting them to nominate deputations to represent these respective Provinces at the proposed Conference.

I have, &c.,
MONCK.

The Right Hon. E. Cardwell, &c.

Copy of a Report of a Committee of the Executive Council, approved by His Excellency the Governor General on the 23rd September, 1864.

The Committee of Council has the honor to inform Your Excellency that the Deputation from the Executive Council who met the Delegates from the Maritime Provinces, at Charlottetown, on the 1st instant, in accordance with the Order in Council of the 29th ultimo, have reported that such Conference duly met, and that the question of a Confederation of the British North American Colonies was discussed at length, and such progress made that it was thought

THE QUEBEC RESOLUTIONS

correspondence on the Quebec Resolutions—continued

desirable by the Conference that the subject should be resumed in a formal and official manner, under the authority of the Governments of the several Provinces.

The Committee have, therefore, the honor to advise and submit for Your Excellency's approval, that the several Governments of Nova Scotia, New Brunswick, Prince Edward Island and Newfoundland be invited to appoint Delegates under the authority of the Despatch of the Secretary for the Colonies to the Lieutenant Governor of Nova Scotia, dated 6th July, 1862, and communicated by the Colonial Office to Your Excellency by a Despatch of the same date, to confer with the Canadian Government on the subject of a Union or Federation of the British North American Provinces.

The Committee beg leave further to recommend that Quebec be selected as the place, and the 10th of October next the time, for the meeting, as they have ascertained that such time and place will meet the views and convenience of the several Governments.

(Certified,) Wm. H. LEE,
C.E.C.

Lord Monck to Lieut.-Governors of Nova Scotia, New Brunswick, Prince Edward Island and Newfoundland.

(Copy.)

Quebec, 23rd September, 1864.

SIR,—I have the honor to transmit a copy of an approved Minute of the Executive Council of Canada, respecting the proposal to hold a Conference of Delegates from the Colonies of Nova Scotia, New Brunswick, Prince Edward Island and Newfoundland, with the Ministers of Canada, to consider the question of a Union of these Colonies, and to digest a scheme for the practical realization of the idea which may be submitted as embodying the joint opinions of the Governments of the several Provinces to the Secretary of State for the Colonies, with a view to obtaining his sanction for legislation on the subject.

In conformity with the request contained in this Minute, I have the honor to invite you to name a deputation to represent your Province in the approaching Conference which will meet at Quebec on the 10th October.

I have, &c.,

(Signed,) MONCK.

(Copy, *Canada*, No. 79.)

DOWNING STREET,
14th October, 1864.

MY LORD,—I have the honor to acknowledge the receipt of Your Lordship's Despatch (No. 135) of the 23rd of September, reporting that you had invited the Lieutenant Governors of Nova Scotia, New Brunswick and Prince Edward Island, together with the Governor of Newfoundland, to send Delegates to Quebec to attend a Conference on the subject of the proposed Union of the British North American Provinces.

I approve of the course Your Lordship has taken in the matter.

I have, &c.,
(Signed,) EDWARD CARDWELL.

Governor Viscount *Monck*.

Lord Monck to Mr. Cardwell

(Copy, No. 168.)

GOVERNMENT HOUSE, *Quebec*,
November 7, 1864.

SIR,—Referring to my despatch (No. 135) of the 23rd of September, in which I have informed you that I had invited the Lieutenant Governors of Nova Scotia, New Brunswick and Prince Edward Island, and the Governor of Newfoundland, to send Representatives to confer with the Members of the Canadian Government on the feasibility of effecting a Union between the Colonies of British North America, and to my despatches of the 14th October (No. 51), and the 2nd November (No. 165), in which I enclosed to you the answer received to that invitation, I have the honor to report that the several gentlemen named in the communications above referred to, as representatives of those Colonies respectively, arrived at Quebec on Monday, the 10th October, the day named for the assembling of the Conference.

They immediately proceeded to the consideration of the important question, the discussion of which constituted the object of their meeting, having appointed Sir E.P. Taché, Prime Minister of Canada, as Chairman, to preside over their deliberations.

Their sittings began on the 10th October, and continued *de die in diem* until the 28th¹ of the same month.

I have now the honor to transmit the Resolutions agreed to by the Conference, for which I would ask the favorable consideration of yourself and Her Majesty's Government.

I may state that an extended intercourse with the Members of the Conference enabled me to assure you that they were one and all actuated by the strongest feelings of loyalty to the Queen, the most earnest desire to maintain the connection with England, and the wish to make the proposed Union work so as to strengthen that connection, by enabling the Provinces to take upon themselves more largely the responsibilities of a self-governing community.

I do not enter into any argument to prove that a consolidation of these Provinces is desirable, if it can be effected on principles which will give guarantees for strength and durability.

The advantages of a well-considered plan of Union, whether looked at from the point of administration, commerce or defence, appear to me so obvious that it would be a waste of time to state them, and the fact that the most eminent public men of all the Provinces concur in desiring such a Union, appears to me to go a long way in superseding the necessity for any abstract arguments in its favor.

The plan which has been adopted by the Conference, you will observe, is the Union of all the Provinces on the monarchical principle under one Governor to be appointed by the Crown with Ministers responsible, as in England, to a Parliament consisting of two Houses, one to be nominated by the Crown and the other elected by the people.

To this central Government and Legislature will be committed all the general business of the United Provinces and its authority on all such subjects will be supreme, subject of course to the rights of the Crown and of the Imperial Parliament.

For the purpose of local administration it is proposed to have in each Province an Executive Officer to be appointed by the Governor and removable by him for cause to be assigned, assisted by a Legislative body, the constitution of which it is proposed to leave to the decision of the present local Legislatures, subject to the approbation of the Imperial Government and Parliament.

To these local bodies are to be entrusted the execution of certain specified duties of a local character, and they are to have no rights or authority beyond what is expressly delegated to them by the Act of Union.

¹ Our records confirm the conference continued until October 29th. [C.D.]

THE QUEBEC RESOLUTIONS

correspondence on the Quebec Resolutions—continued

To the general Government it is proposed to reserve the right of disallowing Acts passed by the local Legislatures.

I think this will be found a fair general outline of the constitutional portion of the proposed scheme of Union, and I trust it will be found of such a nature as to merit the general approbation of Her Majesty's Government.

I do not allude to the proposed financial arrangements between the different members of the proposed Union, as these relate to questions exclusively affecting the Provinces and upon which I presume they may safely be allowed to adopt any course which they may themselves think conducive to their interests.

In transmitting these Resolutions for your consideration, I venture to state my opinion that the desire for a consolidation of British North America has taken strong hold of the minds of the most earnest and thoughtful men in these Provinces, and I trust, whether on the plan suggested by these Resolutions, or on some modification of it, a Union may be effected which will satisfy the aspirations of so loyal and influential a portion of Her Majesty's subjects.

I have, &c.,
(Signed,) MONCK.

The Right Honorable *E. Cardwell*, M.P.

*REPORT of Resolutions adopted at a Conference of Delegates from the Provinces of Canada, Nova Scotia and New Brunswick, and the Colonies of Newfoundland and Prince Edward Island, held at the City of Quebec, 10th October, 1864, as the basis of a proposed Confederation of those Provinces and Colonies.*¹

[Copy, *Canada*, No. 93.]

DOWNING STEET,
3rd December, 1864.

MY LORD,—Her Majesty's Government have received with the most cordial satisfaction your Lordship's despatch of the 7th ultimo, transmitting for their consideration the Resolutions adopted by the Representatives of the several Provinces of British North America, who were assembled at Quebec.

With the sanction of the Crown, and upon the invitation of the Governor General, men of every Province, chosen by the respective Lieutenant Governors, without distinction of party, assembled to consider questions of the utmost interest to every subject of the Queen, of whatever race or faith, resident in those Provinces; and have arrived at a conclusion destined to exercise a most important influence upon the future welfare of the whole community.

Animated by the warmest sentiments of loyalty and devotion to their Sovereign, earnestly desirous to secure for their posterity, throughout all future time, the advantages which they enjoy as subjects of the British Crown, steadfastly attached to the Institutions under which they live,—they have conducted their deliberations with patient sagacity, and have arrived at unanimous conclusions on questions involving many difficulties, and calculated under less favorable auspices to have given rise to many differences of opinion.

Such an event is in the highest degree honorable to those who have taken part in these deliberations.

It must inspire confidence in the men by whose judgment and temper this result has been attained, and will ever remain on record as an evidence of the salutary influence exercised by

¹ The resolutions are not reprinted in this appendix. The resolutions that were attached above contain the mistakes in Sections 24, 29(3), and 43(1). See the introduction to this volume [C.D.].

the Institutions under which these qualities have been so signally developed.

Her Majesty's Government have given to your despatch and to the Resolutions of the Conference, their most deliberate consideration. They have regarded them as a whole, and as having been designed by those who framed them, to establish as complete and perfect an Union of the whole, into one Government, as the circumstances of the case, and a due consideration of existing interests would admit. They accept them, therefore, as being in the deliberate judgment of those best qualified to decide upon the subject, the best framework of a measure to be passed by the Imperial Parliament for attaining that most desirable result.

The point of principal importance to the practical well-working of the scheme is the accurate determination of the limits between the authority of the Central and that of the Local Legislatures, in their relation to each other. It has not been possible to exclude from the Resolutions some provisions which appear to be less consistent than might perhaps, have been desired with the simplicity and unity of the system. But, upon the whole, it appears to Her Majesty's Government, that precautions have been taken which are obviously intended to secure to the Central Government the means of effective action throughout the several Provinces, and to guard against those evils which must inevitably arise, if any doubt were permitted to exist as to the respective limits of Central and Local authority. They are glad to observe that, although large powers of Legislation are intended to be vested in local bodies, yet the principle of central control has been steadily kept in view. The importance of this principle cannot be over-rated. Its maintenance is essential to the practical efficiency of the system and to its harmonious operation, both in the General Government and in the Governments of the several Provinces. A very important part of this subject is the expense which may attend the working of the Central and the Local Government. Her Majesty's Government cannot but express the earnest hope that the arrangements which may be adopted in this respect, may not be of such a nature as to increase,—at least in any considerable degree,—the whole expenditure, or to make any material addition to the taxation, and thereby retard the internal industry, or tend to impose new burdens on the commerce of the country.

Her Majesty's Government are anxious to lose no time in conveying to you their general approval of the proceedings of the Conference. There are, however, two, provisions of great importance which seem to require revision. The first of these is the provision contained in the 44th Resolution, with respect to the exercise of the Prerogative of Pardon. It appears to Her Majesty's Government that this duty belongs to the Representative of the Sovereign, and could not with propriety be devolved upon the Lieutenant Governors, who will, under the present scheme be appointed, not directly by the Crown, but by the Central Government of the United Provinces.

The second point which Her Majesty's Government desire should be reconsidered is the Constitution of the Legislative Council. They appreciate the considerations which have influenced the Conference in determining the mode in which this Body, so important to the Constitution of the Legislature, should be composed. But it appears to them to require further consideration whether, if the members be appointed for life, and their number be fixed, there will be any sufficient means of restoring harmony between the Legislative Council and the popular Assembly, if it shall ever unfortunately happen that a decided difference of opinion shall arise between them.

These two points, relating to the Prerogative of the Crown and to the Constitution of the Upper Chamber, have appeared to require distinct and separate notice. Questions of minor consequence and matters of detailed arrangement may properly be reserved for a future time, when the provisions of the Bill intended to be submitted to the Imperial Parliament shall come under consideration. Her Majesty's Government anticipate no serious difficulty in this part of the case, since the Resolutions will generally be found sufficiently explicit to guide those who will be entrusted with the preparation of the Bill. It appears to them, therefore, that you should now take immediate measures, in concert with the Lieutenant Governors of the several Provinces, for submitting to their respective Legislatures this project of the Conference; and

THE QUEBEC RESOLUTIONS

correspondence on the Quebec Resolutions—continued

if, as I hope, you are able to report that those Legislatures sanction and adopt the scheme, Her Majesty's Government will render you all the assistance in their power for carrying it into effect. It will probably be found to be the most convenient course that, in concert with the Lieutenant Governors, you should select a deputation of the persons best qualified to proceed to this country, that they may be present during the preparation of the Bill, and give to Her Majesty's Government the benefit of their counsel upon any questions which may arise during the passage of the measure through the two Houses of Parliament.

I have, &c.,

(Signed,) EDWARD CARDWELL.

Governor Viscount *Monck*.

Honorable Arthur Gordon to Lord Monck

[Copy.]

Frederickton, New Brunswick,
7th October, 1864.

MY LORD—I have the honor to inform you that, in accordance with the request contained in your Lordship's despatch of the 23rd September, I have appointed the Honorable S.L. Tilley, Honorable W.H. Steeves, Honorable P. Mitchell, Honorable J.M. Johnson, Honorable E.B. Chandler, Honorable J.H. Gray, and Charles Fisher, Esq. to be Delegates to attend the Conference on the subject of a Federal Union of the British North American Colonies, to be held at Quebec, on the 10th of October, 1864.

I have &c.,
(Signed,) ARTHUR GORDON.

Viscount *Monck*, &c., &c., &c.

Sir R. McDonnell to Lord Monck

[Copy.]

GOVERNMENT HOUSE, *Halifax,*
Nova Scotia, 3rd October, 1864.

MY LORD—I have the honor to acknowledge the receipt of your despatch of the 23rd ult., which reached me on the 30th ult., transmitting a copy of an approved Minute of the Executive Council of Canada, dated the 23rd September, 1864, and inviting me to name a deputation to represent Nova Scotia in the approaching Conference at Quebec on the 10th instant.

In reply, I have the honor to state for your Lordship's information, that I have laid your despatch and its enclosure before my ministry, and I have appointed the Hon. Provincial Secretary, Hon. Atty General, Hon. R. B. Dickey, Hon. Jonathan McCully, and Adams G. Archibald, Esq., to form a deputation to meet the Delegates from the other British North American Provinces in Conference at Quebec on the 10th instant, as proposed in your Lordship's despatch.

I have, &c.,

RELATED MATERIALS

correspondence on the Quebec Resolutions—continued

(Signed,) RICHARD GRAVES MCDONNELL,
Lieutenant Governor.

His Excellency Viscount *Monck*, Governor General, &c., &c., &c.

(Copy.)

GOVERNMENT HOUSE,
Prince Edward Island, 6th October, 1864.

MY LORD—I have the honor to acknowledge the receipt, this day, of your Despatch, dated 23rd September, transmitting to me, copy of an approved Minute of the Executive Council of Canada, respecting a proposal to hold, at Quebec, on the 10th October, a Conference of Delegates from the Maritime Provinces, with the Ministers of Canada, to consider the question of a Union of these Provinces.

Your Lordship invites me to name a deputation to represent Prince Edward Island at this approaching Conference.

I have accordingly, with the advice of my Ministers, named the following gentlemen, who will, I understand, proceed to-day to Quebec, in order to be present there on the 10th instant.

The Hon. J.H. Grey, Prince Edward Island; the Hon. E. Palmer, Attorney General; the Hon. W.H. Pope, Colonial Secretary; the Hon. A.A. McDonald, M.L.C.; the Hon. G. Coles, M.P.P.; the Hon. T.H. Haviland, M.P.P.; the Hon. Edward Whelan, M.P.P.

I have, &c.,

(Signed,) GEORGE DUNDAS,
Lieutenant Governor.

His Excellency the Viscount *Monck*.

(Copy.)

GOVERNMENT HOUSE, *Newfoundland*,
October 4, 1864.

MY LORD,—I have had the honor to receive Your Lordship's letter of the 23rd September, with its enclosure respecting the proposal to hold a Conference of Delegates from the other North American Colonies with the Ministers of Canada, to consider the question of a Union of these Colonies.

I found, on my arrival here two days ago to assume the administration of this Government, that in anticipation of such a communication from Your Lordship as that which I now acknowledge, the Honorable E.P. Carter¹, the Speaker, and Mr. Ambrose Shea, a Member of the Assembly, had already been, nominated on the part of this Government, and they have already proceeded to Quebec.

I have, &c.
(Signed,) A. MUSGRAVE.

The Right Honorable Viscount *Monck*, Governor, General.

¹ The following name is incorrectly spelled. It should be F.B.T. Carter. [C.D.]

THE QUEBEC RESOLUTIONS



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(VIII.) JOHN A. MACDONALD,
“UNION OF THE COLONIES” SPEECH AT THE
HALIFAX DINNER

SEPTEMBER 26, 1864

Source: [“Union of the Colonies” *The Quebec Gazette* \(Sep. 26, 1864\).](#)¹

SPEECH OF JOHN A. MACDONALD

Hon. J.A. Macdonald then rose amid loud cheers, and spoke as follows:—My friends and colleagues, Messrs. Cartier and Brown have returned their thanks on behalf of the Canadians for the kindness bestowed upon us, and I shall therefore not say one word on this subject, but shall approach the question more immediately before us. I must confess to you, Sir, and to you, gentlemen, that I approach it with the deepest emotion. The question of “Colonial Union” is one of such magnitude that it dwarfs every other question on this portion of the continent. It absorbs every idea as far as I am concerned. For twenty long years I have been dragging myself through the dreary waste of colonial politics. I thought there was no end, nothing worthy of ambition, but now I see something which is well worthy of all I have suffered in the cause of my little country. This question has now assumed a position that demands and commands the attention of all the colonies of British America. There may be obstructions, local difficulties may arise, disputes may occur, local jealousies may intervene, but it matters not—the wheel is now revolving, and we are only the fly on the wheel, we cannot delay it—the union of the colonies of British America under one sovereign is a fixed fact. (Cheers.)

Sir, this meeting in Halifax will be ever remembered in the history of British America, for here the delegates from the several Provinces had the first opportunity of expressing their sentiments. We have been unable to announce them before, but now let me say we have arrived unanimously at the opinion that the union of the Provinces is for the advantage of all, and that the only question that remains to be settled is whether that union can be arranged with a due regard to sectional and local interests. I have no doubt that such an arrangement can be effected, that every difficulty will be found susceptible of solution, and that the great project will be successfully and happily realized. What were we before this question was brought before the public mind? Here we were in the neighbourhood of a large nation—of one that has developed its military power in a most marvellous degree—here we were connected by one tie only, that of common allegiance.

True it was we were states of one sovereign, we all paid allegiance to the great central authority, but as far as ourselves were concerned there was no political connection, and we were as wide apart as British America is from Australia. We had only the mere sentiment of a common allegiance, and we were liable, in case England and the United States were pleased to differ, to be cut off, one by one, not having any common means of defence. I believe we shall have at length an organization that will enable us to be a nation and protect ourselves as we should. Look at the gallant defence that is being made by the Southern Republic—at this moment they have not much more than four millions of men—not much exceeding our own numbers—yet what a brave fight they have made, notwithstanding the stern bravery of

¹ Full citation: [“Union of the Colonies. The Dinner at Halifax. Full Report of Speeches,” *The Quebec Gazette*. \(Sep. 26, 1864\).](#) The newspaper cites the *Halifax British Colonist* as the source of the article. The paragraphs have been divided for readability as no paragraph divisions exist in the original. [C.D.]

THE QUEBEC RESOLUTIONS

Macdonald's "Union of the Colonies" speech at Halifax—continued

the New Englander, or the fierce *elan* of the Irishman. (Cheers.)

We are now four millions of men, and in the next decennial period of taking the census, perhaps we shall have eight millions of people, able to defend their country against all comers. (Cheers.)

But we must have one common organization—one political government. It has been said that the United States Government is a failure. I don't go so far. On the contrary, I consider it a marvellous exhibition of human wisdom. It was as perfect as human wisdom could make it, and under it the American States greatly prospered until very recently; but being the work of men it had its defects, and it is for us to take advantage by experience, and endeavour to see if we cannot arrive by careful study at such a plan as we will avoid the mistakes of our neighbours. In the first place, we know that every individual state was an individual sovereignty—that each had its own army and navy and political organization—and when they formed themselves into a confederation they only gave the central authority certain specific powers, reserving to the individual states all the other rights appertaining to sovereign powers. The dangers that have arisen from this system we will avoid if we can agree upon forming a strong central government—a great central legislature—a constitution for a union which will have all the rights of sovereignty, except those that are given to the local governments. Then we shall have taken a great step in advance of the American Republic. If we can only obtain that object—a vigorous general government—we shall not be New Brunswickers, nor Nova Scotians, nor Canadians, but British Americans, under the sway of the British Sovereign.

In discussing the question of colonial union, we must consider what is desirable and practicable; we must consult local prejudices and aspirations. It is our desire to do so. I hope that we will be enabled to work out a constitution that will have a strong central government, able to offer a powerful resistance to any foe whatever, and at the same time will preserve for each Province its own identity, and will protect every local ambition; and if we cannot do this we shall not be able to carry out the object we have now in view. In the Conference we have had, we have been united as one man—there was no difference of feeling—no sectional prejudices or selfishness exhibited by any one—we all approached the subject feeling its importance—that in our hands were the destinies of a nation, and great should be our sin and shame if any different feeling had intervened to prevent us from carrying out the noble object of founding a great British Monarchy in connection with the British Empire, and under the British Queen. That there are difficulties in the way would be folly for me to deny; that there are important questions to be settled before the project can be consummated is obvious; but what great subject that has ever attracted the attention of mankind, has not been fraught with difficulties? We would not be worthy of the position in which we have been placed by the people, if we did not meet and overcome these obstacles.

I will not continue to detain you at this late period of the evening, but will merely say that we are desirous of a union with the Maritime Provinces on a fair and equitable basis; that we desire no advantage of any kind, that we are heretical enough to believe that the object in view will be as much in favour of as against these Maritime Colonies. We are ready to come at once into most intimate connection with you. This cannot be fully procured, I admit, by political union simply. I don't hesitate to say with respect to the Intercolonial Railroad, that it is understood by the people of Canada that it can only be built as a means of political union for the Colonies. It cannot be denied, that the railway, as a commercial enterprise, would be of very little commercial advantage to the people of Canada. Whilst we have the St. Lawrence in summer, and the American ports in time of peace, we have all that is requisite for our purposes. We recognize, however, the fact that peace may not always exist, and that we must have some other means of outlet if we do not wish to be cut off from the ocean for some

months in the year.

We wish to feel greater security—to know that we can have assistance readily in the hour of danger. In the case of a union, this railway must be a national work, and Canada will cheerfully contribute to the utmost extent in order to make that important link, without which no political connection can be complete.

What will be the consequence to this city, prosperous as it is, from that communication? Montreal is at this moment competing with New York for the trade of the Great West. Build the road and Halifax will soon become one of the great emporiums of the world. All the great resources of the West will come over the immense railways, of Canada to the bosom of your harbor. But there are even greater advantages for us all in view. We will become a great nation, and God forbid that it should be one separate from the United Kingdom of Great Britain and Ireland. (Cheers.)

There has been a feeling that because the old colonies were lost by the misrule of the British Government, every colony must be lost when it assumed the reins of self-government. I believe, however, as stated by the gallant Admiral, that England will hold her position in every colony—she will not enforce an unwilling obedience by her arms; but as long as British Americans shall retain the same allegiance which they feel now, England will spend her last shilling, and spill her best blood like wine in their defence. (Cheers.)

In 1812 there was an American war because England impressed American seamen. Canadians had nothing to do with the cause of the quarrel, yet their militia came out bravely and did all they could for the cause of England. Again, we have had the Oregon question, the Trent difficulty, question after question in which the Colonies had no interest, yet they were ready to shoulder the musket and fight for the honor of the mother country. It has been said that England wishes to throw us off. There may be a few who *doctrinaire* for it, but it is not the feeling of the people of England. Their feeling is this—that we have not been true to ourselves, that we have not put ourselves in an attitude of defence, that we have not done in Canada as the English have done at home. It is a mistake, Canada is ready to do her part. She is organizing a militia, she is expending an enormous amount of money for the purpose of doing her best for self-protection. I am happy to know that the militia of Nova Scotia occupies a front rank; I understand by a judicious administration you have formed here a large and efficient volunteer and militia organization. We are following your example and are forming an effective body of militia, so that we shall be able to say to England, that if she should send her arms to our rescue at a time of peril she would be assisted by a well disciplined body of men.

Everything, gentlemen, is to be gained by Union, and everything to be lost by disunion. Everybody admits that Union must take place sometime. I say now is the time. Here we are now in a state of peace and prosperity—now we can sit down without any danger threatening us and consider and frame a scheme advantageous to each of these colonies. If we allow so favourable an opportunity to pass, it may never come again; but I believe we have arrived at such a conclusion in our deliberations that I may state without any breach of confidence—that we all unitedly agree that such a measure is a matter of the first necessity, and that only a few—imaginary I believe—obstacles stand in the way of its consummation. I will feel that I shall not have served in public life without a reward if, before I enter into private life I am the subject of a great British American nation, under the government of Her Majesty, and in connection with the Empire of Great Britain and Ireland. (Loud cheers.)

THE QUEBEC RESOLUTIONS



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from which this material is sourced)*

(IX.) SECRETARY HEWITT BERNARD'S "MINUTES OF THE PROCEEDINGS" AT QUEBEC

OCTOBER, 1864

Source: [Library and Archives Canada, MG26-A, Vol. 46, 18109-18117](#)¹

Minutes of the Proceedings in Conference of the Delegates from the Provinces of British North America. October 1864.

Conference Chamber. Parliament House.

Monday, 10th October 1864.

The following gentlemen assembled at the Conference Chamber in the Parliament House, Quebec, on Monday, the tenth day of October, 1864, at the hour of eleven o'clock in the forenoon:—

The Honourable Sir E. P. TACHÉ, M.L.C., Receiver-General and Minister of Militia of Canada.

The Honourable JOHN ALEXANDER MACDONALD, M.P., Attorney-General of Upper Canada.

The Honourable GEORGE ETIENNE CARTIER, M.P., Attorney-General of Lower Canada.

The Honourable GEORGE BROWN, M.P., President of the Executive Council of Canada.

The Honourable OLIVER MOWAT, M.P., Postmaster-General of Canada.

The Honourable ALEXANDER T. GALT, M.P., Minister of Finance of Canada.

The Honourable WILLIAM MCDUGALL, M.P., Provincial Secretary of Canada.

The Honourable T. D'ARCY MCGEE, M.P., Minister of Agriculture of Canada.

The Honourable ALEXANDER CAMPBELL, M.L.C., Commissioner of Crown Lands.

The Honourable J. C. CHAPPAIS, M.P., Commissioner of Public Works.

The Honourable H. L. LANGEVIN, M.P., Solicitor-General of Lower Canada.

The Honourable JAMES COCKBURN, M.P., Solicitor-General of Upper Canada.

Sir Etienne Taché stated that the several gentlemen representing the Province of Canada were Members of the Executive Council of Canada.

Sir Etienne Taché laid before the Conference a despatch dated 3rd October, 1864, from His Excellency Sir Richard Graves MacDonnell, K.C.B., Lieutenant-Governor of Nova Scotia, to His Excellency The Governor-General of Canada, stating that he had appointed the following gentlemen to form a deputation to meet the delegates in Conference in Quebec, viz.:—

The Honourable CHARLES TUPPER, M.P., Provincial Secretary of Nova Scotia.

The Honourable WILLIAM A. HENRY, M.P., Attorney-General of Nova Scotia.

¹ [Two additional copies of the document exist—MG 26-A, Vol. 46, 18100-18108 & 18118-18126. The first copy \(18100-18108\) is missing the second page.](#) These documents are typed versions of Bernard's original notes. Most, although not all, of Bernard's original minutes have been located at Library and Archives Canada. The transcript is completed with [Pope's Confederation: Being a Series of Hitherto Unpublished Documents Bearing on the British North America Act](#) (Toronto: Carswell Co. Ltd., 1895), pp. 1-38. Multiple pages of Bernard's notes are sometimes used to form a single page of Pope's reconstructed transcription. I have also included Pope's footnotes, which are attributed accordingly. [Scanning the QR code on the left side will provide the reader with all three typed copies, Bernard's original handwritten notes, and Pope's reconstructed version from 1895.](#) [C.D.]

THE QUEBEC RESOLUTIONS

Bernard's "Minutes of the Proceedings"—continued

The Honourable R B. DICKEY, M.L.C.
The Honourable JONATHAN McCULLY, M.L.C., and
The Honourable ADAMS G. ARCHIBALD, Esquire, M.P.

The Honourable Charles Tupper then laid before the Conference an instrument under the hand and seal at arms of His Excellency Sir R. G. MacDonnell, Lieutenant-Governor of Nova Scotia, appointing Charles Tupper, William A. Henry, Jonathan McCully, Robert B. Dickey and Adams G. Archibald, to be such delegates.

The Honourable Samuel L. Tilley, Provincial Secretary of New Brunswick, stated that in consequence of the late date at which the despatch of His Excellency the Governor-General of Canada to His Excellency the Honourable Arthur H. Gordon, Lieutenant-Governor of New Brunswick, requesting the appointment of Members of the Conference, had been received, it had been found impossible to forward a formal instrument of delegation or despatch to that effect, but that he was empowered to present the following as delegates from the Province of New Brunswick to the Conference, viz.:—

The Honourable SAMUEL L. TILLEY, M.P., Provincial Secretary of New Brunswick.
The Honourable WILLIAM H. STEEVES, M.L.C. and a Member of the Executive Council.
The Honourable J. M. JOHNSON, M.P., Attorney-General of New Brunswick.
The Honourable P. MITCHELL, M.L.C. and a Member of the Executive Council.
The Honourable E. B. CHANDLER, M.L.C.
Lieut.-Colonel the Honourable JOHN HAMILTON GRAY, M.P.
The Honourable CHARLES FISHER, M.P.

Sir Etienne Taché also laid before the Conference a despatch, dated 6th October, 1864, from His Excellency George Dundas, Esquire, Lieutenant-Governor of Prince Edward Island, to His Excellency the Governor-General of Canada, stating that he had named the following gentlemen to proceed to Quebec, to be present at the Conference on the 10th October instant, viz.:—

Colonel the Honourable JOHN HAMILTON GRAY, M.P., President of the Executive Council of Prince Edward Island.
The Honourable EDWARD PALMER, M.L.C., Attorney-General of Prince Edward Island.
The Honourable WILLIAM H. POPE, M.P., Colonial Secretary of Prince Edward Island.
The Honourable A. A. MACDONALD, M.L.C.
The Honourable GEORGE COLES, M.P.
The Honourable T. HEATH HAVILAND, M.P.
The Honourable EDWARD WHELAN, M.P.

The Conference then stood composed of the following gentlemen:—

CANADA.—The Honourable Sir E. P. TACHÉ, The Honourable JOHN A. MACDONALD, The Honourable G. E. CARTIER, The Honourable GEORGE BROWN, The Honourable OLIVER MOWAT, The Honourable ALEXANDER T. GALT, The Honourable W. MCDOUGALL, The Honourable T. D'ARCY MCGEE, The Honourable ALEX. CAMPBELL, The Honourable J. C. CHAPPAIS, The Honourable H. L. LANGEVIN, and the Honourable J. COCKBURN.

NOVA SCOTIA.—The Honourable CHARLES TUPPER, The Honourable WILLIAM A. HENRY, The Honourable JONATHAN MCCULLY, The Honourable ROBERT B. DICKEY, and ADAMS G. ARCHIBALD, Esquire.

RELATED MATERIALS

Bernard's "Minutes of the Proceedings"—continued

NEW BRUNSWICK.—The Honourable SAMUEL L. TILLEY, The Honourable W. H. STEEVES, The Honourable J. M. JOHNSON, The Honourable P. MITCHELL, The Honourable E. B. CHANDLER, Lieut.-Col. The Honourable JOHN H. GRAY, The Honourable CHARLES FISHER.

NEWFOUNDLAND.—The Honourable F. B. T. CARTER, The Honourable AMBROSE SHEA.

PRINCE EDWARD ISLAND.—Col. The Honourable J. H. GRAY, The Honourable E. PALMER, The Honourable W. H. POPE, The Honourable A. A. MACDONALD, The Honourable G. COLES, The Honourable T. H. HAVILAND, The Honourable E. WHELAN.

And the Conference stood accordingly convened.

It was moved by Colonel the Honourable John Hamilton Gray (of Prince Edward Island), seconded by the Honourable Mr. Tilley:—

That the Honourable Sir E. P. Taché be Chairman of the Conference.

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

It was moved by the Honourable Mr. Campbell, seconded by the Honourable Mr. McGee:—

That the Provincial Secretaries of each of the Provinces represented at the Conference; and the Honourable Mr. Shea, of Newfoundland, be the Joint Secretaries of the Conference.

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

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

That the sittings of the Conference be held on each day (Sundays excepted) from eleven o'clock in the forenoon to four o'clock in the afternoon.

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

It was moved by the Honourable Mr. Palmer, seconded by the Honourable Mr. Dickey:—

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.

And after debate the further consideration of the same was postponed until tomorrow.

It was moved by the Honourable Mr. John A. Macdonald, seconded by the Honourable Mr. 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 during debate,— The hour of four o'clock ensuing, the Chairman declared the Conference continued until tomorrow.

THE QUEBEC RESOLUTIONS

Bernard's "Minutes of the Proceedings"—continued

Tuesday, 11th October 1864

The Chairman took the chair at eleven o'clock a.m., when the members were convened.¹ The Honourable Mr. McDougall stated that the Joint Secretaries of the Conference having met, had arrived at the conclusion that, to enable them to give 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, should be appointed as such Executive Secretary. And the question of concurrence being then put, the same was resolved in the affirmative.

The Conference resumed the consideration of the motion:—

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.

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

It was moved by the Honourable Mr. John A. Macdonald, seconded by the Honourable Mr. Tilley,

That the order of the proceedings in Conference shall be as follows:—

(1) Free individual discussion and suggestion to be allowed.

(2) That all motions and the discussions and votes thereon be in the first place as if in Committee of the Whole.

(3) That after vote put no discussion be allowed.

(4) That each Province may retire for consultation after vote put.

(5) That after the scheme is settled in Committee of the Whole, all the resolutions be reconsidered, as if with Speaker in the chair.

(6) 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 to be published for general information.

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

The Conference resumed the further consideration of the motion:—

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 after debate,—

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

It was moved by the Honourable Mr. Brown, seconded by Mr. Archibald:—

¹ All save Mr. Carter, absent through indisposition, and Mr. Whelan. [Pope]

That in the Federation of the British North American Provinces the system of government best adapted under existing circumstances to protect the diversified interests of the several Provinces and secure efficiency, harmony and permanency in the working of the Union, would be a General Government, charged with matters of common interest to the whole country; and Local Governments for each of the Canadas and for the Maritime Provinces, charged with the control of local matters in their respective sections, provision being made for the admission into the Union on equitable terms of the North-West Territory, British Columbia and Vancouver.

And during debate,—

The hour of four o'clock ensuing, the Chairman declared the Conference continued until tomorrow.

Wednesday, 12th October 1864

The Chairman took the chair at eleven o'clock a. m., when the members were convened.¹

The Honourable Mr. Carter and the Honourable Mr. Whelan severally rose 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 therefore.

The Chairman laid before the Conference the following letter from Mr. S. P. Day and others, requesting information of the proceedings of the Conference for publication through the press:—

To THE HONOURABLE SIR ETIENNE P. TACHÉ, &, &, &,
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, 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 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 obt. humble servants, S. PHILLIPS DAY,
CHARLES LINDSEY,
B. CHAMBERLIN.

¹ All save Colonel Gray, of Prince Edward Island, absent through indisposition. [Pope]

THE QUEBEC RESOLUTIONS

Bernard's "Minutes of the Proceedings"—continued

It was resolved,—

That the same be referred to the Secretaries of the Conference to prepare an answer declining the proposition made.

The Conference then resumed the consideration of the motion:—

That in the Federation of the British North American Provinces, the system of government best adapted, under existing circumstances, to protect the diversified interests of the several Provinces and secure efficiency, harmony and permanency in the working of the Union, would be a General Government, charged with matters of common interest to the whole country; and Local Governments for each of the Canadas and for the Maritime Provinces, charged with the control of local matters in their respective sections, provision being made for the admission into the Union on equitable terms of the North West Territory, British Columbia and Vancouver.

And after debate,—

The question of concurrence being put thereon, the same was unanimously resolved in the affirmative. The Honourable 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 in advance by a committee composed of the delegates of Canada, and it was unanimously resolved:—

That the Conference should adjourn for such purpose.

The Chairman, therefore, declared, the Conference continued until tomorrow morning.

Thursday, 13th October 1864.

The Chairman took the chair at eleven o'clock a.m., when the members were convened.

It was moved by the Honourable Mr. Brown, seconded by the Honourable Mr. Henry:—

That the proposed Union shall at present embrace the following Provinces:
Upper Canada,
Lower Canada,
Nova Scotia,
New Brunswick,
Newfoundland, and
Prince Edward Island.

And after debate,—

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

It was moved by the Honourable Mr. Fisher, seconded by the Honourable Mr. Dickey:—

That the constitution of the General and Local Governments shall be framed upon the British model so far as is consistent with our colonial condition, and with a view to the perpetuation of our connection with the Mother Country.

RELATED MATERIALS

Bernard's "Minutes of the Proceedings"—continued

It was then moved in amendment by the Honourable Mr. Tupper, seconded by the Honourable Mr. Mitchell:—

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 actions by the passage of a resolution of a simple declaratory 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.

It was then moved in amendment to the said proposed amendment by the Honourable Mr. Tilley, seconded by Mr. Archibald:—

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

And after debate,—

The question of concurrence was put thereon, and the Conference divided; and the names of the Provinces were taken down as follows:—

CONTENTS.

Canada 2

New Brunswick 1

Newfoundland 1

4

NON-CONTENTS.

Nova Scotia 1

Prince Edward Island 1

2

The amendment to the amendment accordingly passed in the affirmative.

It was then moved by the Honourable Mr. John A. Macdonald, seconded by Colonel the Honourable John Hamilton Gray, (of Prince Edward Island):—

That there shall be a General Legislature for the Federated Provinces composed of a Legislative Council and Legislative Assembly.

And after debate,—

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

The following reply to the letter of Mr. S. P. Day and others was read and ordered to be sent:—

CONFERENCE CHAMBER, PARLIAMENT HOUSE,
OCTOBER 13th, 1864.

GENTLEMEN,—I am desired to inform you that Sir Etienne P. Taché, Chairman of the

THE QUEBEC RESOLUTIONS

Bernard's "Minutes of the Proceedings"—continued

Conference of Delegates from the several British North American Provinces, has laid before the Conference your letter of the 11th instant, 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.

I am to say that, 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 objects of the Conference, they cannot but feel that it is inexpedient, at the present stage of the proceedings, to furnish information which must, of necessity, be incomplete; and that no communication of their proceedings can properly be made until they are enabled definitely to report the issue of their deliberations to the Governments of the respective Provinces.

I have the honour to be, gentlemen,
Your very obedient servant,
For the Secretaries of the Conference,
H. BERNARD,
Executive Secretary.

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

That for the purpose of forming the Legislative Council, the Federated Provinces shall be considered as consisting of three divisions: 1st, Upper Canada; 2nd, Lower Canada; and 3rd, the four Maritime Provinces, and each division shall be represented in the Legislative Council by an equal number of members.

It was moved in amendment by the Honourable Mr. Tilley, seconded by the Honourable Mr. Dickey:—

That the Legislative Council in the Federal Legislature be composed as follows:

<i>Upper Canada</i>	<i>24</i>
<i>Lower Canada</i>	<i>24</i>
<i>Nova Scotia, New Brunswick, Newfoundland, and Prince Edward Island</i>	<i>32</i>
	<i>80</i>

And during debate,—

The hour of four o'clock ensuing, the Chairman declared the Conference continued until to-morrow.

Friday, 14th October 1864.

The Chairman took the chair at eleven o'clock a.m., when the members were convened.¹

¹ All save Colonel Gray, of Prince Edward Island, absent through indisposition. [Pope]

RELATED MATERIALS

Bernard's "Minutes of the Proceedings"—continued

The Conference resumed consideration of Mr. Tilley's amendment to the motion of Mr. John A. Macdonald respecting the composition of the Legislative Council.

And after debate thereon arising, the amendment was by permission of the Conference withdrawn.

It was moved in amendment by the Honourable Mr. Tupper:—

That for the purpose of forming the Legislative Council the Federated Provinces shall be considered as consisting of three divisions: 1st, Upper Canada; 2nd, Lower Canada; 3rd, Nova Scotia, New Brunswick and Prince Edward Island, with equal representation in the Legislative Council, and the Island of Newfoundland, to which additional representatives shall be allotted.

And during debate,—

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

Saturday, 15th October 1864.

The Chairman took the chair at eleven o'clock a.m., when the members were convened.

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

That on and after Monday next the Conference commence its sittings at ten o'clock a.m., and sit until two o'clock p.m., and that it re-assemble at 7.30 p.m., and sit until adjourned on motion.

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

The Conference then resumed consideration of the amendment of the Honourable Mr. Tupper to the motion of the Honourable Mr. John A. Macdonald respecting the composition of the Legislative Council.

And after debate,—

It was moved in amendment to the said proposed amendment by the Honourable Mr. Fisher:—

¹

That for the purpose of representation in the Legislative Council, the Confederation shall be divided into three divisions:—Upper Canada, Lower Canada, and the Maritime Provinces, including Newfoundland, and that the apportionment amongst them shall be as follows:—Upper Canada, 30; Lower Canada, 30; Nova Scotia, 10; New Brunswick, 10; Newfoundland, 5; Prince Edward Island, 5.

And during debate,—

And at the hour of half-past two p.m., a motion for adjournment being carried, the Chairman declared the Conference continued until Monday, the 17th instant.

¹ After this date the names of the seconders are not given. [Pope]

THE QUEBEC RESOLUTIONS

Bernard's "Minutes of the Proceedings"—continued

Monday, 17th October 1864.

The Chairman took the chair at ten o'clock a.m., when the members were convened¹

The resolution passed on the 12th instant was amended to read as follows:—

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

The Conference resumed consideration of the amendment of the Honourable Mr. Fisher respecting the constitution of the Legislative Council.

And after debate thereon arising, the amendment was, by permission of the Conference, withdrawn.

The Conference resumed consideration of the amendment of the Honourable Mr. Tupper to the motion of the Honourable Mr. John A. Macdonald respecting the composition of the Legislative Council.

And after debate,—

And the same being amended, the question of concurrence was put thereon, and it was resolved:—

That for the purpose of forming the Legislative Council the Federated Provinces shall be considered as consisting of three divisions:—1st, Upper Canada; 2nd, Lower Canada; 3rd, Nova Scotia, New Brunswick and Prince Edward Island, with equal representation in the Legislative Council.

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

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 Prince Edward Island 4 members.

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

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

That the 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.

¹ All save Messrs. McGee, Palmer and Henry. [Pope]

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

And the foregoing 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 Legislative Council.

And the hour of two o'clock p.m. ensuing, 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.¹

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

That 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.

And during debate,—

And at the hour of twelve o'clock noon, a motion for adjournment being carried, the Chairman declared the Conference continued until tomorrow.

Tuesday, 18th October 1864.

The Chairman took the chair at ten o'clock a.m., when the members were convened.

The Conference resumed consideration of the motion before them respecting the mode of appointment of members of the Legislative Council.

And after debate,—

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

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

That the members of the Legislative Council shall be British subjects, by birth or naturalization, of the full age of thirty years, shall possess a real property qualification of four thousand dollars over and above all incumbrances, and be worth that amount over and above their debts and liabilities.

And after debate,—

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

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

¹ All save Messrs. Campbell, McGee, Pope and Henry. [Pope]

THE QUEBEC RESOLUTIONS

Bernard's "Minutes of the Proceedings"—continued

And at half-past seven o'clock in the evening the Chairman took the chair, when the members were convened.

It was moved by the Honourable Mr. Tupper:—

That the members of the Legislative Council for the General Government shall in the first instance be selected from the Legislative Councils of the various Provinces, with the exception of Prince Edward Island, so far as a sufficient number be found qualified and willing to serve.

It was moved in amendment by the Honourable Mr. McCully:—

That it shall be competent for each Province to provide in this Conference its own method for selecting the members of the Legislative Council at its first formation.

And after debate,—

The said amendment was by leave of the Conference withdrawn.

It was moved in amendment by the Honourable Mr. Coles:—

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.

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

Wednesday, 19th October 1864.

The Chairman took the chair at ten o'clock a.m., when the members were convened.

The Conference resumed consideration of the motion of the Honourable Mr. Tupper respecting the selection of members of the Legislative Council, and of the motion of the Honourable Mr. Coles in amendment thereto.

And after debate,—

And the question of concurrence being put on the amendment of the Honourable Mr. Coles, the Conference divided, and the names of the Provinces were taken down as follows:—

CONTENTS.

Prince Edward Island 1

1

NON-CONTENTS.

Canada 2

Nova Scotia 1

New Brunswick 1

Newfoundland 1

5

So it passed in the negative.

RELATED MATERIALS

Bernard's "Minutes of the Proceedings"—continued

And the question of concurrence being put on the motion of the Honourable Mr. Tupper, the Conference divided, and the names of the Provinces were taken down as follows:—

CONTENTS.

Canada 2
Nova Scotia 1
New Brunswick 1
Newfoundland 1
5

NON-CONTENTS.

Prince Edward Island 1
1

So it passed in the affirmative.

It was moved by the Honourable Mr. Galt:—

That in the first instance, the members to be chosen for the Legislative Council of the United Provinces, excepting Prince Edward Island, shall be chosen by lot from the existing members of the Legislative Councils of the several Maritime Provinces, and of those sitting in Canada from Upper and Lower Canada respectively.

And after debate,—

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

CONTENTS.

Canada 2
2

NON-CONTENTS.

Nova Scotia 1
New Brunswick 1
Newfoundland 1
3

Prince Edward Island did not vote.

So the motion passed in the negative.

It was moved by the Honourable Mr. Shea:—

That such first selection shall be made by the Local Government of each Province, so far as a sufficient number be found as aforesaid; and in case such sufficient number cannot be found, then the Local Government shall name for appointment other duly qualified parties to make up the deficiency; provided that the Government of Canada shall select for both sections of Canada, and that the Government of Prince Edward Island shall name for appointment the whole number of the Legislative Councillors allotted to it.

And after debate,—

THE QUEBEC RESOLUTIONS

Bernard's "Minutes of the Proceedings"—continued

The motion of the Honourable Mr. Shea was by leave of the Conference withdrawn.

It was moved by Mr. Archibald:—

That in the selection of members of the first Federal Legislative Council, each Province shall be governed by such rules now to be agreed upon as are considered by the Conference most suitable to the circumstances of the particular Provinces.

It was moved in amendment by the Honourable Mr. McCully:—

That the Legislative Council shall, in the first instance, be chosen in Canada by ballot, and in the other Provinces by the Executive Governments.

And after debate,—

The said motion of Mr. Archibald and the proposed amendment of the Honourable Mr. McCully were by leave of the Conference withdrawn.

It was moved by the Honourable Mr. McCully:—

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 that all political parties be as nearly as possible fairly represented.

And after debate,—

And the question of concurrence being put on the motion of the Honourable Mr. McCully, the same was unanimously resolved in the affirmative.

The Honourable Peter Mitchell, a delegate from New Brunswick, rose and stated his regret that private business imperatively required him to leave the Conference and to return to New Brunswick, and he requested leave of absence accordingly. It was unanimously resolved,—

That leave of absence be granted to the Honourable Mr. Mitchell for the residue of the sittings of the Conference.

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

And at half-past seven o'clock the Chairman took the chair, when the members were convened.

It was moved by the Honourable Mr. Brown:—

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:—

<i>Upper Canada</i>	<i>89</i>
<i>Lower Canada</i>	<i>65</i>

RELATED MATERIALS

Bernard's "Minutes of the Proceedings"—continued

<i>Nova Scotia</i>	<i>19</i>
<i>New Brunswick</i>	<i>15</i>
<i>Newfoundland</i>	<i>7</i>
<i>Prince Edward Island</i>	<i>5</i>

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 anytime be increased by the Federal Parliament—regard being had to the proportionate rights then existing.

And after debate,—

And the question of concurrence being put on the motion of the Honourable Mr. Brown, the Conference divided, and the names of the Provinces were taken down as follows:—

CONTENTS.

Canada	2
Nova Scotia	1
New Brunswick	1
<u>Newfoundland</u>	<u>1</u>
	5

NON-CONTENTS.

<u>Prince Edward Island</u>	<u>1</u>

So it passed in the affirmative.

And the hour of ten o'clock p.m. ensuing, and a motion for adjournment being carried, the Chairman declared the Conference continued until tomorrow.

THE QUEBEC RESOLUTIONS

Bernard's "Minutes of the Proceedings"—continued

Thursday, 20th October 1864.

The Chairman took the chair at ten o'clock a.m., when the members were convened.

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

That the Legislature of each Province shall divide such Province into the proper number of constituencies and define the boundaries of each of them.

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

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

That there shall be a session of the Legislative Council and Assembly once at least in every year, so that a period of twelve calendar months shall not intervene between the last sitting of the Legislative Council and Assembly in one session and the first sitting of the Legislative Council and 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, and no longer; subject nevertheless to be sooner prorogued or dissolved by the Governor.

And after debate,—

And the question of concurrence being put on the above motion, the same was unanimously resolved in the affirmative.

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

That until provision shall otherwise be made by the Legislature of the Federated Provinces, all the laws which, at the date of the proclamation constituting such Confederation, 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 the powers 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, and the proceedings incident thereto, and to the vacating of seats of members, and the issuing and execution of new writs in case of any seat being vacated otherwise than by a dissolution, shall respectively be applied to elections of members to serve in the Legislative Assembly of the Federated Provinces, for places situated in those Provinces respectively for which such laws were passed.

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

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

That 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.

And the question of concurrence being put thereon, the same was unanimously resolved in

the affirmative.

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

That the Sovereign or representative of the Sovereign shall be Commander-in-Chief of the Land and Naval Military Forces.

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

It was moved by the Honourable Mr. Brown:—

That in the Local Government there shall be but one Legislative Chamber.

And after debate,—

The said motion was by leave of the Conference withdrawn.

And the hour of two o'clock p.m. arriving, the Chairman declared the Conference continued until half-past seven o'clock p.m.

And at half-past seven o'clock p.m. the Chairman took the chair, when the members were convened.

It was moved by the Honourable Mr. McCully:—

That with a view of reducing the expenses of the Local Governments, it shall be left to each Province to recommend the reconstruction of its local constitution in such a way as shall be most acceptable to its own Legislature; provided that in such reconstruction nothing be contained inconsistent with the constitution of the Federal Government.

And the question of concurrence being put on the motion of the Honourable Mr. McCully, the same was unanimously resolved in the affirmative.

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

That 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 exercise of the pleasure as afore-said, and also by message to both Houses of the General Legislature within the first week of the first session afterwards.

And after debate,—

And the question of concurrence being put on the motion of the Honourable Mr. Macdonald, the same was unanimously resolved in the affirmative.

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

THE QUEBEC RESOLUTIONS

Bernard's "Minutes of the Proceedings"—continued

Friday, 21st October 1864.

The Chairman took the chair at ten o'clock a.m., when the members were convened.

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

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

- 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.*
- 14. Beacons and lighthouses.*
- 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.*
- 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 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.*

And after debate,—

It was moved in amendment by the Honourable Mr. McCully:—

That item number 25, "Agriculture," be struck out of the resolution before the Conference.

RELATED MATERIALS

Bernard's "Minutes of the Proceedings"—continued

And the Conference divided upon the amendment of the Honourable Mr. McCully, and the names of the Provinces were taken down as follows:—

CONTENTS None

NON-CONTENTS.

Canada 2

Nova Scotia 1

New Brunswick 1

Newfoundland 1

Prince Edward Island 1

6

So it passed in the negative.

It was moved by the Honourable Mr. Tilley to strike from item number 27 the words "Roads and Bridges." And the question of concurrence being put thereon, the same was unanimously resolved in the affirmative.

And after further debate,—

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

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

- 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. Interest.*
- 10. Legal tender.*
- 11. Weights and measures.*
- 12. Postal service.*
- 13. Bankruptcy and insolvency.*
- 14. Beacons, buoys and lighthouses.*
- 15. 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 census.*
- 23. Militia—Military and naval service and defence.*
- 24. Immigration.*

THE QUEBEC RESOLUTIONS

Bernard's "Minutes of the Proceedings"—continued

25. Agriculture.
26. The Criminal Law (except the constitution of Courts of Criminal Jurisdiction).
27. Lines of steam-ships or other ships, railways and canals connecting any two or more of the Provinces together.
28. Lines of steam-ships between the Federated Provinces and other countries.

And at the hour of half-past four o'clock p.m., a motion for adjournment being earned, the Chairman declared the Conference continued until tomorrow at twelve o'clock noon.

Saturday, 22nd October 1864.

The Chairman took the chair at twelve o'clock, when the members were convened.

It was moved by the Honourable Mr. Galt:—

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;
 - Lighthouses;
 - 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;
 - Armouries, 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 does not exceed for—
 - Nova Scotia \$5,000,000
 - 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.*

And after debate,—

And at the hour of five o'clock p.m., and a motion for adjournment being carried, the Chairman declared the Conference continued until Monday morning at ten o'clock.

Monday, 24th October 1864

The Chairman took the chair at ten o'clock a.m., when the members were convened.

It was moved by the Honourable Mr. Mowat:—

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.*

THE QUEBEC RESOLUTIONS

Bernard's "Minutes of the Proceedings"—continued

15. *Shop, saloon, tavern and auctioneer licenses.*

16. *Private and local matters.*

And after debate,—

And the hour of 2 o'clock p.m. ensuing, the Chairman declared the Conference continued until half-past seven p.m.

And at half-past seven o'clock p.m., the Chairman took the chair, when the members were convened.

It was moved by the Honourable Mr. Coles in amendment to the motion of the Honourable Mr. Mowat:—

That the Local Legislatures shall have power to make all laws not given by this Conference to the General Legislature expressly.

And the question of concurrence being put on the said amendment, the same was unanimously resolved in the negative.

It was moved by Mr. Archibald in amendment to the motion of the Honourable Mr. Mowat:—

That it is inexpedient to name in the constitution the subjects to be entrusted to the Local Legislatures.

And the question of concurrence being put thereon, the same was resolved in the negative.

And the question of concurrence being put on so much of the motion of the Honourable Mr. Mowat as is embraced between the initial word "That," down to and including the word "agriculture," the same was resolved in the affirmative.

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

Tuesday, 25th October 1864.

The Chairman took the chair at ten o'clock a.m., when the members were convened.

The Conference resumed debate on the motion of the Honourable Mr. Mowat, which was discussed clause by clause.

It was moved by the Honourable Mr. McGee.

That the following words be added to item 2, "Education":— Saving the rights and privileges which the Protestant or Catholic minority in both Canadas may possess as to their denominational schools at the time when the Constitutional Act goes into operation.

Agreed to.

It was moved by Colonel Gray (Prince Edward Island):—

That item number 7 be amended to read "Sea coast and inland fisheries."

Agreed to.

It was moved by Mr. Archibald that the following item be added to the motion of the Honourable Mr. Mowat:—

"17. The incorporation of private or local companies, except such as relate to matters assigned to the Federal Legislature."

Agreed to.

And after further debate,—

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

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

Education, saving the rights and privileges which the Protestant or Catholic minority in both Canadas may possess as to their denominational schools at the time when the Constitutional Act goes into operation.

Immigration.

The sale and management of public lands, excepting lands belonging to the General Government.

Property and civil rights, excepting those portions thereof assigned to the General Legislature.

Municipal institutions.

Sea coast and inland fisheries.

The establishment, maintenance and management of penitentiaries and of public and reformatory prisons.

The construction, maintenance and management of hospitals, asylums, charities and eleemosynary institutions.

Local works.

The establishment and tenure of local offices, and the appointment and payment of local officers.

Direct taxation.

Borrowing money on the credit of the Province.

Shop, saloon, tavern and auctioneer licenses.

The incorporation of private or local companies, except such as relate to matters assigned to the Federal Legislature.

And generally all matters of a private or local nature.

It was moved by—

That the Local Legislature of each Province may afterwards, 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.

And the question of concurrence being put thereon, the same was resolved in the affirmative. It was moved by the Honourable Mr. John A. Macdonald:—

THE QUEBEC RESOLUTIONS

Bernard's "Minutes of the Proceedings"—continued

That 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.

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

And the hour of two o'clock p.m. ensuing, 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 moved by—

That the Local Legislature 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.

That in regard to all subjects over which jurisdiction belongs to both the General and Local Governments, the laws of the Federal 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.

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

It was moved by—

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

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

And after debate,—

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

It was moved by the Honourable Mr. Mowat that:—

1. *It shall be competent for the General Legislature to pass laws respecting—*
 1. *The Indians.*
 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.*
 4. *Respecting savings banks.*
2. *It shall also be competent for the General Legislature to pass—*

*Inspection laws, 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 Judge 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.*
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 Governments 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.*

And after debate,—

And the insertion of certain verbal amendments, the question of concurrence was put on the first seven items of the motion of the Honourable Mr. Mowat, and the same was resolved in the affirmative.

And after further debate,—

And the question of concurrence being put on the eighth and ninth items, the same was resolved in the affirmative.

It was moved, by the Honourable Mr. Mowat¹ that:—

The North-West Territory, British Columbia and Vancouver shall be admitted to the Union on such terms and conditions as Parliament 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.

And the question of concurrence being put thereon, it was resolved that further consideration of the same should be postponed.

Attention was called to the minutes of the 13th October instant, by which it appeared that

¹ It is not quite certain from the papers that this resolution was moved by Mr. Mowat. [Pope]

THE QUEBEC RESOLUTIONS

Bernard's "Minutes of the Proceedings"—continued

Nova Scotia and Prince Edward Island had voted against the motion:—

That in framing the 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 people of these Provinces, desire to follow the model of the British Constitution so far as our circumstances will permit.

It was moved by—

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 be entered on the minutes as being expressive of the views of Nova Scotia and Prince Edward Island 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 mean in our power, it is not judicious to fetter our actions by the passage of a resolution of a simple declaratory 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 the question of concurrence being put thereon, the same was resolved in the affirmative.

And at the hour of twelve o'clock midnight, a motion for adjournment being carried, the Chairman declared the Conference continued until tomorrow morning at eleven o'clock.

Wednesday, 26th October 1864.

The Chairman took the chair at twelve o'clock noon, when the members were convened.

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

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.

And the question of concurrence being put on the motion of the Honourable Mr. Macdonald, the same was resolved in the affirmative.

It was moved by—

That 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 procedure of all or any of the Courts in these Provinces; but not to go into operation in any Province until sanctioned by the Legislature thereof.

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

RELATED MATERIALS

Bernard's "Minutes of the Proceedings"—continued

It was moved by—

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

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

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

That the seat of the Government of the Confederated Provinces shall be Ottawa, subject to the royal prerogative.

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

It was moved by—

That no lands or property belonging to the General or Local Governments shall be liable to taxation.

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

It was moved by the Honourable Mr. Galt: —

That in the General Legislature and in its proceedings, the English and French languages may be both especially employed. And also in the Local Legislature of Lower Canada and in the Federal and Local Courts of Lower Canada.

That the Lieutenant-Governor of each Province shall be paid by the General Legislature.

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.

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

The Conference then discussed the financial resolutions moved by Mr. Galt on the 22nd instant.

And after further debate,—

And the adoption of certain amendments, the question of concurrence was put upon numbers four, five and six, and the same was resolved in the affirmative as follows:—

The Conference 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

Nova Scotia shall enter into the Confederation with a debt not exceeding 8,000,000

THE QUEBEC RESOLUTIONS

Bernard's "Minutes of the Proceedings"—continued

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 respective debts at the date of the Union less than 88,000,000 and 87,000,000 respectively, they shall then be entitled to benefit by the interest at five 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 respective Legislatures must be exercised within five years from this date or will then lapse.

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.

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 eighty 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.

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 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.

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

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

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

CONTENTS.
Canada 2
Nova Scotia 1
New Brunswick 1
Newfoundland 1
5

NON-CONTENTS.

Prince Edward Island 1

1

So it passed in the affirmative.

And the question of concurrence being proposed on item number eight, the same was resolved in the affirmative as follows:—

8. That all engagements that may be entered into with the Imperial Government for the defence of the country shall be assumed by the Confederation.

The Chairman laid the following letter before the Conference:—

*To THE HONOURABLE SIR E. P. TACHÉ, &, &, &
Chairman Intercolonial Conference.*

SIR,—The undersigned desire respectfully to learn whether the Conference will 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 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 importunate 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 honour to remain, Sir,
Your very obedient humble servants,
CHARLES LINDSEY,
for Leader.
B. CHAMBERLIN,
for Montreal Gazette*

The following answer was read and ordered to be sent:—

*CONFERENCE CHAMBER,
Parliament House,
Quebec, 26th Oct., 1864*

GENTLEMEN,—I am desired by Sir Etienne 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 authorized publication to the results of their deliberations.

I have the honour to be, gentlemen,

THE QUEBEC RESOLUTIONS

Bernard's "Minutes of the Proceedings"—continued

*Your obedient servant,
For the Secretaries of the Conference,
H. BERNARD,
Executive Secretary.
CHARLES LINDSEY and B. CHAMBERLIN, Esquires.*

(The rest is wanting).¹

Thursday Afternoon, 27th October 1864.

It was moved by—

And resolved:—

That all communications from the several Provinces on the subject of the Confederation be addressed to Sir E. P. Taché, the Premier of the Canadian Government, who shall be the medium of communication between them.

It was moved by the Honourable Mr. Galt:—

That the communications with the North-Western Territory and the improvement required for the development of the trade of the Great West with the seaboard are regarded by this Conference as subjects of the highest importance to the Confederation and should be prosecuted at the earliest possible period, when the state of the federal finances will permit the Legislature to do so.

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

(The rest is wanting).²

Saturday, 29th October 1864.

ST. LAWRENCE HALL, Montreal, 12 o'clock noon.

It was moved by the Honourable Mr. Tupper:—

That, in the absence of Sir E. P. Taché, the Honourable Mr. Cartier do take the chair.

Carried, and Mr. Cartier took the chair.

The following heading of the report was carried:—

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, as the basis of a proposed confederation of those Provinces.

¹ We believe this is Pope's commentary, not Bernard's. [C.D.]

² This may also be Pope's commentary. [C.D.]

RELATED MATERIALS

Bernard's "Minutes of the Proceedings"—continued

(The rest is wanting).¹

¹ This is Pope's commentary. [C.D.]

THE QUEBEC RESOLUTIONS



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from which this material is sourced)*

(X.) SECRETARY HEWITT BERNARD'S REPORT OF DISCUSSIONS AT QUEBEC

OCTOBER, 1864

Source: [Joseph Pope, *Confederation: Being a Series of Hitherto Unpublished Documents...* \(1895\), 53-88¹](#)

Discussions in Conference of The Delegates from The Provinces of British North America, October 1864.

Conference Chamber, Parliament House, Quebec

Tuesday, 11th October 1864.

The discussion was resumed on **Mr. Palmer's** motion of yesterday:—

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 shall be considered as two Provinces.

Mr. John A. Macdonald proposed that Upper and Lower Canada should be considered as two Provinces for voting purposes.

Mr. Palmer concurred.

Mr. Haviland suggested that it should be in writing. (It is understood that any question of order is to be settled by the poll of each).

Mr. Fisher—In the event of differences arising between the delegates of any one Province, some public notice should be taken of it.

Mr. Coles—I think that unnecessary, as occurring in a confidential conference.

Mr. Palmer's motion unanimously agreed to.

Mr. John A. Macdonald moved, seconded by **Mr. Tilley**, the adoption of the following rules regulating the proceedings of the Conference:—

1. *That free and individual discussion and suggestion be allowed.*
2. *That all motions and the discussions and votes thereon be in the first place as if in Committee of the Whole.*
3. *That after vote put, no discussion be allowed.*
4. *That each Province may retire for consultation after vote put.*
5. *That after the scheme is settled in Committee of the Whole, all the resolutions be reconsidered as if with Speaker in the chair.*
6. *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.*

Mr. Chandler—I beg to suggest that in cases where the delegates of one Province disagree, the names of the dissentients should be inserted in the Minutes, and also whether the vote

¹ Full citation: [Joseph Pope, *Confederation: Being a Series of Hitherto Unpublished Documents Bearing on the British North America Act \(Toronto: Carswell Co. Ltd., 1895\), 53-88*](#). Most, although not all, of Bernard's original minutes and report have been located at Library and Archives Canada. The transcript, however, has been created with Pope's *Confederation*. [Scanning the QR code on the left side will provide with Bernard's original handwritten notes, and Pope's reconstructed version from 1895.](#) [C.D.]

THE QUEBEC RESOLUTIONS

Bernard's report of discussions—continued

was unanimous or not.

Mr. John A. Macdonald—I am willing provisionally to adopt the suggestion of Mr. Chandler, but I think the whole question should be carefully reconsidered at the eventual revise of the minutes.

Resolutions unanimously agreed to.

The discussion was resumed upon the motion of **Mr. John A. Macdonald**:—

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.

The opening remarks of Mr. Macdonald in speaking to this resolution do not seem to have been recorded. Proceeding, he said:—

The various States of the adjoining Republic had always acted as separate sovereignties. The New England States, New York State and the Southern States had no sympathies in common. They were thirteen individual sovereignties, quite distinct the one from the other. The primary error at the formation of their constitution was that each state reserved to itself all sovereign rights, save the small portion delegated. We must reverse this process by strengthening the General Government and conferring on the Provincial bodies only such powers as may be required for local purposes. All sectional prejudices and interests can be legislated for by local legislatures. Thus we shall have a strong and lasting government under which we can work out constitutional liberty as opposed to democracy, and be able to protect the minority by having a powerful central government. Great caution, however, is necessary. The people of every section must feel that they are protected, and by no overstraining of central authority should such guarantees be overridden. Our constitution must be based on an Act of the Imperial Parliament, and any question as to overriding sectional matters determined by "Is it legal or not?" The judicial tribunals of Great Britain would settle any such difficulties should they occur.

Is this the time for union? Now is the time, or we may abandon the idea in despair. Canada has not (*sic*) adopted union as a solution of her political difficulties; but, failing any general union, she cannot remain as at present, and if we come to no decision here, we Canadians must address ourselves to the alternative and reconstruct our Government. Once driven to that, it will be too late for a general federation. We cannot, having brought our people to accept a Canadian federation, propose to them the question of a larger union. It is stated that in England federation will be considered as showing a desire for independence. I believe the people of England are strongly bent on keeping up her position as a mighty empire, which can only be done by helping her Colonies, Goldwin Smith, the Manchester school and the Times—the property of Robert Lowe, a recreant colonist—to the contrary notwithstanding. The colonial question has never been fairly represented to the people of England. The English newspapers were alive to the designs of Russia on Australia, a favoured colony of England, for which the Manchester school would fight. The British North American colonies are not so profitable as Australia from a money point of view; but, if organized as a confederacy, our increased importance would soon become manifest. Our present isolated and defenceless position is, no doubt, a source of embarrassment to England. If it were not for the weakness of Canada, Great Britain might have joined France in acknowledging the Southern Confederacy. We must, therefore, become important, not only to England, but in the eyes of foreign states, and especially of the United States, who have found it impossible to conquer four millions of Southern whites. Our united population would reach that number. For the sake of securing peace to ourselves and our posterity we must make ourselves powerful. Our population is increasing in geometrical progression. The burdens of the United States and the re-

action after the war will direct the emigrating population of Great Britain to British America and from the United States to a freer country—free from taxation and less likely to be convulsed by war. There must be a new state of things in the United States before matters settle into their normal condition.

A question or objection sometimes raised to the proposed union is that of increased expense. This, I think, will be comparatively small, in fact scarcely appreciable. Take the expenses of the Governments as they exist to-day, five in number. You will find that they aggregate a very considerable amount. With one general Government the expense would be very much less. After the first two or three sessions the General Legislature, unembarrassed by local matters, will take very much less time. The expenses of the subordinate legislatures will be small. Each local government will be relieved of its provincial debts. I hope one of the first things under the new system will be the issue of a commission to enquire into the laws. We should have one statutory law throughout, except in Lower Canada, where the civil law prevails. The great security for peace is to convince the world of our strength by being united.

To Nova Scotia and New Brunswick Canada holds out the Intercolonial road intimately bound up with the question of union. As Mr. Tilley says, it is "absolutely necessary." When the Intercolonial road was first proposed it was considered as a great commercial work. We had then no Grand Trunk Railway, at least but very slight communication with the seaboard. So long as there is no war Canada can communicate (with the Lower Provinces) through the States. Commercially the value of the Lower Provinces has decreased to Canada, but in military respects they are very essential. The Intercolonial road must be a political consequence of a political union. If it were thought by the Canadian Parliament that this union should not take place, it would be difficult to induce that body to support the plan of an Intercolonial road. I think it should be in any event, and would support and vote for it; but it would be a matter of great difficulty to carry.

It is impossible to have a Zollverein. We must continue to have hostile tariffs unless we have a political union.

A great evil in the United States is that the President is a despot for four years. He is never considered as being the father of his people. It was otherwise with Washington, who did not escape slander. Every President is the leader of a party, and obliged to consider himself as bound to protect the rights of a majority. Under the British Constitution, with the people having always the power in their own hands and with the responsibility of a Ministry to Parliament, we are free from such despotism. These weaknesses in the United States Constitution have not only attracted our attention, but also that of Confederate States, who endeavour to avoid them by having lengthened terms for their President. With them great questions are not settled in committees as in the United States, but they allow Ministers to appear on the floor of the House to defend their measures. They have cut the wings of the President as leader of a party by providing that no Government employee shall be dismissed without cause—that is, that the right shall not be capriciously exercised.

As regards the constitution of our Legislature. In order to have no local jealousies and all things conciliatory, there should be a different system in the two chambers. With the Queen as our Sovereign, we should have an Upper and a Lower House. In the former the principle of equality should obtain. In the Lower House the basis of representation should be population, not by universal suffrage, but according to the principles of the British Constitution. In the Upper House there should be equality in numbers. The population of Upper Canada is 1,400,000; Lower Canada, 1,200,000; Lower Provinces, 750,000. The rate of increase of population in Canada must be greater in future than in the Maritime Provinces. We considered at Charlottetown that Upper Canada should have twenty members, Lower Canada twenty, and the Maritime Provinces twenty. If not politically united they should still have the same aggregate representation.

With respect to the mode of appointments to the Upper House, some of us are in favour of the elective principle. More are in favour of appointment by the Crown. I will keep my own

THE QUEBEC RESOLUTIONS

Bernard's report of discussions—continued

mind open on that point as if it were a new question to me altogether. At present I am in favour of appointment by the Crown. While I do not admit that the elective principle has been a failure in Canada, I think we had better return to the original principle and in the words of Governor Simcoe endeavour to make ours "an image and transcript of the British Constitution."

We have to consider what is desirable; and then what is practicable. We cannot ask each Legislature to relinquish its Upper House. It would be hazardous to the project of union. My proposition to Canada is this. In our Legislative Council there are seventy-two members. In the event of its being decided that in the new body Upper Canada shall be represented by twenty members and Lower Canada by twenty members, let the members in each section meet and ballot or elect, as representative peers in Scotland (the latter is perhaps the better plan), the councillors to the new body, who should at once receive their appointment under the Great Seal, for life; those not elected, to be a portion of the Local Legislature. The latter would have their own social position and be active members of the body politic. A large qualification should be necessary for membership of the Upper House, in order to represent the principle of property. The rights of the minority must be protected, and the rich are always fewer in number than the poor.

Each Province shall adjust its own constituencies. We should not embarrass ourselves with the qualification of the voter. Each Province should send its representatives on the present system of each, and the question of the qualification should be reserved for the consideration of the whole Government united.

Mr. Brown—What as to raising the suffrage?

Mr. John A. Macdonald—The system I propose is that which was in the Union Act of Upper and Lower Canada. The preliminary question for us to consider, is what powers should be reserved to the General Legislature and what given to the Local Legislatures. That must be considered before we enter upon the subject of the constitution. We should keep before us the principles of the British Constitution. It (our constitution) should be a mere skeleton and framework that would not bind us down. We have now all the elasticity which has kept England together.

Motion unanimously agreed to.

Afternoon Session.

Sir Etienne Taché stated that he was unavoidably obliged to leave the chair to meet His Excellency the Governor-General, and he requested Colonel Gray, of Prince Edward Island, to take the chair during his absence, which the latter accordingly did.

Mr. Dickey—What authority from the Home Government have we to consider this subject?

Mr. John A. Macdonald quoted despatch from the Duke of Newcastle to the Earl of Mulgrave, Lieutenant-Governor of Nova Scotia, dated 6th July, 1862.¹

¹ See [Pope \(1895\)](#), p. 303, reproduced below:

The Duke of Newcastle to the Earl of Mulgrave. Nova Scotia,
No, 182.

Downing Street, 6th July, 1862.

My Lord,

I have duly received Your Lordship's despatch, No. 47, of the 21st of May, accompanied by a copy of a Resolution which was passed in the House of Assembly on the 15th of April, 1861, relative to an amalgamation of part of all the British Provinces in North America. The Resolution points out that the question might be considered either of a distinct union of the Maritime Provinces or of a general union of them with Canada and suggests that it might be desirable upon so important a subject to ascertain the policy of Her Majesty's Government, and to promote a consultation between the leading men of the Colonies. [Footnote continues on next page]

Mr. Brown moved, seconded by **Mr. Archibald**:—

That in the Federation of the British North American Provinces, the system of government best adapted under existing circumstances to protect the diversified interests of the several Provinces and secure efficiency, harmony and permanency in the working of the Union, would be a General Government, charged with matters of common interest to the whole country; and Local Governments for each of the Canadas and for the Maritime Provinces, charged with the control of local matters in their respective sections; provision being made for the admission into the Union on equitable terms of the North-West Territory, British Columbia and Vancouver.

Mr. Fisher—I should have preferred a legislative union if it were feasible.

Mr. Brown—It must be a federal and not a legislative union. That is the main object of my motion, together with the inclusion of the North-West Provinces. The latter opens up a wide question. The population of the Red River Settlement is now 12,000 and we must look forward to the day of settlement and occupation of that country. The inclusion of British Columbia and Vancouver Island is rather an extreme proposition, but it would be wrong to exclude them in the formation of the scheme. The Americans are encroaching. A large portion of the land at Saskatchewan might be formed into a Crown Colony or be in the Union. The people of Upper Canada in going into the Union would feel strongly that that country should be secure to us. To make communication less difficult there should be a winter route.

Mr. Fisher—I think we should lay this matter before each Legislature, but not press it next session.

Mr. McCully—Is it necessary that this question should be submitted to the people? In New Brunswick¹ men of large minds approve of it and think it should be proceeded with at once. But there is another class between them and the mass of the people who hesitate and halt and doubt the propriety of taking a step like this. More intelligent people, like delegates, should take the matter into their own hands and not wait to educate their people up to it.

Adjourned at four o'clock p.m.

[Footnote continues from previous page] Your Lordship explains that for various reasons your Government were of opinion that it would be inexpedient to act on this Resolution last year, but that they now wish it to be brought under consideration.

No one can be insensible to the importance of the two measures which are alluded to, and I am far from considering that they do not form a very proper subject for calm deliberation. They are, however, of a nature which renders it especially fit that if either of them be proposed for adoption it should emanate in the first instance from the Provinces, and should be concurred in by all of them which it would affect.

I should see no objection to any consultation on the subject amongst the leading members of the Governments concerned, but whatever the result of such consultation might be, the most satisfactory mode of testing the opinion of the people of British North America would probably be by means of Resolution or Address, proposed in the Legislature of each Province by its own Government.

Beyond this expression of the views of Her Majesty's Government as to the preliminary steps which might be taken towards the decision of this great question, I am not prepared to announce any course of policy upon an invitation proceeding from one only of the British North American Provinces, and contained in a Resolution of so general and vague a character as that which you have transmitted to me. But if a Union, either partial or complete, should hereafter be proposed with the concurrence of all the Provinces [Footnote continues on next page]

[Footnote continues from previous page] to be united, I am sure that the matter would be weighed in this country both by the public, by Parliament, and by Her Majesty's Government, with no other feelings than an anxiety to discern, and to promote any course which might be the most conducive to the prosperity, the strength and the harmony of all the British Communities in North America.

I have, etc.,

NEWCASTLE.

The Right Honourable. The Earl of Mulgrave, etc., etc., etc.

This despatch was also referenced in the appointment of delegates to the Quebec Conference, dated September 23rd, 1864 at bit.ly/QRNote3. See pages 19751-19753.

¹ There is a question mark here, and it is not clear whether this is in the original or Pope's. [C.D.]

THE QUEBEC RESOLUTIONS

Bernard's report of discussions—continued

Wednesday, 12th October 1864.

The discussion on **Mr. Brown's** motion of yesterday was resumed.

Mr. Palmer—I do not oppose the motion generally. But our discussion is in advance of the propositions contained therein. I call attention to the acquisition of the North-West. Our powers as delegates are strictly defined, and we should confine our deliberations to our own Provinces. Is it right or politic to embrace a consideration of the Hudson's Bay Territories, including Mr. Brown's reference to the American views as to acquiring possession of it. Should we introduce any allusion to it?

Mr. Carter—I should have heartily concurred in the vote of yesterday had I been here, and regret my absence. As regards the motion before the chair, I like the grandeur and magnitude of the scheme. But I do not see that anyone is justified in speaking of taking in the Hudson's Bay Territories.

Mr. Whelan—I was absent yesterday, but do not desire to withhold my adhesion from the great and glorious principle involved in the motion of yesterday. I do not fear a small colony like Prince Edward Island being involved. We are forming a constitution for a country larger than Europe in extent. There is an apprehension abroad in the Lower Provinces that Canada desires to swamp and extinguish their provincial character. Such ought not to be objected to. It is desirable that our mere provincial character should be lost and that we should form one great country.

Mr. Brown's motion carried unanimously.

The Honourable 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 in advance by a committee composed of the delegates of Canada.

Mr. Shea's suggestion was agreed to, and the Conference accordingly adjourned for such purpose.

Wednesday, 19th October 1864.

The Conference resumed consideration of the motion of the **Hon. Mr. Tupper** respecting the selection of members of the Legislative Council, and of the motion of the Hon. Mr. Coles in amendment thereto.

Mr. Fisher—Canada should not prescribe the mode of selection, but leave the matter to the Local Legislatures.

Mr. Tupper—This would be imposing an irritating subject on the Local Legislatures. The Legislatures will say this must be settled before the question of Confederation.

Mr. Chandler concurred.

Mr. McCully—One of the arguments that will be most useful to commend this project of Confederation to the people of the Lower Provinces is that it will not involve additional expenditure, but decrease the expenses of the Local Governments. I agree with Mr. Tupper.

Mr. Coles—I differ from him. We should not dictate the course to be taken. Leave it open to all duly qualified persons in the Province. Excepting Prince Edward Island will not satisfy me; it will place us in difficulty.

Mr. Henry—If we are limited to choose from the present Legislative Councils in the Lower Provinces, we are violating sound principles. It will follow that we cannot have fresh men for ten or twelve years. Each Government should choose its own men in its own way. We should not limit ourselves.

Mr. Tupper—Nova Scotia will be abundantly satisfied by choosing ten Legislative Councilors out of the present men. We can select representative lawyers, merchants, and professors of different creeds out of them. But this should be confined to first selection.

Mr. Coles' amendment defeated, Prince Edward Island alone voting for it.

Mr. Tupper's amendment carried, Prince Edward Island voting against it.

Mr. Galt moved:—

That in the first instance the members to be chosen for the Legislative Council of the United Provinces, excepting Prince Edward Island, shall be chosen by lot from the existing members of the Legislative Councils of the several Maritime Provinces, and of those sitting in Canada, 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.

Mr. Fisher—I object to the motion. I feel we have been overridden by Canada in this. It overrides the Assembly and makes the Legislative Council the greatest power. Why tie down other Provinces, if Prince Edward Island is excepted? Canada should give the Local Legislatures the power to choose. As it is, it will add greatly to the difficulties of New Brunswick. It makes the Legislative Councils the controlling power.

Mr. Tupper—I rise to a question of order. No discussion is allowed after the vote is taken. The point alluded to has already been decided.¹

Mr. Tupper—I agree with Mr. Brown that the Legislative Council should be chosen from all parties. This motion will prevent that.

The Canadian delegates retired. On returning,

Mr. Galt—I have decided to drop the last paragraph of my motion as follows:—

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.

My motion will therefore read:—

That in the first instance the members to be chosen for the Legislative Council of the United Provinces, excepting Prince Edward Island, shall be chosen by lot from the existing members of the Legislative Councils of the several Maritime Provinces, and of those sitting in Canada, from Upper and Lower Canada respectively.

Mr. Galt's motion lost. Contents—Canada, two. Non-contents—Nova Scotia, New Brunswick, Newfoundland, three. Prince Edward Island did not vote.

The Hon. Mr. Shea moved:—

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

¹ From what follows it appears that Mr. Brown here made some remarks adverse to the motion of Mr. Galt, which have not been recorded. [Pope]

THE QUEBEC RESOLUTIONS

Bernard's report of discussions—continued

Mr. Brown—Although approved by the Canadian delegates by a majority vote, I think the motion very objectionable. It was carried by nine to three, but I cannot agree to it.¹

Mr. McCully—If a question of delicacy in a coalition government, how much more so must it be in the case of Governments not formed on the coalition principle. Some modification of the principle stated in the motion is necessary. Due regard should be had to the claims of the Opposition so that political parties may be equally represented in the Legislative Council.

Mr. Tupper—Canada has a combination of parties. But in the Lower Provinces it is otherwise, and both parties are entitled to be fairly represented. If Nova Scotia is called on to appoint ten members it shall be done by fair representation of all parties, but that should be the result of conference, though not necessary to publish the fact.

Col. Gray (New Brunswick)—A course to suit one Government will not suit another. Let Canada carry her own plan as she pleases, and let each of the other Provinces do the same. After the first batch is over we fall into the rule prescribed by the Federal constitution. I would leave the first selections to the Local Governments, it would be to their interests to get good men. Local partisanship will not come up in the Legislative Council of the Federal Government, and, therefore, the best men will be chosen. No broad principle can be laid down that is suitable to all. I would propose that mode of first choice shall be settled, and prescribed by the Local Legislatures. The interests of both sides will be regarded. The Canadian Government can thus carry their own plan through their Legislature.

The motion of the **Hon. Mr. Shea**, was by leave of the Conference withdrawn.

Mr. Archibald moved:—

That in the selection of members of the first Federal Legislative Council, each Province shall be governed by such rules now to be agreed upon as are considered by the Conference most suitable to the circumstances of the particular Provinces.

Mr. McCully—This is the same as my amendment of last night. The Conference exhibits evidence that on fundamental principles the Provinces are not prepared for Federation. My argument is that, if you leave the selection to the Local Legislatures, it will prove a bone of contention and jeopardize the Federation. The Legislatures are under no restraint as to the composition of the Legislative Council. The Executive would not be so. I beg to move in amendment to the motion of Mr. Archibald:—

That the Legislative Council shall in the first instance be chosen in Canada by ballot, and in the other Provinces, by the Executive Governments.

Mr. Brown—I appealed to the other Provinces to aid my views because Canada has decided by a majority, but contrary to the views of my party. We say we could not leave to the Executive the choice of Legislative Councillors. A conflict might arise in the Cabinet before the choice was made, and a party administration might be formed.

Mr. John A. Macdonald—But that exists in Nova Scotia and New Brunswick at this time.

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

Mr. John A. Macdonald—Arrangements can be made as to consultation between parties in case of a party Government. But we should not have a different system in the different

¹ There is apparently some confusion in the notes at this place. These remarks of Mr. Brown may refer to Mr. Galt's motion, for the consideration of which the Canadian delegates withdrew. At the same time it is evident from his subsequent remarks, that he strongly opposed Mr. Shea's motion. What adds to the difficulty of interpretation of the record of this part of the debate is the fact that the motion of Mr. Shea is in the handwriting of Mr. John A. Macdonald, and may therefore, equally with that of Mr. Galt, represent the views of the majority of the Canadian delegates against which Mr. Brown protested. [Pope]

Provinces. It is of great importance that all should follow the same mode.

Mr. Tupper—An essential point is that the Executive Governments should appoint the first Legislative Council.

The motion of Mr. Archibald and amendment of the Hon. Mr. McCully were withdrawn.

Mr. McCully—Before the Legislative Council can be formed there must be an Executive. I am content to take that the Government of each Province shall appoint subject to the approval of the Executive Council of the whole Federal Government. I accordingly move:—

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 be as nearly as possible fairly represented.

Mr. Tupper—How do you construct the Executive before the Legislative Council?

Mr. John A. Macdonald—An Executive Council for the Federal Government must be the first thing. It will be in its nature provisional. After the elections the party not having support must go out.

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

Mr. Coles—How is the minority to know of the proposed appointments?

Mr. John A. Macdonald—The Federal Government will be bound to see that the parties are appointed under this understanding before their appointments are ratified.

Mr. Brown—I think Mr. McCully's proposal is an amelioration of the evil under which we should labour if Mr. Shea's motion had carried. But I think it still objectionable. I press on the Conference that each Province should be allowed to take its own mode of selection.

Mr. Archibald—It is desirable to have one plan for the whole. The Maritime Provinces will probably adopt the same system, and Canada should agree to one.

Mr. Fisher—Canada has forced us into a false position by requiring the choice to be made from the existing Legislative Councillors.

Mr. John A. Macdonald—I must deny on the part of Canada any attempt to coerce other Governments. The other Provinces took the same view.

Mr. McDougall—I disagree with the shape which the question is in before the Conference. Two questions were submitted to Canada. Mr. Brown asks the other Provinces to assist the minority of the Canadian delegation. That I think wrong. The proper course for the minority of the Canadian Government will be to discuss the matter afterwards among themselves and endeavour to change their colleagues' opinions.

Mr. Brown—It was understood that we should vote by Provinces, but it was also understood that every individual member should speak against the decision of his own Province.

Mr. McDougall—Is it the meaning of the resolution that the Federal Government can displace any member of the Legislative Council appointed in breach of agreement?

Mr. John A. Macdonald—It is the understanding that the Federal Government shall be a Court of Equity to see that the understanding of fairness as to party is carried out.

Mr. McCully's motion was unanimously agreed to.

Mr. Brown moved a resolution defining the representation in the House of Commons.

Mr. Galt—In reference to Mr. Brown's motion, I propose 225 members instead of 200. If we divide 225, according to population, I calculate it would give:—

<i>Upper Canada</i>	99
<i>Lower Canada</i>	74
<i>Nova Scotia</i>	21
<i>New Brunswick</i>	17

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Bernard's report of discussions—continued

<i>Newfoundland</i>	8
<i>Prince Edward Island</i>	<u>6</u>
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We should commence with the census of 1861, and re-adjust after each subsequent census. We have supposed that the population of Lower Canada, being tolerably equable in its character, would afford the best basis. But having respect to the rapid increase of Upper Canada, we think the Lower Provinces should not be reduced if they do not increase in the same ratio. Therefore, the Lower Provinces would have the same as they have now unless in the very improbable case of any one falling off by five per cent, or more—that is a decrease relatively to the whole Federation.

Mr. Brown—We thought it best not to take the census of 1861, but the proportionate increase in five years thence and change in 1881, but this may not be intelligible. It may be better to take the census of 1861. In that case the figures in the motion will be as follows:—

<i>Upper Canada</i>	82
<i>Lower Canada</i>	65
<i>Nova Scotia</i>	19
<i>New Brunswick</i>	15
<i>Newfoundland</i>	7
<i>Prince Edward Island</i>	<u>5</u>
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Mr. Tupper—That is better, as the public in the other case have no data.

Mr. Brown—In the apportionment, if, a fractional part, we don't allow it; if over one-half, we allow one.

Mr. Johnson—But if you have quadrennial Parliaments, you may by increase of population have to increase your members in the Assembly at an improper time.

Mr. Tilley—And to alter your electoral divisions.

Mr. Brown—After the census of 1871, we shall adopt the same rule. The practical result will be that while Lower Canada certainly will not be less and the Lower Provinces may increase in population, they cannot decrease in the number of representatives. It keeps the House within a reasonable limit. It is now to start with one in 17,000. It will afterwards vary. There is just one difficulty. Messrs. Galt and Cartier think the number too small. They think the House should number 216.

In that event, Mr. Galt proposes that Lower Canada shall get 73, and the rest in proportion, so as to get, on the basis of the census of 1861, 216 in the House.

Mr. Coles—1871 is too soon to alter. It should be in 1881.

Mr. Galt—Upper Canada will not consent to that, and it must be so definitely understood.

Mr. Tilley—We have fourteen counties, some with four representatives, others with two, and the City of St. John, two. Twenty-one, the number stated in the printed motion, would better answer us. I agree with Mr. Brown's proposition to begin with a goodly number, that it may not be disturbed for some time to come.

Mr. McCully—I advocate the adoption of the measure as it stands. I do not think we should make any local distribution of members.

Mr. Archibald—By accident the proposed arrangement will suit both Nova Scotia and New Brunswick. One member for each county, and one for each metropolis, will give the exact number provided in Mr. Brown's scale of 193.

The several Provinces announced their consent and approval of the scheme of 193 members based on the census of 1861, as precisely suiting the mode in which each could adapt the electoral divisions at present existing to such a state of things.

Mr. Shea, however, argued that inasmuch as the Newfoundland census was taken in 1857,

an allowance for the period intervening between that date and 1861 would entitle Newfoundland to another representative. It was conceded by all the Provinces that Newfoundland should have another representative, thus raising its number to eight, and the whole number to 194.

Mr. Brown's motion carried, Prince Edward Island alone voting nay.

Mr. Haviland—Prince Edward Island would rather be out of the Confederation than consent to this motion. We should have no status. Only five members out of 194 would give the Island no position.

Mr. Tilley—That is rather a singular ground of objection, for they have objected to the basis of representation by population. Now it was fully understood at Charlottetown that those who came to the Conference expected representation by population. Some difficulty might have arisen on those points but not on this.

Mr. Palmer—I am not inimical to the grand scheme of Confederation. I believe it will be productive of great benefits. But I take exception to the principle adopted by this resolution. Representation by population is not applicable when a certain number of Provinces are throwing their resources into one Confederation, and giving up their own self-government and individuality. When a colony surrenders that right, she should have something commensurate in the Confederation. The debt of Prince Edward Island is nothing. Our taxation is vastly below that of the other Provinces. Our trade and revenue are rapidly increasing. Why give up so great certainties for an uncertain benefit where we have only a feeble voice? Looking first at the larger Provinces, Canada has secured to herself a greater number of representatives than she had before. It may be said that we may join with the other Maritime Provinces in any matters affecting our common interests, but even then our united strength would still be far below Canada's number of representatives. Not even two or three more members would induce me to give my assent to the scheme. I never understood that any proposition at Charlottetown was to be binding as to representation by population. It was there made by those from Canada and I did not think it necessary to remark on it, as it was a mere suggestion then thrown out by Canada for consideration.

Mr. Shea—The speech just made should have been delivered before we came to this Conference. What has brought us here? What brought about the Conference except the difficulties in Canada over the question of representation by population? We came here from Newfoundland with that understanding. Canada could not give way in such a matter. Prince Edward Island is in a better position than Newfoundland as regards the Legislative Council, as they have an equal number of representatives therein.

Mr. Coles—Newfoundland is the cause of our getting a less representation in the Legislative Council than we should otherwise have had. I understood that this matter was to be settled on the basis of representation by population. I stated lately that I thought our Prince Edward Island Government should not have sent us here unless to carry out these views stated by the Canadian Government. The Attorney-General of Prince Edward Island (Mr. Palmer) now states that the Government cannot accede to it. I think that we came here prepared for representation by population, and I regret that the Attorney-General of Prince Edward Island had not previously stated that he could not accede to the principle and withdrawn from the Conference.

Mr. Haviland—I am not a member of the Prince Edward Island Government. I express only my individual opinion.

Mr. Coles—Then the Government should have instructed their delegates properly.

Colonel Gray (Prince Edward Island)—My colleagues and myself feel in a humiliating position. We feel that a slur has been cast by Mr. Coles on the Government which I have the honour to lead. I came to the Conference understanding fully the question. I have never had any conversation with the Attorney-General on the subject. My idea was as clear as the sun at noonday that we were to treat on the basis of representation by population. The Attorney-General heard as much as I did at Charlottetown. Certainly none of us should have been here unless the members of our delegation had been agreed on the point. All that I could get for

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Bernard's report of discussions—continued

Prince Edward Island 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 a matter for the greatest regret that any difficulty should arise over this matter. We request the Prince Edward Island delegates to reconsider their decision. It would be a matter of reproach to us that the smallest colony should leave us.

Mr. Whelan—I should feel it my duty to-night to vote against the resolution, but we had better reconsider the matter. Mr. Haviland and I came here perfectly untrammelled and without any instructions from the Government of Prince Edward Island. We understand that all proceedings were to be *de novo* and apart from anything which had taken place at Charlottetown. I thought that Prince Edward Island had not been fairly treated as to representation in the Legislative Council, but I gave way on that occasion. I do not think, however, I could say that I was satisfied with the representation of five in the Federal House of Commons. We are in an isolated position. Our resources are large, and our people would not be content to give up their present benefits for the representation of five members. It may be said that the Confederation will go on without Prince Edward Island, and that we shall eventually be forced in. Better, however, that, than that we should willingly go into the Confederation with that representation. But if the Government who form the delegation will take the responsibility on them, I may, support them.

Adjourned at ten o'clock p.m.

Thursday, 20th October 1864.

Mr. Brown—I desire to ask if the Prince Edward Island delegates will state what their views are on the resolution of last evening.

Mr. Palmer—On making my observations last night I was under the impression with respect to any vote given that the party voting was bound to maintain it. Dr. Tupper had said whoever voted for a proposition could not afterwards oppose it in his Local Legislature, and such appeared to be the general opinion by tacit consent. I could not consent that Prince Edward Island, free of debt comparatively, should come into Federation with the other Provinces indebted largely, especially as nothing had been said or settled as to the relative shares of the burdens to be borne by each. I am told, however, by my colleagues from Prince Edward Island, that the financial questions will follow the present discussion, and that the matter of representation must depend on the financial resolutions. That may alter our position.

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

Colonel Gray (Prince Edward Island)—I am instructed by my co-delegates to say that the provision of five members is unsatisfactory. Prince Edward Island is divided longitudinally into three counties, each returning ten members. But they are always opposed to change of representation. We cannot divide the three counties into the five members.

Mr. Brown—Every Province must revise its own electoral divisions to suit the number of its representation.

Mr. Coles—Mr. Galt had proposed six members for Prince Edward Island. I approved that rather than Mr. Brown's motion, because it allows us to give to our three counties two members each.

Mr. Pope—I was absent last night. I was under the impression that it had been clearly laid down at Charlottetown that representation by population 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 that has been said by Colonel Gray and Mr. Coles. But the circumstances of Prince Edward Island are such that I hope the Conference will agree to give us such a number as we can divide amongst our three constituencies. Nature, as well as the original settlement of the Island, has made three counties, and it would give rise to much difficulty if we had to adjust five members to the three counties. I cannot ask it as a matter of right, but

one of expediency, as one without which it is impossible for us to carry the measure in Prince Edward Island. I, therefore, ask for six members.

Mr. Haviland—I fully agree with Mr. Pope. It would be an insuperable difficulty to us if we had not six members.

Mr. Brown—To give Prince Edward Island five members the total properly should be 205. It is obvious we cannot depart from representation by population. The only thing to do would be to take Prince Edward Island as the basis which would give a House of 230, altogether too large. Give one member to each county and let the whole Island elect the other two, and keep the number five intact; or let the whole Island elect five. We should have to add thirty-eight members to the House in order to give Prince Edward Island six, as the basis of representation by population.

Mr. A. A. Macdonald—We are not bound by the principle of representation by population laid down at Charlottetown. Our constituents will say and will speak of the increased representation of Canada, and decreased representation of the Lower Provinces.

Mr. Galt—There is no use in asking the Conference to depart from the principle laid down. We could not justify it. If the principle is good it is the same for all, and we could not defend the action of giving 13,000 in Prince Edward Island a member where it requires 17,000 in any other Province for that purpose. It would be indefensible. The difficulty is of a purely local nature. It is impossible for the Conference to depart from the rule of population being the basis of representation.

Mr. McCully—There is another reason. As to the constitution of the Upper House, we looked on that as flexible. If we made the concession perhaps Prince Edward Island might not come in; and, besides, the North-West might require, for some local reason, an increased representation irrespective of population. The rule of representation by population must be rigid and unyielding.

Mr. Dickey—Give one member to each county in Prince Edward Island, one to Charlottetown, and one elected by the whole Island. Members elected for the Federal Legislature would not be elected for local purposes, but are representatives of the whole Island. It is a question for Canada. We (Nova Scotia) would concede the six members though it would place us in difficulty.

Mr. Haviland—There is no solution in the above proposition.

Mr. Pope—Religious feeling in Prince Edward Island runs very high. The Protestants outnumber the Roman Catholics, and in consequence the fifth member as proposed by Mr. Dickey would not represent the Roman Catholics.

Mr. Fisher—I came here convinced that representation by population was settled as the basis upon which the Provinces were to be asked to confederate.

Mr. Coles—Whatever may be the result of this matter, Prince Edward Island should submit. The question has been settled. Let us go on with the business, and let Prince Edward Island settle for themselves when the question comes before them.

Mr. John A. Macdonald moved:—

That there shall be a session of the Legislative Council and Assembly once at least in every year, so that a period of twelve calendar months shall not intervene between the last sitting of the Legislative Council and Assembly in one session and the first sitting of the Legislative Council and 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 and no longer, subject nevertheless to be sooner prorogued or dissolved by the Governor.

He said: There have been only four Parliaments out of eighteen in England which have exceeded five years. The term Parliament is correct, because Parliament is dissolved, but elections take place for Commoners only. I prefer the 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

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Bernard's report of discussions—continued

clause to the effect that all rights of the Lords or 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 has a judicial capacity. Carried.

Mr. John A. Macdonald moved:—

That 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.

Mr. Tupper—Is it meant to leave it to the Queen or to make any suggestion as to the appointment of a, Viceroy?

Mr. John A. Macdonald—I think it advisable not to make any suggestion. At least it should not be a constitutional suggestion. Hereafter the Parliament of the Federation may represent a desire for one of the Royal Family as Viceroy.

Mr. McCully—I assume that we should continue to be governed by a Governor-General.

Mr. Macdonald's motion carried.

Mr. Brown—As to Local Governments, we desire in Upper Canada that they should not be expensive, and 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. Should have whole legislative power—subject to Lieutenant-Governor. I would have Lieutenant-Governor appointed by General Government. It would thus bring these bodies into harmony with the General Government. In Upper Canada executive officers would be Attorney-General, Treasurer, Secretary, Commissioner of Crown Lands, and Commissioner of Public Works. These would form the Council of the Lieutenant-Governor. I would give Lieutenant-Governor veto without advice, but under certain vote he should be obliged to assent. During recess Lieutenant-Governor could have power to suspend executive officers. They might be elected for three years or otherwise. You might safely allow County Councils to appoint other officers than those they now do. One Legislative Chamber for three years, no power of dissolution, elected on one day in each third year. Lieutenant-Governor appointed by Federal Government. Departmental officers to be elected during pleasure, or for three years. To be allowed to speak but not to vote.

Mr. Cartier—I entirely differ with Mr. Brown. It introduces in our local bodies republican institutions.

Mr. Brown moved:—

That in the Local Government there shall be but one Legislative Chamber.

Sir E. Taché—This motion is made merely to elicit opinion of conference.

Mr. Tilley—New Brunswick differs with Mr. Brown. They propose to keep the existing things as they are, so far as consistent with expense. They propose Lieutenant-Governor, five departmental officers, with seats in House.

Mr. Dickey—Before details, settle principles. Will conference take present Local Governments as models?

Mr. Fisher—I am opposed to Mr. Brown's views. I approve of the present system of Local Legislatures. I agree with Mr. Brown that the Lieutenant-Governor should be appointed by the Federal Government.

Mr. Carter—In 1842, we had one Chamber in Newfoundland, partly appointed by the Crown and partly by people. 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. McGee—No. Institute your body, then assign its powers.

Mr. Chandler— We are here to form a constitution for Federal Government. 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 Governments should be as simple and inexpensive as possible. We should diminish the powers of the Local Governments, but we must not shock too largely the prejudices of the people in that respect.

Mr. McCully—We must have miniature responsible Governments.

Adjourned at two o'clock p.m.

Evening Session.

Mr. Archibald proposed a resolution to the effect that Lieutenant-Governors should be appointed by the Federal Government for five years; each Legislature to continue until altered. He said: If the Imperial Act authorizes this, you have then the several governments shorn, however, of such, powers as are taken from them by the central authority.

Mr. Chandler—I think we should form only a federal constitution, and we should pass no resolutions or act relative to the Local Governments. Let them retain what they have, and have power to manage their own local concerns. The Imperial Government will never consent to put in an Imperial Act of Parliament that the Crown shall appoint Lieutenant-Governors on the recommendation of the Federal Government. It is perfectly understood that as in case of Legislative Councillors the Crown take the recommendation of the Government and appoint a suitable person.

Mr. McCully—I would make it absolute in the Federal Government to appoint Lieutenant-Governors.

Mr. Chandler— I think the Imperial Government would never acquiesce in that.

Mr. McDougall—From the peculiar position of Canada we must get permission to change.

Mr. Dickey—I agree with Mr. Chandler that the Crown should appoint Lieutenant-Governors directly.

Mr. Brown—One material point is that the choice of the Federal Legislative Councillors will extinguish or largely diminish the Local Legislative Councils. If you have a Local Legislative Council you then embarrass yourselves by reconstructing that body. Mr. McDougall says he is willing to take a Governor and two Chambers as a Local Government and reduce them afterwards. Consider how insignificant are the matters agreed at Charlottetown, to be left to the Local Governments. As to private and local bills, that might be done under the General Incorporation Act.

Mr. John A. Macdonald—The Imperial Act must repeal the several Acts affecting the constitution of the various Colonies. The most artistic way to do this would be to wipe them out and re-enact. The mode adopted in Ireland was by resolutions setting forth "it is fit that such should be done," which were afterwards turned into enactments. I have little doubt that when the system is complete a delegate will have to be sent to the Imperial Government from each Province, charged with the interests of the Province and to express them to the Imperial Government and their views. We should have uniformity as much as possible, but that is only a secondary matter as compared with the passage of the measure.

Mr. McCully—Let Upper Canada try a single Chamber, and if it succeeds the other Provinces can afterwards adopt it.

Mr. McCully's motion carried.

Mr. Dickey—Ought not something to be laid down as to the constitution of the Federal Executive Government? On the principle now adopted by Upper and Lower Canada, ought not there to be some mode of choosing advisers from the agricultural interests of Upper Canada, the mixed agricultural and maritime interests of Lower Canada, and the great maritime interests of the Lower Provinces?

Mr. John A. Macdonald—We cannot limit or define the powers of the Crown in such

THE QUEBEC RESOLUTIONS

Bernard's report of discussions—continued

respect. See our Union Act. There is nothing in it about Responsible Government. It is a system which we have adopted. There is not even any resolution on our own journals as to the number of the Executive. The Sovereign may have such number as she pleases. In Canada it was found convenient that both sections of the Province should be represented in the Cabinet, and in time it grew practically into an equal division. The same principle must obtain as to the body of advisers of the Governor-General of the Federation. That must be a provisional cabinet, and it probably will be very few and merely for necessary purposes. The Federal Parliament being elected, the person charged with the formation of the Ministry will probably increase the number. We must leave such arrangements as to equality in the Cabinet to change or necessity.

Mr. Chandler concurred.

Mr. McCully—But the royal instructions limit the number to nine. It should be an unlimited number, and that point seems generally conceded here.

Mr. Henry—We feel that the first Government at least, should contain a due number from the Lower Provinces. We of the Lower Provinces feel that we may be out-voted by Upper and Lower Canada; but we knew that before we came here, and are willing to run the risk of it.

Mr. John A. Macdonald—I think there may be an expression of opinion as suggested by Mr. Dickey. In the formation of the first Executive Council I think the Governor-General should send for one man through whom the writs for election should be issued, and choose his Council afterwards.

Mr. John A. Macdonald moved:—

That 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 exercise 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.

He said: The office must necessarily be during pleasure. The person may break down, misbehave, etc. The term of Governors and Lieutenant-Governors is usually six years; but I have fixed it at five years, that being the duration of our Parliaments. The Lieutenant-Governor will be a very high officer. He should be independent of the Federal Government, except as to removal for cause, and it is necessary that he should not be removable by any new political party. It would destroy his independence. He should only be removable upon an address from the Legislature.

Mr. Macdonald's motion carried.

Mr. John A. Macdonald proceeded to read his several proposed resolutions as to the powers of the Federal and Local Governments.

Mr. McCully—Suppose a Local Legislature should pass a law on a subject in respect of which they have no authority. In New Zealand no laws of Local Legislatures are of effect until approved by the Governor-General.

Mr. John A. Macdonald—If it be clearly an excess in the opinion of the Governor-General and his law officers, it will be disallowed by the Queen.

Adjourned at 10 o'clock p.m.

Friday, 21st October 1864.

Mr. John A. Macdonald moved resolution defining the powers of the General Legislature.

Mr. Galt—I propose that we take up the subjects seriatim.

(2) As to duties of Customs on Imports and Exports. New Brunswick has a duty on timber. As proceeds of lands will belong to the Local Government, it will be necessary to consider this point as regards New Brunswick. An export duty on timber must be on timber of public and private lands, and none could therefore be imported at Quebec; and a question may arise as to the export of coal from Nova Scotia. These questions, however, affect territorial revenues.

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

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

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

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

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

(3) Excise Duties. (4) Taxation.

Mr. Tupper proposed to restrict the latter to general taxation.

Mr. John A. Macdonald objected—You could not then tax shares, because it would be a general tax, or impose harbour dues for the same reason on any particular harbour.

(7) Banking.

Mr. Galt—Existing charters of banks will be reserved. In Canada they all expire in 1870, when the subject may be reconsidered.

(15) Ocean Navigation and Shipping.

Colonel Gray (New Brunswick)—I would' suggest some insertion providing for safety of passengers, and provisions respecting proper machinery and inspection, etc.

(25) Agriculture.

Mr. McCully—It is said this is concurrent. But I think such an arrangement will be found to be unworkable. It will lead to a conflict between the two jurisdictions. I think Upper and Lower Canada would prefer it being for Local Governments.

Mr. Palmer—I think it should be local. But I apprehend that would not prevent the General Government from taking subjects of agriculture under their care in respect to grants of money locally.

Mr. Brown—I do not think you can make it local and yet expect that the General Government can give moneys to the Local Governments. But if you put it under the General Government you may have the advantage of one Bureau of Agriculture, a Model Farm, etc. But I am willing that it should be local, only in that event not to look for money from the General Government.

Mr. Coles—I think it should be retained for the General Government. There should be a

THE QUEBEC RESOLUTIONS

Bernard's report of discussions—continued

Minister of Agriculture in the Federal Government.

Mr. Tupper—I approve of some things being of a concurrent character. We should confine the jurisdiction neither to one nor the other exclusively. The same remark applies to Immigration, which is intimately connected with the Crown Lands, and these are under the Local Government.

Mr. McGee—The General Government may draw attention to this country for settlement. The only permanent attraction we can offer is cheap land, free institutions, etc. I propose that the Local Legislatures should be bound to let immigrants have lands as hitherto. Immigrants should feel that they came to British America as a whole, and that they are free to choose lands where they like.

Mr. Dickey—The Local Governments have as great an interest as the Federal Government in promoting immigration.

Mr. Henry—The General Government ought to have the control of agriculture. If conflict likely to arise, I would rather withdraw it from the Local Legislature; but I do not fear any clashing between the two powers. We ought to keep up a Bureau of Agriculture in our Confederation.

Mr. Mowat—The items of Agriculture and Immigration should be vested in both Federal and Local Governments. Danger often arises where there is exclusive jurisdiction, and not so often in cases of concurrent jurisdiction. In municipal matters the county and township council often have concurrent jurisdiction.

Mr. McCully—I take another view. The concurrent jurisdiction is the ground of the difficulties in the United States.

Mr. Mowat—That is because there is a doubt whether there is a concurrent jurisdiction or not.

Mr. McCully—I beg to move that item number 25, "Agriculture," be struck out of the resolution before the Conference. Lost on a division, all the Provinces voting nay.

(26) Criminal Law.

Mr. John A. Macdonald—We should discuss the appointment of the judiciary, and as to local and supreme judiciary. In whom should the appointment be vested?

Mr. Tupper—It is of special value to have a common system of jurisprudence. That is impossible on account of Lower Canada. But as near as possible it should be attempted.

Mr. John A. Macdonald—I am glad to hear that Mr. Tupper and Mr. McCully's views accord with mine. We may have one statutory law, one system of courts, one judiciary, and eventually one bar.

Mr. Mowat—I quite concur in the advantages of one uniform system. It would weld us into a nation. We must, however, provide that the Judges should be appointed and paid by the General Government. But if Lower Canada is excepted, she will still have a voice in deciding for the other Provinces.

(27) Roads and Bridges.

Mr. Tilley—I move to strike out from item 27 of Mr. Macdonald's motion the words "Roads and Bridges."

Agreed to.

After further slight amendments, **Mr. Macdonald's** motion carried.

Adjourned at half-past four p.m.

Saturday, 22nd October 1864.

Mr. Galt moved a series of financial resolutions.

He said: It is very desirable that no question should arise on account of which any Province could complain of injustice. Any Province being less indebted than another, whether through good fortune or good management, should benefit by it. Future liabilities of Confederation must be presumed to be for the benefit of all. We must start, therefore, on a fair basis. It is therefore proposed that certain principles should be laid down. The admission of the principle embodied in number one involves the concession of number two, and then you must proceed to draw the line prescribed by number three.

All works of an intercolonial character, and which have created debt to be borne by Confederation, and not being in private corporations or towns, should be vested in the Confederation, i.e. (as is suggested by Attorney-General Macdonald), harbours as to railroads. In Canada we are not proprietors of any railroads, but have lent large sums to them. Buildings for accommodation of Local Legislatures as distinguished from residences of Lieutenant-Governors should be left to the Local Government.

The first three resolutions cover all the property to be taken by the General Government, and the subsequent resolutions show what changes shall be adopted by the Confederation.

I propose five per cent, as the rate of interest. It is impossible for us at this moment to determine the debts and liabilities of the several Provinces. This can only be ascertained when the functions of the Local Legislatures cease in that respect. At that time we can ascertain the amount and debit each Province.

The debt of Canada is different from that of the other Provinces, as it enters as two Provinces. A previous subdivision must be made between Upper and Lower Canada. This subdivision must be done by the Canadian Legislature. In the case of New Brunswick we find an actual debt existing and liabilities which between this time and the passing of the Act of Union may become liabilities of the Confederation. Further liabilities might be incurred, and it is therefore essential that a rule should be laid down and that if, supporting the principle of equality, any one Province goes into such expense it must be on its own account. There should be an officer, not a political officer, to audit the affairs of the Provinces. The honourable gentleman then went on to explain the apportionment of the debt, but his remarks are so imperfectly reported as scarcely to be intelligible.

Mr. Tilley—This scheme gives Newfoundland and Prince Edward Island everything. Takes over railways which cost us a, very large sum of money and gives us nothing in return. The Grand Trunk stock is of no value, yet we find it put down as an asset; and as to Canal tolls, the policy of the Canadian Government is not to look to them. You have fixed the population of New Brunswick as inferior to that of Nova Scotia, which is the case, but it ought not to be immovable but to vary in its increase. The increase of the population will lessen the per capita tax.

Colonel Gray (New Brunswick)—Our railway is productive and yields three per cent. It is only the difference between that and five per cent, which should be charged.

Mr. Tupper—It is wrong to assume assets to be of equal value when they are not so.

The remainder of the debate is not reported.

Adjourned at five o'clock p.m.

Monday, 24th October 1864.

Mr. Mowat moved a series of resolutions defining the powers of the Local Legislatures.

Mr. Chandler—I object to the proposed system. You are adopting a Legislative Union instead of a Federal. The Local Legislatures should not have their powers specified, but should

THE QUEBEC RESOLUTIONS

Bernard's report of discussions—continued

have all the powers not reserved to the Federal Government, and only the powers to be given to the Federal Government should be specified. You are now proceeding to destroy the constitutions of the Local Governments, and to give them less powers than they have had allowed them from England, and it will make them merely large municipal corporations. This is a vital question, which decides the question between a Federal and Legislative Union, and it will be fatal to the success of Confederation in the Lower Provinces.

Mr. Tupper—I have heard Mr. Chandler's 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 the Federal Government. This was stated as being a prominent feature of the Canadian scheme; and it was said then that it was desirable to have a plan contrary to that adopted by the United States. It was a fundamental principle laid down by Canada, and the basis of our deliberations. Mr. Chandler says that it gives a Legislative instead of a Federal Union. I think that a benefit is the Federal Government to be one of mere delegates? We have provided for a legislative representation and for the representation of every section of all the Provinces. Such a costly Government ought to be charged with the fullest powers. It will be easier for every one of the remotest settlers in Nova Scotia and New Brunswick to reach the Federal Legislature than the present Local Legislatures. If it were not for the peculiar condition of Lower Canada, and that the Lower Provinces have not municipal systems such as Upper Canada, I should go in for a Legislative Union instead of a Federal. We propose to preserve the Local Governments in the Lower Provinces because we have not municipal institutions. If Conference limit the powers of the General Legislature, I feel that the whole platform is swept away from us.

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

Mr. Haviland—I disagree with Messrs. Chandler and Coles. I understand the basis of our scheme, so as to avoid difficulties of the United States, is to give limited powers to Local Legislatures.

Colonel Gray (New Brunswick)—Mr. Coles' memory is short. (Quotes. from Mr. Macdonald's speech at Charlottetown and from Mr. Brown's, that Federal Government was to have general powers and limited as to local.) Whatever conclusion we may now arrive at, such was the basis of the Canadian scheme.

Mr. Chandler—My argument is not met as to merits, but as to what was laid down at Charlottetown. We all agree that Local Government should have local powers, we differ as to whether such powers should be defined.

Mr. Tupper—Under Mr. Chandler's view, the Governor-General would be less than the Lieutenant-Governor and the Federal Government less than the Local.

Mr. Dickey—I propose a Supreme Court of Appeal to decide any conflict between general and state rights. I am rather inclined to agree with Mr. Chandler. Immense interests omitted in Mr. Mowat's motion.

Mr. Brown—This matter received close attention of Canadian Government. I should agree with Mr. Chandler were it not that we have done all we can to settle the matter with sufficient powers to Local Legislatures. I would let the courts of each Province decide what is Local and what General Government jurisdiction, with appeal to the Appeal or Superior Court.

Mr. McCully—I refer to New Zealand Act, which is evidently framed to meet difficulty. It strangely defines what the Local government shall not do. In 53rd clause, General Assembly to make laws, etc., for government of New Zealand, and shall control and supersede those of Local Governments repugnant thereto. Mr. Brown will land us in position of United States by referring matter of conflict of jurisdiction to courts. You thus set them over the General Legislature.

Mr. John A. Macdonald—New Zealand constitution was a Legislative Union, ours Federal. Emigrants went out under different guarantees. Local charters jarred. In order to guard these,

they gave the powers stated to Local Legislatures, but the General Government had power to sweep these away. That is just what we do not want. Lower Canada and the Lower Provinces would not have such a thing. There is no analogy between New Zealand and ourselves in such respects. Our courts now can decide where there is any conflict between the Imperial and Canadian statutes. I think the whole affair would fail, and the system be a failure, if we adopted Mr. Chandler's views. It would be adopting the worst features of the United States. We should concentrate the power in the Federal Government, and not adopt the decentralization of the United States. Mr. Chandler would give sovereign power to the Local Legislatures, just where the United States failed. Canada would be infinitely stronger as she is than under such a system as proposed by Mr. Chandler. It is said that the tariff is one of the causes of difficulty in the United States. So it would be with us. Looking at the agricultural interests of Upper Canada, manufacturing of Lower Canada, and maritime interests of Lower Provinces, in respect to a tariff, a Federal Government would be a mediator. No general feeling of patriotism exists in the United States. In occasions of difficulty each man sticks to his individual State. Mr. Stephens, the present Vice-President, was a strong Union man, yet, when the time came, he went with his State. Similarly we should stick to our Province and not be British Americans. It would be introducing a source of radical weakness. It would ruin us in the eyes of the civilized world. All writers point out the errors of the United States. All the failings prognosticated by De Tocqueville are shown to be fulfilled.

Mr. Johnson—Enumerate for Local Governments their powers, and give all the rest to General Government, but do not enumerate both.

Mr. Palmer—Easier to define what are general than what are local subjects, but we cannot define both. We cannot meet every possible case or emergency.

Mr. Henry—We should not define powers of General Legislature. I would ask Lower Canada not to fight for a shadow. Give a clause to give general powers (except such as given to Local Legislatures) to Federal Legislature. Anything beyond that is hampering the case with difficulties. If we are to have Confederation let us have one on the principles suggested by Attorney-General Macdonald. In the United States there is no power to settle the constitutionality of an Act. Hereafter we shall be bound by an Imperial Act, and our judges will have to say what is constitutional under it as regards general or local legislation.

Mr. Dickey—Why should not Imperial statutes give the powers they did to New Zealand General Government?

Mr. Chandler—My plan is not precisely the same as in the United States, because the Government does not in the United States appoint the Lieutenant-Governors and the Legislative Councillors. If my plan is not adopted, I should have elective Legislative Councillors.

Colonel Gray (New Brunswick)—The power flows from Imperial Government. We propose to substitute the Federal Government for the Imperial Government. But the Federal Government is itself subordinate to the Imperial Government. And as to the policy of the thing, I think it best to define the powers of the Local Governments, as the public will then see what matters they have reserved for their consideration, with which matters they will be familiar, and so the humbler classes and the less educated will comprehend that their interests are protected.

Tuesday, 25th October 1864.

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

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

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

It was agreed to strike out of item number one of the resolution moved by the Hon. Mr. Mowat the words, "3. For the regulation and incorporation of Fire and Life Insurance

THE QUEBEC RESOLUTIONS

Bernard's report of discussions—continued

Companies." And from item number two the words, "Inspection laws and laws relating to." And the question of concurrence being put on the eighth item,

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

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

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

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

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

Eighth and ninth resolutions agreed to.¹

¹ The transcript ends here. [C.D.]

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THE QUEBEC RESOLUTIONS



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(XI.) HON. ANDREW A. MACDONALD'S (PEI)
INFORMAL RECORD AT QUEBEC

OCTOBER, 1864

Source: [Library and Archives Canada, MG 26 Vol. 46, 18069-18098](#)¹

18099²

ORDER OF PROCEEDINGS

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

Resolved,

1. 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.
2. That free and individual discussion and suggestion be allowed.
3. That all motions and the discussions 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 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.

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From notes taken at the Quebec Conference held at Quebec, on October 10, 1864. [by A.A. Macdonald]

Monday, October 10th, 1864

On the assemblage of the delegates from all provinces at the Parliament building in Quebec, there were present besides the ministers of the two Upper Provinces: seven delegates from New Brunswick, five from Nova Scotia, seven from Prince Edward Island, and two from Newfoundland.

It was moved by Colonel Gray, who had been Chairman of the Conference at Charlottetown

¹ The document found at the archives is a typewritten version of the original, which cannot be located. The note on the top of the document reads, "Sent to me by the Hon. A.A. Macdonald, J. Pope – 1908." They are also found published in A.G. Doughty's "Notes on the Quebec Conference," in *The Canadian Historical Review*, Vol. 1, No. 1 (1920), pp. 26-47. [C.D.]

² This document was found at the back of the file in the John A. Macdonald papers. Since it is dated Oct. 10, 1864, we have relocated it here in this reproduction. [C.D.]

THE QUEBEC RESOLUTIONS

A.A. Macdonald's informal record—continued

and seconded by Mr. Tilley that Sir. E. P. Taché should be Chairman and carried unanimously.

Hon. Dr. Tupper then moved that Hon. W.H. Pope, delegate from P. E. I., be appointed secretary which was agreed to. After some discussion as to mode of procedure it was decided that besides the secretary for the whole convention an additional secretary should be appointed for each Province. A certified list of the delegates representing each province was handed in and tabled.

Sir. E. P. Taché, Chairman then addressed the delegates and welcomed them to Quebec. He said that the object of the Conference was to do away with some of the internal hindrances to trade, and to unite the Provinces for mutual defence. Without unity of action and comity of sentiment a great country could not expect to exist. The majority of the people believe if their rights and privileges are left to the local legislatures they will be safe in the liberties guaranteed to them and ratified by solemn treaties even if we do not come to an understanding on the subject of confederation. He hoped that this meeting of the leading statesmen of the British Provinces who are here assembled may be productive of an amount of good that will be beneficial in the highest degree to all the Provinces.

A lengthy discussion followed as to the means of voting on such questions as were to be considered:

- Were...

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- ... the delegates to vote individually, or should the votes be given by Provinces;
- should each Province have the same status whether large or small in deciding a question respecting which there were different views;
- Were the members of the Conference to first express their opinions in the general meeting;
- Were the senior members to explain what had been already done;

The discussion of these preliminaries having taken up some time. It was finally agreed that:

- Each Province should have one vote.
- That free discussion should be allowed.
- That the delegates from each Province might retire to discuss among themselves any question before voting etc., etc.

It was also decided that the Conference should meet at 11 o'clock a.m. daily and sit continuously until 4 p.m. (fifteen minutes being allowed for a light lunch in the room adjoining.)

Hon. G.-E. Cartier: Then gave an exposition of the first delegation to Charlottetown and what followed until the Conference had reassembled now at Quebec. He said: We thought if the Legislatures of the different Provinces were brought together they would legislate more for the general advantage. The United Provinces have about four and half millions of inhabitants we have therefore the personal element which is essential. Then it is evident that no nation can attain great power without the Maritime element. We must have commercial intercourse with Europe during more than six months of the year. You who live down by the sea have seaports open all the year round and it is better that you should have the benefit of our trade than that a foreign power should have it. We thought that a Federation scheme was the best because these provinces are peopled by different nations and by peoples of different religions. There is the question of a Tariff for the United Provinces. The regulation of postal communication and rates of postage, national works which might be brought before the

general...

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government without detriment and without offending any party or interest. We have now Customs and Tariffs in the different Provinces all now differing from each other each Province looking out only for its own interest. As to defence we all know the position England has assumed towards us. Separated as we are we can not defend ourselves. Cobden and Bright say what is the use of sending an army to defend Prince Edward Island. It would be a great question if England would send an army or bring the power of Britain to defend any province from invasion. When we bring the country all together all our means would be united to repel an enemy. We would also have the seamen and we would have about 60,000 of them on the St. Lawrence. The position that England has taken now shows that we must be under one system of Government. Our financial interests also demand that we should be united. We all desire that these provinces should be as great as possible. There is always something better to be done something greater to be attained. I would never advocate this Union if I thought we would not thereby perpetrate the power of Queen Victoria in this Province.

Colonel Gray, P. E. I. said: When I spoke of establishing a nationality I only referred to what has been the dream of my life to be one day a citizen of a great nation extending from the Great West to the Atlantic seaboard. He sincerely hoped that the delegates from all the provinces would unite to accomplish this great work. Prince Edward Island was but a small province but it could be to the other Provinces all that the little state of Rhode Island was to the great American union, etc.

Hon. Mr. Carter, Newfoundland. Spoke in favor of the general principal of Federation and its bearing on Newfoundland which was a Commercial Colony possessed of immense wealth in its Fisheries. Many people had made fortunes there and retired to Britain to spend them. He looked to...

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Federation as opening up a wide field for enterprise in this Continent and it might be the means of inducing such persons to live here instead of retiring to the old country to spend their fortunes. The debt of the Colony was only £200,000, while the exports are in excess of the imports. The Provincial debentures bearing 5 per cent command a premium. We can supply your navy with seamen for we have a hardy race inured to the dangers of the deep and ready to defend the country when they are required to do so. Our province is larger than either England, Ireland or Scotland and comprises 40,000 square miles.

While I am a member of the administration my co-delegate is a member of the opposition in that Colony but our interests are alike in desiring to do all we can to benefit the Province we come from.

Hon. Mr. Shea, Newfoundland, agreed with Mr. Carter as to the favourable consideration which should be given to the proposed measure. We have the strongest feelings in favor of Confederation and as Newfoundland stands as the key to the Atlantic it is the interest of Canada that we should not be taken hold of by any foreign power. We stand at the entrance of the Gulf of St. Lawrence and the power which holds the Colony would control the trade of the Gulf by both entrances. Our fisheries employ 30,000 men a hardy and industrious class of men unsurpassed for daring and energy by any other seamen in the world. We have 350 vessels engaged in the seal fishery alone with 14,000 men.

Our imports are about six millions and our exports exceed our imports by nearly a million dollars annually. Our Revenue per head is larger than that of any of the other provinces. Our debt does not amount to more than \$900,000. We can raise all the money we want at 4 ½

THE QUEBEC RESOLUTIONS

A.A. Macdonald's informal record—continued

per cent. Our financial position is better I believe than that of the States of the American Union. A very small portion of our imports come from Canada while a very considerable...

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portion come from the United States. Our people have no facilities for trade with Canada, they had to go to the United States. It took a month for a reply to be received to a letter addressed to Canada and the postage was double what it was between Canada and Britain. We looked to Confederation to remedy this state of affairs. We have what Canada requires and we want the class of goods that Canada can supply. We must have steam packets plying regularly between Canada and the Colony and then trade would soon follow that channel.

Hon. Mr. Galt referred to the observations of previous speakers at some length and the benefits which would be conferred upon all the provinces by a uniformity of tariffs, postage, banking, currency, etc, and gave a number of statistics bearing on the subject. The Intercolonial Railway would be the great highway between the Canadas and the Maritime Provinces, if the Union could be accomplished and the road completed. It would be the bond of Union between the East and the West.....¹ The debt of Canada was somewhat less per head than that of New Brunswick. In Newfoundland and Prince Edward Island the case is different. It is not so much what the debt of a colony is as what the expenditure is per head of the population. Provision must be made for the Local Governments. All the revenue from custom and excise would go to the general government. The expense of the local government would be lessened by the works they have now to provide for being lessened. In Canada it was thought the General Government could contribute towards the wants of the local Governments. The debts and taxation of the Provinces offered no material objection in our view. Many of us are of opinion that direct taxation is what is best but we must not insist on our individual opinions.

Mr. Mitchell, I believe it is desirable as a means of perpetuating British rule in these Colonies. We want a general system of currency and Post office arrangements. We want restrictions...

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of trade removed and that we may be united and act with one mind for the defence of our rights. I hope that no peddling policy will be adopted.

Hon. Mr. Coles We must not expect that Prince Edward Island will come into a confederation to be taxed three dollars per head instead of one dollar as at present. Nova Scotia, New Brunswick and Newfoundland have the Crown lands and other Revenues which we do not possess in our province. If Prince Edward Island was to give up her excise and customs she would have no revenues left which to carry on the business of the province.

Hon. Mr. Haviland: We are here to throw away our party views and to look on the questions before us in a broader spirit. As a British American I will go heart and soul for a Federal Union of all the Colonies.

[*Hon.*] **Mr. Pope:** When the proper time arrives to do so I will show how Prince Edward Island will be effected by withdrawing her general revenues.

[*Hon.*] **Mr. McCully** spoke at some length but chiefly as to opinions on Legislative Union which he stated were prevalent in his Province.

Hon. Dr. Tupper thought we should have a fuller exposition from the Canadian Ministry of what was intended at the present time. If it can be shown that the difficulties can be removed I shall be pleased, as it will elevate our Status, improve our social position and enable us to

¹ This is missing in the original. [C.D.]

RELATED MATERIALS

A.A. Macdonald's informal record—continued

occupy a higher place in the national family.....¹

Hon. John A. Macdonald: We all meet here for the purpose of discussing the general principles of a Federal Constitution, leaving it thus open to all parties to express their views freely. Unless the details can be made satisfactory the whole thing must break down.

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[Hon.] Mr. Dickie: The question must depend on what the details are to be and it should be more discussed before we give our vote one way to the other.

[Hon.] Mr. Brown thought it inexpedient to have a general debate on one resolution and then afterwards the same to be again gone over.

[Hon.] Dr. Tupper stated the purport of the former Conference at which owing to the statements of gentlemen from Canada it was decided not to report finally until it was known what had been done at the present Conference.....²

After some further discussion it was decided to adjourn until tomorrow at 11 a.m.

Tuesday, October 11th, 1864

Conference opened at 11 a.m.

It was resolved after debate that Mr. H. Bernard should be appointed Executive Secretary to the Conference to keep a record of the official decisions of the Conference.

It was also decided after debate that each Province by whatever number of delegates it was represented should have one vote in deciding all questions except those of order.

- Free discussion to be allowed;
- Conference to be in committee of the whole;
- No discussion allowed after vote taken;
- Each Province delegation may retire for consultation;
- Afterwards all resolutions to be with speaker in chair;
- at close of Conference decision as to publication.

Conference then resumed the consideration of motion in favour of Federal Union as per Resolution and,

Hon. John A. McDonald said: As we can't have the same scale of duty throughout...

18076

the various provinces, we must continue with hostile tariffs unless we have the Union which is the only alternative. How is this to be done? Now as to the Constitution of the Legislatures we should have two Chambers, an upper and a lower house. In the upper house equality in numbers should be the basis. In the lower house population should be the basis. Upper Canada had at last census 1,400,000, now it has 1,600,000. Lower Canada had then more than 1,000,000, now 1,200,000. Nova Scotia say 350,000. New Brunswick 260,000. Newfoundland 125,000. Prince Edward Island 85,000. Upper Canada would be taken as one division say with

¹ Also missing in the original. [C.D.]

² Also missing in the original. [C.D.]

THE QUEBEC RESOLUTIONS

A.A. Macdonald's informal record—continued

60 members. Lower Canada 60 members and Acadia and Maritime 20 each.

- The mode of appointment to the Upper House -

Many are in favour of Election and many are in favour of appointment by the crown. My own opinion will be made up on having arguments on both sides of the question as my mind is open on the subject. I may say however that I am favourable to appointments by the Crown. I am after experience in both systems in favour of returning to the old system of nomination by the crown. It is asking too much to require the members of the upper house of each province to extinguish themselves. We have 72 members in the Upper House, 48 elected and balance nominated by the Crown. If a ballot were taken for 20 in the old house to represent in the new house it might answer, or the new house might be elected from the old Upper house. There should be a large property qualification for the Upper house which is then the representative of property. It should be an independent body as far as property goes. First election to be made by the present constituency and afterwards qualification of Electors to be fixed by the general parliament. We must have a strong Central Government with all authority except what is given to the local governments in each Province to avoid the errors of the American Constitution.

18077

Hon. Mr. Dickie enquired what authority we have from the British Government to agitate this question. May we not have those advantages we look for without legislation and administrative arrangements... referred to flour trade.. Taxation in Canada is here on roads and bridges and also for education. There is also Municipal taxation besides the general tax; therefore such a measure must increase taxation very materially in the Maritime Provinces and if Municipal taxes are not included in the Canadian statement it must make taxes more than they really appear to be.

Despatch of 6th July 1862 was read in reply to Mr. Dickie's question.

Hon. Mr. Galt replied at some length:

There is no doubt but what the free trade between the Provinces might be extended, even as we are, but it could not be done so effectually. I think it necessary to give certain amounts from the general revenue to local wants.

Hon. Mr. McCully addressed the conference in a long speech but his remarks very general.

Hon. Mr. Brown said he differed in many details which he would discuss in other resolutions when they came up. The first resolution was then unanimously agreed to. The second resolution in favor of Federation of the Provinces with general Government and local Government for each of the Canada's and for the Maritime Provinces in local matters, with provision of admission of N.W.T., B. C. and Vancouver, then submitted by Hon. Mr. Brown who said that the British Government have offered the North West Country to Canada already and that we should open roads into that Country, etc. etc., etc.

Hon. Mr. Archibald approved of the general principles of allowing the increase of territory as contemplated in the resolution... A good deal of general discussion followed when four o'clock having arrived the Conference adjourned until 11 a.m. tomorrow.

18078

Wednesday, October 12th, 1864

Conference assembled at 11 a.m.

A number of communications addressed to the Conference by various societies and individuals

RELATED MATERIALS

A.A. Macdonald's informal record—continued

inviting the Conference to visit public institutions, etc., and also from the press for reports of the proceedings were read and the minutes of previous meetings were agreed to.

A discussion relative to inviting the Western Territory and British Columbia to unite with the Conference then ensued, and thereupon and owing to other circumstances connected with the delegation, the Canadians adjourned to hold an Executive Council meeting. The delegates from the Maritime Provinces remained and discussed a resolution submitted by Hon. George Brown, that the Lower Provinces be admitted as one, and Upper and Lower Canada as one each.

After considerable debate all the delegates from the Lower Provinces disagreed to this resolution.

Conference adjourned till 11 a.m. tomorrow.

Thursday, October 13th, 1864

Conference met pursuant to adjournment. Minutes of previous meeting adopted.

Hon. Mr. Brown agreed to withdraw his resolution of the previous day.

Hon. Mr. John A. Macdonald then read several resolutions which the Canadians had prepared to submit as to the Constitution of the Legislature, viz.,

That the Legislative Council consists of 72 members, 24 from Upper Canada, 24 from Lower Canada and 24 from Lower Provinces, to be chosen from the present Councils and appointed by the Crown under great seal of Executive Government and to be for life. Executive Government to be responsible. Local Governments to consist of two branches. The Lieutenant Governor to be appointed under great seal of General Government.

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...Mr. Macdonald explained these resolutions in his address to the Conference, and then,

Hon. Mr. Fisher moved that the General and Local Governments shall be formed on the model of the British Constitution as far as possible. A long discussion then ensued as to the propriety of passing such a resolution, which, after several amendments were proposed, resulted in the adoption of the amendment of Mr. Tilley that the word "Local" be struck out of Mr. Fisher's resolution which was then agreed to as amended.

Hon. John A. Macdonald moved that there be a general Government consisting of a Legislative Council and a House of Assembly. 2nd. That the Council consists of 72 members, 24 for each of the Canada's and 24 each and the Lower Provinces. A lengthy discussion followed this point and Mr. Tilley moved that the Canada's have 24 each and the Lower Provinces 32 members or a House of 80 members, and in his remarks stated that these would be appointed, 12 to Nova Scotia, 10 to New Brunswick, 6 to Newfoundland and four to Prince Edward Island. Many of the delegates spoke on this subject and the hour of 4 o'clock ensuing the Conference was adjourned until 11 a.m. tomorrow.

Friday, October 14th, 1864

Conference met at 11 a.m. and resumed the consideration of the motion respecting Legislative Council.

THE QUEBEC RESOLUTIONS

A.A. Macdonald's informal record—continued

The members from the Lower Provinces strongly urged their contention for a larger relative representation which the Canadians opposed. Many of the members of the Conference took part in the discussion of this question and many amendments were offered. The Maritime delegates contended that population should not decide the numbers in the Federal Legislative Council. Each Province had its own Constitution under which the smaller Provinces had the same powers as the larger ones and could thus with reason claim the right to a...

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fuller quota in the Council than proposed by the Canadians. The only safeguard the small Provinces would possess was in the Council. If numbers in the other House were based on population they should not also decide the representation which the weaker Provinces were to receive in the Upper Chamber, etc., etc.

At 4 o'clock Conference adjourned till 11 A.M. tomorrow.

Saturday, October 15, 1864.

Conference resumed.

It was resolved that on and after Monday the 21st inst., Conference meet at 10 a.m. and sit till 2 p.m. Meet again at 7:30 p.m. and sit as late as desirable.

The further consideration of representation in the Legislative Council was resumed and the general subject of Federation was discussed in connection with this resolution. The delegates from Prince Edward Island were not satisfied with the number of representatives proposed for their Province.

Hon. Mr. Langevin claimed that Quebec should have an equal number with Upper Canada but did not appear to urge a smaller number than Mr. Tilley proposed for the Lower Provinces.

Note: I think that Hon. Mr. Brown contended for a larger number for Ontario than for Quebec.

Nearly all of the delegates expressed their views at some length but no other notes were taken by the writer of their speeches on this day, as he was engaged in compiling statistics of P.E.I. in Dollars and Cents, and at 2.30 p.m. the Conference adjourned until 10 o'clock a.m. on Monday.

Monday, October 17, 1864.

Conference met at 10 a.m.

The resolution submitted by Mr. Brown on Tuesday last was taken up setting forth that the system of Government should be Federal with Local Governments in each Province and provision...

18081

for admission of the North West Territories, Newfoundland, British Columbia and Vancouver, and further debate following the resolution was adopted and entered on the record.

The adjourned debate on the constitution of the Federal Legislative Council was then resumed.

Hon. A. A. MacDonald said: That he considered each Province should have equal representation in the Federal Upper house and instanced the different States of the union which however diversified in area were each represented by two Senators in the General Government. It was he thought understood at first that while the Lower house should have its number of members based on population, the Upper House should be more representative of the smaller Provinces as it was to be the guardian of their rights and privileges. Each Province now possesses a constitution of its own similar in the case of the smallest to that in the largest Province and equal rights and privileges were accorded to all alike. It was therefore a good reason why the smaller Provinces should claim better representation in the Legislative Council than the resolution provided. The Canadians make no allowance for our present condition. We are not specially desirous of changing it. What are the inducements for us to give up our Constitution! What is Canada conceding to the Lower Provinces! Canada proposes a certain number of Councillors to suit the ideas of its own people and will not admit of any deviation from that proposal. Each Province has now a fixed number of Provincial Legislative Councillors and in a general Council half the number would be a fair representation for each Province. The two Canadas have 72 Legislative Councillors. The Maritime Provinces with Newfoundland have the same number. I suggest that we take the numbers in the present Councils as our basis and allow each Province half that number in...

18082

the Federal Legislative Council. This proposal was not entertained and further debate ensued. It was advocated by some delegates to allow the Crown to add to the number of Legislative Councillors at any future time as they might deem necessary, but this was objected to by the Prince Edward Islanders and some others as it would destroy the equilibrium established between the Provinces and would be difficult to work out satisfactorily.

The resolution that for the purpose of forming a Legislative Council the Federated Provinces shall be considered as consisting of three divisions, 1st Upper Canada, 2nd Lower Canada, and 3rd Nova Scotia, New Brunswick and Prince Edward Island as the third division with equal representation from each division, was then submitted to vote, and carried; Prince Edward Island delegates dissented. The resolution fixing the number of Legislative Councillors at 24 for each division was then submitted to vote.

The Hon. Dr. Tupper proposed 24 for each of the Canadas, 10 for Nova Scotia, 9 for New Brunswick and 5 each for Prince Edward Island and Newfoundland. This after debate was withdrawn.

Hon. Mr. Coles proposed 20 each for the two Canadas, 8 each for Nova Scotia and New Brunswick, and 4 each for Prince Edward Island and Newfoundland. The after debate was also withdrawn.

Hon. A. A. MacDonald proposed that half the present number in each Province constitute the number in the Federal Legislative Council. The resolution was also withdrawn.

The question on the main motion was then put and Prince Edward Island having retired and consulted decided against it by a majority. The Chairman for P.E.I. announced that decision, and all other Provinces having voted for the resolution it was declared carried.

It being now 2 o'clock Conference adjourned until...

18083

7:30 p.m.

THE QUEBEC RESOLUTIONS

A.A. Macdonald's informal record—continued

At 7:30 Conference again met and a resolution was moved "that the members of the Legislative Council shall be appointed by the Crown under the great seal of the General Government and hold offices for life."

Hon. John A. Macdonald, George Brown, Dr. Tupper and others spoke on his resolution but I have no notes of their addresses.

Hon. Mr. Coles moved, seconded by Hon. A. A. MacDonald "That at the first and all subsequent Elections of members to serve in the Upper House they shall be chosen by a majority of both branches of the Provincial Legislative from such qualified persons as are thirty years of age or upwards. One half of such Council to go out of every four years after the first Election, to be decided by lot in first session."

Mr. Coles spoke in advocacy of his resolution.

Hon. A. A. MacDonald in seconding it considered that in this way only would the popular opinion of the Province be expressed whereas in appointments made by the Crown such would not be the case and the nominee of the Crown might be the most unpopular person in the Province.

At 12 midnight Conference adjourned till 10 a.m.

Tuesday, October 18th, 1864

Conference met at 10 o'clock a.m. and resumed the adjourned debate, etc.

"That the members of the Legislative Council shall be appointed by the Crown under the great seal of the General Government and hold office for life." The Prince Edward Island delegates withdrew and consulted as to their action. The question was asked: Shall appointment be open to all persons? and on a vote being taken, 5 voted nay, 1 voted yea. It was then asked: Shall appointments be made from present Councillors as far as qualified? Ans. No, by majority, only one voting yea.

On returning to the Conference Chamber the question was put on the main motion and it was carried unanimously...

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by Provinces (although individual members in all Provinces did not agree).

The qualifications necessary for eligibility to serve as Legislative Councillors was then considered, and it was proposed to select them by lot from the present Legislative Councils except in Prince Edward Island, this proposition was defeated. It was then proposed to select the Legislative Councillors with due regard to local parties, to be appointed by the General Executive Government on recommendation of the local Executive from present Legislative except as regards Prince Edward Island, this was also lost.

It was proposed that the first selection be made from duly qualified members of the Legislative Council in Canada but in the other provinces to be opened to all who possess the requisite qualifications whether now members of the Legislative Council or not, this was withdrawn.

It was then proposed to select the Legislative Council with due regard to local parties, appointments to be made by the Federal Executive on recommendation of the Local Executive from present Legislative Councils.

RELATED MATERIALS

A.A. Macdonald's informal record—continued

At 11.30 the motion for adjournment was carried.

Wednesday, October 19th, 1864

The Conference met at 10 a.m. Wednesday Oct. 19, and consideration of the adjourned debate resumed on resolution.

That the members of the Legislative Council for the General Government shall in the first instance be selected from the Legislative Councils of the various provinces with the exception of Prince Edward Island, so far as qualified, and debate ensuing the Prince Edward Island delegation retired to consult and on a vote of that province being taken a majority was against the resolution, which was adopted by the vote by provinces in the General Conference.

18085

The resolution that the first Council in the Federal Legislative shall be appointed by the Crown on the recommendation of the Local Governments with due regard to claims of the opposition was then proposed and after long debate it was adopted.

Hon. Peter Mitchell being called away on his private business got leave of absence for the remainder of the Conference. Conference adjourned at 2 p.m. until 7 p.m.

Conference resumed at 7:30 p.m. Resolution that the basis of representation in the House of Commons shall be population and 194 members viz., Upper Canada, 82, Lower Canada 65, Nova Scotia 19, New Brunswick 15, Newfoundland 8, Prince Edward Island 5, was then put. Debate thereon continued until 10 o'clock when the motion for adjournment was carried for 10 o'clock tomorrow.

Thursday, October 20th, 1864

Conference met at 10 a.m. Several resolutions respecting sessions of Legislatures and the powers thereof were submitted. Also resolution respecting mode of appointment of Lieutenant Governors and the duration of their holding office led to lengthy debate before they were finally adopted by the Conference.

Note: Major Bernard the Executive Secretary of the Conference has given a fuller and better report of this day's debates than could be made out from my notes, so I have taken his report for the 20th.

18086-18087¹

18088

Friday, October 21, 1864

10 a.m. Financial resolutions from No. 1 to No. 9 on the minutes were discussed by the leading

¹ On MG26 18086 and 18087, A.A. Macdonald quotes verbatim Bernard's account for the remainder of this day – beginning with Brown's "As to local Governments...", see [Bernard's "Report of Discussions,"](#) pp. 170-171 in this volume, for the transcription. [C.D.]

THE QUEBEC RESOLUTIONS

A.A. Macdonald's informal record—continued

members of the Conference which continued in session without adjournment until 5 o'clock p.m., when the Chamber being required for other purposes the Conference adjourned.

A number of resolutions besides those above mentioned were discussed and several changes made in the original drafts of some of them. There was a very general debate in which the leaders chiefly took part.

Many questions and explanations were required by the other members, and all relating to finance were replied to by Hon. Mr. Galt who has all information on that point in his head and does not often require to refer to the printed statistics, but I have no other notes of the day's debate, as I was engaged in making up a number of statistical tables along with Hon. Mr. Pope. Conference adjourned until 10 a.m.

Saturday, October 22nd, 1864

Conference reassembled at noon and,

Hon. Mr. Galt said: It is desirable that all the Provinces should enter the Federation with the same liabilities, and secondly that all should be admitted on just principles so that no claim can hereafter be advanced on account of claims now existing. He then read the resolutions respecting financial arrangements with the Provinces and stated the reasons at length of such an arrangement. He stated that \$80,000,000 was the present gross debt of all the Provinces, \$25 per head is the aggregate of the debt as nearly as possible. The debt of Canada on the 1st of January last was \$65,000,000 = Miscellaneous \$64,000, Common School debentures \$1,181,000, Indian fund \$1,600,000, Capitalization payable to seigniorial tenures \$2,900,000, Municipal \$600,000, Jesuits, etc. in all \$4,000,000, Total \$75,578,000 is the debt of Canada. Credits on Sinking fund \$4,883,000, Common School fund \$1,200,000, Cash \$2,848,000, Net Liabilities \$68,445,953 on 1st of January last. Three fourths of this debt has been...

18089

incurred for public improvements tending to conduct trade from the great west in this direction, 1st by Canals, 2ndly by railways. We have expended 24,908,000 for canals, \$29,302,000 for Railways, about \$15,000,000 in the Grand Trunk line is deferred until it realized a certain rate of interest. Great Western Railway \$2,500,000, a reference claim of \$1,000,000 comes in before us, but it is now paying interest on the Railway debt, Northern Railway \$2,300,000, Municipal Loan funds about \$9,000,000.

The liabilities of Nova Scotia about	
	\$5,000,000
" " " New Brunswick	5,700,000
" " " Newfoundland	1,000,000
" " " Prince Edward Island	250,000
" " " Canada	<u>68,445,950</u>
Making a total indebtedness of	
	\$80,395,950

\$25 per head will represent \$63,500,000 for Canada while the debt is \$69,000,000. In New Brunswick it will about represent the same proportion; in Nova Scotia also. In Newfoundland the debt is about \$8 per head, they will be charged with interest on that and will receive credit for \$25 per head. The debt of Prince Edward Island is \$3 per head, consequently it will benefit

by \$22 per head as a subsidy. It is plain the Local Governments cannot exist without a subvention from the General Government, or resorting to direct taxation, a subvention is the best means. The General Government must desire to make the charges for Local Government as light as possible while the local Governments would have an opposite interest. I trust whatever the amount of the subvention may be that it will not be changed hereafter. It should be definitely settled now and not doubled when the population of any Province of any Province doubles.

Hon. Mr. Tilley stated the objections he held against Mr. Galt's scheme. The Federal Government would take all the public property and proposed and nothing in return for this. Our Railway...

18090

now pays one and a half per cent on the cost of the road or \$60,000 over working expenses, wear and tear. Mr. Galt proposed to take this from us and allow us nothing in return. A large part of Canada's debt arises from interest on its railway debts. I should like to know what the value of your railway debt would be after paying preference bonds. The Great-Western Railway is the only one I look upon as a valuable asset, as it pays the Interest or part of it on its indebtedness. Suppose we construct the line between Nova Scotia and New Brunswick a part of the Intercolonial, will the receipts from it go into the general Revenue and are we to have no benefit from them?

Hon. Mr. Galt: I admit that the question of what future liabilities you incur is one of great importance that we should consider. The whole of the public works are given to the Confederation, etc., etc., etc., etc.

Hon. Messrs. Tilley & Brown, Tilley & Galt discussed this question at length...

Hon. Dr. Tupper said that \$20,000,000 of Canada's debt in the Grand Trunk line is not represented by any assets paid into the public Treasury, while Nova Scotia's Railways could be sold tomorrow for fifty per cent of cost, etc., etc., etc. Dr. Tupper continued his criticism of the financial aspects of the Lower Provinces and the position they would find themselves in if such proposals were adopted. He spoke at considerable length but the writer had no opportunity to note his remarks, as the other Island delegates had requested him to get up certain statistics respecting their Province, and to convert the Island currency as given in the official returns, which gave only the Island currency, into Dollars and Cents, Canadian currency.

The debate on the forgoing questions was continued by...

18091

Messrs. Galt, Tilley, Archibald, Tupper, McCully, Coles, Chandler, Steeves, Dickey, Henry and nearly all the members of the Conference took part in it. The debate continued until 10 o'clock when the Conference adjourned until Monday, the 24th at 10 a.m., when being met a length discussion followed chiefly on the financial resolutions, for report of some of the speeches I again refer to Major Bernard's report as given in Appendix vi page 352, Pope's Sir John Macdonald, a copy hereto annexed.¹

¹ For October 24th 1864, pp. 18091-18095, A.A. Macdonald quotes verbatim from [Bernard discussion in "Report of Discussions."](#) See pp. 175-177 in this volume for the transcription. [C.D.]

THE QUEBEC RESOLUTIONS

A.A. Macdonald's informal record—continued

18096

Tuesday, October 25th, 1864.

The financial arrangements still formed the chief subject of discussion. Several sets of resolutions on other subjects were submitted and agreed to chiefly those referring to the jurisdiction of the local and general legislatures, the judiciary, etc.

On consideration of the subject of Education it was moved by Hon. Darcy McGee and seconded by Hon. A. A. McDonald.

That it be resolved that all rights and privileges which any denomination now possesses in respect to denominational schools or in educational matters shall be preserved to them by the constitution and shall not be abridged by Legislation.

Note that this may not be the literal wording of the resolution, but such is its import. My note on it being an imperfect draft. This resolution was unanimously adopted.

Conference adjourned until 10 a.m. on Wednesday.

Wednesday, October 26th, 1864.

Conference met at 10 a.m.

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

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

18097

be settled. Resolved therefore that a sum equal to the interests of the amount necessary to purchase the said lands be paid annually to Prince Edward Island in consideration of this question.

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

Hon. A. A. MacDonald said that the only advantage he could see that would accrue to the people of his Province under the proposed Confederation would be to have the lands purchased by the Government. This the local Government might accomplish through time without entering into Confederation but it must take many years to do it. Even if the lands were to be purchased by the general Government and handed over to the local Government to be disposed of to the tenants the funds arising from the sale would not constitute a permanent source of revenue. They would be all disposed of in a few years and the money would be

expended for local improvements owing to the necessities of the Province while we would be taxed as much per head as we now pay and have besides to pay our proportion of the Federal taxation the same as all the other Provinces. Our local and Federal taxation would be more than we could bear. We would have to pay our portion of the railway debt without a railroad throughout our Province. It is a matter of indifference to our people whether the Intercolonial Railroad is built at all or not. Being an insular Province and entirely cut off from the mainland by the Ice for nearly half the year we need fear no foreign invasion and being but a small Province offer no inducements to a foreign invader to make war on us while so many richer Provinces offer more prizes and lie between us and any possible foe.

18098

We are loyal subjects of our gracious Queen and she would not see us out off from protection while we put forth our own efforts to protect our shores. It would require more liberal financial support terms than any yet proposed to induce our people to support a Federal Union if they were to form a portion of it. (He referred to the increased Tariff as compared with present local).

Hon. Mr. Galt said that the duties of Canada will be materially lessened under any circumstances and will be readjusted with reference to the position of all the Provinces and their duties after Confederation.

Conference adjourned at midnight after a number of resolutions had been passed.

Thursday, October 27th, 1864.

Conference met at 10 a.m. A number of resolutions which had been under consideration at previous sessions were adopted this morning and the whole read over. Most of the delegates left early. I was the only Islander at the Conference during these formal proceedings. It was decided to have the resolutions of the Conference printed and submitted to the delegates at Montreal to be authenticated by their signatures and the Conference then adjourned to meet at Montreal tomorrow.

Saturday, October 29th, 1864.

A brief session was held at the St. Louis Hotel on October 29th but the printed report of the Conference resolutions was not ready and an adjournment was agreed upon till arrival at Ottawa.¹

¹ Unfortunately, there is no single, comprehensive account of what happened after the Quebec Conference completed its work, nor is it exactly clear when it formally did so. (A paper on both these questions is forthcoming.) Some historians date the Quebec Conference from October 10th to October 27th 1864 since the labours of drafting and amending the resolutions were effectively completed on October 27th (e.g., Eugénie Brouillet, Alain-G. Gagnon, and Guy Laforest (eds) in *Understanding the Emergence of the Canadian Federation* do so for instance). This is not entirely wrong. The delegates seem to have completed the drafting of the resolutions by October 27th and reconvened in Montreal only to review the final text of the resolutions. While some amendments (merely aesthetic) may have been made on this last day, the record needs to be further untangled. In this volume, we have dated the Quebec Conference from October 10th to October 29th 1864 given the archival evidence in our possession (see pp. 154-155 and 211-212 in this volume). But again, further work is needed to fully disentangle these questions. [C.D.]

THE QUEBEC RESOLUTIONS



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from which this material is sourced)*

(XII.) HON. EDWARD WHELAN'S (PEI)
INFORMAL RECORD AT QUEBEC

OCTOBER, 1864

Source: [The Examiner \[Charlottetown, Prince Edward Island\], October 10-November 14, 1864](#)

The Inter-Colonial Conference in Canada

Friday October 7, 1864¹

To The Readers of The *Examiner*
Dear Friends—

Being on my way to Canada to co-operate with my friends, Messrs. Coles and Macdonald, as Delegates to the Inter-Colonial Convention, with the view of humbly representing the opinions of the Liberal Party, so far as we may presume to do so—I must humbly bespeak your indulgence if you miss from the editorial columns of the *Examiner*, for a sort time, the old familiar hand. One or two gentlemen of experience have, however, kindly promised to act in my behalf, and so confident am I in their ability, that the readers of the *Examiner* will, no doubt, congratulate themselves on the temporary transfer of its management.

One word more. While engaged in the discharge of a public duty, I will not cease to remember with the most pleasant feelings the long, and perhaps not unuseful intercourse which subsisted between myself and my readers. In acting with my brother delegates, I will earnestly labour to be guided by a strict regard for the interests of my adopted country—which they, after twenty-one years' residence in it, have a right to claim at my hands. Whatever may be the basis of the Report to be agreed upon by the Delegates at the Quebec Convention, I will venture to say, in no boasting or egotistical spirit, that my hand will never be put to any document calculated to endanger her interests in the slightest degree. But I sincerely believe that all the delegates from the Island, those from the Government side as well as those on the Opposition, will so represent the land of their birth and adoption as to remove many, if not all the prejudices which have unfortunately taken possession of the public mind of the Island in regard to the great question of Inter-Colonial Union.

EDWARD WHELAN

On board the Steam Yacht *Queen Victoria*, at Shediac, Friday morning, October 7th, 1864

Monday October 10th, 1864²

In obedience to the summons from His Excellency the Governor General, Delegates from the Maritime Provinces arrived in Quebec, and met, in the Parliament Buildings, in Conference today. The whole Canadian Ministry were present, and the Premier, Sir Etienne P. Taché, was unanimously chosen President. Sir Etienne is a very venerable French gentleman, of perhaps more than 70 years—of most pleasing manners—of great business habits, and evidently of considerable ability. His colleagues in the Government are gentlemen, on the whole, distinguished, but especially Messrs. J. A. McDonald, Cartier, McGee and Brown. The Delegates from all the Provinces are as follows: –

¹ [The Examiner \(Charlottetown, Prince Edward Island\), October 10th, 1864. \[C.D.\]](#)

² [The Examiner \(Charlottetown, Prince Edward Island\), October 17th, 1864. \[C.D.\]](#)

THE QUEBEC RESOLUTIONS

Whelan's informal record—continued

CANADA.

Sir ETIENNE P. TACHÉ, Premier.
Hon. J.A. MACDONALD, Attorney General West.
Hon. G.E. CARTIER, Attorney General East.
Hon. Wm. MCDOUGALL, Provincial Secretary.
Hon. GEORGE BROWN, President of Executive Council.
Hon. A.T. GALT, Finance Minister.
Hon. A. CAMPBELL, Commissioner of Crown Lands.
Hon. OLIVER MOWAT, Postmaster General.
Hon. H. L. LANGEVIN, Solicitor General East.
Hon. JAMES COCKBURN, Solicitor General West.
Hon. T. D'ARCY MCGEE, Minister of Agriculture.
Hon. J. C. CHAPPAIS, Commissioner Public Works.

NOVA SCOTIA.

Hon. Dr. TUPPER, Provincial Secretary.
Hon. W. A. HENRY, Attorney General.
Hon. R B. DICKEY.
Hon. JONATHAN McCULLY.
Hon. A. G. ARCHIBALD.

NEW BRUNSWICK.

Hon. S. L. TILLEY, Provincial Secretary.
Hon. M. JOHNSON, Attorney-General.
Hon. P. MITCHELL.
Hon. Mr. FISHER.
Hon. E. CHANDLER.
Hon. W.H. STEEVES.
Hon. JOHN H. GRAY.

NEWFOUNDLAND.

Hon. F. CARTER, Speaker of the House of Assembly.
Hon. AMBROSE SHEA.

PRINCE EDWARD ISLAND.

Hon. Col. GRAY, Premier.
Hon. EDWARD PALMER, Attorney General.
Hon. W. H. POPE, Provincial Secretary.
Hon. T. HEATH HAVILAND.
Hon. GEORGE COLES.
Hon. EDWARD WHELAN.
Hon. A. A. MACDONALD.

This day was chiefly occupied in making the necessary preliminary arrangements for the due management of the Conference. Several speeches were made. and amongst the rest, two very excellent ones by the Newfoundland Delegates, in which they gave their unqualified adhesion to the principle of Federation. The Hon. Mr. Cartier, Attorney General East, spoke very

eloquently and at considerable length, on the same subject, of course in favour of the principle. Mr. Cartier's speech was in support of a resolution submitted by the Attorney General for Upper Canada, declaring that a Union of all the Colonies, under the British Crown, would promote their best interests, if established upon principles just to all the Provinces. The Attorney General from Upper Canada will speak in support of this resolution tomorrow, and define what he believes should be the basis of the Federal Constitution.

The Delegates from the Maritime Provinces are to dine with the Canadian Ministry this evening, at the Stadacona Club. This is a Political Society, of great influence, conducted in the best manner, on the European plan, where members of all parties, I believe, associate together, and enjoy themselves with the feast of reason and the feast of something else, and the flow of bowl as well as the flow of soul. I have had the honor of being elected an Honorary Member of the Club, and indeed all the Delegates from the Lower Provinces have had the like honor conferred upon them. I will give the readers of the *Examiner* a further and fuller account of the Club in a subsequent Letter; and I will also give, although it will not be in regular chronological order, an account of my very pleasant voyage along the glorious old St. Lawrence.

Tuesday October 11th, 1864.¹

The Conference met at 11 o'clock precisely. The venerable President announced, on taking the Chair, that he had received a telegram from the Mayor of Toronto, inviting the Delegates from the Lower Provinces to a Public Entertainment in that City, on any day to be named by themselves. I believe the invitation will be accepted. Montreal, I understand, is preparing to give them a grand reception. They are to dine at the Vice-regal Palace, at Spencer Wood, on Thursday next. The Dinner at the Stadacona Club, last night, was a very brilliant and sumptuous affair. If the Delegates will survive the lavish hospitality of this great country, they will have good constitutions—perhaps better than the one they are manufacturing for the Confederation.

Mr. Attorney General McDonald made an able speech today, in Conference, on Federal Union. As all the deliberations are conducted with closed doors, the same as at Charlottetown, Halifax and Frederickton, I did not take notes of it. It was, I may say, without violating confidence, an argumentative and statesmanlike exposition of the views of the Canadian Ministry on the Consolidation of the British American Provinces under the Crown of England. The Hon. gentleman referred, in his speech, to a printed statement of the views of the Canadian Government, which had been circulated semi-officially, and which, having read it, I find coincides with the views enunciated by Mr. McDonald. It was prepared by one of the Canadian Ministers from Upper Canada. The following is the principal passage which bears upon the question:—

The Canadian Delegates were deeply impressed by the great material resources and the gratifying industrial prosperity of the Maritime Provinces. There is not one of them who does not subscribe heartily to the conclusion arrived at by the Conference, that a federation of all the Provinces would be highly advantageous.

Thus far nothing definite as to the details of the scheme has been agreed upon; notwithstanding the discussions of the last three weeks, every point will be open to unfettered inquiry by the Quebec Conference. No one, however, could have failed to gather from the newspapers of the Lower Provinces, the general outlines of the scheme under consideration at Charlottetown.

It appears to have been suggested that the Confederation might consist for the present

¹ [*The Examiner* \(Charlottetown, Prince Edward Island\), October 17th, 1864. \[C.D.\]](#)

THE QUEBEC RESOLUTIONS

Whelan's informal record—continued

of three sections—namely: Upper Canada; Lower Canada; and the Maritime Provinces, coming into the union either collectively or separately; and that provision might be made for the admission into the Union hereafter on equitable terms of the North-West Territory, British Columbia and Vancouver. The whole country might have one name, say Canada or Acadia.

It appears to have been suggested that each of the Provinces should have a Local Legislature and Executive, charged with the control of all local matters; and that in a General Legislature and Executive should be vested the control of affairs common to the whole country. It seems to have been held as indisputable that the functions of the General and Local Governments, and the subjects delegated to each, must be clearly defined in the Constitution so as to prevent collision and give security for local interests--the whole to be embodied in an act of the Imperial Parliament.

In regard to the constitution of the General or Federal Legislature, the representation in the Lower House must be based on population, and that of the Upper House on sectional equality. The mode of selecting the members of the Upper House is a fertile subject of discussion. Some favour election for a term of years by the people; others prefer to have their election vested in the Local Legislatures; while others again advocate their appointment for life by the Crown, upon the advice of the Ministry of the day. The solution may be found in a compromise of these views.

The Federal Government would be constituted as now—The Representative of the Crown being advised by an administration possessing the confidence of Parliament.

To the Federal authority thus constituted would obviously be committed all questions of Trade, Navigation, Currency, Banking, General Taxation. Bankruptcy and Criminal Law. It would have control of the Militia and Defence, of Coinage, Weights and Measures, Light-Houses, Sea-Fisheries, Letters Patent and Copyright, Naturalization, the Census, the Postal Service, Immigration, Inter-colonial Works, &c.

The manner in which the Local Legislatures should be constructed, affords scope for debate. There are those who advocate for each section two Legislative Chambers, while others prefer one Chamber. Some are for an Executive Government responsible, as at present, to the Legislature; while others are in favour of the Lieutenant Governors and other Chief Officials being elected by the people. It would, of course be desirable that all the Local Governments should be constituted on some uniform plan; but this does not seem absolutely essential, in the event of serious variance of opinion arising.

As to the powers and duties to be committed to the Local Governments, there is also room for much discussion. Manifestly, however, Lower Canada will insist that all judicial and legal matters—in fact the whole body of Civil and Municipal Law, with the exception of Criminal Law—must be vested in the Local Legislatures. It is equally clear that Upper Canada and New Brunswick will contend that the wild lands of the several sections should be vested in the Local Governments. The control of Roads, Bridges and Harbours—with the exception of International Works—of Inland Fisheries, of Education, of Prisons, Hospitals and Charities, of Agriculture, and all other local matters, would naturally be committed to the Local Bodies. It has been suggested that provision should be made for the educational interests of the minority in each section.

A difficulty would manifestly arise in committing these duties to the Local Legislatures, from the absence of local revenues to meet the necessary expenditures. It has been

suggested that an allowance from the Public Revenue might be distributed for Local purposes according to the population, inasmuch as the General Government will, by the federative arrangement, be relieved from charges now borne by each province, and will have absorbed all the sources of Revenue from which they are now defrayed.

It is very fortunate that little or no difficulty seems to present itself on the subject of Federal Finances. On the consummation of the union, all the debts and assets of the several Provinces would of course be assumed by the Federal Government; and a close examination of the Financial position of each Province shows that no injustice would be inflicted by this arrangement. The debt and the annual burden now borne by the people of the several Provinces are pretty nearly equal, and the Public Exchequers of all of them show a surplus."

The Hon. Mr. Galt is now addressing the Conference, on Financial affairs generally. He is certainly thoroughly at home on dry matters of fact of this description. But we have not yet the information we desire respecting the financial affairs of Canada. Mr. Pope (who, I should have stated, is Honorary Secretary to the Conference in conjunction With the Provincial Secretaries of Canada, Nova Scotia and New Brunswick), has applied for this important information, and which I will communicate to the *Examiner* when I have an opportunity of doing so.

The reason for conducting the deliberations confidentially is simply this: The Conference are unanimous, I believe, regarding the desirability of the Federation; but there is great diversity of opinion touching the details; and so many absurd reports are abroad concerning these details, that the Conference deemed it best to have them settled in private, and to make the result known to the public afterwards as soon as practicable. Without presuming to violate a particle of the confidence deemed so essential to the success of the deliberations of the Convention, I will endeavour to get all the information I can for the public on the general question. In the meantime, I must say that the prospects of the future of British America are of the most encouraging description, that the destinies of all the Provinces are in safe hands; and so far as human ingenuity and human wisdom can mould them, I believe their very best interests will be promoted by the contemplated change in our Constitution.

I must close for the day. The Mail is about doing the same; and the Conference ditto. We go to a grand reception or Levee at the Parliament Buildings tonight, and let me hope that "Natures sweet restorer, balmy sleep," will thereafter soon close one of the very few busy days yet spent in Quebec by.

Tuesday October 11th, 1864¹

Resuming my narrative at the place I left off when the last Mail for the Lower Provinces was about closing, there is only one fact to notice connected with the proceedings of the Conference today. The resolution declaratory of a desire for a Federal Union was put to the vote, and carried by acclamation, amid loud cheering. Two members were absent—Mr. Carter, of Newfoundland, owing to illness, and Mr. Whelan, of P. E. Island, preparing his letters for the Mails.² The Conference adjourned shortly after the vote was taken, no other business having been done.

A grand Drawing Room and Levee were held at the Parliament Buildings this evening by His

¹ [*The Examiner* \(Charlottetown, Prince Edward Island\), October 24th, 1864. \[C.D.\]](#)

² The newspaper article is indeed signed "E.W." and Whelan does claim authorship, but this section is somewhat awkward. It is possible that the editor of the *Examiner* authored this section of the text based on notes from Whelan. [C.D.]

THE QUEBEC RESOLUTIONS

Whelan's informal record—continued

Excellency the Governor General, in honor, it was understood, of the Delegates from the Maritime Provinces. There were about six hundred ladies and gentlemen presented. The whole building was brilliantly lighted up -- the Assembly Room and Council Chamber being quite gorgeous in that respect. The reception took place in the latter Chamber. His Excellency arrived at half-past eight o'clock, attended by members of his suit. The members of the Executive Council, the Lieut. Governor of Nova Scotia and his Lady, and the Delegates were the first presented. It never before occurred in any Provincial City, I think, to see so many public men assembled in one place. Whether the event will be worthy of remembrance, depends very much on the result of the Conference.

I noticed that the etiquette observed at this brilliant presentation differed from similar displays in Charlottetown, in so far as no name was announced when the person was presented. The Card of each was handed to the Aide-de-Camp in waiting—the bow was given and returned, and the party passed to one side of the Chamber. The Governor General shook hands with all whom he knew, and with all the Delegates, I believe. I felt apprehensive that the worthy gentleman would feel something like a kink in his neck the next morning from the great number of bows he had to make.¹

Wednesday October 12th, 1864²

The Convention met at 11 o'clock—all the members being present—Messrs. Carter, of Newfoundland, and Mr. Whelan, of Prince Edward Island, briefly addressed the Conference, accounting for their absence at the taking of the vote yesterday, in favour of a general Confederation. Both those Delegates gave their adhesion to the principle, and wished to be considered as having voted for it. A record was made on the Minutes to that effect.

The forenoon was occupied in discussing, or rather adverting to, a mere skeleton outline of the Federal constitution, which the Attorney General for Canada West briefly indicated. It was agreed that the Canadian Government would submit their views tomorrow in the form of resolutions, and the Conference adjourned early to enable them to prepare them. The Delegates from the Lower Provinces had then a long discussion amongst themselves as to the amount of representation in the Federal Parliament which each Province was entitled to from its area, trade and population. But the discussion was informal, and no conclusion was arrived at.

Thursday October 13th, 1864³

On the assembling of the Conference, a resolution was submitted by one of the New Brunswick Delegates, declaring that all the proceedings of the Convention, and the new Constitution to be framed for the local as well as for the general Government, were done with the view of perpetuating the connection with Great Britain. I do not pretend to give my readers the words of any resolution submitted. Indeed, I could not, for I have no access to the Minutes. The information I communicate to the *Examiner* is only such as might be gathered by any person in Quebec of an inquiring mind, but it is nevertheless quite correct. The resolution above noticed was strongly objected to, on the ground that no one in the Conference ever contemplated, separation from the Mother Country—that the connection was pre-eminently desirable; but that in framing a Constitution for the Federation, the action of the Conference ought not to be trammelled by too close an adherence to the forms of the British Constitution. The debate lasted for a long time—was characterized by much warmth, and ended in the adoption

¹ Part of the record is omitted here since it offers no substance on the topic of confederation. [C.D.]

² [*The Examiner* \(Charlottetown, Prince Edward Island\), October 24th, 1864. \[C.D.\]](#)

³ [*The Examiner* \(Charlottetown, Prince Edward Island\), October 24th, 1864. \[C.D.\]](#)

of a resolution, somewhat the same in spirit as the one first proposed—being a declaration, to the effect, that the Constitution of the General Government should be formed on the model of the British Constitution, as far as is compatible with our Colonial condition, and so framed, likewise, as to maintain British connection.

The remainder of the day was devoted to the discussion of a resolution which proposed to define the number of representatives which each Province should send to the Upper House of the Federal Parliament. The numbers are yet blank, and the discussion has been postponed until tomorrow. It has been agreed that Canada shall be regarded as two Provinces—Upper and Lower—and the number of representatives which she claims is greater than that which all the Lower Provinces would have. Well, her population is more than double that of the whole of them put together; and the claim does not appear to be unreasonable. But the incomplete state in which this part of the questions rests for the present, prevents me from saying anything more about it.

I have just returned (11 o'clock, p.m.) from dining at Spencer Wood, the residence of the Governor General. It is hardly necessary to say that the dinner was a superb one—lacking nothing in the departments of cuisine and vintage; but rendered especially charming by the case, affability and good humour which characterized the intercourse of the numerous guests; which included many of the Delegates, several of the Canadian Ministry; and last, but not least, several of the fair daughters of different parts of Canada, one or two of whom I should like to particularize, but dare not.—The Governor General is very easy and accessible in his manners—is not past middle life—is good-looking, well built, middle height, neither too stout nor too thin, wears large bushy whiskers of the same cut and colour as those which adorn the physiognomy of our friend Major McGill; and his Lordship might, indeed, be regarded as an improved likeness of our friend the Major. He has a keen relish for humour, and converses in a free and easy matter-of-fact style, same as any sensible man would; so that if his companion in conversation is not a born fool, he need not be oppressed by any of that stupid awe which fools sometimes feel in the presence of a live Lord. So much for the present. I hope I know more of Lord Monck before I leave Canada, and I have no doubt my appreciation of his character will be strengthened and intensified.

4 PM, Friday October 14th, 1864¹

The Conference has just closed, and as the Mail for the Eastern Provinces will also close in a very short time, I may as well tell the readers of the *Examiner* some of the talk about town in regard to its deliberations. It is understood that the resolution regarding representation in the Upper House of the Confederate Parliament was debated all day with considerable warmth and ability, but no agreement came to. Lower Canada complains that in the number proposed for her—24—she would not be fairly represented—it being proposed that Upper Canada (against whom there is great jealousy) should have the same number, while the Maritime Provinces, it was proposed, should have thirty-two members. New Brunswick and Nova Scotia claim 22 members out of the 32, while Newfoundland and Prince Edward Island, it is supposed, will not be allowed to have more than 10 between them, which the representatives from those Islands will not agree to. And with so much diversity of opinion, it is very difficult to say whether the Convention will not be compelled to break up prematurely. Matters do not certainly look very promising for a completion of the deliberations. I hope there may be concession and reconciliation, but I have very grave doubts respecting a satisfactory result. The mail is just about closing. I hope to be able to give more cheering accounts in my next letter.

¹ [*The Examiner* \(Charlottetown, Prince Edward Island\), October 24th, 1864.](#)

THE QUEBEC RESOLUTIONS

Whelan's informal record—continued

Friday, October 14th, 1864¹

St. Louis Hotel, Quebec

There was a sound of revelry by night,
And [CANADA]'s capital had gathered then
Her beauty and her chivalry, and bright
The camps shone o'er fair women and brave men.

A thousand hearts beat happily, and when
Music arose with its voluptuous swell
Soft eyes looked love to eyes which spake again,
And all went merry as a marriage bell.

—Byron

The great Government Ball, for which the most extensive preparations had been in progress long before the arrival of the Delegates from the Lower Provinces, was given tonight in the Parliament Buildings. There was evidently no expense spared—nearly every room in the buildings appeared to be filled, and every room was well prepared for the reception of the guests, who commenced to assemble about 9 o'clock—Lord Monck, the Governor General, and Sir R. G. McDonnell, Lieut. Governor of Nova Scotia, and his Lady, being amongst the guests. Invitations, I understand, were issued for about 1200, but not more than between 700 and 800 were present. The Dancing was of the same character as you find in every fashionable Ball Room: Lancers, Quadrilles, Polkas, and Waltzes; and I assure you that the string and brass bands of the two Regiments stationed here were not allowed to have any idle time upon their hands. Grave and venerable Ministers of State contended with the youngest and gayest votaries of fashion for the possession of the floor; ancient matrons, who have long since passed the autumn of their lives, and cast their sere and yellow leaves along the high ways of Time—were not insensible to the seductive pleasures of the dance.

I will not pretend to give a minute description of the Ball. I cannot do so. The bewildering scene baffles all my descriptive powers. The patient reader who peruses this veracious diary of mine, must appeal to his own imagination for a description. Let him fancy that he is elbowing his way from the House of Assembly to the Council Chamber, with all its rich paintings, portraits of the different Speakers—he sees the two floors occupied incessantly from 9 until 4 o'clock in the morning,—beautiful women, (and indeed they are beautiful here, and appeared to my view ten times more attractive than they did at the Drawing Room, which I noticed in a former letter), are floating past you everywhere in all the rich trappings of fashion—numerous gay officers in uniform, some exhibiting on their breasts Royal decorations given for distinguished merit,—here is grace, loveliness and politeness at every step you take. The charm of the scene is immeasurably enhanced by the admixture of the various nationalities. There is no fun in seeing two persons from the same country in conversation with each other; but to see those who are foreigners in language and race striving to communicate their thoughts to each other, is an incident peculiarly charming. Here is the gay, garrulous, and polite Frenchman, (or French lady, if you will,) gesticulating with hands and head, striving to make the Englishman, or Irishman, or Scotchman, (who does not know a word of French any more than he knows Sanscrit), comprehend a strange jumble of French and excessively bad English. The French ladies here give a delightful tone to society,—though lusty in flesh, they are quite as effeminate, if not more so, than their sisters of British origin. There is infinite grace of manner and faultless politeness in their intercourse with strangers. They make no difficulty about

¹ [*The Examiner* \(Charlottetown, Prince Edward Island\), October 24th, 1864.](#)

falling in love—or appearing to do it—with a dozen gentlemen at a time; and the gentlemen, I have no doubt—(of course *I* don't write from experience)—must find it hard to resist their attractions. But it is time to close this notice of the Ministerial Ball. It was a stunning and crushing affair as regards numbers, gorgeous dress, lavish expenditure on the part of the Government; and, indeed, everything that was calculated to make a sensational sacrifice at the shrine of pleasure. I do not think the arrangements were quite so good and regular as they were at our small Ball in Charlottetown when the Delegates met there. *There*, the Delegates from the other Provinces were introduced to our Society, such as it is, by persons appointed for the purpose. *Here*, the Delegates from the Maritime Provinces—(and I speak of the whole of them without exception)—had to trust to their own natural impudence for an introduction to the Quebec belles and gentlemen. Those who brought ladies from the Lower Provinces had to do, for the most part, the cicerone business themselves; and it was not pleasant to see the lady of the Provincial Secretary of Nova Scotia—a very fine and handsome woman—led to the Supper Room by an antiquated, grey-headed Cockney top, without influence or position, and who seems to be dogging the steps of the Delegation through the Provinces. However, I will say nothing more upon this point. The Canadian Ministry, I am sure, were desirous of making the entertainment as agreeable as possible to their guests; and if any error were committed, it was not of the heart but of the head.

Saturday October 15th, 1864¹

The Convention met at the appointed hour (11 o'clock), and discussed until 1 o'clock the question of representation of the Maritime Provinces in the Upper House of the Confederate Parliament. The French Canadians seem to apprehend that they will be swamped in the Upper House, and desire a larger representation than the Maritime Provinces ask for, so that they may not be overpowered by the British element. The admission of Newfoundland into the Conference perplexes the arrangement, as the agreement was, at Charlottetown, to give equality of representation to the Maritime Provinces of Nova Scotia, New Brunswick, and P. E. Island, with Upper and Lower Canada. This balance is disturbed by the admission of Newfoundland. What solution will be arrived at, it is not at present possible for me to say. The debate, which is conducted with great ability, stands adjourned until Monday.

Invitations, both public and private, are being poured in upon the Delegates from all quarters. They are invited to visit the principal cities of Lower and Upper Canada, to be entertained by the several Corporations, and special trains on the two great lines of Railway in the Province are placed at their service. Tonight the Delegates were entertained at a superb dinner by the Board of Trade of Quebec. I have not time to give a description of it. The company who sat down numbered one hundred and twenty-five, embracing representatives of the commercial wealth of this great and ancient City, besides the representatives from the Maritime Provinces and the two Canadas. The national flag of England covered in graceful folds the spacious dining hall of Russell's Hotel—one of the best in the City, and owned by the proprietors of the St. Louis, in which I take "mine ease"—and each Province was distinctly designated by name and by appropriate mottos. The table arrangements were on the grandest scale. In short it was a "great spread," such as a wealthy Corporation like the Board of Trade might be expected to give. There were only five or six toasts given altogether—the one to the Delegates from the Maritime Provinces was that which called forth most eloquence. In responding to this toast, none but the Leaders of the several Provincial Governments spoke, on behalf of their several Provinces—there being no time for others to indulge in the flow of words. The best speech made, in my opinion, was that of Sir E. P. Taché—the Premier of the Canadian Government—for though a Frenchman, and apparently labouring under difficulty to

¹ [*The Examiner* \(Charlottetown, Prince Edward Island\), October 24th, 1864.](#)

THE QUEBEC RESOLUTIONS

Whelan's informal record—continued

express himself in English, he certainly seemed to give utterance to more genuine common sense views, and more good humour than any of the Maritime Delegates. Of course the speeches were non-committal, and of the same general character as those delivered at Charlottetown and elsewhere by the Delegates. But I must close the brief and hasty record for this day. The cosy bed before me invites me to repose; and the excitement which one experiences in this *fast* city, together with the gushing and overwhelming hospitalities of its generous-hearted people, render repose absolutely necessary.

Sunday October 16th, 1864¹

A quiet day. No invitations, for which I heartily console myself. An hour spent in humble devotions at St. Patrick's Cathedral,—a visit to the historic monument to Wolfe and Montcalm, in the Governor's garden,—a walk on the Esplanade,—a cursory view of some of the great battlefields of the last century; and a return to my quiet room in the Hotel for the remainder of the evening, to think and dream about home, and all its endearing associations. The above noticed and other objects of interest about Quebec, will be more particularly referred to hereafter.

Monday October 17th, 1864²

I understand that the debate on the question of representation in the Upper House was resumed to-day in the Parliament Buildings; and the Delegates from the Lower Provinces adhered, by an almost unanimous vote, to their claim for equal representation with the two sections of Canada; providing for a separate representation for Newfoundland, the North West Territory, British Columbia, and Vancouver's Island. The Canadian Ministry retired from the Conference, I am informed, to consider this ultimatum; and in an hour returned, conceding all that the Lower Provinces demanded. The representation in the Upper House will be as follows, if the scheme should be approved of by the Imperial and Local Parliaments;—Lower Canada, 24; Upper Canada, 24; Nova Scotia, New Brunswick, and P.E. Island, 24; the maritime Provinces to be represented as follows: Nova Scotia and New Brunswick 10 each; P.E. Island, 4; and Newfoundland, as an addition to the general arrangement, 4. I give the readers of the *Examiner* the above information, as the subject of current report about Quebec. I will not vouch for its accuracy, but I think it is *very near* the truth.

The Conference, I am informed, next proceeds to consider the question, whether the Upper House should be nominated by the Crown, or elected by the people, or by the several local Legislatures. Each view was ably supported, and I regret I am not at liberty to give the arguments or the names of the different speakers. The debate was kept up until 12 o'clock tonight, and then adjourned. The Conference now meets at 10 a.m., adjourn at 2, reassemble at half past seven p.m.; and propose to carry their deliberations far into the night.

Tuesday October 18th, 1864³

Conference met at 10 a.m. Debate on the mode of constituting the Council for the Confederate Parliament resumed. I am informed that nomination by the Crown was the mode which met with the approval of a large majority of the Delegates when the vote was taken at the 2 o'clock adjournment. The age and property qualifications of Legislative Councillors were the next points discussed. The age was settled, I understand, at 30 years—none but British-born

¹ [*The Examiner* \(Charlottetown, Prince Edward Island\), October 24th, 1864.](#)

² Ibid.

³ Ibid.

or naturalized British subjects to be eligible for nomination; and as for the property qualification, I believe that is an open question at the time I write, (Tuesday, 4 p.m.), but I am inclined to think the qualification will not be less than four thousand dollars in real estate, above debts and incumbrances, and may be more. All these points afford an immense field for speculation; but as my readers will understand that my information comes to me in the most incomplete and unofficial form, it would be profitless to indulge in speculation at this stage of the proceedings of the Conference. I shall continue to write down, from day to day, the result of my observations, and communicate such items of information as I think I may do without any breach of propriety.

I am yet nearly a stranger to the historic places in this old City, as well as to the great monuments of skill, industry, art, and enterprise, which abound in every street; but I hope to get time to form an acquaintance with all these things; and I hope, also, that my good friends, the readers of the *Examiner*, will not consider my remarks concerning them unworthy of their perusal.

Tuesday October 18th, 1864¹

When I closed my last letter at this date, I understand that the debate in Conference was then in progress touching the constitution of the Upper House under the Federal Government, as intimated in my last. I believe this principle was agreed to: that in choosing Councillors, the choice should be confined to the several Legislative Councils in existence in the respective Provinces at the time the Union was to take effect, excepting Prince Edward Island. That favoured place was to have the whole Island for a choice. Whether this may be deemed complimentary to the Island, or whether it was supposed that the present Legislative Council there does not, or is not likely to afford suitable materials for a selection, are points which I am not prepared to discuss. But certain it is, the principle, as I have stated it, was carried.

Wednesday October 19th, 1864²

The most important feature in the whole fabric of the Federal Constitution engaged the deliberations of the Conference for the whole of this day, that is— Representation of the several Provinces in the Lower House, or House of Commons as it is to be styled. The principle agreed upon at the Charlottetown Convention was, as I am informed, that population should be the basis of representation. This principle did not appear to be acceptable to the P. E. Island Delegates, owing to the scantiness of population of the Island, and they laboured strenuously and unanimously, I understand, to have their case made an exceptional one. But it was argued that if the principle were departed from in one case, it would afford serious ground for discontent if rigidly enforced with regard to all the rest of the Provinces. I cannot now review the arguments on both sides with which I have been made acquainted, but this I hope to do when the whole framework of the Constitution is ready to be presented to the public, which it is the intention, I believe, of the Conference to do. I can only state now a few bald facts such as come to my knowledge, the same as they do to any other person in Quebec, and such as I find noticed in the Toronto journals. The following has been agreed upon as the scale of representation in the House of Commons. Canada, Upper and Lower, to have 147 members; Nova Scotia, 19; New Brunswick, 15; Newfoundland, 8; and P. E. Island, 5. The Island Delegates wanted to get six representatives; but as a concession to this would disturb the whole principle on which representation was to be based, the Conference did not feel at liberty to agree to it; and the Island Delegates had to content themselves, I understand, with voting against that part of the arrangement. Indeed, I do not see that six would be any more

¹ [*The Examiner* \(Charlottetown, Prince Edward Island\), October 31st, 1864.](#)

² Ibid.

THE QUEBEC RESOLUTIONS

Whelan's informal record—continued

service to them than five in so large a Parliament. But my opinions on this point, with some additional information as to population, &c., will be given in a subsequent letter, when the whole business shall be completed.

A grand Ball was given this evening, expressly in honour of the Delegates, at the splendid residence of Mons. and Madame Tessier. The worthy host is President of the Legislative Council, is a Lawyer of high standing, and is one of the Professors of Law in the Laval University. The party was chiefly French—indeed the only ones of British and Irish origin present were those from the Maritime Provinces. Bad and broken English was much in vogue during the evening when conversation was carried on with the English and Irish, who have all determined upon studying French forthwith. Indeed, the venders of French Dictionaries and Grammars are beginning to find a considerable number of customers amongst the people from the Lower Provinces. I am afraid some of them will go back to their Down East homes, forgetting much of their mother tongue, and talking a strange conglomeration of English and excessively bad French. But one word for Madame Tessier's gay and brilliant party—the crowd was excessive, I could not compute the number present; but they all seemed to enjoy themselves—the spread in the Supper Room was superb, and the party did not separate until about 3 o'clock on the following morning. I think it would be advisable to be somewhat reticent hereafter regarding the social parties in which the Delegates engage in this stupendously hospitable City, lest it should be supposed they do nothing else but frolic. I will try to do it; but I am afraid I will not succeed.

Thursday & Friday October 20th-21st, 1864¹

The Convention has been engaged most diligently these two days in defining the powers of the House of Commons—its duration—mode of election—qualification of members, and particularly the subjects which are to come within the scope of its control. The term of its existence has been fixed, I understand, at five years—the qualification of members to be the same for each Province as that which now obtains in each; and the election laws now existing in each to apply to the election of members for each.

The powers and jurisdiction of the House of Commons refer to thirty-two great general questions; but as these are in the progress of discussion, and my information touching them is incomplete, I must defer further reference to them until my next Letter.

A splendid official reception was given to the Delegates from the Maritime Provinces yesterday (Thursday) at the Laval University, when an Address was presented to them by the Very Reverend Superior of that Institution, and an Answer given in return. The great number of learned Doctors and Professors, in their gorgeous academic robes, was, of itself, a sight worth seeing; but all the wonders of the University, and of the Colleges and Seminary attached, were fully disclosed to the astonished eyes of the Delegates—the Right Reverend Bishops of Quebec, Kingston and Hamilton, who honoured the occasion by their presence, acting, in conjunction with the Doctors of Divinity and other Professors, as cicerones to the Delegates. As the Mail is just about closing, I must reserve for another occasion further observations concerning the Seminary, Colleges, and University. I herewith enclose copies of the address and answer presented yesterday.²

¹ [*The Examiner* \(Charlottetown, Prince Edward Island\), October 31st, 1864.](#)

² The 'Address' and 'Reply' are found published in this newspaper but omitted here since they offer no substance on the topic of confederation.

Friday October 21st, 1864¹

It would seem to be the settled conviction of the good people of this gay, ancient, and fascinating City, that the chief end of existence is Pleasure. I am informed, however, that the season for paying particular devotion to this most exacting deity has not yet arrived—that winter, when the mighty river which pours its countless treasures into Lower Canada, is locked in the embrace of the Frost King—witnesses scenes of gaiety and festivity here to which those in which I have been a participator bear no comparison²—at least for frequency of occurrence.³

I shall not say anything more about the Ball. It was a brilliant affair throughout—eminently successful—(I believe that is the phrase used to describe a stunning jollification)—and Everybody and his Wife were hugely delighted with it. One word more: the Cabinet Ministers—the leading ones especially—are the most inveterate dancers I have ever seen; they do not seem to miss a dance during the live-long night. They are cunning fellows; and there's no doubt it is all done for a political purpose; they know that if they can dance themselves into the affections of the wives and daughters of the country, the men will certainly become an easy conquest.

Saturday October 22nd, 1864⁴

The Conference sat from 12 noon until six p.m. today, and commenced the most valuable portion of their work—the arrangement of the financial affairs of the several Provinces. The Finance Minister of Canada made a most able and elaborate exposition of the views of the Canadian Government, which, at the close of his speech, he presented in the form of a resolution. I am not at liberty to give you the resolution, although I should very much like to do so. Indeed, at the time I write, the resolution has not been confirmed by the Conference, but I have every reason to believe that it will be confirmed, although it may be somewhat modified in its details. In general terms, I may say that it is eminently calculated to place the Island in an admirable position as regards its financial affairs. That position will be vastly different from the one conjured up by my friend Mr. Beer, whose letter in the *Protestant* of the 15th instant, I have only just now received and read. Some of my friends on the P.E. Island Delegation have carried away the paper to laugh over the absurd delusions into which Mr. Beer has allowed himself to be betrayed by an imagination which, to say the least, has been strangely perplexed, but which has never been deemed to be one of the fervid and excitable character. Mr. Beer assumes that our Island people will be taxed to make up a proportion of the Canadian debt, which he has correctly enough stated at sixty-two millions and odd dollars—that the Island will have to bear a proportion of the Nova Scotia and New Brunswick debts, and to help to provide the construction of the great inter-colonial Railway, and for military defences. Never was there a greater mistake. Canada proposes to deal with the Maritime Provinces in the most broad and liberal spirit. She emphatically declares that the burden of her debt shall fall upon Upper and Lower Canada—and upon Upper and Lower Canada alone. It is proposed to consolidate the debts of the several Provinces, the Confederation assuming their liability in consideration of the transfer of all provincial property of a public character—such as canals, public harbours, light houses, steamboats, dredges, and public vessels, river and lake improvements, railways, military, roads, public buildings, custom houses, and post offices, except

¹ [*The Examiner* \(Charlottetown, Prince Edward Island\), October 31st, 1864.](#)

² This newspaper is now cut off at the bottom and part of this sentence is no longer found. I have referred to Waite "Edward Whelan Report From the Quebec Conference," in *The Canadian Historical Review* (University of Toronto Press, 1961) publication for the missing part.

³ Part of the record is omitted since it offers no substance on the topic of confederation.

⁴ [*The Examiner* \(Charlottetown, Prince Edward Island\), October 31st, 1864.](#)

such as may be set aside for the use of the local Legislatures; ordnance property, munitions of war, armories, and lands set apart for public purposes. The Confederation then proposes to place to the credit of each Province, to meet its debt, \$25 per head of the population. If the debt of any one does not amount to that sum, that particular one can draw for the interest semi-annually. The debt of Canada is such that she will have nothing to draw—Nova Scotia and New Brunswick not much each—Newfoundland and Prince Edward Island will have a large balance in their favour. The debt of the Island represents about three dollars per head—that leaves twenty dollars per head to its credit, the interest of which can be drawn semi-annually for local improvements. By this arrangement, the debt of P.E. Island will be guaranteed to the extent of \$2,025,000.00—the interest on which, at 5 per cent, will be \$101,250.00. Add to this, the proportion which the Confederation proposes to give to each Province for the support of its local administration, at the rate of 80 cents per head, making for the population of P.E. Island (say 81,000) \$64,800.00—and we have a total of \$166,050.00, which P.E. Island will annually receive. Deduct from the latter sum \$12,000, interest at 5 per cent on our debt of £75,000 currency, or \$240,000, and the balance in our favour will be \$154,050.00 or £48,140 12s 6d, P.E.I currency, which will be, under the Confederation, nearly forty-eight thousand dollars more than we now spend for local affairs the Federal Government assuming the cost of certain affairs, to which I shall hereafter refer. And this is, besides having the guarantee of the Federal Government for more than two millions of dollars, equal to about £400,000 by which we could, at any time, effect the purchase of our Township lands. And I have every reason to believe that these golden prospects may be brought home to us without much, if any, additional taxation. So that the alarmists in the Island need not work themselves up into a fever of excitement, touching the financial aspect of the Union question. The only persons who have the least cause for alarm are the proprietors, for if that question be consummated, their oppressive and antiquated tenure will speedily cease. I have many interesting notes to extend, but I must close in order to be in time for the Mail.

Thursday October 27, 1864¹

Since the date of my last letter, Saturday 22nd, the Convention has been occupied with the financial matters then under its consideration, and which I then described as well as my time enabled me to do it; besides, other matters relating to the powers and jurisdictions of the General and Local Governments, have been under consideration, and have led to the most wearisome discussions, so much so that the debates have been protracted until one or two hours after midnight. To attempt to give my readers now an account of the results of the discussions, owing to the imperfect state in which the Minutes of the Conference appear, would not only be highly improper; but impossible. A digest of the proceedings will, I hope, be prepared for publication; and then will be the proper time to arrive at a safe and dispassionate conclusion touching the merits of the whole scheme of intercolonial Union. As it now appears to my mind, I have no reason, as far as the interests of the Island are concerned, to be dissatisfied with the arrangements proposed. Canada has, I think, shown a very honest and generous disposition so far; and should the Union be consummated, Lower Canada will, most especially, be the firm and fast friend of the Maritime Provinces. The desire of her public men is, apparently, to secure the aid of the Eastern Provinces for the purpose of curbing the grasping ambition of Upper or Western Canada, which now threatens to overshadow the Lower Province. The French desire most ardently to be left to the undisturbed enjoyment of their ancient privileges—their French institutions, civil law, literature and language. It is utterly impossible to Anglicise them—the attempt to do it, would outrage their most deeply rooted prejudices and lead to insurrection. As Sir Etienne Taché said to me today, (and he is a shrewd observer of events), the time will come—not, indeed, in the present generation, nor, perhaps,

¹ [*The Examiner* \(Charlottetown, Prince Edward Island\), November 7th, 1864.](#)

in the next—when the French element will be absorbed into the English one; but that result must be brought about by time, and not by the violent action of politicians. Leave to the French their old traditions, customs and institutions, and they will be found to be the most easily managed race in Canada under the British power. There is a party amongst them called the Clear Grit or Rouge Party, of which Papineau was formerly the Leader, (and I may observe, *en passant*, that this gentleman now lives at Montreal in the enjoyment of a vigorous old age, and an ample fortune), but they are numerically small, both in and out of the Legislature, and scarcely represented at all in the Government of the Country. The predominant feeling of the French members of the Canadian Ministry—(and I have no doubt they represent the general sentiment of their countrymen pretty fairly on this point)—is that of devoted and chivalrous loyalty to the British Crown. They appear to detest Democracy in any and every shape; and, therefore, they would rather lean upon the Maritime Provinces for aid and sympathy, and reciprocate with them in the same way, than trust to Upper Canada, which they believe is fast tending to Democracy. The feelings and prejudices of such a people are not only entitled to respect, but it would be fatal to offend them.

But I forget that, in commencing this letter, it was not my purpose to write a disquisition on Canadian politics. I hope I shall have a better opportunity, with fuller information, for doing that hereafter. The Conference is about closing its labours here, and may have one brief sitting at Montreal, to which place we are to go this evening. Several of the Delegates, with the ladies of the party, left for that city this afternoon. The remaining Delegates will arrive there by the Grand Trunk Railway a little before daylight tomorrow morning. The day is to be set apart as a holiday—a Review of Troops and Militia is to be held under General Sir Fenwick Williams, for which, I understand, the most elaborate preparations are being made—a Ball is to be given by the Municipal authorities in the evening; and a *Dejeuner*, at which there will be a general outpouring of eloquence, will occupy the following day. The Delegates will then visit Ottawa, the seat of the future government, at which place the like festivities will be shown them, and from thence to Kingston, Hamilton, Toronto, Niagara Falls, some cities in the Far West of the United States, and home by New York, Boston, Portland and St. John.

Saturday October 29th, 1864 ¹

The Inter-Colonial Convention closed their labours at Quebec on Thursday, the 27th ult. For ten days previous to the close, they continued their sittings late into each night, in order to dispose of the many important questions pressing upon them, and to meet the engagements entered into on their behalf in the Cities of Montreal, Ottawa and Toronto. On the afternoon and evening of Thursday all the Maritime Delegates left Quebec for Montreal, in Special Trains provided for their use by the obliging and gentlemanly Managing Director of the Grand Trunk Railway, C.J. Brydges, Esqr.

The Delegates were accompanied by the ladies of their party, and by the Attorney General of Upper Canada, (Hon. Mr. McDonald), Leader of the Government, and by the Finance Minister, (Hon. Mr. Galt). Several other members of the Canadian Government, Hon. Mr. Cartier, Attorney General Canada East, Hon. Mr. Langevin, Solicitor General Canada East, Hon. Mr. Cockburn, Solicitor General Canada West, came by steamer from Quebec to Montreal. The Hon. Mr. McGee had been in the latter city two or three days previously, aiding in the preparations for the reception of the Delegates. The whole party were assembled at the St. Lawrence Hall, in Montreal, on an early hour on Friday. That day was exceedingly wet, and the review of the military and volunteers, which was ordered for the occasion, was consequently postponed. Tuesday was occupied, though wet, in visiting some of the public institutions, the Geological Survey, under the management of Sir William Logan, claiming especial attention.

¹ [*The Examiner* \(Charlottetown, Prince Edward Island\), November 14th, 1864.](#)

THE QUEBEC RESOLUTIONS

Whelan's informal record—continued

[...]¹ The evening of Friday was devoted to a great Ball in the St. Lawrence. It was, like preceding entertainments in which the Delegates had participated, quite a brilliant affair. The party was, however, far more numerous than those at Quebec. It was believed there were about 1000 persons present, and there would have many more could they have obtained tickets. Sir R. Graves McDonnell, Lieut. Governor of Nova Scotia, and his Lady, graced the Ball Room. We cannot find space for a description of the Ball, -- let the reader, however, who may be curious on the subject, refer to the accounts of the Quebec affairs of the same kind, and magnify them at least three fold, and he will have some idea of the Montreal display. Richness of apparel, brilliancy and costliness of jewels, female beauty (with which the great Province of Canada seems to be overstocked), were all reproduced at the St. Lawrence Hall on a grand scale. But some how or other, the Quebec Balls seemed the most *recherche*, and they certainly have an abiding place in our memory.

On Saturday morning, the Delegates held an informal meeting—Hon. Mr. Cartier presiding—for the purpose of revising the Minutes of Conference. These minutes had come to Montreal from Quebec in printed slips. They were corrected at the informal meeting above referred to; and, with the exception of a few verbal but unimportant alterations, they are substantially as appear below. The minutes here given contain most of the alterations made at Montreal.

Lest it should be supposed that there is a breach of confidence on the part of the editor of this paper in thus giving undisguised publicity to the proceedings of the Convention, we deem it our duty to state that Mr. Whelan took the advice of the Canadian Ministers on this subject. Mr. Galt, the Finance Minister, was clearly of opinion that the earliest publicity should be given to the result of their deliberations. Mr. Cartier, Attorney General of Canada East, in his admirable speech at Montreal, disclosed as many of the so-called secrets of the convention as he could think of; and Mr. Brown, President of the Council of Canada, "let the cat" more thoroughly "out of the bag" in his speech at the Toronto dinner. The New Brunswick Delegates are just on the eve of doing the same before public meetings of their own constituencies; and, in short, from the publicity which has been given to the proceedings of the Convention, in a hundred different forms, it is now absurd to talk about "secrecy." Indeed, the less secrecy that is practised, the more likelihood there is of gaining public opinion in favour of the great Confederation scheme. We, therefore give, without hesitation, the rough draught of the report of the Conference which is to be submitted to the several local Legislatures. A corrected copy of this report has, ere this, been placed in the hands of the Governor General for transmission to the Queen. Each member of the Conference will also be furnished with a lithographed copy, containing the latest corrections, and the signatures of *all* the Delegates as soon as the work can be prepared and sent from Canada. This extended publicity, both present and proximate, puts an end to all secrecy; and the readers of the *EXAMINER* may rely upon getting the most full and correct information touching every detail of the Convention. We shall now give our readers the Report of the Conference as corrected at Montreal.²

¹ There is additional material here but features nothing on the topic of confederation.

² The Report is found reprinted in Appendix XV ([Hon. Edward Whelan's \(PEI\) draft of Quebec Resolutions, as corrected in Montreal](#)), on p. 223 of this volume.

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THE QUEBEC RESOLUTIONS



*(Scan QR code to view the primary document
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(XIII.) RESOLUTIONS ON INDIANS, FERRIES, ETC.,
AMENDED COPY

OCTOBER 25-26, 1864

Source: [Library and Archives Canada, MG 26, A, Vol. 46, 18035](#)¹

18035

CONFIDENTIAL.

RESOLUTIONS SUGGESTED FOR CONSIDERATION.

Resolved,—

1. It shall be competent for the General Legislature to pass laws respecting—

1. The Indians, *[and lands secured for the Indians]*

2. Ferries between any Province and a Foreign Country or between any two Provinces, *[illegible]*

[strike out] 3. ~~For the regulation and incorporation of Fire and Life Insurance Companies,~~

[checkmark] 4. Respecting Savings Banks.

2. ~~It shall also be competent for the General Legislature to pass—~~

~~Inspection Laws, and~~

~~Laws relating to Quarantine.~~

[checkmark] 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. *[and those growing out of a [illegible]]*

[checkmark] 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.

5. The General Government *[Leg.]* may also, from time to time, establish additional Courts, *[the G.G. [illegible]]* 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]*

[checkmark] 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.

¹ I have provided here an example from the John A. Macdonald Papers that belong to the tabling of resolutions described in Hewitt Bernard's Minutes and Report. Another copy with similar amendments (MG 26, A, Vol. 46, 18033) can be accessed at [PrimaryDocuments.ca by scanning the QR code on the left](#). Unlike many of the other papers for the Bernard Minutes and Report, this one is not only well preserved but mostly readable. I envision a fuller (if not a full) account of the primary material for the Hewitt Bernard Minutes and Report in a future edition of this book. For the moment, however, readers may refer to the PrimaryDocuments.ca website for further updates. Since these provisions were tabled on October 25th, and the primary material has "October 26th" inscribed at the top, I've tentatively dated this document October 25th-26th. It is possible that some of the resolutions were tabled on October 25th and others on October 26th, while minor drafting amendments to the text were made in a drafting session on the 26th. [C.D.]

THE QUEBEC RESOLUTIONS

resolutions on Indians, ferries, etc., amended copy—continued

[checkmark] 7. The House of Commons or ~~Legislative~~ ^[local] 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 ^[or Lieutenant Governor as the case may be], 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~~ ^[Legislatures] may in like manner be reserved for the consideration of the ~~General Government~~ ^[Governor General].

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~~ ^[governor] 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 Courts 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 removeable 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 [Legislatures] Governments in respect thereof.~~ *[the seat of the Local Government of Upper Canada shall be Toronto; of Lower Canada Quebec; and the Seats of the Local Government of the other Provinces ~~shall be~~ shall be]*

THE QUEBEC RESOLUTIONS



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**(XIV.) RESOLUTIONS SUGGESTED FOR
CONSIDERATION**

OCTOBER 25-26, 1864

Source: [Library and Archives Canada, MG 26, A, Vol. 46, 18132](#)¹

18132

CONFIDENTIAL.

RESOLUTIONS SUGGESTED FOR CONSIDERATION.

RESOLVED,—

1. 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.
2. The House of Common, 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 by Message of the Governor General, during the Session in which such Vote, Resolution, Address or Bill is passed.
3. Any Bill of the General Legislature 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.
4. 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.

5. A sum proportioned to the population of each Province shall be set apart annually out of the general revenue, towards the expense of the administration of Justice in each Province.
6. Out of the sum so set apart for each Province, shall be paid the salaries of the Judges of the Superior Courts in such Province.
7. The number of such Judges shall not be increased except by the concurrent action of the General and Local Legislature.

¹ I have included this document for the similar reason as the previous one in this book. The document above however is striking in that it contains resolutions that we have no record were discussed and obviously rejected at Quebec. This is of course a major topic of interest. Resolutions that were left behind and not adopted are certainly interesting and also relevant for understanding the resolutions the delegates did accept at Quebec. While some of these resolutions were discussed on both October 25th and 26th, I believe the document above was tabled on October 25th and quite possibly discussed on both October 25th and 26th. For this reason, I've tentatively dated this document on those dates. [C.D.]

THE QUEBEC RESOLUTIONS

resolutions suggested for consideration—continued

8. 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 Legislation.

9. Lower Canada Judges shall be appointed from the Bar of Lower Canada.

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

11. All Judges of the Superior Court shall hold their office during good behaviour, and shall be removeable only on the address of both Houses of the General Legislature.

12. The General Legislature: shall have power to constitute any other Courts in addition to the Court of Appeal, in case the same shall be found necessary for giving effect to the laws of the General Legislature.

13. 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.

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THE QUEBEC RESOLUTIONS



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(XV.) HON. EDWARD WHELAN'S (PEI) DRAFT
OF QUEBEC RESOLUTIONS, AS CORRECTED IN
MONTREAL

OCTOBER 29, 1864¹

Source: [Examiner \[Charlottetown, Prince Edward Island\], November 14, 1864](#)

Report of the Quebec Conference on the Question of Colonial Union.

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.

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

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

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.

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

There shall be a General Legislature for the Federated Provinces, composed of a Legislative Council and a House of Commons.

For the purpose of forming the Legislative Council, the Federated Provinces shall be considered consisting of three divisions: 1st. Upper Canada, 2nd. Lower Canada, 3rd. Nova Scotia,

¹ According to Edward Whelan, this is the draft of the Quebec Resolutions as amended at Montreal on October 29th, 1864. This version (above) does not include the amendments and three resolutions added in what we titled [Macdonald's "fourth working draft"](#) in this compilation. This version however does seem to work off the base text of [Macdonald's "fourth working draft"](#) (without the amendments). Like the base text, this draft above does not feature numbered provisions. The three provisions missing in this draft (above), and found in [the final text of the Quebec Resolutions](#) (see page 365) are the following:

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

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

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

THE QUEBEC RESOLUTIONS

corrected Montreal draft of the Quebec Resolutions—continued

New Brunswick and Prince Edward Island, each division with an equal Representation in the Legislative Council.

Upper Canada shall 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 Ten, New Brunswick Ten, and Prince Edward Island Four members.

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

The North West Territory, British Columbia and Vancouver shall be admitted into the Union on such terms and conditions as the Parliament of the Federated Provinces 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 Members of the Legislative Council shall be appointed by the Crown under the Great Seal of the General Government, and shall hold office during life. If any Legislative Councillor shall, for two consecutive sessions of the Legislature, fail to give his attendance in the said Council, his seat shall thereby become vacant.

The Members of the Legislative Council shall be British subjects by Birth or Naturalization, of the full age of Thirty years, shall possess a continuous real property qualification of four thousand dollars over and above all incumbrances, and shall be and continue worth that sum over and above their debts and liabilities; but in the case of Newfoundland, the property may be either real or personal.

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

The first selection of the members of the Legislative Council shall be made from the Legislative Councils of the various Provinces, with the exception of Prince Edward Island, so far as a sufficient number be found qualified and willing to serve; such Members shall be appointed by the Crown at the recommendation of the General Executive Government, upon the nomination of the respective Local Governments, and the in such nomination due regard shall be had to the claims of the Members of the Legislative Council of the Opposition in each Province, so that all political parties may as nearly as possible be fairly represented.

The Speaker of the Legislative Council (until otherwise provided by the said 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.

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.

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 194, distributed as follows: --

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Upper Canada	82
Lower Canada	65
Nova Scotia	19
New Brunswick	15
Newfoundland	8
and Prince Edward Island	5

Until the Official Census of 1871 has been made up, there shall be no change in the number of Representatives from the several sections.

Immediately after the completion of the Census of 1871, and immediately after every Decennial Census thereafter, the Representation from each section in the House of Commons shall be re-adjusted on the basis of Population.

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 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 last taken by having sixty-five members.

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 Union, to the extent of five per centum or over.

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.

The Legislature of each Province shall, prior to the Union, divide such Province into the proper number of constituencies, and define the boundaries of each of them.

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

The Local Legislature of each Province may, afterwards, from time to time, alter the Electoral Districts for the purposes of Representation in the House of Commons, and distribute the Representatives to which the Province is entitled in such Local Legislature in any manner such Legislature may think fit.

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 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 to the vacating of seats of Members, and to the issuing and execution of new Writs in case of any seat being vacated otherwise than by a dissolution, --shall respectively apply to Elections of Members to serve in the House of Commons, for places situate in those Provinces respectively.

THE QUEBEC RESOLUTIONS

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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.

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 of the General Parliament in the next Session.

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

1. The Public Debt and Property.
2. The Regulation of Trade and Commerce.
3. The imposition or regulation of Duties of Customs on Imports and Exports, -- except on Exports of Timber, Logs, Masts, Spars, Deals and Sawn Lumber, and of Coal and other minerals.
4. The imposition or regulation of Excise Duties.
5. The raising of money by all or any other modes or systems of Taxation.
6. The borrowing of money on the Public Credit.
7. Postal Service.
8. Lines of Steam or other Ships, Railways, Canals and other works, connecting any two or more of the Provinces together or extending beyond the limits of any Province.
9. Lines of Steamships between the Federated Provinces and other Countries.
10. Telegraphic Communication and the Incorporation of Telegraph Companies.
11. All such works as shall, although lying wholly within any Province be specially declared by the Acts authorizing them to be for the general advantage.
12. The Census.
13. Militia -- Military and Naval Service and Defence.
14. Beacons, Buoys and Light Houses.
15. Navigation and shipping.
16. Quarantine.
17. Sea Coast and Inland Fisheries.
18. Ferries between any Province and a Foreign country, or between any two Provinces.
19. Currency and Coinage.
20. Banking and the issue of paper money.
21. Savings Banks.
22. Weights and Measures.
23. Bills of Exchange and Promissory Notes.
24. Interest.
25. Legal Tender.
26. Bankruptcy and Insolvency.
27. Patents of Invention and Discovery.
28. Copy Rights.
29. Indians and Lands reserved for the Indians.
30. Naturalization and Aliens.
31. Marriage and Divorce.
32. The Criminal Law, excepting the Constitution of Courts of Criminal Jurisdiction, but including the procedure in Criminal matters.

RELATED MATERIALS

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33. 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 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.
34. The Establishment of a General Court of Appeal for the Federated Provinces.
35. Immigration.
36. Agriculture.
37. And generally respecting all matters of a general character, not specially and exclusively reserved for the Local Governments and Legislatures.

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

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

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.

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

Until the Consolidation of the Laws of Upper Canada, New Brunswick, Nova Scotia, Newfoundland and Prince Edward Island, the Judges of these Provinces appointed by the General Government shall be selected from their respective Bars.

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

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 Parliament.

LOCAL GOVERNMENT.

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 exercise of the pleasure as aforesaid, and also by message to both Houses of Parliament within the first week of the first Session afterwards.

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

THE QUEBEC RESOLUTIONS

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The Local Government and Legislature of each Province shall be constructed in such manner as the existing Legislature of such Province shall provide in the Act consenting to the Union.

After the Union the Local Legislatures shall have power to alter or amend their constitution from time to time.

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

Direct taxation, and the imposition of Duties on the Export of Timber, Logs, Masts, Spars, Deals and Sawn Lumber; and of Coals and other minerals.

Borrowing money on the credit of the Province.

The establishment and tenure of local offices, and the appointment and payment of local officers.

Agriculture.

Immigration.

Education; saving the rights and privileges which the Protestant or Catholic minority in both Canadas may possess as to their Denominational Schools, at the time when the Union goes into operation.

The sale and management of Public Lands excepting Lands belonging to the General Government.

Sea Coast and Inland Fisheries.

The establishment, maintenance and management of Penitentiaries, and of Public and Reformatory Prisons.

The establishment, maintenance and management of Hospitals, Asylums, Charities, and Eleemosynary Institutions.

Municipal Institutions.

Shop, Saloon, Tavern, Auctioneer and other Licences.

Local Works.

The Incorporation of private or local companies, except such as relate to matters assigned to the Federal Legislature.

Property and civil rights, excepting those portions thereof assigned to the General Parliament.

Inflicting punishment by fine, penalties, imprisonment or otherwise, for the breach of laws passed in relation to any subject within their jurisdiction.

The Administration of Justice, including the Constitution, maintenance and organization of the Courts, -- both of Civil and Criminal Jurisdiction, and including also the Procedure in Civil matters.

And generally all matters of a private or local nature.

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 Parliament.

MISCELLANEOUS

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

RELATED MATERIALS

corrected Montreal draft of the Quebec Resolutions—continued

inconsistent with, the former.

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

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

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.

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 by Message of the Governor General or the Lieutenant Governor, as the case may be, during the Session in which such Vote, Resolution, Address or Bill is passed.

Any Bill of the General Legislature 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.

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.

The Seat of Government of the Federated Provinces shall be Ottawa, subject to the Royal Prerogative.

Subject to any future action of the respective Local Governments in respect thereof, the Seat of the Local Government 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.

PROPERTY AND LIABILITIES.

All Stocks, Cash, Bankers' Balances and other Cash Securities of each Province at the time of the Union, except as hereinafter mentioned, shall belong to the General Government.

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

- Canals;
- Public Harbours;
- Light Houses and Piers;
- Steamboats, Dredges and Public Vessels;
- River and Lake Improvements;
- Railways and Railway Stocks, Mortgages and other debts due by Railway Companies.
- Military Roads;
- Custom Houses, Post Offices and other Public Buildings, except such as may be set aside by the General Government for the use of the Local Legislatures and

THE QUEBEC RESOLUTIONS

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Governments;

Property transferred by the Imperial Government and known as Ordnance Property; Armories, Drill Sheds, Military Clothing and Munitions of War; and Lands set apart for public purposes.

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

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

The several Provinces shall remain vested with all other Public Property therein, subject to the right of the Confederation to assume any Lands or Public Property required for Fortifications or the Defence of the Country.

The General Government 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; Nova Scotia shall enter the Union with a debt not exceeding \$8,000,000; and New Brunswick with a debt not exceeding \$7,000,000.

But it shall be expressly provided that in case of Nova Scotia or New Brunswick do not incur liabilities beyond those for which their Governments are now bound, and which shall make their debts at the date of Union less than \$8,000,000 and \$7,000,000 respectively, they shall be entitled to interest at 5 per cent. on the amount not so incurred, in like manner as is hereinafter provided for Newfoundland and Prince Edward Island; the foregoing resolution being in no respect intended to limit the powers given to the respective Governments of those Provinces by Legislative authority, but only to limit the maximum amount of charge to be assumed by the General Government. Provided always that the powers so conferred by the respective Legislatures shall be exercised within five years from this date, or the same shall then lapse.

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

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

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.

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

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

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.

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

The communications with the North-Western Territory, and the improvements required for the development of the Trade of the Great West with the Seaboard, are regarded by this Conference as subjects of the highest importance to the Federated Provinces, and shall be prosecuted at the earliest possible period that the state of the Finances will permit the Parliament to do so.

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

The proceedings of the Conference, when finally revised, shall be signed by the Delegates, and submitted by each Delegation to its own Government, and the Chairman is authorized to submit a copy to the Governor General for transmission to the Secretary of State for the Colonies.

THE QUEBEC RESOLUTIONS



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from which this material is sourced)*

(XVI.) GEORGE ETIENNE CARTIER'S SPEECH AT MONTREAL

OCTOBER 29, 1864

Source: "[Suite et fin des discours prononcés au banquet de samedi dernier,](#)" *La Minerve* (Nov. 5, 1864)¹

Suite et fin des discours prononcés au banquet de samedi dernier:

[...]

L'Hon. M. CARTIER commence par remercier Son Honneur, mais on l'interrompt par des cris «en Français, en Français.» Il supplia alors ses compatriotes de ne pas insister vu qu'il était convenable de parler la langue des hôtes de la ville, voulant être compris d'eux. Il recommença alors en langue anglaise et fit observer que ce n'était pas la première fois que les citoyens de Montréal avaient le malheur de l'écouter. Cependant, dit-il, il est de mon devoir, en l'absence de mon digne chef, Sir Étienne Paschal Taché et de mon collègue dans le gouvernement l'Hon. John A. McDonald de répondre à la santé que vient de proposer M. le Maire. Il est vraiment regrettable que ces MM. soient absents. Nous avons été si longtemps ensemble durant notre carrière publique, l'Hon. John A. McDonald et moi, que nous nous considérons presque comme des frères. Ce n'est pas à dire toutefois que je sois un frère orangiste de M. McDonald, mais ce monsieur peut être orangiste, sans que cela m'empêche d'être son frère. Je vous prie donc d'accepter leurs excuses, pour cette absence qui était inévitable. Comme chacun sait, la question qui nous réunit ce soir est celle de l'union des Provinces de l'Amérique Britannique sous un système de gouvernement qui abandonne à l'autorité centrale la juridiction des affaires d'un intérêt général, et qui laisse à des autorités locales la juridiction des affaires locales.

En tournant nos regards vers cette question qui agite aujourd'hui tous les hommes publics, on se rappelle de suite qu'il n'y a pas encore un siècle, la confédération qui nous avoisine s'efforça de créer une forte union basée sur les institutions démocratiques. A cette époque, le Bas-Canada qui était la colonie la plus peuplée de l'Amérique Britannique du Nord, fut sollicitée par le Gén. George Washington et par un général Français, de participer au mouvement américain. Quelle fut la réponse des Canadiens, alors qu'ils n'avaient pas l'avantage de posséder au milieu d'eux un nombre considérable de rejets des îles Britanniques? Je dis avantages, car je parle comme bas-canadien. De plus, à cette époque, il n'y avait pas longtemps qu'on les avait séparés de la nation Française pour les attacher à la nation Anglaise. Eh! bien, malgré cela, notre clergé, nos prêtres comprirent la faiblesse des institutions démocratiques et ne répondirent pas à la demande du Gén. Washington et du général Rochambeau. Malgré que les droits qu'ils demandaient, ne leur eussent pas encore été reconnus, ils préférèrent appuyer leurs destinées sur les institutions monarchiques.

En ce moment, nous travaillons à notre tour à fonder ici une grande confédération, mais notre objet n'est point de la faire par la création d'institutions démocratiques; non, c'est plutôt d'aider l'élément monarchique à prendre parmi nous de plus profondes racines. Je n'ignore pas qu'on attendait, et avec raison, que les procédés de la conférence seraient divulgués dans cette occasion. Mais il se trouve que la chose impossible, car ici comme ailleurs le peuple

¹ Some additional paragraphs have been divided for readability. For the full record of speeches given at this occasion, in French, see [PrimaryDocuments.ca by scanning the QR code on the left side](#). An English transcription of Cartier's speech can be found in [Edward Whelan's The Union of the British Provinces: A Brief Account of the Several Conferences Held in the Maritime Provinces and in Canada \(G.T. Haszard, 1865\)](#). See [PrimaryDocuments.ca](#) at [bit.ly/QRNote4](#). Note however that the French record features not only more speakers but, in some cases, lengthier speeches than those in Whelan's book. [C.D.]

comprendra qu'avant de faire part au public du plan agréé par la conférence, il convient de le communiquer aux gouverneurs des Provinces, puis d'en instruire le gouvernement Impérial. Ce n'est pas seulement une affaire de délicatesse, c'est encore une coutume britannique dont il ne siérait pas de nous départir. Chaque fois que des intérêts politiques d'une nature grave se sont présentés, ils ont été pris devant le gouvernement, avant de l'être devant le public. Mais sans commettre d'indiscrétions, je vais bien faire avec vous une série de suppositions. Ceux qui me connaissent savent bien que je n'ai pas la prétention d'être orateur. Mais je suis sincère, et si j'ai un défaut, ce ne peut être que celui de parler toujours avec trop de franchise.

Maintenant, sans être indiscret, je puis bien dire ce que tout le monde sait que je suis allié à l'Hon. George Brown, avec lequel j'ai été presque en antagonisme continué durant près de quinze ans. Jusqu'à présent, dans les grandes questions d'intérêt public, nous avons toujours été sur le pied de guerre, lui au nom du Haut-Canada, et moi au nom du Bas. Cette guerre durait depuis longtemps, sans profits pour personne, lorsque finalement nous tachâmes de nous entendre sur ce grand projet de confédération qui doit unir sous un seul gouvernement les Provinces de l'Amérique Britannique. En faisant alliance avec ce monsieur, je n'ai pris l'avis ni de mes compatriotes, ni de mes amis politiques. Je dois dire ici que dans tous les actes importants de ma vie politique, je n'ai jamais consulté personne. (Cette remarque ayant naturellement excité les rires, M. Cartier l'expliqua comme suit.)

Sous l'empire du système britannique, je sais bien qu'un homme politique doit se laisser guider par l'opinion publique, pour donner avis à Son Excellence le Gouverneur-Général; mais je pense en même temps qu'un homme dans cette position ne doit pas avoir uniquement à cœur de refléter les préjugés vulgaires; il doit tâcher de diriger lui même l'opinion publique. C'est ainsi que je comprends le système constitutionnel anglais—le ministère se tient entre la couronne et le peuple, et si quelque chose venait troubler l'équilibre du gouvernement monarchique, ce serait à lui de rétablir l'ordre. Je n'entends pas dire que l'homme public ne doit pas écouter l'opinion publique, mais je distingue entre l'opinion publique et les préjugés publics.

Lorsqu'il y a tempête sur l'océan, le vaisseau serait ballotté dans toutes les directions, s'il n'était pas habilement gouverné; c'est alors au pilote à diriger, et si le pilote fait son devoir il pourra vaincre la tempête, et sauver l'équipage et les passagers. Je dois dire, après avoir ainsi parlé de mon alliance avec M. Brown, que ce dernier a gardé fidèlement sa parole, dans toutes les transactions qui se sont offertes depuis la formation de la coalition. J'ignore ce que M. Brown pense de moi, et d'ailleurs il m'importe peu qu'il en dise du bien ou du mal, car j'ai une assez bonne opinion de moi-même pour ne m'occuper que très-peu de ce que les autres pensent ou disent de moi.

(Après les rires provoqués par cette saillie, M. Cartier reprit): Quant à la question politique, il est manifeste que nous avons des intérêts généraux qui peuvent être soumis à la juridiction d'un gouvernement général de toute l'Amérique Britannique du Nord. Comme Bas-Canadien, je reconnais que l'union du Haut et du Bas-Canada a fait beaucoup de bien. J'avoue, et j'ai déjà dit plusieurs fois, que cette union a accompli des merveilles pour la prospérité des deux provinces, et que cette prospérité se recommande d'elle-même à l'estime et au respect de l'Angleterre et du monde entier. Je ne suis pas de ceux qui voudraient voir le Haut et le Bas-Canada séparés en Provinces distinctes—tous deux ayant droit de faire leurs tarifs. Si un tel état de choses venait à exister, quelle en serait la conséquence? La ville de Montréal se trouverait isolée. Je n'hésite pas à reconnaître pour ma part que la prospérité de Montréal est due en plus grande partie au Haut-Canada qu'au Bas. Il faut que les choses soient appréciées sous leur vrai jour.

Je vous déclare donc comme l'an de vos représentants, que je n'acquiescerai jamais à aucun projet qui aurait pour effet de donner au Haut et au Bas-Canada le pouvoir d'adopter différentes politiques relativement au tarif et au commerce du pays. De fait, ne voyons nous pas aujourd'hui un grand parti autrefois opposé à l'union, la défendre maintenant de toutes ses forces? Pourquoi cela? Parce que, je le répète, l'union a fait beaucoup pour la prospérité des

deux Provinces. En présence de ce résultat, l'homme d'État Canadien doit-il s'abstenir, ou employer ses talents et son énergie à régler cette question de représentation qui menace d'amener une rupture entre le Haut et la Bas-Canada? Maintenant, suffit-il d'apaiser cette difficulté sectionnaire? Je suppose qu'elle soit réglée demain, par la fédération des deux Canadas, ne resterions-nous pas comme par le passé bloqués par la glace pendant six mois de l'année, comme le faisait remarquer tout à l'heure un des délégués du Nouveau-Brunswick? Cet ajustement n'aurait pour effet que de donner une nouvelle base aux opérations politiques dans la Chambre-Basse de la législature, mais nous laisserait dans la même position vis-à-vis des Provinces du Golfe. Il resterait encore entre nous les bureaux de douanes, qu'il faut démolir.

Les délégués qui ont parlé ce soir ont fait une position trop modeste à leurs provinces. Je dois leur répéter ce que je leur ai dit à quelques occasions d'antérieures. Je leur ai déjà dit que trois éléments constituaient le pouvoir d'un peuple, la grandeur nationale, le territoire, la marine et la population. Je leur ai dit aussi que le Canada possédait le premier et le dernier, mais qu'il avait besoin du second. C'est un fait que pendant six mois de l'année, nous sommes forcés de frapper à la porte de nos voisins, et de transporter nos marchandises sur leur territoire. Ce qui convenait il y a vingt ans pour notre commerce, ne convient plus maintenant que notre population et que notre territoire défriché se sont accrus dans des proportions étonnantes. Il faut donc que la confédération s'effectue, sans quoi nous tombons dans la confédération américaine.

(Des cris de « jamais, jamais, » interrompirent l'orateur; M. Cartier reprit:) Je savais que vous répondriez ainsi, et je suis content de vous avoir entendus. Je sais que le désir de toutes les personnes présentes est d'achever cette grande œuvre nationale, qui liera dans un même faisceau tous les grands intérêts de nos colonies, et qui fera de nous tous une grande nation. Je ne veux pas dire que cette nation sera distincte de la mère-patrie. Mais lorsque je parle de former une confédération, je veux dire que les pouvoirs accordés aux différentes provinces par le gouvernement impérial seraient combinés ensemble pour former un seul gouvernement général. Et si cette œuvre est accomplie, je pense que j'aurai mis la main à une excellente entreprise,—Je suppose que quelques-uns aimeraient peut-être à savoir quelles sont mes suppositions au sujet du gouvernement général. (Grands cris de « oui, oui. ») Eh! bien ne sera-ce pas lui qui réglera les questions de tarif?

Était-il convenable que les Douanes d'une Province fussent toujours en opposition avec le commerce des autres (cris de Non! Non!) Doit-il y avoir des différences dans l'argent de chaque Province? (Non! Non) Les poids et mesures ne doivent-ils pas être les mêmes? (Oui! Oui) Les lois de naturalisation ne doivent-elles pas être les mêmes (Oui! Oui) Le service postal ne doit-il pas être le même? (Oui! Oui!)

Est-il avantageux qu'il y ait une grande différence sur plusieurs autres points trop longs à énumérer? Mais il y a encore au-dessus de toutes ces questions, celle bien plus importante de la défense du pays. Les Îles de Terre-Neuve et du Prince-Édouard et les Provinces du Nouveau-Brunswick et de la Nouvelle-Écosse peuvent-elles séparément préparer un plan de milice qui pourrait empêcher une invasion américaine? Non, certainement. Alors, dans le cas d'une invasion de ces Provinces par une armée ou une flotte américaine, la question se présenterait pour l'Angleterre si elle devrait envoyer des forces pour défendre ces îles et ces Provinces nécessaires à la Couronne anglaise. Je sais qu'il y a en Angleterre une école de politiques qui méprisent les colonies et nient leur valeur pour la métropole—MM. Cobden et Bright en sont les maîtres; malgré eux, le peuple est généralement d'opinion que ces colonies ne doivent être abandonnées. Alors en supposant donc que le Canada serait envahi par une armée américaine, quoiqu'il possède une population plus considérable que celle des autres Provinces, il ne pourrait pas seul défendre le pays. Mais il demanderait le secours des autres Provinces qui seraient appelées par le gouvernement général à repousser l'ennemi. Bien plus, si l'Angleterre voyait que nous nous occupons sérieusement de la défense du pays, il n'y a pas le moindre doute qu'elle viendrait à notre secours avec sa marine et son armée.

Je sais qu'il y a beaucoup d'objections contre ce système de gouvernement, surtout parce que nous n'avons pas de suite une union législative. Mais à cette époque critique, nous n'avons pas à prendre en considération les opinions et les intérêts différents et peut-être même opposés, qu'on peut offrir contre cette union; et si nous présentons aux législatures de ces provinces et au gouvernement impérial un projet qui aurait pour principe la formation d'un gouvernement général, nous devons avoir bien soin de protéger également toutes les races et de travailler au profit de chacune. Et si nous réussissons en cela, nous aurons fait beaucoup. On m'a dit que dans le Bas-Canada, il y avait une forte opposition à ce projet, parce que dans cette province la population anglaise serait à la merci de la population française. Que doit-on répondre à cela? Je pense que les Anglais nés dans le Bas-Canada ne doivent pas se laisser guider par de semblables arguments et qu'ils doivent se rappeler que si les français ont la majorité dans le gouvernement local, ils seront à leur tour en grande minorité dans le gouvernement fédéral. La population française, en confiant ses intérêts à ce gouvernement, fait preuve de confiance dans nos compatriotes anglais. Est-ce trop demander à la race anglaise qu'elle ait confiance dans la libéralité et l'esprit de justice de la race française dans les gouvernements locaux? (acclamations enthousiastes)

A qui seront confiés les intérêts les plus importants pour les deux populations du Bas-Canada—au gouvernement fédéral ou local? Pour ma part je suis fier d'avouer aujourd'hui que la prospérité des deux Canadas est due à l'esprit commercial et aux entreprises de l'élément anglais dans le pays. Je n'ai aucune objection à ce qu'il continue à former l'élément prédominant; mais en même temps, pourquoi s'opposeraient-ils à la formation d'un gouvernement local,—dans lequel les Canadiens-Français seraient représentés en raison de leur nombre? Et je dirai ceci à mes compatriotes Anglais et Français. Comme Canadiens-Français et comme catholique, je ne souffrirai jamais, tant que je serai ministre de la Couronne, qu'une injustice soit faite, d'après la constitution ou autrement, à mes compatriotes soit anglais, soit catholiques, je ne souffrirai jamais que mes compatriotes Canadiens-Français soient injustement traités parce qu'ils sont une race et qu'ils professent une religion différentes de celles du Haut-Canada. (Applaudissements prolongés).

On a longuement parlé des races, au sujet de la formation de cette grande confédération. Qu'on regarde aujourd'hui l'Angleterre, et on verra que malgré l'union des trois royaumes par le lien législatif il existe des religions et des nationalités différentes. Tous ceux qui sont familiers avec l'histoire des hauts faits de l'Angleterre sur terre et sur mer n'en séparent pas les trophées conquis par la bravoure, le courage et la constance des dignes enfants de l'Ecosse. Y a-t-il un homme qui voudrait enlever à l'Angleterre les triomphes d'éloquence remportés par les enfants de l'Erin? Je crois sincèrement que l'Angleterre n'aurait jamais acquis la richesse et la réputation dont elle jouit, si elle n'avait eu des nationalités différentes sur ces trois îles. Chacun travaillant pour la gloire de l'Angleterre savait bien qu'il n'était aucunement question de nationalité. Beaucoup ont voulu rechercher leur origine jusqu'à Guillaume le Conquérant, l'envahisseur Normand. Pourquoi alors essaieraient-ils de créer des difficultés dans la formation d'une nation parce qu'elle renfermerait des races et des religions différentes?

Chacun sait que l'Angleterre est une grande nation, qui a fait beaucoup plus peut être qu'aucune autre nation. Il est hors de doute que son armée et sa marine ont fait beaucoup pour sa grandeur, en conquérant des colonies, et que les chambres des lords et des communes ont fait beaucoup de lois remarquables par leur sagesse, pour leur bon gouvernement. En comparant la grande Bretagne avec Rome, on a trouvé que la première avait beaucoup des qualités qui ont désigné la seconde, par exemple son amour des conquêtes, mais la première possède de plus son élément commercial. Sans rabaisser aucun des progrès de l'armée et de la marine anglaises, ou les résultats de la sagesse de leur législature, on doit admettre que le pouvoir de l'Angleterre ne peut-être pesé à sa valeur si on ne prend en considération son élément commercial. Immédiatement après la conquête d'une colonie, par la bravoure de son armée et de sa marine arrivent les marchands Anglais qui consolident l'ouvrage. Ils s'y

établissent, y travaillent, et généralement deviennent si prospères après quelques années que l'Angleterre se trouve intéressée à les protéger de son armée et de sa marine.

Quant à la confédération, le Canada a grandi par l'union des deux Provinces, et aujourd'hui par son commerce, il enrichit les États du Nord tandis qu'il devrait enrichir les colonies sœurs du Golfe, y compris les ports de St. Jean, N.-B. et Halifax—quant à l'Île de Terre Neuve, M. Shea en a parlé avec éloquence; elle est située à l'embouchure du St. Laurent, est en relations commerciales avec éloquence; elle est située à l'embouchure du St. Laurent, est en relations commerciales avec toutes les nations, et en s'unissant au Canada, lui donnera de très grands avantages commerciaux. On a dit que les colonies pouvaient obtenir les mêmes résultats par un Zollverein que par une union politique. Ceci ne serait pas suffisant, et il serait impossible d'arriver à la prospérité au moyen d'un Zollverein semblable à celui de l'Allemagne. Le grand courant commercial gouverne partout. La Capitale de l'Angleterre a tout l'univers pour débiteur, et tout l'univers se rattache à elle et ressent son influence.

La confédération produirait un accroissement de commerce contre les provinces respectivement, puis entre les provinces et l'Angleterre. Pour répondre aux objections que font et le parti Canadien-Français extrême et le parti annexionniste ou Américain, je dirai que si le mouvement actuel réussit il y aura un gouvernement général dont la juridiction embrassera tous les intérêts généraux des provinces, et des gouvernements locaux pour gérer les affaires locales des États, telles que l'administration de la justice, les terres de la Couronne, les pénitenciers, les hôpitaux et les maisons de charité questions plus importantes que celles qui étaient soumises à la Chambre d'assemblée du Bas-Canada, sous l'ancien système. A cette époque, cette Chambre n'avait pas le pouvoir de s'occuper du commerce, du service des postes et du revenu des terres de la Couronne. Sous l'empire du système qui pourrait régir les colonies de cette partie du continent Américain dans l'avenir, le Bas-Canada aura, dans son gouvernement local, presque autant de pouvoir législatif qu'auparavant. A Montréal et ailleurs, on s'est efforcé de préjuger l'opinion publique, en disant qu'il faudrait augmenter les taxes pour le soutien d'un gouvernement local, dans le Bas-Canada. Ce ne sera point le cas. Dans la confédération, le gouvernement local sera supporté par le gouvernement général.

Il aurait de plus un revenu d'au moins \$1,500,000 produit par ses ressources territoriales et il n'y aura aucun danger d'être obligé de revenir à la taxe directe, si ses hommes sont sages et prudents. J'ai dit que ma conviction était que cette confédération ne devrait pas être réalisée, si elle devait faire disparaître ou seulement affaiblir le bien qui nous attache à la grande Bretagne. Je suis en faveur de la confédération parce que je pense que l'établissement d'un gouvernement général pour toutes ces Provinces, raffermirait ce lieu qui nous est cher à tous. Je pense que chacun est d'opinion que toute nouvelle forme de gouvernement destinée à ces colonies doit accroître l'influence et le prestige de l'élément monarchique dans notre système politique, pour avoir une chance de succès. (L'orateur fut interrompu par de chaleureux applaudissements, presque à chaque phrase de son discours.)

[...]

THE QUEBEC RESOLUTIONS



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(XVII.) THOMAS D'ARCY MCGEE,
"THE CAUSE OF THE QUEBEC CONFERENCE"
SPEECH GIVEN TO THE MEMBERS OF THE QUEBEC
CONFERENCE, AT MONTREAL

OCTOBER 29, 1864

Source: [Thomas D'Arcy McGee, *Speeches and Addresses...* \(1865\), 108-113.](#)¹

THE CAUSE OF THE QUEBEC CONFERENCE

**SPEECH AT THE DÉJEÛNER GIVEN TO THE MEMBERS OF THE QUEBEC CONFERENCE,
AT MONTREAL, OCTOBER 29TH, 1864.**

Mr. McGee said he had no intention at that late hour, and after their long sitting in Conference that afternoon, to detain them. When they were in the Lower Provinces their hospitable entertainers, many of whom they were glad to see to-night, were, on all occasions, pleased to hear Canadians speak and themselves to listen. He thought, as far as he (Mr. McGee) was concerned, he would best discharge his duty in showing himself a good host by being a good listener. However, as the Canadian politician who earliest made the acquaintance of some of the gentlemen now here, as one who had been, in an humble way, a pioneer of this gathering of the British North American family, he could not, as the only one of the members for Montreal present at this moment, who had not spoken, allow the meeting to separate without giving his hearty endorsement to every word of welcome addressed from the chair and by the various speakers to their friends from the coast Colonies.

They were welcome to Canadians as fellow-subjects long estranged from them, and now, he hoped, about to be united. They were welcome to Canadians on their own account, as accomplished gentlemen, and of their accomplishments and powers the meeting had had this evening some evidence. They were still more welcome to Canada on account of the colonies of Newfoundland, New Brunswick, Nova Scotia, Prince Edward Island, and of the communities there which they represented. As far as he was concerned, he would make no mystery of what brought them here, or of the business with which they were engaged. They were doubly welcome, to himself, as one of the representatives of the first city of British North America, for the work of union in which they were now engaged.

He was told that some of the citizens had often asked, Why this Conference at Quebec with closed doors? Why all this mystery; why this gathering together from the ends of British America of all the leading public men? Why were the several Governors of the Provinces eastward deprived of the benefit of the advice of their responsible advisers, that they should be thus gathered together at Quebec holding close council together? Parties said they elected these gentlemen to administer the government and laws as they exist, and not to frame new constitutions. Why, it was asked, had these gentlemen come here to sketch out, as was reported, the lines of a new constitution? If asked the reason why, he would give the reason in one word, the same which the visitor to St. Paul's was called upon to read on searching for the monument of Sir Christopher Wren—*circumspice*!

Look around, and they would see the reasons for this gathering. Look at the valleys of Virginia, at the uplands of Georgia; look around in this age of earthquake and political perturbation in North America. Look at the men in these Provinces who were called its statesmen,

¹ Full Citation: [Thomas D'Arcy McGee, *Speeches and Addresses Chiefly on the Subject of British-American Union* \(London: Chapman and Hall, 1865\), 108-113.](#) The paragraphs have been divided for readability as no paragraph divisions exist in the original. [C.D.]

THE QUEBEC RESOLUTIONS

McGee's "Cause" speech at Montreal—continued

whom Great Britain had warned solemnly and repeatedly through the press and Parliament, and by direct official notification, that if the Provincials did not provide adequately for the exigencies of their present new condition, England would hold herself blameless for the consequences. Why, she had given us all warning that things could not go on in future as in the past. If they wanted to see reasons for the present Conference let them look across the border, and they would find reasons as thick as blackberries why they should meet as they did and engage in the work which had for some time occupied them.

It was now necessary, having gone so far, that they should have with them the cordial and united support of the public opinion and the public voice of the great city of Montreal, the heart and brain of Canada. He trusted, too, they would have the support of the majority of all the intelligent people of Canada, of whatever origin, creed, or race. This was not a time for questions about creeds, or origins, or races, but a time either to save or ruin British North America. If its fate were not decided within this decade by its own act, in one sense assuredly it would be, and perhaps not to their satisfaction. If the thirty-three delegates had presumed to go into the Chamber in Quebec to sketch an outline to be submitted to Her Majesty in Council and the Imperial Parliament, before which submission it was not right it should be submitted in any kind of detail to the people of these Provinces—if they had gone into that room in a time of profound peace to sketch a new basis of constitution for these Provinces—they found their justification in the circumstances, in the peculiar position, in which the British American Colonies stood towards Republican North America, and in the intimations, official and unofficial, respecting our duties as to self-defence, conveyed to us for the last three years from the most undoubted sources—from the Government of the Empire itself.

The Conference had acted, not in an empirical spirit—they had not gone into Council to invent any new system of Government, but had entered it with a reverent spirit to consult the oracles of the history of their race. They had gone there to build, if they built at all, on the old foundations. They desired not to build an edifice with stucco front and lath and plaster continuations, but a constitutional edifice upon a basis of solid British masonry, solid as the foundation of the Eddystone Lighthouse, which would bear the whole force of the democratic winds and waves, and the corroding political atmosphere of the New World, and which they hoped would stand for ages, a vindication of the solidity of their institutions and of the legitimacy of their origin. In their (the British N.A.) political architecture, he trusted they would vindicate the honour of the races from which they sprung, the Norman, the Saxon, the Celt, the homely, vigorous, fearless Scandinavian, and all the races that had gone to make up the great concrete called the population of the British Empire.

He trusted that the British N.A. political architecture would not be a plagiarism of republicanism, and not fulfil the predictions so freely showered upon them by some of the New York journals, that the proposed union would be simply democracy in disguise; but that we should not only acknowledge the monarchical principle, but construct an edifice with British connection as the corner-stone, and freedom as the main wall of the structure; and make the people feel their freedom was connected with a due respect for authority and the throne, as well as for those who represented here authority and the throne. In answer to the well-wishing editor of the New York *Albion*, who had cautioned Canadians against premature rejoicings over the degree of success they had attained, as they had done with regard to the laying of the Atlantic telegraph cable a few years ago, he (Mr. McGee) would venture to assure the editor they had not been experimenting and sounding out of their depth as those who laid the cable did.

The members of the Conference had not been together so far without having a fair indication of what each other's opinions and sentiments were. They wanted no electrical stimulus from England, having only to touch *Magna Charta* and the Bill of Rights to receive all the inspiration or impulse they wanted in their present labours. So long as they had that electrical inspiration in their libraries, at their sides, they would always know what was thought in England of the work they had been doing at Quebec. In going back to their constituents, he said to their honoured guests, not as an Upper Canadian or as a Lower Canadian, for he had always said

the Province line was abolished before he came to Canada, and if it was never drawn again till he drew it, either socially, politically, or any other way, it would remain undrawn long enough—he said to them, not simply as a citizen or representative of Montreal, nor even as an inhabitant of Canada, but as one who desired, and had laboured, in his humble way, to bring about this very spectacle which they to-night witnessed—he would say fearlessly and unreservedly on the part of Canada, that Canada, he firmly believed, sought this alliance, not from mercenary motives, but from a sentiment of common defence.

If they, on their part, came into this union, as he thought they would, well dowered and in such a manner that no one of the partners could ever upbraid them with their having come in a subordinate position—they could say that if Canada desired this union, which he believed she did, although the public mind of the country was not yet fully formed upon the subject, she went into it for no selfish, small, or mercenary purpose; and they could say for the public intelligence of Canada, and especially for the city of Montreal, that we were year by year, and every year, becoming more enlarged and liberalised in our views; that we were becoming less angry and hostile as sects and classes; that we were becoming better friends, and that now all men agreed that we could go where we liked on Sunday, or nowhere at all, if we liked that better; but that, at all events, on week-days, in our business and social relations, we bore ourselves as one people, with one heart and mind, for the commonweal.

They could say that in Canada religious bigotry was at a discount; and if they wished for illustration, he could point his finger and show where the bigot had withered on his stalk, and where once he had a great show of power and influence, now were "none so poor as do him reverence." Bigots of all kinds, Catholic as well as Protestant; bigots of all classes, on all sides; bigots of race, who believed that no good could come out of the Nazareth of any other origin but their own,—their day of small things—God knew how small—had passed for ever in Canada. Every man was willing to respect every other man's convictions. We had, at least, reached that degree of self-government, and shown ourselves to be in the best sense civil and religious freemen, fit for self-government, by allowing every man of every creed and sect and race to manage his own affairs in his own way, and to wash his own dirty linen in his own back-yard, so that it did not trouble the neighbours or disturb the peace of the community.

He thought their guests from below might assure their neighbours when they returned, that if they united with us they would find all that in Canada—religious combined with political liberty. He was sorry they had been so long confined in the political laboratory at Quebec that they would not have time before the necessities of the season compelled them to return to their homes to see what went to make up this great Province—great in resources, great in extent, but greater still in the promise it seemed to hold out, that here in British North America we should establish true freedom—not freedom fair without but foul within, but that true freedom that gave every man his private and personal rights, consistent with the private and personal rights of others. They might say to their constituents, that if Canada went into this union she went into it mainly with a view to promote the common prosperity, to secure the common safety, and to establish the common liberties of all British North America.

THE QUEBEC RESOLUTIONS



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(XVIII.) GEORGE BROWN'S SPEECH AT THE BANQUET, TORONTO

NOVEMBER 3, 1864

Source: [Edward Whelan, *The Union of the British Provinces* \(Charlottetown: G.T. Haszard, 1865\), 186-203.](#)¹

THE BANQUET AT TORONTO.

[...]

The Chairman then proposed "Her Majesty's Ministers." The toast was drank with every demonstration of enthusiasm.

Hon. George Brown, on rising to respond, was received with enthusiastic cheering. He said—Mr. Mayor and Gentlemen, I desire to return you the hearty thanks of my colleagues and myself for the manner in which you have received this toast. It is an old saying, that England loves not coalitions—and I am sure if the adage is true of England, it is doubly true of Canada. And I am free to say now as I have always said, that, except under the pressure of a most grave and urgent necessity, the combining of public men of opposite political sentiments to form a Government, under the British Parliamentary system, is very strongly to be deprecated. (Hear, hear.)

But if ever there was a coalition that had a sufficient object to justify its formation, I do think it is that Administration which I represent here to-day. (Cheers.) The present Administration was formed for a special purpose—for a great public end—it was formed in the light of day—its whole object and end was fully and openly proclaimed to the world—and no charge of intrigue or desire for personal aggrandisement could with justice be laid at the door of any party to the compact. (Hear, hear.)

But, Mr. Mayor, if any defence were required, if it were necessary to offer any justification for the formation of the coalition— I think we offer it to you abundantly here to-day, in the remarkable scene now before you, as the practical result of our three months' labors. (Great cheering.)

Formed though the coalition was of very incongruous materials— this much can most truly be said of it, that so far it has realized and more than realized all the results that at its creation were anticipated from it. (Cheers.)

It will be recollected that Parliament adjourned immediately after the coalition was formed, and very soon after the adjournment the Government opened communications with the Lower Provinces. It is well known that the political party with which I have the honor to be associated did not view a federation of all the Provinces with that degree of confidence with which it was regarded by a portion of our opponents. Not that any of us deemed it an objectionable thing that all the British American Provinces should be united. On the contrary, I think no public man in Canada, aspiring to the position of a statesman, could have looked at the position of these great and increasing colonies without desiring in the future their association together for purposes of defence and commerce, as an inevitable and desirable event destined at some day to be accomplished. (Cheers.)

But while we all saw and acknowledged this, some of us felt at the same time that we had practical difficulties, which there was an urgent necessity should be promptly and efficiently met—and we were ill content to have our hands tied up from dealing with those great evils while waiting for a scheme, dependent on so many different Provinces, and that might be

¹ The paragraphs have been divided for readability as no paragraph divisions exist in the original. [C.D.]

THE QUEBEC RESOLUTIONS

Brown's speech at Toronto—continued

postponed for many years to come. When, therefore, the Government was formed, it was upon the express understanding that the constitutional difficulties of Canada should be met immediately—that a measure for that purpose should be submitted to Parliament at its first session—and that in the meantime we should strive with all our energies to ascertain whether or not a just and satisfactory arrangement for the union of all the British American Provinces could be effected, so that we might present it at the coming session of Parliament in lieu of the lesser scheme. And, sir, the best proof that could be given of the zeal with which we have executed our work is to be found in the assemblage before you to-day of gentlemen from all sections of the British American Provinces—gentlemen representing all the different political parties of their several sections.

I had proposed to enter at some length into the details of the great scheme of union which has been elaborated by the Conference, but time is passing swiftly, and it is obvious that to our friends from the Maritime Provinces belongs the speaking on such, an occasion as this. My colleague, Mr. Galt, and myself, you have all the time with you, but our friends from the Lower Provinces you may not have another opportunity of hearing until the union has been consummated—an event which, let us fondly hope, is not far distant. (Cheers.)

However, as briefly as I can I shall endeavor to glance at our proceedings of the last few weeks, so as to convey at least a general idea of the scheme which has been unanimously adopted by the Conference. Every one is aware that at the very time the present Government was formed a conference of delegates from the Maritime Provinces was about to be held, for the purpose of considering the propriety of uniting Nova Scotia, New Brunswick, and Prince Edward Island under one Government. Instantly we opened communications with the Governments of these Provinces, asking to be permitted to send representatives to their Conference—and in the kindest and most prompt manner they sent us a hearty welcome to their meeting.

We arrived at Charlottetown on the 1st September, and most kindly and hospitably were we received. We were invited to take seats in the Conference and to address its members, and we at once proceeded to open up to them the object of our mission. What we said to them was this—"We in Canada have had serious sectional differences; but at last we have agreed to a settlement of our troubles on a basis just and equitable to all sections of our country; we are about to frame a new constitution, which will be acceptable to the great mass of our people; and it has occurred to us, on hearing that you too were considering a change of your constitution, whether it would not be well for us all to sit down together, and consider how far it would be for the welfare and good government of our Provinces were we to unite them all under one system of government."

Well, Sir, we did sit down together—we discussed the whole subject in all its bearings—we looked at it from every point of view—and after eight or ten days' deliberation we came to the unanimous conclusion that if the details could be settled upon a basis just to all, it would be for the advantage of the whole of these Provinces that we should be united. (Loud cheers.)

Perhaps I should state that we from Canada were not content with mere argument in coming to this conclusion—for we passed through a large portion of the Lower Provinces, and saw with our own eyes the fairness of the land. Our first visit was to the beautiful Island of Prince Edward, and I think my friend Mr. Palmer did no more than justice in what he said of his Island home—for a more delightful spot, a spot more likely to become ere long the Isle of Wight of the American continent, it were impossible to find. (Cheers.)

And assuredly these Provinces will not be long united before the health and pleasure-seeking portion of our people will be finding their way in thousands annually to her shores. (Cheers.)

From Charlottetown we proceeded by steamer to Pictou—the chief shipping-port of the great Nova Scotia coal-beds. We examined the works of one company, conducted on a very extensive scale. Under the able management of Mr. Scott, the products of that one mine had, we were assured, in the short space of five years, been increased from 150 tons per day to the

vast quantity of 2,000 tons per day. (Hear, hear.)

We found lying at the wharves of Pictou not fewer than from 60 to 80 vessels taking in coal; and we were told that frequently not fewer than 100 coal vessels were waiting for cargoes in the harbor. Let it be remembered that this is a trade which has only begun to be efficiently developed, and that from Pictou is shipped off the products of but a small portion of the vast coal district of Nova Scotia. From Pictou we passed on for about forty miles through a picturesque agricultural country to the town of Truro. There we found iron claimed to be equal to the best Swedish iron, and works established by an English company for the manufacture of steel, turning out, as we were assured, not less than 15,000 tons per annum of excellent steel. We were told that this valuable iron ore extends over a very large section of the country, and I believe that the geological surveys that have been made prove the accuracy of the statement.

From Truro a rapid ride over the rail brought us to the gold country, and we were afforded ample opportunity of examining the working of the gold mines. The general impression of this branch of industry is that it is a species of gambling—that the gold-seekers dig up sand, pass it through a sieve, get little or nothing for their labor for many days together, but some lucky day make a hit and realize a fortune. But very different from this are the gold mines of Nova Scotia. The precious ore is obtained regularly and certainly by patient and persistent labor. We found 200 persons employed at the mines we visited, getting at that time \$8 a week, the whole weekly expenses being \$1,600, and in 14 successive weeks the product of the works had been not less than \$3000 a week, and sometimes consider ably more.

We were assured by the intelligent superintendent that the gold bearing region extends over an immense tract of country—that he had been to many of the other gold works, and while some of them might be more and others less productive than his own, still he was satisfied that, properly worked, the whole of them might be made to give an ample return for the capital and labor invested. We thus found Nova Scotia to be a land of coal, of iron, and of gold. We saw these great sources of wealth in practical development, all within the brief space of twenty-four hours—and when we couple with these the exhaustless fishing resources of that country, and its ship building industry, I think my friend Mr. McCully was not far astray in suggesting that if Nova Scotia comes in to the union she will not by any means come in emptyhanded. (Cheers.)

We proceeded next to Halifax, a most thriving city, and one of the first harbors of the world, but on our doings there I need not enlarge, for who does not know the enterprise and the hospitality of the good citizens of Halifax? From Nova Scotia we proceeded to the Province of New Brunswick, and there we saw St. John, a city of which, as British Americans, we may all well be proud; a city showing marked evidences of vitality—extensive commerce, large ship-building interests, lucrative timber-trade—and a harbor filled with ships from all parts of the world. (Cheers.)

From St. John we passed by the beautiful St. John River to Fredericton, the political capital of New Brunswick, and we were one and all highly delighted with what we saw of the resources of the country through which we passed. Want of time forbade our visiting the Island of Newfoundland, but I am satisfied that no one who has read anything as to the resources of that Island will say that my friend Mr. Carter has over-stated its capabilities. The fishing and the mineral resources are very great—a vast fleet of ships is constantly employed in the traffic—and the revenues of the Island are very large. But even beyond these, as arguments in favor of its coming into the proposed union, is this consideration: that Newfoundland is the key to the St. Lawrence, and in the event of war would be absolutely necessary to us for purposes of offence and defence. (Hear, hear.)

You will therefore understand, Sir, that the members of the Canadian Government all returned to this country with a most earnest desire to carry out the union of Canada with the Maritime Provinces, if it could possibly be accomplished. In this spirit we at once sought the

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aid of his Excellency the Governor General, in summoning a formal conference for the mature consideration of articles of union; and I cannot mention his Excellency's name without expressing my sense of the debt the country owes him for the earnestness with which he has sought to promote this measure and the hearty desire he has ever shown to give effect to the wishes of the people of this Province. (Cheers.)

His Excellency, without delay, summoned a Conference of representatives from the several Governments, and the late sittings at Quebec were the result of that summons. For sixteen days we were earnestly engaged in considering all the details of the scheme; and though, of course, it was impossible that such a body of men could be without differences of opinion, looking at matters as we did from different points of view, and with different interests to protect—still it is highly questionable whether any body of thirty-three gentlemen, even if composed of men of the same country and the same party, could have sat together for so long a period discussing matters of such grave importance, with more entire harmony and more thorough good-will and respect than prevailed throughout the whole of our deliberations. (Cheers.)

The various details of the Confederation scheme were brought up for consideration by the Conference in the form of resolutions. These resolutions were separately discussed, amended, and adopted; and as finally adopted by the unanimous consent of the whole Conference they now stand on record. (Cheers.)

The precise course hereafter to be adopted has not yet been finally settled, but the first step in any case is to submit the results of our official deliberations to the Imperial Government. The next step that will probably be taken is to submit the scheme to the Legislatures of the different Provinces for their approval, and in the interim to address Her Majesty and the two Houses of Parliament, praying for an Act of the Imperial Legislature to give effect to the resolutions of the Conference, which Act will be and remain the foundation of our political system—the Constitution under which the new Confederation will be brought into existence.

Sir, it ought ever to be borne in mind, that when we came together to consider the details of the new constitution we were about to frame there were very many interests to be considered. In the first place, we had to consider that this country is of immense extent, presenting a vast variety of interests, great and small, for which it would be exceedingly difficult for any one body of men to legislate. And in the second place, even had it been desirable to govern so vast a country by one Executive and Legislature, it would have been impossible to carry it, as our Lower Canadian fellow-subjects would never have consented to it.

As the only practicable scheme, therefore; and as in my humble opinion the best scheme, we adopted the plan of constituting a general Administration and general Legislature, to which should be committed matters common to all the Provinces, and local Governments and Legislatures for the several sections, to which should be committed matters peculiar to their several localities. I know there are those who say—"Oh ! we do not like a federal union, we want a legislative union which will bring us all under one legislature and executive." But setting aside the fact that this could not have been carried had it been ever so desirable, I do think the sectional jealousies and discords that have so long distracted Canada should stand out as a warning to us, and that we should diligently steer clear in the larger federation of whatever has tended to mar the harmony of our present union. And in this view I am persuaded that, by committing all purely local matters to local control, we will secure the peace and permanence of the new Confederation much more effectually than could possibly have been hoped for from a Legislative Union.

I am sure; it is unnecessary to say that the Governor-General of the United Provinces is to be appointed, as heretofore, by the Crown. The duration of Parliament will be limited to five years, and of course it will be composed of two branches—a Legislative Council appointed by the Government of the day on the principle of equality of the sections, and a House of Commons, in which we are to obtain that so long desired, so long earnestly contended for reform—

Representation by Population. (Great cheering.)

Objections will no doubt be urged against the manner in which the Upper House is to be constituted, especially by those who would prefer that the members of that body should be elected rather than appointed. But I do confess, Sir, that in my opinion an appointed Upper House and an elected Lower House would be much more in harmony with the spirit of the British Parliamentary system than two elected bodies. (Cheers.)

I was one of those who, at the time the change was made from an appointed House to an elected House, resisted the innovation. Not because I was at all afraid of popular influence, but because I felt that while the Lower House controlled the Government of the day, and the Government of the day appointed the members of the Upper House, the people had full and efficient control over the public affairs of the country. But I am free to admit this, and I say it with the greatest pleasure—that the apprehension I and others entertained of a collision between the two elective bodies, and a dead-lock ensuing, has not been realised. I am bound to say that under the operation of the elective principle, we have had a body of men sent to the Upper House who would do honor to any Legislature in the world, and who have worked with a degree of harmony and a desire to benefit the country which have been really admirable. But we cannot forget that when a new power first passes into the hands of the people, great sensitiveness and care are exhibited in acting upon it—much more than when the new power has lost its freshness, and its exercise sinks down into a thing of every day wont.

The Elective Upper House has not long existed in Canada. Besides, when the elected Councillors first took their seats, they found already in the Chamber a large number of old, appointed members, who, no doubt, exerted a certain degree of influence over their proceedings; and the question, I think, fairly presents itself whether, when the elective system had gone on for a number of years, and the appointed members had all disappeared, two elective chambers, both representing the people, and both claiming to have control over the public finances, would act together with the harmony necessary to the right working of Parliamentary Government. (Hear, hear.)

And there is still another objection to elective Councillors. The electoral divisions are necessarily of enormous extent—some of them 100 miles long by 60 wide—so large that the candidates have great difficulty in obtaining personal access to the electors, and the expense of election is so great as to banish from the House all who are not able to pay very large sums for the possession of a seat. From all these considerations, it did appear to me when our friends of Lower Canada, who were most interested in the constitution of the Upper Chamber, desired to have the members appointed by the Crown, that acting in the interest of Upper Canada it was my duty to consent. The Chamber is to consist of 76 members, distributed as follows:—

Upper Canada	24
Lower Canada	24
Nova Scotia	10
New Brunswick	10
Newfoundland	4
Prince Edward Island	4
Total	76

I am told that there are persons who object to Lower Canada, with so much smaller a population, receiving equal representation with Upper Canada in the Upper House; but a little reflection will. I am persuaded, remove all objections on this score. I am one of those who have always stood firmly up for the rights of the Western section of the Province. But now that our rights are admitted—now that we are seeking a compromise measure for the final

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settlement of all our troubles—now that we are seeking to build up a new constitution that will be just to all—I for one am ready to cast aside old feelings of hostility, and to consider not only what will be abstractly just, but what will carry with it the hearty sympathy and assent of all the parties to the new compact, and lay the foundations of our new fabric deep and permanent. I could not but feel that having obtained for Upper Canada that just preponderance in the Lower Chamber for which we have so long contended, we ought to allow the gentlemen from Lower Canada, so long as no flagrant injustice was done, to frame the constitution of the other Chamber very much as they chose. In the view taken of this matter by the Lower Canadians, all our friends from the Maritime Provinces entirely agreed. The House of Commons, as I have said, is to be constituted on the basis of Representation by Population. It is to be composed at first of 194 members, distributed as follows:—

Upper Canada	82
Lower Canada	65
Nova Scotia	19
New Brunswick	15
Newfoundland	8
Prince Edward Island	5
Total	194

After each decennial census the sectional representation is to be re-adjusted according to population—and for this purpose Lower Canada is always to have 65 members, and the other sections are to receive the exact number of members to which they will be severally entitled in the same ratio of representation to population as Lower Canada will enjoy by having 65 members. Thus the representation will be strictly based on population—the disparity of population between the several sections will be accurately provided for every ten years—but the number of members in the House will not be much increased.

I come now, Sir, to the powers and duties proposed to be assigned to the General Government. It is to have control over all questions of trade and commerce; all questions of currency, finance and coinage; all questions of navigation and shipping, and the fisheries; all questions of defence and militia, all matters connected with the postal service, and all questions affecting the criminal law. To it will belong the imposition of customs and excise duties, and all other modes of taxation—the construction of great public works of common benefit to all the Provinces—and the incorporation of Telegraph, Steamship, and Railway Companies. It will also have control of Banks and Savings Banks, Bills of Exchange and Promissory Notes, Interest and Legal Tenders, Bankruptcy and Insolvency, Copyright and Patents of Invention, Naturalization and Aliens, Marriage and Divorce, Immigration and Quarantine, Weights and Measures, Indians and Indian Lands, the Census, and generally all matters of a general character not specially assigned to the local governments. These are the duties proposed to be assigned to the General Government.

And now one word as to the constitution and powers of the local governments. It is proposed that each Province shall be presided over by a Lieutenant Governor, who will be advised by the heads of the various public departments. As to the constitution of the local legislatures we found there was so much difference of opinion on the subject—some of the Provinces desiring to retain their present institutions while we in Canada must necessarily establish new ones, that we thought it the wisest plan to leave the constitution of the local legislatures to the existing Parliaments of the different sections. The powers and duties of the local governments have been clearly defined by the Conference. They are to have the power of imposing direct taxation—the sale and management of the public lands in their respective sections—the maintenance and management of Prisons, Hospitals, Asylums, and charitable institutions

— the construction of local works—the promotion of agriculture—and the imposition of shop, saloon, tavern, and auction licenses. The control of all the National Schools and school property is to be vested in the local governments; and they are to have authority over Municipal Corporations, and all municipal matters. They are also to have power to make laws in all matters affecting property and civil rights, and for the administration of justice. And generally, while on the one hand, as we have already seen, all matters of a general character and common to all the Provinces are to be committed to the general government; so, on the other hand, all matters of a local character will be committed to the local governments.

The separate powers to be exercised by each will be clearly defined in the Constitution Act to be passed by the British Parliament, so that there will be no danger of the two bodies coming into collision. In thus defining the functions of the general and local governments; it will, no doubt, be objected that we have committed certain matters of an important character to the local bodies which no people of Upper Canada would have been well content to have seen left to the general government. But if the details of the scheme are closely examined, it will be seen that we have given nothing to the local bodies which did not necessarily belong to the localities, except education and the rights of property, and the civil law, which we were compelled to leave to the local governments, in order to afford that protection which the Lower Canadians claim for their language and their laws, and their peculiar institutions. I am sure we are all glad that they should have that security. I am sure, notwithstanding all that may have been said to the contrary, that none of us have had any desire to interfere with the mere local institutions of our fellow-subjects of Lower Canada—and that it will be held as a sufficient answer to all objectors that the arrangement has been made in a spirit of justice to Lower Canada, and with the view of securing hereafter that harmony and accord which are so desirable in the future government of the country. (Cheers.)

There is one point to which I am desirous of calling particular attention. I refer to the fact that in framing our constitution we have carefully avoided what has proved a great evil in the United States, and that is the acknowledgment of an inherent sovereign power in the separate States, causing a collision of authority between the general and State governments, which, in times of trial like the present, has been found to interfere gravely with the efficient administration of public affairs. In the government to be formed under this new constitution, I believe it will be found we have avoided that difficulty. For, while we have committed to the local governments all that necessarily and properly belongs to the localities, we have reserved for the general government all those powers which will enable the legislative and administrative proceedings of the central authority to be carried out with a firm hand.

With this view we have provided that the whole of the Judges throughout the Confederation—those of the County Courts as well as of the Superior Courts—are to be appointed and paid by the general government. We have also provided that the general Parliament may constitute a General Appeal Court, to which an appeal will lie from the decisions of all the Provincial Courts. We have likewise provided that the general government shall be specially charged with the performance of all obligations of the Provinces, as part of the British Empire, to foreign countries. I may mention also that the Lieutenant Governors of the different sections are to be appointed by the general government, and that the power of disallowing all Bills passed by the local legislatures is to be vested in the Governor General in Council. In this way we will have a complete chain of authority, extending down from Her Majesty the Queen to the basis of our political fabric. The Queen will appoint the Governor General. The Governor General in Council will appoint the Lieutenant Governors. And the Lieutenant Governors will be advised by Heads of Departments responsible to the people. Thus we will have the general government working in harmony with the local Executives and in hearty accord with popular sentiment as expressed through the people's representatives. (Cheers.)

A very important subject is that relating to the finances of the Federation; but as my hon. friend, Mr. Galt, is about to address you, I will leave this branch of the subject to him. (Cries

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of "Go on!")

I may briefly, however, say this, that all the debts and assets of the different Provinces are to be assumed by the general government. It has been found that, with the exception of Newfoundland and Prince Edward Island, the debts of the several Provinces are much the same in proportion to their population. Newfoundland and Prince Edward Island have, however, scarcely any debt at all, and we found a difficulty in associating Provinces which were free from debt with those that owed large public obligations. But we fell upon this plan. We struck an average of the debts of the several Provinces—and we agreed that those whose debts exceeded the average should pay interest at five per cent, annually into the public exchequer, while those whose debts were below the average should receive interest in like manner from the public chest—a basis just to all.

Then it was found that while some of the Provinces could maintain their local governments without money from the public chest, there were other Provinces not accustomed to direct taxation, and in order to meet their views, we were compelled to adopt a compromise. I hope the day is not far distant when we may be able to adopt direct taxation to a much greater extent than we have yet seen in Canada—but at present it was very clear that Confederation could not be carried out unless we conceded this point. We agreed to compromise. We made the Finance Minister of each section go carefully over the public expenditures of his Province, and cut down every item to the lowest point practicable, and we found that the smallest sum for which the machinery of government in the Provinces could be carried on was \$2,633,000. This sum is to be distributed annually as a full and final settlement for local purposes in the Provinces, and I am happy to say it is to be distributed on the basis of population. As our population in Upper Canada is very large, of course we get a handsome share. The principle is so just that I do not see how any one can reasonably object to it; and as the sum distributed is not to increase, a very few years of progress will make it of comparative unimportance. There is a very pleasing feature in the finance question. A Confederation of five states is about to be formed, and it is to the credit of the whole that not one of them has ever been unable to meet its obligations to the day—(cheers)—and still further, that the finances of all are now in such a satisfactory condition that every one of them has a large surplus of revenue over expenditure for the current year. (Cheers.)

I have thus, Mr. Mayor, as briefly as possible traced the outlines of the new constitution which has received the approval of the delegates from the several Provinces. But I cannot conclude without referring to some other things which have received the grave attention of the Conference. And the first point to which I desire to call attention is the fact that the delegates have unanimously resolved that the United Provinces of British America shall be placed at the earliest moment in a thorough state of defence. (Cheers.)

I am not one of those who conceive that Canada stands in danger of attack from our neighbors across the lines. I cannot doubt that they have plenty of work already on their hands without rushing on fresh embroilments—and I confess that, notwithstanding the fierce ebullitions of the American press, I have faith in the good sense and good feeling of our neighbors to believe that the idea of an unprovoked aggression on the soil of Canada never seriously entered the minds of any large number of the inhabitants of the Northern States.

But come war when it may, I am sure I speak the sentiments of every man in Upper Canada when I say that the first hostile foot placed upon our shores would be the signal and the summons for every man capable of bearing arms to meet the enemy—(enthusiastic cheering)—and that the people of Canada would show, in the hour of trial, that that spirit which was manifested in 1812 has not died in 1864. (Renewed cheers.)

And, while on this point of defence, I have one word to say on a matter which I know has made a deep impression throughout Canada. Sir, no man in Canada appreciates more than I do the generous consideration that has ever been shown by the mother country towards this Province. But I desire to enter a firm protest against the manner in which of late our duty has

been laid down for us, chapter and verse, by gentlemen three thousand miles off, who know very little of our circumstances, and yet venture to tell us the exact number of men we are to drill and the time we are to drill them. Sir, I venture to assert that the language recently used towards this Province is neither just, nor yet calculated to promote a desirable end. This Province, like the other colonies of the British empire, was founded on a compact entered into between the Crown and the people; an assurance was virtually given to those who emigrated to this Province that they should be protected by all the strength of British arms. And nobly has Great Britain fulfilled that promise. Never has she hesitated for a moment to expend her blood and treasure in defending her Colonial Empire. (Cheers.)

I hold that Great Britain is bound on her part the conditions on which the settlement of this and other colonies took place, and to continue to aid us until we have grown to that degree of maturity and strength which will fairly demand at our hands a reconsideration of the terms of the contract. If I am asked whether Canada, united with the Lower Provinces, is able to take upon herself a larger share of the burden of defence than she has heretofore borne, I answer without hesitation—undoubtedly “yes.” (Cheers.)

It were utterly unreasonable to expect that to these colonies the people of England should much longer send armies and navies for their defence, whilst we continued developing the resources of our country, and accumulating wealth untaxed for the appliances of war. But what I do say is this, that when the time arrives that a colony has outgrown the conditions of her first settlement, and when she is fairly bound to assume new and higher relations to the mother country in the matter of defence, it is only right that the whole subject should be discussed in a candid and reasonable spirit. And I am free to express my opinion that had the Canadian people been invited frankly to enter on a discussion of the changed relations in matters of defence they ought to occupy to Great Britain, the demand would have been responded to readily and heartily. (Cheers.)

And it is only due to the present Colonial Minister, Mr. Cardwell, to say that this is the spirit in which he seems desirous of approaching the question; and that such is the spirit in which I believe; negotiations hereafter will be carried on between these colonies and the Parent State. It is not to be concealed that we in Canada are deeply interested in this whole question of Colonial defence being thoroughly discussed and settled. We all heartily desire to perpetuate our connection with Great Britain; but it is quite evident that a feeling is growing up in England which may prove dangerous to that good feeling and attachment, unless the duties and responsibilities mutually due are clearly understood. And there is another though a much inferior motive. The attacks which have been made upon us have created the impression not only in England, Ireland and Scotland, but in, the United States, and in other parts of the world, that these Provinces are in a naturally weak and feeble state—that they are, in point of fact, almost indefensible. Such an impression interferes more than any one can estimate with the permanent prosperity of our country; it stops immigration to our shores, it depreciates our public securities, and prevents the investment of capital in new enterprises, however productive they may be. If, then, we would do away with this false impression, so unjustly created, and place ourselves on a firm and secure footing in the eyes of the world, our course must be to put our country in such a position of defence that we may fearlessly look our enemies in the face. (Cheers.)

Holding these views, and knowing that they are the views of the great mass of the people of this country, it is a pleasure for me to be able to state, and I am sure it will be a pleasure to all present to be informed, that the Conference at Quebec did not separate before entering into a pledge to put the military and naval defences of the United Provinces in the most complete and satisfactory position. (Cheers.)

Nor let me omit to say, that in coming to this decision, there is no Minister of the Crown sitting at these tables who would not be prepared to rise now and express his conviction, that notwithstanding all that has come and gone—notwithstanding all the diatribes of the

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newspaper press of England, the British Government is prepared now as ever to do its duty by these colonies, and to send us their armies and their navy at any moment to aid us in our defence. (Cheers.)

Mr. Mayor, I now approach a rather delicate question— delicate, that is to say, as regards the people of the West. We have agreed—I announce it frankly—to build the Intercolonial Railway. (Cheers and laughter.)

I have not been in favor of that scheme per se, situated as we have been. But I have at the same time been quite willing to admit—and I repeat it heartily to-day—that without the Intercolonial Railway there could be no union of these Provinces—(cheers)—and after a careful consideration of the question in all its bearings, and after counting the full cost, I am prepared to advocate the building of that road, in order to accomplish the great objects we have in view in the scheme of Confederation. (Cheers.)

It may, however, be some comfort for my friends to know that we have a prospect of getting the road built upon terms much more reasonable than we had ever hoped to obtain. I shall not tell you of the tempting offers that have been made, because I have had some experience that what is promised in such offers is not always realized in the end. (Laughter.)

In agreeing to build the Intercolonial Railway, it should also be stated that due regard was had to the interests of the West. I am happy to be able to say that with the unanimous consent of the members of the Conference, we have resolved on the extension of our canal system. (Cheers.)

Still further, I think it well to state that while we have sought Confederation with Nova Scotia, New Brunswick, Newfoundland, and Prince Edward Island, we have not been neglectful of the Far West, but we have made it a condition of Union that the great North-west may come into the Federation on equitable terms at any time it pleases, and that British Columbia and Vancouver Island may also be incorporated with us. (Hear, hear.)

We have likewise made it a condition that so soon as the state of the finances will permit communication is to be opened up from Western Canada to the North-west territory. (Hear, hear.)

There is another little announcement which will not be without its interest to you, Mr. Mayor. The decision was unanimously arrived at by the delegates that the old and respectable city of Toronto should be the future capital of the Province of Upper Canada. (Cheers.)

On the whole, Sir, when we look at the probable results of this Union, I think there is no man, from one end of the Provinces to the other, who ought not to give it his most hearty approbation. (Cheers.)

But I would repeat what has been so well said by Mr. McCully, that there is one danger we have yet to fear. Let not gentlemen think we are past all danger. We have still to meet the Legislatures of the different Provinces; we have to encounter the prejudices of the people of the different Provinces; and it requires the greatest harmony of action in order to obtain a favorable result. (Hear, hear.)

Therefore I would say with my hon. friend, Mr. McCully, if there is one thing more than another necessary at this moment, it is that we should banish our party discords—that we should forget for the moment that we were at one time arrayed against each other; and whatever we may do after union is accomplished, let us forget until it is obtained our feuds and differences, in securing to the country the great boon which this Confederation promises to bring about. (Cheers.)

Looking at the scheme in its entirety, I cannot help feeling this, in replying to the toast you have so kindly received, that if the present Administration shall succeed in completing the great work it has begun, and of bringing into operation the political system which has been foreshadowed, under the protecting rule of the mother country, we shall all have great reason to rejoice that we had the honor of being at such a time the advisers of the Crown.

[Mr. Brown resumed his seat amidst loud and long continued cheering.]

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(XIX.) ANTOINE-AIMÉ DORION'S ANTI- CONFEDERATION MANIFESTO "AUX ÉLECTEURS DU COMTÉ D'HOCHELAGA"

NOVEMBER 7, 1864

Source: [Antoine-Aimé Dorion, "Aux Électeurs du Comté d'Hochelaga," *La Minerve* \(Nov. 11, 1864\)](#)

Aux Électeurs du Comté d'Hochelaga.

Monsieurs,

Les évènements importants qui se sont passés depuis la dernière session du parlement, les conséquences graves qu'ils peuvent avoir sur l'avenir et la prospérité du pays, m'engagent à vous soumettre quelques observations sur la situation politique et sur les complications qu'elle a fait naître.

Vous savez déjà qu'une conférence a eu lieu à Québec entre les ministres canadiens, et des délégués venus des provinces maritimes, dans le but de s'entendre sur une confédération de toutes les provinces britanniques de l'Amérique du Nord.

Cette conférence a duré près de trois semaines. L'on y a discuté, en séances secrètes, les plus grands intérêts du pays, et l'on est convenu (ce qui a été annoncé publiquement) des bases d'une confédération, dont le projet, après avoir été communiqué aux autorités impériales, sera soumis à la législature dans sa prochaine session.

L'absence de toute communication officielle des procédés de la conférence, le silence absolu des ministres Bas-Canadiens sur les détails de cette confédération projetée, semblent indiquer que l'on veut précipiter cette mesure, sans consulter le public et sans même lui donner le temps d'en étudier les dispositions et d'en apprécier la tendance et la portée.

Le fait que les ministres, sans aucune mission quelconque, préparent dans l'intérieur de leur cabinet un changement de constitution, une révolution politique complète, qui devra affecter tous les intérêts, toutes les institutions, tous les rapports existants sous l'Union actuelle entre le Haut et le Bas-Canada, pour y substituer une autre Union qui embrasserait toutes les provinces de l'Amérique du Nord, est de nature à attirer votre sérieuse considération.

A défaut de documents officiels, les journaux dans la confidence ordinaire des ministres et le discours prononcé par M. Brown au banquet offert, à Toronto, aux délégués des provinces maritimes, nous ont suffisamment fait connaître le projet de la conférence pour qu'il soit maintenant permis de l'apprécier dans son ensemble sinon dans tous ses détails.

Lorsque, le quatorze juin dernier, la chambre condamnait l'emploi que, sans autorité, le ministre des finances avait fait de la somme de \$100,000 pour payer une dette du Grand-Trône, personne ne prévoyait, et personne ne pouvait prévoir, que cette censure méritée serait l'occasion de l'alliance extraordinaire qui a eu lieu depuis entre les ministres et une partie de ceux qui les avaient condamnés, et encore moins que cette étrange coalition conduirait à un changement radical de nos institutions.

Il est inutile de rechercher quelles sont les raisons qui ont pu induire les ministres canadiens, en l'absence de toute discussion publique, de toute manifestation populaire et contre l'opinion souvent exprimée par plusieurs d'entr'eux, à solliciter l'union avec les provinces inférieures à l'occasion d'une défaite sur une question purement financière et qui n'avait aucun rapport aux conditions politiques du pays. Ce qu'il importe maintenant d'examiner ce ne sont pas les motifs, ni le but des promoteurs de la conférence, mais bien leur projet en lui-même.

Ce que l'on propose c'est l'union du Haut et du Bas-Canada, des provinces du Nouveau-Brunswick, de la Nouvelle-Ecosse, de l'Île du Prince-Édouard et de l'Île de Terre-Neuve, avec faculté aux habitants du territoire du nord-ouest, de la Colombie et de l'Île Vancouver de s'y

THE QUEBEC RESOLUTIONS

Dorion's anti-Confederation manifesto—continued

joindre s'ils le désirent.

L'autorité, sur ce vaste territoire plus grand que tout l'Europe et ne contenant cependant que 3,400,000 habitants, serait confiée à un Gouverneur ou Vice-Roi nommé par la Couronne avec un Conseil Exécutif, un Conseil Législatif et une Assemblée Législative. Le Conseil Législatif serait composé de soixante-et-seize membres nommés à vie par la Couronne, dont vingt-quatre pour le Haut-Canada, vingt-quatre pour le Bas-Canada et vingt-huit pour les Provinces Maritimes.

La représentation, dans l'assemblée ou chambre basse sera répartie d'après la population de chaque province. Elle sera, pour commencer, composée de 194 membres élus pour cinq ans, dans la proportion suivante:

Le Haut-Canada	82
Le Bas-Canada	65
La Nouvelle-Écosse	19
Le Nouveau Brunswick	15
Terreneuve	8
L'Île du Prince-Édouard	5
	194

Le Bas-Canada conservera toujours le nombre de soixante-cinq députés. Dans les autres provinces, le nombre sera augmenté ou diminué tous les dix ans, d'après le mouvement de la population, de manière que chaque province ait toujours la même proportion de représentants que le Bas-Canada eu égard à sa population.

Le nombre total de représentants devra aussi être augmenté dans le cas où le territoire du Nord-Ouest, la Colombie et l'Île Vancouver ferraient partie de la confédération.

Sous ce gouvernement ainsi organisé et qui exercera une autorité sur toutes les provinces unies, il y aura un gouvernement local pour chaque province, avec un lieutenant-gouverneur nommé pour cinq ans par le gouverneur-général.

Le lieutenant-gouverneur sera avisé par des chefs de département responsables au peuple. La composition des législatures locales sera déterminée par les parlements actuels de chaque province.

Le gouvernement général aura le droit de régler toutes mesures d'intérêt général, celles affectant le commerce, la navigation, les finances, le revenu, la dette publique, le cours des monnaies, les banques, les postes, l'émigration, les pêches maritimes, patentes, le recensement, les lois d'usure, de banqueroute, celles réglant les poids et mesures, et généralement toutes les lois commerciales, les lois criminelles, la constitution de la cour d'appel, la nomination et le paiement des juges, et toutes les autres questions qui ne seront pas spécialement réservées aux gouvernements locaux. La milice et tout ce qui regarde la défense du pays sera aussi sous le contrôle exclusif du gouvernement général.

Les lois civiles et municipales, les terres publiques, l'agriculture, les travaux publics d'un intérêt purement local, comme la construction des chemins et ponts, des prisons, hôpitaux, asiles d'aliénés, etc., seront sous le contrôle des gouvernements locaux, qui auront le droit de prélever par taxes locales et directes les sommes nécessaires pour ces objets et pour subvenir à leurs autres dépenses.

Le gouvernement local aura aussi le contrôle de l'instruction publique, mais il ne pourra l'exercer que sous les restrictions qui seront imposées soit par la constitution ou par les lois que fera le gouvernement général. De plus, les actes de législatures locales seront soumis à l'approbation du gouvernement général qui pourra les désavouer dans le cours de l'année après qu'ils auront été passés.

Ottawa sera la capitale de la confédération.

Québec sera celle du Bas-Canada et Toronto celle du Haut-Canada.

Quant aux finances, les dettes de toutes les provinces seront consolidées et mises à la charge du gouvernement général. Mais pour égaliser les charges entre les provinces, l'on a fixé le montant des dettes qui, réunies, formeraient la dette fédérale, et l'on a établi d'après la population la proportion que chaque province aurait à en payer. L'on est ensuite convenu que l'Île de Terre-Neuve et l'Île du Prince-Édouard, dont les dettes ne s'élevaient pas à cette proportion, recevraient sur la différence un intérêt annuel de cinq pour cent que le Bas et le Haut-Canada, dont les dettes excédaient cette proportion, paieraient au trésor public le même intérêt sur cet excédant. Le montant de la dette fédérale ayant été fixé sur ce que devaient le Nouveau-Brunswick et la Nouvelle-Écosse, le Haut et le Bas-Canada demeurent chargés d'une partie de la dette actuelle du Canada. D'après ce règlement, l'Île du Prince-Édouard et l'Île de Terre-Neuve devront recevoir chaque année du gouvernement général une somme d'environ \$225,000, ce qui représente à 5 000 un capital de \$4,500,000 et le Haut et le Bas-Canada devront payer au trésor public environ \$300,000 chaque par année pour intérêt sur l'excédant de leurs dettes. Ces chiffres ne sont qu'approximatifs, mais ils suffisent pour faire comprendre l'effet de l'arrangement qui a été conclu.

L'Île de Terre-Neuve recevra encore pour des terres publiques qu'elle cèdera au gouvernement général une somme d'environ \$60,000 représentant à 5000 un capital de \$1,200,000.

Le gouvernement général paiera aussi aux gouvernements locaux pour les aider à subvenir à leurs dépenses une somme totale de \$2,633,000. Cette somme, répartie d'après la population de chaque province à l'époque du dernier recensement, donnera 80 cts. par tête. Elle est fixée définitivement et ne variera pas avec l'augmentation de la population. La part du Haut-Canada sera donc de \$1,112,872, celle du Bas-Canada de \$889,252 par année. En déduisant de cette dernière somme les \$300,000 que le Bas-Canada aura à payer annuellement au gouvernement général il restera \$589,252 pour rencontre les dépenses du gouvernement local. Le surplus qui sera considérable devra être payé au moyen de taxes locales ou directes.

Enfin il est entendu que le gouvernement général se chargerait de faire le chemin de fer intercolonial; d'organiser une milice effective et de pourvoir immédiatement à un système complet de défense.

Tels sont les principaux traits du projets de confédération arrêté par le délégués.

Mais pour qu'il y ait confédération, il faut que les différents Etats liés entr'eux pour les mesures d'intérêt général, conservent leur indépendance propre pour tout ce qui concerne leur gouvernement intérieur. Or, quelle indépendance les différentes provinces réunies sous la constitution proposée conserveront-elles, avec un gouvernement général exerçant une autorité souveraine, non seulement sur les mesures d'intérêt général, mais encore sur la plupart des questions de régie intérieure, et un contrôle direct sur tous les actes des législatures locales! Quelle indépendance conserveront-elles, si elles sont privées du droit de régler leur lois criminelles, leurs lois commerciales, et si elles ne peuvent modifier leurs lois civiles et municipales, les lois concernant l'instruction publique et autres questions semblables, qu'avec l'approbation du gouvernement,—si elles n'ont pas même le droit de déterminer la constitution de leurs tribunaux et de nommer les Juges qui doivent veiller à l'exécution de leurs lois?

Ce n'est donc pas une confédération qui nous est proposée, mais tout simplement une Union Législative déguisée sous le nom de confédération, parce que l'on a donné à chaque province un simulacre de gouvernement sans autre autorité que celle qu'il exercera sous le bon plaisir du gouvernement général.

Si c'est une union législative que l'on veut avec un gouvernement central fortement organisé, pourquoi cette complication de gouvernements locaux dont les pouvoirs seront à peu près nuls et qui ne serviront qu'à surcharger les contribuables de dépenses inutiles?—Si c'est une Union Fédérale que l'on désire, pourquoi alors ne pas lui en donner tous les caractères et tous les attributs?—Pourquoi ne pas conserver à chaque province cette indépendance, cette souveraineté sur tout ce qui regarde son gouvernement intérieur qui est une condition

essentielle à tout gouvernement fédéral?

Chaque système offre ses avantages et ses inconvénients, mais le projet de la conférence réunit les inconvénients des deux, sans donner la simplicité et l'efficacité que l'on rencontre dans l'unité législative, ni les garanties pour les institutions de chaque province que le système fédéral pourrait seul assuer.—Ce projet de la conférence n'est propre qu'à faire renaître, surtout parmi les populations mixtes du Bas-Canada, les divisions et les animosités d'autrefois, qui étaient heureusement disparues—et le gouvernement général des collisions fréquentes qui ne feront que créer du malaise et des embarras de toutes sortes.

L'Union des provinces entr'elles n'est pas désirable il est vrai, disent les partisans de la coalition, mais il faut parer aux difficultés que présente la question de la représentation et c'est pour cela que nous l'acceptons. Je trouve dans cette excuse la condamnation même du projet que l'on propose. L'on admet qu'il est mauvais et qu'on ne l'adopte que comme expédient pour sortir d'une difficulté.—Examinons un instant cette question de la représentation et voyons quel remède l'on propose.

Le Bas-Canada refusait d'accorder au Haut-Canada quelques députés de plus que son nombre actuel parce qu'il craignait que leur influence ne fut préjudiciable à ses institutions particulières.—Il eut été facile en tout temps de satisfaire le Haut-Canada en lui donnant quatre ou cinq membres de plus qu'au Bas-Canada, tout en conservant l'égalité dans le Conseil Législatif. Pour éviter le danger que cette augmentation de membres pouvait faire attendre, l'on propose de donner au Haut-Canada dix-sept membres de plus qu'au Bas-Canada, et l'on ajoute encore quarante sept membres pour les provinces maritimes, en tout soixante et quatre membres ajoutés à l'élément britannique, entre les vingt-huit membres de plus que l'on donne au Conseil Législatif; et c'est ainsi que l'on prétend protéger les institutions du Bas-Canada.

D'un autre côté, le Haut-Canada ne demandait une augmentation de représentation que parce qu'il se plaignait de ce qu'il contribuait plus que le Bas-Canada au revenu de la province; il supportait une beaucoup plus forte proportion des dépenses publiques sans pouvoir les contrôler et c'est pour remédier à ce grief que l'on propose de l'unir à quatre autres provinces, dont les ressources et les revenus sont de beaucoup inférieurs à ceux du Bas-Canada et qui mettent pour condition de leur union, les unes, le paiement d'un subside annuel, les autres la construction du chemin de fer intercolonial, et toutes, le paiement d'une partie de leurs dépenses locales.

La dette publique du Canada est d'au moins \$75,000,000 de dollars. Les débentures portant 5% d'intérêt sont coffées à 23 ou 24 % au-dessous du pair et c'est lorsque nos finacés sont dans cet état que l'on propose d'ajouter aux \$75,000,000, que nous devons déjà, les \$15,000,000 dûs par le Nouveau-Brunswick et la Nouvelle-Écosse, \$16,000,000 pour la construction du chemin de fer intercolonial et environ \$5,500,000 représentant le subside annuel qui sera payé à l'Île du Prince-Édouard et à l'Île de Terre-Neuve, en tout \$36,500,000 avec la perspective d'y ajouter de suite quelques millions de plus pour mettre le pays en état de défense.

Prenant pour base la population des différentes provinces d'après les derniers recensements, le Haut-Canada aurait à payer plus de cinq-douzièmes, le Bas-Canada plus de quatre-douzièmes, et les autres provinces moins que les trois-douzièmes de toutes ces dépenses additionnelles. Cette disproportion s'accroîtra encore par suite de l'augmentation plus rapide de la population dans le Haut et le Bas-Canada que dans les autres provinces.

Dans la période écoulée entre le dernier recensement et celui qui l'a immédiatement précédé, la population des différentes provinces s'est accrue dans les proportions suivantes:

Dans L'Île de Terre-Neuve	1,50
" La Nouvelle-Écosse	1,82
" L'Île du Prince-Édouard	2,07

"	Le Bas-Canada	2,50
"	Le Nouveau-Brunswick	2,60
"	Le Haut-Canada	4,34

Ce tableau du progrès de la population ne peut donner qu'une faible idée de la proportion que le Haut et le Bas-Canada auront à supporter dans dix ou vingt ans d'ici, dans les nouvelles charges créées par l'Union des Provinces.

Quels sont donc les avantages de cette Union pour contrebalancer les sacrifices qu'elle imposera?

Est-ce le commerce des provinces maritimes qui offrira une compensation? Mais ce commerce est comparativement nul. Les productions de ces provinces sont à peu près les mêmes que celles du Canada. Il ne peut par conséquent, y avoir que peu d'échanges et peu de commerce entre des pays ainsi placés.

La valeur totale des importations pour l'année 1863 était de	\$45,964,493
Celles des produits importés des provinces maritimes de	510,713
Ou d'un et 1/10 pour cent des importations totales.	
Les exportations totales pendant la même année étaient de	41,831,532
Les produits exportés du Canada aux provinces maritimes de	935,196
Ou deux et un quart pour cent.	

Il serait facile de démontrer que depuis dix ans, il n'a pris aucun accroissement quoique les moyens de communication soient maintenant beaucoup plus faciles et plus expéditifs qu'ils ne l'étaient ci-devant.

Sous le rapport de la défense du pays dont l'on parle tant, au sujet de cette confédération, je ne puis concevoir ce que nous gagnerions. Le Nouveau-Brunswick avec ces cinq cents milles de frontière le long des Etats-Unis et avec sa faible population, serait plutôt une cause de faiblesse qu'un moyen d'augmenter nos forces.

Je ne m'arrêterai pas à discuter les détails du projet de la conférence. Il n'est pas difficile de prévoir l'effet que pourra avoir sur le fonctionnement de la constitution un Conseil Législatif composé d'un nombre fixe de membres nommés à vie par la Couronne. Nous savons par expérience le pouvoir qu'un semblable corps pourrait exercer pour entraver les vœux de l'opinion publique et paralyser toute législation progressive.

L'on oublie les luttes d'autrefois entre un Conseil nommé par la Couronne, et l'Assemblée Législative du Bas-Canada; l'on oublie les efforts qui ont été faits par le parti libéral du Haut et du Bas-Canada pour reconstituer ce Conseil sur des bases plus en harmonie avec le sentiment populaire, et c'est lorsque l'expérience a donné raison à ceux qui ont obtenu cette grande réforme qui a donné au peuple le droit de choisir lui-même la seconde Chambre de la Législature, que l'on veut retourner à un système qui a été jugé et condamné par l'immense majorité du Haut et du Bas-Canada!

Evidemment l'on se défie du peuple, l'on craint son influence. Non seulement on lui retire les concessions qu'on lui a faites, mais on refuse même de consulter sur les changements que l'on propose, et dans la crainte qu'il n'ait occasion d'exprimer son opinion, on va même jusqu'à proposer de faire voter les constitutions locales du Haut et du Bas-Canada par la législature actuellement existante. C'est dire que la Législature du Canada devra établir une constitution pour le Bas-Canada et une autre pour le Haut-Canada, donnant ainsi à la majorité des représentants du Haut-Canada le droit d'imposer dans la constitution locale des dispositions qui répugneront au sentiment populaire du Bas-Canada, et à la majorité du Bas-Canada le droit d'imposer au Haut-Canada des institutions auxquelles celui-ci ne voudrait pas se soumettre.

Pour ne point consulter le peuple, l'en tombe dans l'absurdité de faire voter les constitutions locales par ceux qu'elles ne devront pas affecter.

THE QUEBEC RESOLUTIONS

Dorion's anti-Confederation manifesto—continued

Chaque fois j'en ai eu l'occasion, je me suis toujours prononcé contre toute union soit législative soit fédérale avec les provinces maritimes. Il m'a toujours paru que rien dans les circonstances actuelles des différentes provinces ne rendait cette union désirable, et que l'on pouvait au moyen d'un traité de commerce ou de réciprocité, assurer à chaque province tous les avantages que l'union pourrait produire.

Je ne vois rien dans le projet de la conférence pour me faire changer d'opinion à cet égard.

L'union que l'on propose me paraît prématurée et si elle n'est pas tout à fait incompatible avec l'état colonial, elle est du moins sans précédent dans l'histoire des colonies. Je n'y vois que complications et embarras dans le fonctionnement du gouvernement, qu'une augmentation de dettes pour la confédération et un surcroît de charges pour les contribuables.

Cette union ne peut que retarder le progrès et la prospérité du pays et je la repousse parce que je la crois contraire aux intérêts de toute la province et surtout désastreuse pour le Bas-Canada.

De quelque manière que l'on apprécie les changements projetés, il est un point sur lequel il ne peut y avoir de différence d'opinion, c'est que lorsqu'il ne s'agit de rien moins que de refaire la constitution, de poser de nouvelles bases à l'édifice politique, le peuple dont l'intérêt et la prospérité sont affectés par ces changements doit être consulté; et comme les deux sections de la province ont également droit de se prononcer sur le caractère des institutions qui doivent à l'avenir les régir, ces changements ne peuvent être adoptés sans le concours de la majorité des représentants de chaque section.

C'est à vous de faire connaître vos vœux sur l'importante question dont il s'agit; de faire respecter les droits que vous avez d'être consultés, en vous prononçant fortement et énergiquement contre toute tentative de passer une mesure de cette importance sans un appel au peuple.

J'ai l'honneur d'être,
Avec la plus haute considération,
Messieurs,
Votre obéissant serviteur,

A.A. DORION.

Montréal, 7 Nov. 1864.

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THE QUEBEC RESOLUTIONS



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from which this material is sourced)*

**(XX.) LETTER FROM SAMUEL TILLEY TO
ALEXANDER GALT**

NOVEMBER 10, 1864

Source: [Library and Archives Canada, MG26-A, Vol. 51, 19943-19944](#)

19943

Montreal Telegraph Company,

Quebec, Nov 10, 1864

By Telegraph from St. John, N.B.

To A. T. Galt,

Formerly we collected stumpage in woods expense so great we passed law collecting at Port of Shipment one shilling thousand feet in lieu of stumpage. This yields better return in more satisfactory retaining as we do the Proceeds of our crown lands and minerals as was necessary. That in New Brunswick the Local Government should have the power of imposing the same duty on collecting the stumpage in the same manner.

I thought the authority was confined

19944

to New Brunswick to meet this case but see that by the resolution it is general—you will recollect we urged the concession for above reasons. There can be no objection to *conferring it to our Province as far as Lumber is concerned & to Nova Scotia & New Brunswick in relation to minerals. I think the conference so intended it.

S. L. Tilley

[inserted at bottom of the text] *probably confining

THE QUEBEC RESOLUTIONS



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(XXI.) LETTER FROM JOHN A. MACDONALD TO
CHARLES TUPPER

NOVEMBER 14, 1864

Source: [Library and Archives Canada, MG26-A, Vol. 51, 19945-19947](#)

19945

Copy

Quebec, Nov 14/64.

Private

My dear Tupper,

I am sorry I was too unwell to join in the Toronto festivities or escort you to Niagara.

We have settled that our Legislature shall meet on January 19th, and intend to press the Federation resolutions through without delay. Canada, on the whole, seems to take up the scheme warmly, but yet we shall meet with considerable opposition. Dorion, you see, has come out with a manifesto against it.¹ Sandfield Macdonald will join him, and I hear they are beating up for recruits everywhere. It is of the utmost importance that between now and the time of the meeting of Parliament nothing should be done to strengthen the hands of the Opposition or to give them the opportunity of getting up a new cry. With this view, I cannot too strongly impress on you the necessity of carrying out the policy of not in any way giving any party the slightest control over the construction of any portion of the Intercolonial Railway. Brown's Confession of Faith in favour of the road at Toronto has astounded his supporters and dismayed a good many of them who have hitherto been educated by him to oppose it by every means and at every stage. They are powerless in consequence of his desertion, but there is a muttered growl about it that I don't like. Were it suspected that any considerable portion of that road for which Canada is going to pledge itself was given away to

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contractors without the consent or sanction of the Government a storm would at once arise which could not be allayed, and would peril the whole scheme.

I intend to commence next week to draft the Bill² to be submitted for the consideration of the Imperial Government, and shall be glad to get from you such hints or suggestions as may occur to you.

Have you formed any plan as to the mode in which you will submit the subject to your Parliament?

In looking over our resolutions I see a mistake has crept in. We have given power from time to time to the Local Legislatures to alter the constituencies sending members to the General Parliament. Now this is an obvious [*word crossed out, not legible*] blunder and must be corrected.

I will be obliged by your giving me your ideas as to the general administration—the number

¹ [A.A. Dorion's Anti-Confederation Manifesto \(November 7, 1864\) in "Aux Electeurs du Comté d'Hochelaga," *La Minerve* \[Montreal\] \(November 11, 1864\).](#) The manifesto is reprinted in this volume on p. 255 [C.D.]

² The editor could not locate any such draft in the John A. Macdonald papers, nor any additional correspondence, other than provided in this book. [C.D.]

THE QUEBEC RESOLUTIONS

Macdonald's letter to Tupper — continued

of the Executive and the distribution of Departments. This must [*word crossed out, not legible*] all be wrought out and if possible form a portion of the Imperial Act. I have not thought this branch of the subject over, but mean to do so at once. So soon as I can form a projet I will transmit it to you. So please reciprocate.

I have not forgotten the compact we made here, and shall act strict and cordially up to it.

Always, my dear Tupper,
Faithfully yours,
John A. Macdonald

The Hon. Charles Tupper.
Halifax.

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THE QUEBEC RESOLUTIONS



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RELATED MATERIALS

**(XXII.) LETTER FROM CHARLES TUPPER TO
ALEXANDER GALT**

NOVEMBER 16, 1864

Source: [Library and Archives Canada, MG26-A, Vol. 51, 19950-19951](#)

19950

Montreal Telegraph Company

Quebec, Nov 16, 1864

By Telegraph from Halifax 15th

To Hon. A. T. Galt,

We are quite willing that the article as to import on lumber should apply as intended especially for Nova Scotia & New Brunswick.

C. Tupper.

19951

6 Nov. 1864
C. Tupper
To A. T. Galt.
Re. Lumber



*(Scan QR code to view the primary document
from which this material is sourced)*

(XXIII.) ALEXANDER GALT, SPEECH AT SHERBROOKE ON THE PROPOSED UNION OF THE BRITISH NORTH AMERICAN PROVINCES

NOVEMBER 23, 1864

Source: [Alexander Galt, *Speech on the Proposed Union of the British North American Provinces* \(1864\)](#)¹

INTRODUCTORY PROCEEDINGS

In accordance with an invitation from the Hon A.T. Galt, Minister of Finance, to his constituents, a large number of the latter assembled at the Court House in the Town of Sherbrooke, Nov. 23rd, 1864, to listen to such explanation as the Hon. gentleman deemed it proper to make in relation to the plan for the Confederation of the British American Provinces at present under consideration.

On motion of **JAS. HENECKER, Esq.**, the **Hon. ED. HALE** was called to the Chair.

The CHAIRMAN returned them his thanks for calling upon him to preside on that occasion. He could only say that he wished they had selected a more worthy man to fill the Chair. Their representative, Hon. Mr. Galt, had invited them to meet him on that occasion for purposes which he would explain to them. He—Mr. H.—thought they should all be grateful to the Hon. gentleman for giving them that opportunity of listening to him on the question on which he was about to speak, the only instance in which a meeting had been called by a representative of the Crown for the purpose which brought them there that day. It was proper that his—Mr. H.'s—words should be few on that occasion. The wires were then waiting to waft from one end of the country to the other that which they would hear first. He need not tell them that this was a very important privilege, for which they were indebted to their Hon. friend, and he hoped that it would be properly recognized—Cheers—Confident that they would on this occasion evince the same sound sense they ever had, he would call upon his Honorable friend to address them.

MR. GALT, who, on rising, was received with great applause, addressed the Chairman and said the practice had obtained in England of late years for the leading politicians and those charged with the administration of the Government to meet their constituents and the public during the recess of Parliament, and discuss with them the questions then occupying the public mind. He believed that great advantage had arisen from the practice of instructing the public with reference to the questions then before it, from the fact that, when Parliament afterwards met, it had the intelligent ideas of the people brought to bear upon its deliberations. If ever there was an occasion upon which he might wish to address his constituents, it was now, when they had before them a measure calculated not merely to change their present position, but through that change to raise this country to a scale of greatness which we had longed for, but had not hitherto had the prospect of attaining. That measure was one which had created a good deal of feeling in the mind of the people at large; and, knowing that to be the case, he was sure he was in the line of his duty in coming before them that day, and endeavoring to give them some of the reasons why the measure of confederation for the British North American Provinces was now submitted to the consideration of the people of Canada. He might say that with reference to this particular subject he felt a double responsibility resting upon him. He not only felt the responsibility common to all who represented constituencies in Parliament, but he had also upon him the responsibility of acting as the representative of a class in Canada—of a minority in Lower Canada—and of endeavoring to

¹ Full citation: [Alexander Galt, *Speech on the Proposed Union of the British North American Provinces* \(Montreal: Longmore & Co, Printing House, 1864\)](#). Some additional paragraphs have been divided for readability.

see, in the measures which were proposed, that justice was done them in common with all classes of the community. No measure could possibly meet the approval of the people of Canada which contained within it the germs of injustice to any; and if, in the measure which was now before the people of Canada, there was anything which bore on its face injustice, it would operate greatly against the success of the measure itself.

DEFECTS OF THE PRESENT UNION.

He would ask the permission of the meeting for a few moments before entering on the plan of Confederation, to recur to the events which had rendered it necessary to bring before the people of Canada a measure for the alteration of their constitution. And with that view he might perhaps be allowed to refer briefly to the circumstances under which the union of the two Canadas took place and the political action which had taken place under that union. (Hear hear.)

The Union of Canada was an act of Imperial policy not sought for by the people of Lower Canada at all events. It was adopted by the Imperial Legislature with the view of remedying difficulties which then existed between the two Provinces. The inherent defect in the Imperial Act for the Union of the two Canadas was this: it attempted to combine the federal principle with unity of action. It endeavoured to give equal representation to the two sections of the Province, while it brought them together for the purpose of dealing as one with all subjects both (general and local, So long as there was no very great difference in the population of the two Canadas—80 long as they contributed in somewhat equal proportion in the expenditure—the system worked well, but when the fertile lands of the West attracted emigration in greater numbers to Upper than to Lower Canada; when the wealth and population of that section increased in a greater ratio than it did below, then the difficulties which were inherent in the Act of Union began to appear; then began to rise the claim that in Upper Canada there was taxation without representation, while the resistance which was made from Lower Canada arose from the feeling that if increased representation was given it would be not simply an interference with the mere representation in Parliament, but would affect the whole principle upon which the Union Act had been based. Consequently resistance was offered, and had been systematically maintained to the claims of Upper Canada. Those claims were in themselves undoubtedly founded in justice—but at the same time there was great reason in the objections taken to them—they involved an interference with the Federal principle recognized in the Union Act, an interference which amounted to an entire change in the principles on which the Government of the country was to be administered, and could not be received otherwise than with dread by a large class, if not by the whole of the population of Lower Canada. (Hear.)

He need not detain them by any reference to the political struggles that had marked the last few years. It was within their knowledge that the claims made by Upper Canada, and the intense feeling evinced in Upper Canada with reference to these claims, were of such a character that they to a great extent debarred public man from joining the government of the country, because they were not able to pledge themselves to grant the demands of the Western section. For that reason, many whose services would have been useful to the country had been rejected by the constituencies of Western Canada, and the Province had been deprived of the services of men who under other circumstances would have been valuable members of its Executive and ornaments to its legislative halls. Events, as they were aware, had ripened rapidly during the last two or three years, and within the present year they had seen the machine of government almost brought to a deadlock, the claims of Upper Canada represented on the one hand by a very large majority and the resistance offered by Lower Canada represented on the other hand by an equally large majority from that Province—these two great contending parties being so equally matched that the work of useful legislation for the country came very near being absolutely stopped. Under these circumstances Some remedy

had to be found either by way of concession on the one side or the other, or by striking out a new course which might preserve the benefits we had enjoyed under the Union Act, at the same time that it removed the apprehensions felt both East and West, that injustice might be done to one section or the other.

THE REMEDIES FOR EXISTING EVILS CONSIDERED.

He might for a moment refer to the remedies which had offered themselves for consideration and in the first place that which would naturally occur to their minds would be that there should have been a concession to Upper Canada, of additional members in proportion to its population, but that concession would, as he had already remarked, have been an invasion of the Federal principle, contained in the Union Act, and would unquestionably have been represented to the uttermost by a large proportion if not by the whole of Lower Canada. While on this subject, he might say that the interests of the British population of Lower Canada were identical with those of the French Canadians; these peculiar interests being that the trade and commerce of the Western country should continue to flow through Lower Canada. (Hear, hear.)

He was therefore of opinion that the concession to Upper Canada of representation by population would have been attended with an agitation most disastrous to the whole country. Instead of being in any way conducive to peace and contentment, it would have been resisted in a way that would have imperilled the best interests of the Province, and with such a warning as we now had to the south of us, it could only have been taken when all other remedies for the existing evils had failed. (Hear.)

We could, however, try to retain the blessings of the Union, and, indeed, extend them in such a way as to promote the peace contentment, and prosperity of the people, at the same time preserving in the new constitution those rights they were afraid would be subjected to injustice. While referring to Representation by Population as one of the remedies, he might also say that another, and probably one that would have immediately followed it, would have been the dissolution of the Union between Upper and Lower Canada; for the struggle would have assumed such an alarming aspect, that it would have resulted in an attempt to compass that. Now he did not think any measure ever adopted in any country, had brought greater blessings in its train than the Union thus threatened with destruction. When they reflected for a moment on what had passed during the twenty-two or twenty-three years since the Union took effect, they would with difficulty find a measure fraught with such benefits to the people who had lived under it. We had seen the population of the country more than doubled; we had seen it traversed by railways; its educational system improved; feudal tenure in Lower Canada abolished; the great Clergy Reserve question had been settled—it would take more time than he could venture to occupy even simply to go seriatim through all the great benefits that had resulted from the Union—a measure be it remembered which had not been sought for by the people, and which had therefore not come into proper play until several years after its enactment (Hear.)

No one, considering all this, would say we ought lightly to risk these benefits, but every one would at once agree that, while the great interests of the whole country should be preserved as they now were, the sectional interests—if he might use that term, which he was very reluctant to do—should be assured and guaranteed to each part of it, so as not to do injustice to any. (Cheers.)

GOVERNMENTAL DIFFICULTIES OF LAST SESSION.

The circumstances under which the Government found itself last session of Parliament were these; One Government had resigned from inability to obtain Parliamentary support enough to govern the country. Another, of which he (Mr. Galt) was a member, had been defeated by

a majority of two; and it did not appear possible to form any Government under which any material difference in this respect could have been produced. Under these circumstances it was the duty of those administering the public affairs to make sacrifices of their interests and of their personal position, and to unite to seek a remedy for the evils that existed; and he was happy to say that men were found willing to undertake this responsibility. He desired in this connection to allude more particularly to his friend and colleague the Hon. George Brown, who, feeling that the period had arrived when extreme views should no longer be pressed, in the most patriotic and straightforward manner approached the Government of the day when they were considering what course to take, and suggested that some basis should be found on which a common platform could be raised. (Hear, hear.)

This consideration resulted in an undertaking on the part of the Government, into which the Hon. Mr. Brown and two other gentlemen representing the Liberal party of Upper Canada had entered, to address themselves to the preparation of a measure that would partake of a federal character as far as necessary with respect to local measures, while it would preserve the existing union in respect to measures common to all; that they would endeavor, if necessary, to strike out a federal union for Canada alone, but that at the same time they would attempt, in considering a change in the Constitution of this country, to bring the Lower Provinces in under the same bond, as they were already under the same Sovereign. It was highly proper that, before touching the edifice of Government that had been raised in Canada they should address the statesmen of the Lower Provinces, and try to induce them to form a common system. If it were found impossible to have a legislative union of all the British American Provinces, then they could reserve to the local governments of the several Provinces the control of such subjects as concerned them, while the rest should be committed to the care of the General Government. (Hear hear.)

THE GEOGRAPHICAL POSITION OF CANADA.

He might here remark that one reason why the Government had felt it desirable to approach the Maritime Provinces with propositions of this nature arose from a consideration of the geographical position of Canada. Canada it must be considered was for several months of the year entirely dependent on a foreign country for access to the ocean—for access to her own mother country. To approach the seas in winter we must pass through the United States. He trusted that the good-will existing between that nation and ourselves would never be disturbed. (Cheers.)

He believed, moreover, that as long as the eyes of the people of both countries were turned upon the great matters of common interest that good will never would be broken. (Hear.)

But it was possible it might be, and as we were looking forward at a day which was certainly distant to the national existence to which we were growing up, it was necessary to provide that we should not be then at the mercy of any foreign state. The business men of Canada and her farming population too were now entirely dependent on a state of law in the United States, which might not continue forever. (Hear.)

If it were possible then to combine with a change in the constitution of Canada such an extension of our territorial limits as to give us access to the sea, we ought not to neglect the opportunity of attaining those means of reaching at all times the mother country and other European countries, which the Maritime Provinces now possessed. (Cheers.)

THE CHARLOTTETOWN CONFERENCE.

The advantages which we had ourselves derived from the union of the two Provinces would thus be still more widely extended; we would find other interests of which we now scarcely knew anything, connected with our own to the greatly increased advantage of the whole; we should have the assistance of the active, intelligent, and wealthy populations in the Lower

Provinces to aid us in all things necessary to constitute the prosperity and greatness of a nation. The time when the Government felt it to be their duty to approach the Maritime Provinces on the subject of union happened at a very favorable period. This year the legislatures of the Lower Provinces—Nova Scotia, New Brunswick and Prince Edward Island had passed resolutions pointing to a legislative union of those three Provinces, and also appointed delegates for the purpose of meeting to consider the terms upon which such a union of the three Provinces could be brought about, consequently when we were obliged to consider the question of altering the terms of the union of Upper and Lower Canada, we had before us the fact that the Lower Provinces were themselves considering the possibility of uniting their destinies together, and of constituting themselves into one large Province. Therefore it was felt that the time had arrived when the public mind in the Lower Provinces was in a better state of preparation for the consideration of a union with Canada than ever before. And besides, this was not a new subject; it had been before the public in one form or another for a great number of years—from the time of Lord Durham to the present day; but it appeared not to have been realised by the public as a practical question or as one which was deserving of very serious attention.

He had no doubt that events now transpiring in the United States had had a great effect in ripening public opinion in regard to the question of British Colonial Union. He believed there had been an impression created by those events, in the public mind of all those Provinces—that there had been created a feeling of insecurity which satisfied them that it was better their interests should be united together: that they should not in future be obliged to face singly any difficulties that might arise, nor the contingency of being at any period of trial disunited and separate; but that, uniting all their energies and making common cause together, they would be in a much better position for meeting anything that might unfortunately transpire hereafter. For those reasons it was thought the most appropriate time to bring before the Lower Provinces the subject of Colonial Union was the occasion when they had under consideration the scheme of union among themselves; and an invitation addressed to them to permit Canada to send a deputation to the Conference which they were about to hold, was received in the most friendly and cordial spirit.

This Conference, however, was informal merely, and for the purpose of enabling the leading men of the several Provinces to consider whether, while a union of the Provinces might be in general terms considered desirable, such difficulties existed in regard to the details of the measure as to forbid the attempt to undertake effecting that union. They went to Charlottetown, P.E.I., where a meeting of the Colonial delegates was held; and while not desiring to occupy the time of this meeting with the details then considered, he would merely state that the Conference, which was unanimous in the conclusion arrived at, was of opinion that the common interests of all were of such great importance that the difficulties which might be experienced in regard to the details of the scheme ought to be overcome. It was felt that though the details did in many respects offer difficulties, from which at the moment they did not see a mode of escape, still there was such a general opinion in reference to the advantages to be derived from a Union, that those difficulties were regarded as subordinate to the general interest, and the determination was formed that an attempt to consider the question of union in a more formal way should be made in Quebec.

THE QUEBEC CONFERENCE.

This Conference took place last month, when for 16 days the representatives of the several Provinces were engaged in the discussion of the details of the scheme, and they arrived at a basis upon which they could go back to their several Provinces and recommend their adhesion to a common union. The meeting was aware of the general outline of what took place at the Quebec Conference, as the press had published the essence of all that had transpired. But he might perhaps be allowed, in addressing his constituents, to go into those matters discussed

in conference more fully than had been done at any previous meeting in reference to this subject, and to state the motives and reasons which brought about certain results, and to do so in a more formal and complete way than had been attempted elsewhere. He was sure he would have their indulgence in now undertaking this task. It was by no means an easy matter to attempt to go over at that time all the details which had occupied upwards of thirty gentlemen, the first men in the land, for weeks together. He trusted that while endeavoring, in the short time at his disposal, to give them the results, in a general way, of the deliberations at Quebec, he would receive their kind indulgence, feeling as he did that at the risk of inflicting upon them a perhaps tedious speech, the importance of the results in question and of the scheme contemplated would justify his entering into the subject somewhat fully. (Applause.)

Naturally, the first question which suggested itself for the consideration of the Conference was whether a union of the British North American Provinces was in itself desirable or not. Upon this point he was happy to say there was the most complete and perfect unanimity. Of the thirty three gentlemen assembled from Halifax in the East to Sandwich in the West, representing as they did all classes, all races, all creeds in the country, not one hesitated to give an affirmative answer to the question that a union of the British North American Provinces should be effected provided it could be done on just principle & to all. And he thought that all who heard him would agree that the opinion which was then unanimously adopted was one which the circumstances fully justified. (Loud cheers.)

If they looked at the great interests of all sections of the country, at the largeness of the population of the Provinces east and west, at the importance of the maritime element in any confederation, they would certainly find that, as inhabitants of British North America, united together under a common bond of interest, having a common legislative interest, a unity of all interests, they would be better able to do their duty as subjects of the British Crown than if each Province remained separate.

THE TERRITORY OF THE UNION.

In point of population, the Provinces of British North America would form, if united, a very respectable power in the world. Many countries which boasted of kings and emperors were not as strong or as great either in population or territory, in trade and commerce, in industry or in the intelligence of their inhabitants, as the united Provinces of British North America would be, when united under one Confederation. With a population numbering now nearly four millions of people, with a territory extending from the Atlantic to the Pacific, with a longer coast line than that of the United States, with a river, commercially speaking, the greatest and most important in the world, passing through the centre of our country, connecting the East with the West, and bearing on its bosom the trade and commerce of the whole interior of this great continent—with all these advantages we might look forward to a future for this country, which, whether we lived to see it or not, our children would rejoice to see, and feel that a power was being established on the northern part of this continent which would be able to make itself respected, and which, he trusted, would furnish hereafter happy and prosperous homes to many millions of the industrial classes from Europe, now struggling for existence. (Cheers.)

THE TRADE AND TONNAGE OF THE COLONIES.

Let him advert for a moment to the trade and tonnage of these Provinces; because in exhibiting the amount of that trade, he would be able to bring before them, in a very pointed manner, the most important results which must flow from a union of all our resources. The imports of Canada last year amounted to \$45,964,000; the exports to \$41,831,000; together, \$87,795,000. The imports of New Brunswick to \$7,764,824; the exports to \$8,964,784; together \$16,729,608. The imports of Nova Scotia to \$10,201,391; the exports (including

\$1,874,480, the value of shipping built in the Province,) to \$8,420,968; together \$18,622,369. The imports of Prince Edward Island amounted to \$1,428,028; the exports (including £124,955 sterling, the value of the shipping built) to \$1,627,640; together \$3,065,568. The imports of Newfoundland to \$5,242,720; the exports to \$6,002,312; together \$11,246,032. Consequently, the trade of these Colonies, separated as they were by hostile tariffs, preventing proper commercial intercourse between them—with all the disadvantages of being separated, disunited, and having necessarily smaller Legislatures, and smaller views on the part of their public men—amounted last year to no less a total than one hundred and thirty-seven and a-half millions—in precise figures, \$137,447,567—a volume of trade surpassing that of almost any European country. (Cheers)

Referring again to the tonnage employed in carrying on that trade, we would find, in the case of Canada, a sea-going tonnage (both ways) of 2,133,000. In the case of Nova Scotia—inwards, 712,939; outwards, 719,915; together 1,432,954. New Brunswick—outwards, 727,727; inwards 659,258; together 1,386,980 Not including Prince Edward Island and Newfoundland, for which he had not the official returns, the tonnage employed in the seagoing business of Canada, Nova Scotia and New Brunswick amounted to no less than five millions of tons, besides nearly seven millions (6,907,000) of tonnage employed on the great inland lakes in the Canadian trade. (Cheers.)

Now, these figures were so great, so vast, that the mind required some little time before it could take them in. They represented a trade which was probably the third in the world—exceeded only by the trade of Great Britain and that of the United States, and perhaps the trade of France, which last, however, did not much, if at all exceed the figures he had just given. With these two or perhaps three exceptions no other country in the world employed the same amount of tonnage of sea-going craft as was employed last year by the British North American Provinces in carrying on their intercourse with the World and with each other. He considered therefore that, possessing as these Provinces did a large and increasing population, a vast territory, and a trade and commerce which, united, would vie with those of almost any other country in the world, it must be admitted there were material interests which would be greatly promoted if we could agree on a measure of such a nature as to induce the several Provinces to entrust the management of their general affairs to a common government and legislature (Hear.)

THE CHARACTER OF THE PROPOSED UNION.

In considering the mode in which such a union could be carried out, it became necessary to determine whether it should be a Federal or a Legislative Union. A Legislative Union, as they were all aware, had certain advantages over one based on the Federal system. It was a more complete union, and implied a more direct action and control of the government over the interests of the people at large. And, where a people were homogeneous, and their interests of such a character as to admit of uniformity of action with regard to them, it could not be doubted that a government on the principle of a Legislative Union was the one which probably operated most beneficially for all. But in the case of the people of these Provinces, brought up as they had been under separate legislatures, having unfortunately for our common interests comparatively little intercourse with each other, the difficulty was felt that, if we attempted to make a Legislative Union of these Provinces in the first instance, the dread, in the case of the Lower Provinces and probably of many among ourselves that peculiar interests might be swamped and certain feelings and prejudices outraged and trampled upon, was so great that such a measure could not be entertained and we were compelled to look for what was sought in a form of government that would commit all subjects of general interest to a general Government and Legislature, reserving for local Legislatures and Governments such subjects as from their nature required to be trusted to those bodies. (Cheers.)

The term Federation was used with reference to the proposed Union, because it was that

with which the public mind was most familiar. But it must not be supposed, on account of the use of that term, that in the Union now proposed to be established it was intended to imitate the Federal Union which we had seen existing in the United States. In the United States, the general Government exercised only such powers as were delegated to it by the State Governments at the time the Union was formed. Each State was regarded as a sovereign power, and it chose for the common interest to delegate to the general Government the right of deciding upon certain questions, which were expressly stated. All the undefined powers, all the sovereign rights, remained with the Governments of the several States. And he believed that nearly all the writers and statesmen who had given much thought to the subject of the difficulties now convulsing the United States were of the opinion—and he shared that opinion himself—that the reservation of what were popularly known as State rights had been to a great extent the cause of the difficulties which were now agitating that great country. He thought, when we had before us the lamentable results which we now witnessed, when we saw the evils which had arisen there, and perceived that there was apparently no remedy for them within the limits of the constitution, we might well hesitate to adopt any system that would be similar in its character. If we did so we should be lacking in that wisdom learned from the experience of others which was so peculiarly valuable. (Hear, hear.)

Therefore, in laying a basis for the union of these Provinces, it was not proposed that the General Government should have merely a delegation of powers from the Local Governments, but it was proposed to go back to the fountain head, from which all our legislative powers were derived—the Imperial Parliament—and seek at their hands a measure which should designate as far as possible the general powers to be exercised by the General Legislature, and also those to be exercised by the Local Legislatures, reserving to the General Legislature all subjects not directly committed to the control of the Local bodies. By this means it was believed we should escape the rock on which the United States had split and we should not have a sectional agitation springing up in one section of the country or the other, because each Legislature, and especially each Local Legislature—acting within the bounds prescribed by the Imperial Parliament and kept within these bounds by the Courts of Law if necessity should arise for their interference—would find in the working of the plan of Federation a check sufficient to prevent it from transcending its legitimate authority. (Hear, hear.)

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

THE MINISTRY TO BE RESPONSIBLE TO PARLIAMENT.

Now the next point, having decided that the Federative plan, as he had briefly endeavored to explain it, was the one which ought to be adopted, was whether they ought to adopt the mode of government which they now saw in use in the United States, or whether they should endeavor to incorporate in the Union the principles under which the British Constitution had been for so many years happily administered; and upon this point no difference of opinion arose in the Conference. They all preferred that system which they had enjoyed for the last eighteen years, by which the Crown was allowed to choose its own advisers; but those advisers must be in harmony with the well understood wishes of the country as expressed by its representatives in Parliament. (Cheers.)

They were unanimously of the opinion that this system was more likely to operate for the

benefit of the people than any attempt to introduce the American system of Government. They certainly believed that they enjoyed more practical freedom under the British Sovereign than they could under a dictator who was chosen for only four years. He believed that the administration of the country could be carried on with more advantage to the people and more in harmony with their wishes if that administration was obliged constantly to retain the confidence of the people; and if the moment the people ceased to have confidence in those in power, they must give place to others who would be able to govern the country more in harmony with their wishes. The secret of the freedom of the British nation from revolution and disturbance was that the people had at any time the power of making the Government harmonise with their wishes,—it was, in fact, the greatest safeguard the British Constitution gave. No government in Canada could venture to set public opinion at defiance. No government could exist, except for a few short months, unless they had the people at their back; for although parliamentary majorities could be preserved for a short time against the wishes of the majority of the people still it was impossible to deny that public opinion was, in a complete sense, represented by the opinion or the members of the Legislature. They all knew perfectly well that their representatives were chosen from amongst themselves, and he trusted that we should never in this country lose that control which had been so happily exercised by the people over the government of the day. It was, therefore, concluded that in forming an Union of these Provinces it was desirable, in the interest of the people at large, that the system of responsible government now in force should be maintained. (Hear.)

The question then arose as to the form of government which should be adopted for the administration of the general affairs of the whole union, and that form was copied almost literally from the system existing in the several Provinces. It was proposed to have a Governor General, who should be appointed by our Gracious Sovereign. (Hear.)

THE COMPOSITION OF THE UPPER HOUSE.

It was proposed to have a Legislative Council and a Legislative Assembly. In the constitution of the Legislative Council it would be observed that the principle which now obtained in Canada, of electing its members of that branch, was proposed to be done away with and that we would again revert to nomination by the Crown. Perhaps he might be permitted to say a few words in regard to that point. He did not think that in Canada they had any cause to regret the change which had been made from the nominative to the elective plan. The circumstances under which that change took place were probably familiar to most of them. The Leg. Council had, from one cause or another, under the nominative system, fallen into public discredit. The elective Legislative Council, up to this time, had given them a number of very excellent men indeed. He doubted for instance whether, under any system, they could have had a better representative than the gentleman who now represented this district. (Hear.)

Therefore, as far as Canada was concerned, he was not aware that they could say that the principle of an elective Legislative Council had proved in any degree a failure. There was no doubt that, in some respects, the elective principle was attended with difficulties and objections. It had been found that complaint was made that the expense connected with the elections in many districts was such as to debar many able men from attempting to come forward as candidates. There was no doubt that to canvass a district composed of three constituencies, each sending a member to the Lower House, was a most formidable undertaking, and one from which many excellent and worthy men naturally shrank. An election for one was bad enough, but to have an election for three constituencies, certainly must be three times as bad.

He did not think however, that in Canada there was anything in the elective principle, as regarded the Legislative Council, which would have induced us to desire a change. Of course some would desire it, others might not. In the case of the Lower Provinces however, they had maintained the nominative plan except in Prince Edward Island, and the gentlemen who came

from those Provinces—both the members of the Governments and the leaders of the Opposition who accompanied them—were perfectly unanimous in the declaration that the opinion of the people in the Lower Provinces was against the elective principle. Under these circumstances it was believed that the nominative plan in some respects offered greater advantages than the elective principle, and it was decided that we should again revert to nomination by the crown.

It then became necessary to settle the number of members for the Upper House, and the more so because the Upper House was intended to be the means whereby certain local interests and local rights would be protected in the General Legislature. For this reason it was contended that while the principle of Representation by Population might be properly enough extended to the Lower House, equality of territorial representation should be preserved in the Upper House; and it was proposed in its formation, that the Confederation should be divided into three large districts, Upper Canada being one. Lower Canada another, and the Maritime Provinces the third. Newfoundland not having joined the preliminary Conference, arrangements were made for its coming in with the additional number of four members. With regard to the operation of the nominative plan for the Legislative Council for the purposes of protection, he might say that in his own view he would have been satisfied under the elective plan. He thought that so far as the interests were effected which he personally represented, they would have been able to return their fair share of representatives under the elective principle. But it would not become them to object to the nominative plan, because the members for the Upper House would be nominated by the Crown on the recommendation of the General Government.

He might say it here, because it was said by everybody outside, that in the event of any thing like injustice being attempted towards the British population of Lower Canada by their French Canadian fellow-subjects,—they would most unquestionably look for remedy and redress at the hands of the General Government, who would have the power of causing their interests to be represented in the Upper House of the General Legislature. So far as regarded the interests of the French Canadian population on the other hand, he thought there could be no question whatever that they might safely enough trust to their representatives in the Upper House being taken from amongst their best men, and in fair proportion to their numbers also. It was proposed that, in the case of Lower Canada, the selection should be made from the electoral limits which now existed. And he thought wisely so, because certain sections of the province were more particularly inhabited by French Canadians and others by those of British origin. Consequently there was a greater certainty that fairness would be meted out to both parties, if the representatives in the Upper House were to be chosen from the electoral limits which now existed.

It was intended that the first selection of Legislative Councillors should be made from the present Legislative Councils of the several Provinces, and without referring to the reasons which actuated gentlemen from the Lower Provinces in regard to this matter, he thought it might be sufficient to point out that in Canada, where we had forty-eight gentlemen sitting in the Upper House by the right of election, it would have been doing a wrong, not merely to them individually, but to their constituents too, if they had from any cause been attempted to be overlooked. It was quite evident even if no such clause had been inserted, that no attempt would have been made to pass over those gentlemen who had been selected by the people themselves as the most fit and proper persons to represent them in the Legislative Council. However, the arrangement was that they should be chosen, regard being held in that selection to the relative position of political parties. If the power of nomination were entrusted to the Government without restriction they might be inclined to appoint their own political friends to the exclusion of the others. But it was intended that the nomination should be so made that not only the members composing the Government but also the Opposition to the Government should be fairly represented in the Legislative Council. So far as Canada was concerned, there was no likelihood of difficulty arising on this point, because the coalition

which was formed between the Liberal and Conservative parties would preclude any attempt calculated to injure the interests of either. (Hear, hear, and cheers.)

In the case of the Lower Provinces the same reasons did not exist. Their governments were still party governments, and though they had associated with them, in the Conference which had taken place, the leaders of the Opposition, still the action to be taken would necessarily be the action of the governments of the Lower Provinces. It was therefore proposed that there should be a guarantee given that all political parties should be as nearly as possible fully represented.

THE COMPOSITION OF THE LOWER HOUSE.

Passing now to the composition of the Lower House, the important change was to be made of basing representation therein upon Population. Now unless this were done, it was plain that Upper Canada would not, under any circumstances, have consented to be a party to the Union, since for many years it had been claiming additional representation as a matter of right, and would certainly not have entered a Confederation, unless a due share of control were given it over the expenditure and taxation to which it so largely contributed. The Lower Provinces at once acquiesced in this. Population was made the basis, and to prevent any undue augmentation in the numbers of the Lower House as population increased, it was settled that there should be a fixed standard on which the numbers of the House should be calculated, and Lower Canada was selected as affording the proper basis. Although Lower Canada had not the largest, still it had a very large population, which was more equitable in its increase than any of the others, not increasing on the one hand so fast as Upper Canada, or on the other hand so slowly as the Lower Provinces, and the numbers of the House of Commons (for that was the name selected) would not be subject to such irregular variations as if the population of any of the other Provinces were taken as the basis. The House would never have less than 194 members, but it would increase at a very slow rate, as it would only be the greater increase of any Province over that of Lower Canada which would entitle it to additional representation, while, if the agricultural resources of Lower Canada became developed, and its mineral wealth explored, so that it increased faster than Upper Canada, then the number of representatives for Upper Canada would be diminished, not those for Lower Canada increased. Of course, to provide for the settlement of the remote portions of the country which might be brought in from time to time, power was reserved to increase the number of members; but such members could only be increased preserving the relative proportions. One advantage which would flow from this was that with 194 or 300 members were certainly sufficient to carry on the business of the country, we should be spared the enormous expense which would be entailed upon us if the representatives were rapidly to grow up to 300 or perhaps 400 members. (Hear.)

THE DURATION OF THE GENERAL PARLIAMENT

It was also proposed that the duration of Parliament should be extended from four to five years. The reason for adopting this course was that under our present system Parliaments seldom lasted longer than three years. In England where their legal duration was seven years, it was found, on an examination of the records of the last sixty or seventy years, that the average length of each Parliament was only a trifle over four years. Now repeated elections were not in themselves very desirable. What was desired was that elections and dissolutions of Parliament should take place with sufficient frequency to ensure that the representatives should truly represent the people. It was when doubt arose, either through a vote in Parliament or some other cause, that the representatives did not truly represent the people, that a dissolution was really necessary, and it was thought in Conference that no injury would arise from extending the duration of the General Parliaments from four to five years. Home

change would have to be made in the duration of the Parliaments of the local systems, and it was thought desirable that the term of existence of the General Legislature should be longer than any that could possibly be adopted for the local bodies.

THE POWERS OF THE GENERAL GOVERNMENT.

He now came to the consideration of the powers proposed to be given to the general Government, and amongst these would be found all that could in any way be considered of a public and general character. In the first place, it would have to deal with the public debt and all the means of sustaining the public credit. It would have the regulation of all the trade and commerce of the country, for besides that these were subjects in reference to which no local interest could exist, it was desirable that they should be dealt with throughout the Confederation on the same principles. The regulation of duties of customs on imports and exports might perhaps be considered so intimately connected with the subject of trade and commerce as to require no separate mention in this place; he would however allude to it because one of the chief benefits expected to flow from the Confederation was the free interchange of the products of the labor of each Province, without being subjected to any fiscal burden whatever; and another was the assimilation of the tariffs. It was most important to see that no local legislature should by its separate action be able to put any such restrictions on the free interchange of commodities as to prevent the manufactures of the rest from finding a market in any one province, and thus from sharing in the advantages of the extended Union (Hear.)

THE NEW BRUNSWICK EXPORT DUTY ON TIMBER.

He might remark that in the published statement it was said the General Government should not have the right of imposing duties on exports of lumber, coal and other minerals, but the understanding was that the clause should be limited in the case of timber to the Province of New Brunswick, and in the case of coal and other minerals to the Province of Nova Scotia. The reasons for this prohibition were that the duty on the export of timber in New Brunswick was in reality only the mode in which they collected stumpage. They had found in former years their method of collecting stumpage dues was such that their woods and forests gave them very little net revenue, if any, and they resolved to substitute for it a duty on lumber when vessels carried it away. Now inasmuch as the territorial possessions of each Province were reserved as a means of producing local revenue for the respective Provinces, it was evident that if the Province of New Brunswick were deprived of this privilege of imposing an export duty it would be obliged to revert to the old expensive process of levying stumpage dues, against which its representatives in Conference very strongly protested. The correct interpretation of the clause would, however, leave to the General Government the power of levying a duty on exports of lumber in all the Provinces except New Brunswick, which alone would possess the right to impose duties on the export of timber. (Hear.)

THE NOVA SCOTIA EXPORT DUTY ON COAL, ETC.

Now in Nova Scotia a large revenue was derived from a royalty on coal mines, and its representatives at the conference urged that if the General Government should put an export duty on coal, one of their most important resources would be interfered with, and Nova Scotia was therefore permitted to deal with the export duty on coal and other minerals, just as New Brunswick was with regard to timber. (Hear.)

EXCISE DUTIES.

The General Gov. would also have the power of regulating excise duties. The imposition of

these duties was a necessary corollary to the imposition of the duties of Customs; and the power to impose the one must be given to the same authority that exercised the power to impose the other. Excise duties were placed upon spirits made in the country in order to place the consumer thereof on the same footing he would be on if he consumed spirits imported from abroad. He might remark that in the Lower Provinces they had no excise duties; he believed they did not manufacture whiskey to any extent, but in introducing a system of excise duties they would have to be subjected to the same regulations that were followed in Canada. In general terms he would add that the Central Government would have the power of raising money by all the other modes and systems of taxation—the power of taxation had been confided to the General Legislature—and there was only one method left to the Local Governments, if their own resources became exhausted, and this was direct taxation.

THE PROSPECT OF UNION ALREADY IMPROVING OUR CREDIT.

One of the advantages to which we certainly had a right to look forward under the Union was that the credit of the whole country would be greater than that of any of its parts, and that the General Government would be able to obtain money on easier terms than any Province could on its own responsibility alone. Events were already beginning to shew the truth of this statement, as would be seen if we looked at the marked advance in the price of our securities that had taken place within the last three or four weeks. According to official advices from England, since intelligence had reached that country of the probability of Union being effected here, our securities, which had been greatly depressed, had risen no less than 15 per cent, our 5 per cents being now quoted at 90 to 92. (Applause.)

That might be received as an indication of what the moneyed world conceived to be the greater security Canada would enjoy under a Union, and we might well accept it as an evidence of the propriety of the course we were now taking, when that which was the most sensitive of all interests—the public credit—was beneficially affected even by the intelligence of the meeting of the Colonial delegates. [Hear.]

POSTAL SERVICE AND PUBLIC WORKS.

He might now refer generally to the subject of the Postal Service. If there was one branch of the public service which, more than another, should be under the control of the general government it was the Postal Service; and it had been agreed to leave it entirely in the hands of the General Government. Lines of steam or other ships, railways, as well as canals and other works connecting any two or more of the Provinces together, or extending beyond the limits of any Province, would be under the control of the General Government. It was, however, certainly desirable that all the works of a merely local character should be in the hands of the authorities of the Province within which they were situated. But in the case of such works as the Welland Canal, which though situated in Upper Canada was, as regards the commerce of the country, equally pertaining to Lower Canada, they would not be regarded as local, and must be under the control of the General Government, while if any enlargement or improvement of such works had to be undertaken it should not be at the charge of Upper Canada or the other Provinces so concerned, but at that of the whole country as the whole was benefited thereby. In fact he might say that lines of telegraph, railways, etc., and all works of an essentially general character, as distinguished from those merely local, were intended to be under the control of the General Government who would administer them for the common Interest. They would be put beyond the power of any local government to obstruct or interfere with, they being a means by which the trade and industry of the country at large would benefit. It would not be found possible in any part of the united territory to offer objection to that which was in the common interest, simply on account of its being situated in any particular locality.

THE MILITIA.

The control of the Militia was certainly a subject which they must all feel ought to be in the hands of one central power. If there was one thing more than another which required to be directed by one mind, governed by one influence and one policy, it was that which concerned the defence of the country. (Cheers.)

It might be that Canada would be attacked at some time, or it might be Nova Scotia, but it was desirable that, on whatever part of the Confederacy the hostile foot was placed, the blow should be felt at every extremity of the country. (Cheers.)

Every man in the United Provinces should feel that his own home was in danger though the attack were made a thousand miles away, and that every assistance should be rendered to the General Government in enabling it to resist aggression, from whatever quarter it might come. (Renewed cheers)

Therefore he thought they would all cordially agree with him that putting the defence of the country under the control of the General Government was a wise measure, and should, under any circumstances, receive approval. It must be remembered that, in coming into this Confederation, their means of defence would be greatly augmented. In Canada there was a large population available for the inland defence of the country; while in the Maritime Provinces there was a large sea-faring population, who, though not perhaps required for their own defence would be available to strike a blow which might have the effect of withdrawing or weakening the hostile attack on Upper or Lower Canada. By a union with the Maritime Provinces we should be able to strike a blow on sea, and, like the glorious old Mother Country, carry our flag in triumph over the waters of the great ocean. (Enthusiastic cheers.)

In addition to the military and naval service and defence, the General Government would legislate regarding beacons, buoys and light-houses, navigation and shipping, quarantine, sea-coast and inland fisheries and all those subjects connected with the navigation of the country.

CURRENCY AND COMMERCIAL QUESTIONS.

Coming to another important class of questions, he would speak of the currency and coinage of the country. He thought it would be admitted by all that it was most desirable the currency of all the Provinces should be one. They had always been proud of the way in which Canadian currency had maintained its par value under circumstances of great difficulty. He hoped it would always continue to do so. He was glad also to be able to say as to the other Provinces, there had never been a blot or stigma cast upon their commercial honor. It was desirable the General Government should have the control of the medium through which the trade and commerce of the country was carried on, and that in the establishment of banks, the issue of paper money and in offering to the public the paper representative of their labor, in whatever part of the country, there should be the same legislative security for the people in every section. He therefore believed that, in giving to the General Government control of banking, currency, coinage, and the issue of paper money, and the regulation of Savings Banks, representing the savings and accumulated industry of the poorest portion of the people—which ought to be made as safe as possible—the Conference had done wisely, and he was sure their conclusion was one that would receive the sanction and approval of the people of all parties in the British North American Provinces. (Cheers)

The question of the rate of interest on money was one which had caused a great deal of discussion in this country; it was one in which all had an interest, and was so intimately connected with the subjects just named that it naturally fell within the scope of the general authority. The settlement of the subject of bankruptcy and insolvency, the adjustment of claims between debtor and creditor were matters in which all had a common interest, and the administration in regard to them could be better entrusted to the General Legislature than to

any local body whatever (Cheers.)

THE NATURALIZATION LAWS.

The protection of the Indians, and the naturalization of aliens were matters which necessarily fell to the general Government. There ought clearly to be the same law enabling foreigners as well as citizens to enjoy property and devise it to their children.—With regard to aliens, it was clear our object in future must be to attract hither population from foreign countries. We had, and he hoped would continue to possess, a very liberal alien law by which strangers coming into this country might feel they were placed on the same footing as the subjects of Her Majesty as early as possible; and in framing a union of these Provinces it was desirable that whatever might be the inducement that brought foreigners hither, whether a desire to embark in the Fisheries of Newfoundland, in the Lumbering of New Brunswick, or in the agricultural and manufacturing industries of Upper or Lower Canada, we should hold out to them the utmost facilities for becoming subjects of the British Crown here. (Cheers.)

CRIMINAL LAWS AND COURTS OF APPEAL.

The subject of the criminal law essentially belonged to the General Legislature. Crime should meet with the same punishment no matter in what part of the Country committed. The right hand of justice should be as sure of grasping the criminal and punishing him for his offence in one part as in another. There should be no distinction anywhere in regard to the amount of punishment inflicted for offences. (Cheers.)

He believed they would agree with him that, inasmuch as they enjoyed the blessings of the English Criminal Law, with such modifications as had been introduced to suit the country, it should be a subject for the General Government, to administer through its officers and though each Province might be obliged to use the Courts established locally, still the administration of that law would be under the control of the General Government and administered by Judges appointed by them and receiving their status and position in the country through the General Legislature. It was thought proper to give to the General Government the right to establish a general Court of Appeal for the federated Provinces He thought that while there was no express provision for the establishment of such a court, many who had studied the question would agree that it was desirable the General Legislature should have the power of constituting such a court, if it saw fit to do so.

At present appeal lay from our courts ultimately to the Queen in Privy Council, and it was not intended to deprive the subject of recourse to this ultimate court; but at the same time it was well, in assimilating the present systems of law, for the benefit of all the Provinces, that they should have the assembled wisdom of the Bench brought together in a general court of appeal to decide ultimate causes, which would before long doubtless supersede the necessity of going to the enormous expense of carrying appeals to England. It was proposed to ask the Imperial Government to confer upon the General Government the power of constituting such a court, not, however, with the desire to abolish the present right of appeal to England. It was also proposed that the Judges of the Superior Courts in each Province, and of the County Courts of Upper Canada, should be appointed by the General Government and paid by it.

He was glad this power had been conferred, believing that if there was one thing more than another which they should seek to do in this country, it was to elevate the character of the Bench. He felt that to the gentlemen who had so worthily filled for so many years the positions of our Judges, was due in a great measure the prosperity of the country, the happiness of the people, and the security to life and property we enjoyed. He thought that the higher their position was made and the more respect paid them, the better it would be for the general interest, and were the appointment and payment of the judges put into the hands of the local legislatures it would be a diminution of the importance the former were entitled to expect at

our hands; he thought there was no one in the country, with the exception of the Governor General himself, whom we should so desire to see upheld in the public estimation as those men who administered justice in the Courts. (Loud cheers.)

He might remark, with reference to the appointment of Judges by the general Government, that they were to be selected from the Bars of the several Provinces, and the idea was thrown out at the Conference that there was such a similarity in the laws of Upper Canada, Nova Scotia, New Brunswick, Newfoundland, and Prince Edward Island—all of them possessing the English law—that the probability was that they would be able to consolidate their laws, and that of course, if that were done, there would be a larger scope for the selection of the Bench—and in other respects also he believed that great advantages would result from it. But, in the case of Lower Canada, where we had a different system of law altogether, it was plain that the Judges could be selected only from among gentlemen conversant with that law, and therefore it was provided that the Judges should be selected from the Bars of the respective Provinces in which they were to act, but in the case of the consolidation of the laws of the several Maritime Provinces and of Upper Canada, the choice would extend to the Bars of all those Provinces. (Hear.)

CONSTITUTION OF LOCAL GOVERNMENTS.

He would now proceed to refer to the mode in which it was proposed that the Local Governments should be constituted, to the powers to be committed to them, and the exercise of those powers. It was proposed that in the meantime they should be constituted as at present, that is to say, consisting of a Lieutenant Governor, a Legislative Council, and a Legislative Assembly. And the first change he had to draw their attention to was with reference to the appointment of the Lieutenant Governor who it was proposed should be appointed by the General Government. The reason why this was preferred to the appointment taking place as heretofore by the Crown was that it was intended that the communication between all the several Provinces and the Imperial Government should be restricted to the General Government. Inasmuch as the affairs the Local Governments had to administer were purely of a local character, not at all Imperial in their nature, it was felt there was no necessity whatever for their being in communication with the Imperial Government, but that on the contrary very great mischief might arise, if they were permitted to bold that communication. It was also thought that, in keeping the appointment of the Lieutenant Governors in the hands of the General Government, this further advantage would be gained; the appointments would be conferred on men in our own country. (Hear, hear.)

There would be a selection from the public men of intelligence and standing in the respective Provinces, and they would go to the discharge of the duties imposed upon them with experience gained in public life in the colonies whose local affairs they were called on to administer, so that they would carry to the administration of public affairs in the respective Provinces that valuable acquaintance with the feelings and habits of thought of the people which they had gained during their public life. Besides, this arrangement would preserve—what was of no little importance—something of the nature of an object of ambition for our public men. It was well that there should be those objects of ambition. At present the Bar and the Bench might be said to possess almost the only prizes the country offered to its public men. It was desirable, he thought, that we should have within our reach the opportunity of rewarding merit by appointing from among ourselves in the several Provinces those who should be the heads of the Local Governments and who should form the links of connection between the Local Governments and the General Government, holding to that General Government the same relations as were now held by the heads of the Provincial Governments to the imperial Government, and discharging the duties of their offices under the same local advice as that which the Governors now acted on. For, while they would be selected from among ourselves, they would be required to administer the Governments of their respective Provinces, not according

to their own will and pleasure but according to the advice of officers who possessed the confidence of the Local Legislatures of those Provinces. Consequently we should always have the means of bringing about harmony, if any difficulty arose between any of the local bodies and the General Government, through the Lieutenant Governor, and we should have a system under which, all action beginning with the people and proceeding through the Local Legislature, would, before it became law, come under the revision of the Lieutenant Governor, who would be responsible for his action, and be obliged to make his report to the superior authority. (Hear.)

With regard to the Local Governments and Legislatures there was a good deal of difficulty about the question whether an attempt should be made to settle their constitution at present. It was felt that, while it would be exceedingly desirable that there should be uniformity in the mode in which the Local Legislatures should be constituted, still perhaps there was no absolute necessity for it, and it might happen that some of the Provinces might prefer to have one chamber rather than two, and either from motives of economy or otherwise, might wish to make other changes in the present system. It was not felt that any change they might make in this respect would affect the interests of the community at large, and it was considered therefore that it might be safely left to the Local Legislatures themselves, either to maintain the system which now existed or to make such changes as might appear to them consonant with the interests of the particular Province which they represented.

But, with respect to the powers they were to exercise, these were limited to objects which might be considered purely local, and he should now refer to some of them. "The establishment and tenure of local offices, and the appointment of local officers,"—these were functions which plainly belonged to the Local Legislatures. Then there were the subjects of Agriculture and Immigration. He had omitted referring to these, when he was reading the list of subjects confided to the General Legislatures, in which they were also included—because he was aware they would come up again, in going over the subjects to be dealt with by the Local Legislatures. These two matters of Agriculture and Immigration must certainly be considered as common in a great measure to all, but at the same time legislation with regard to them might be affected by certain measures which might have only a local bearing. Consequently it was provided that there should be concurrent jurisdiction on these two questions. But, with this concurrent jurisdiction, in the event of any clashing taking place between the action of the General Government and the action of the Local Governments, it was provided that the general policy, the policy of the General Government, that which had been adopted for the good of the country at large, should supersede and override any adverse action which the Local Legislature might have taken with a view to purely local purposes. The design was to harmonize the system of Immigration and Agriculture over the whole of British North America, while locally it might be subjected to such regulations and stipulations as the Local Legislatures might determine from any cause to apply to it. (Hear, hear.)

THE SCHOOL LAWS IN LOWER CANADA.

He would now endeavour to speak somewhat fully as to one of the most important questions, perhaps the most important—that could be confided to the Legislature—the question of Education. This was a question in which, in Lower Canada, they must all feel the greatest interest, and in respect to which more, apprehension might be supposed to exist in the minds at any rate of the Protestant population, than in regard to anything else connected with the whole scheme of federation. It must be clear that a measure would not be favorably entertained by the minority of Lower Canada which would place the education of their children and the provision for their schools wholly in the hands of a majority of a different faith. It was clear that in confiding the general subject of education to the Local Legislatures it was absolutely necessary it should be accompanied with such restrictions as would prevent injustice in any respect from being done to the minority.—(Hear, hear.)

Now this applied to Lower Canada, but it also applied, and with equal force, to Upper Canada and the other Provinces; for in Lower Canada there was a Protestant minority, and in the other Provinces a Roman Catholic minority. The same privileges belonged to the one of right here, as belonged to the other of right elsewhere. There could be no greater injustice to a population than to compel them to have their children educated in a manner contrary to their own religious belief. It had been stipulated that the question was to be made subject to the rights and privileges which the minorities might have as to their separate and denominational schools. There had been grave difficulties surrounding the separate school question in Upper Canada, but they were all settled now, and with regard to the separate school system of Lower Canada he was authorised by his colleagues to say that it was the determination of the Government to bring down a measure for the amendment of the school laws before the Confederation was allowed to go into force. (Loud cheers.)

He made this statement because, as the clause was worded in the printed resolutions, it would appear that the school law, as it at present existed, was to be continued. Attention had however been drawn in Conference to the fact that the school law, as it existed in Lower Canada, required amendment, but no action was taken there as to its alteration, because he hardly felt himself competent to draw up the amendments required; and it was far better that the mind of the British population of Lower Canada should be brought to bear on the subject, and that the Government might hear what they had to say, so that all the amendments required in the law might be made in a bill to be submitted to Parliament; and he would add that the Government would be very glad to have amendments suggested by those, who, from their intelligence or position, were best able to propose them. (Hear.)

It was clear that injustice could not be done to an important class in the country, such as the Protestants of Lower Canada or the Roman Catholics of Upper Canada, without sowing the seeds of discord in the community, to an extent which would bear fatal fruit in the course of a very few years. (Hear.)

The question of Education was put in generally,—the clause covering both superior and common school education, although the two were to a certain extent distinct. This was not the place, nor had he the time or ability to enlarge upon the subject; but he might observe that common school education was that which we were called upon to give to the whole of the people, but that superior education was different; in that, we aimed at something higher; we took the finest minds of the country, the best talent that was growing up around us, and endeavored to enable our youth, educated at our Universities, to hold their own position and be an honor to their country in any part of the world; to fill up our Bench, to supply our Bar, to be the ornaments of our church, to be distinguished in the medical profession. He hoped and believed when the question came up in Parliament for disposal, the Legislature would rescue the Lower Canadian institutions for Superior Education from the difficulties in which they now stood; and this remark applied both to Roman Catholic and Protestant institutions. (Hear.)

HOSPITALS, PRISONS, AS.

The management of all the Penitentiaries and Prisons naturally fell under the scope of the local authorities; also that of Hospitals, Asylums, Charities, and Eleemosynary institutions. With regard to these, he would merely say that there might be some which could hardly be considered local in their nature; such, for example, was the Marine Hospital at Quebec, a seaport where there was an enormous trade, and where thousands of seamen were annually coming in. A hospital where the sick among these sailors were taken in must necessarily be almost national in its character—certainly more national than local; but all would agree that most of the other hospitals and asylums of various kinds should more properly be supported by local than by general resources. Indeed, he hoped the day would come when these institutions would find support from the individual liberality of the people, rather than from the

votes of Parliament. Of this they had a magnificent example in Great Britain, where the most useful charities were supported by the free gifts of a liberal people, and he trusted that Canadians would prove themselves in this respect not unworthy scions of the race from which they sprang, (Cheers.)

MUNICIPAL INSTITUTIONS.

The Municipal institutions of the country must necessarily come under the care of the local Legislatures, and in fact the local Legislatures were themselves municipalities of a larger growth. They were charged with the administration of local affairs, and must be allowed to delegate such powers as they thought might be safely entrusted to the smaller divisions of the country as laid out into townships and parishes. In this section of the country he thought they had nothing to apprehend from any action the Legislature of Lower Canada might take on this question, when separated. They had always been rather in advance of the rest of Lower Canada with respect to municipal institutions. What they would like would be to have additional powers conferred upon them, rather than to have existing ones contrated. Perhaps the system now everywhere in use in Upper Canada would be beneficial in the Townships. The county municipalities there were the most important bodies. Here the county municipalities had not exercised that influence which was proportionate to their relative importance, and the township and parish municipalities had been more directly charged with local interests than had been the case in Upper Canada. But whatever amendment might be made in the law, the municipal system must bear equally upon all persons living under it. Ho thought it very likely that important amendments would be made to the municipal laws of Lower Canada, but he had no fear that under any circumstances the power entrusted to the local Legislature under this head would place any class of the community in any particular danger. Local works naturally fell within the scope of local governments, and would undoubtedly be under the immediate influence of the municipal councils, but all the works of a really public character would be under the General Legislature; such, he meant, as were connected with the general policy of the whole country.

INCORPORATION OF PRIVATE COMPANIES.

The incorporation of private or local companies, except such as related to matters assigned to the General Parliament, would be reserved to the local Governments, being matters of a local character. Even the present law permitted the incorporation of companies under a very simple system, which would probably be continued.

THE CONTROL OF CIVIL LAW CONFIDED TO THE LOCAL LEGISLATURES.

The control of property and civil rights, the administration of justice, including the constitution, maintenance, and organization of the courts of civil jurisdiction, and the procedure in civil matters, were also left to the local legislatures. From the peculiar position of Lower Canada it was felt impossible to confide the matter of civil law to the General Legislature. The principles upon which the civil law of Lower Canada were founded differed entirely from those of the English law. Under it property was secured, and civil rights of every kind maintained, and the people had no particular wish to see it changed, especially at this moment, when the work of codifying and simplifying it was about completed, and when they knew that within the next three or four months they would have it put into their hands in one volume. He thought it was undesirable to do away with that law, which had been beneficial to the country and under which it had prospered. It was necessary to have it left to the local Legislature, because all in Lower Canada were unwilling to have substituted another law with which they were unacquainted. He thought they should rejoice that at the moment when they were obliged to confide to the local Legislatures the administration of this law there should have

Galt's "Proposed Union" speech at Sherbrooke—continued

been put before them, at the start, a volume which would contain in a succinct, beautiful and simple manner the whole civil law of Lower Canada, in codifying which Judge Day, now present, had borne such an honorable part. (Cheers.)

Generally, matters of a local character would be assigned, as had been said, to the local Legislatures. It might be that, in framing the Act of Parliament legalizing the scheme of Confederation, some changes might be made in the arrangement of the programme he had explained; but he considered that, for the purpose of public discussion, it was well the matters he had referred to should have been enumerated. The question would otherwise have arisen. How were such and such questions to be dealt with? And therefore it was thought that, taking the fifty-five subjects enumerated almost every important point which could come under the consideration of either the local or general legislatures, would have been touched upon. (Hear.)

THE RIGHTS OF BOTH RACES WITH RESPECT TO LANGUAGE.

The rights of both the French and English minorities in the General and Local Legislatures as respects language had been provided for. It was felt that for the million of people in Lower Canada, not supposed to be familiar with English, the laws should be printed in French, and for those unfamiliar with that language they should be struck off in English. It was nothing more than right that parties who were expected to know and obey the law, should have it placed before them in an intelligible form.

THE VETO.

He now came to the control which was to exist over the actions both of the General Parliament and local legislatures. And first, as to the former, it was proposed to apply to its acts the same check as now existed over the acts of the several legislatures of the Provinces—that is to say, bills having passed the legislatures might either be reserved for Her Majesty's assent, or having received the assent of Her representative, might be disallowed by the Queen within two years. With regard to the acts of the local legislatures, it was proposed they should, in like manner, either be reserved by the Lieutenant Governor, or should, if assented to by him, be liable to disallowance by the general government within one year. It was felt that more advantage would arise by making the reference from the local to the general legislature direct than to have it go through the Colonial Office. It was plain the Queen, or Sovereign authority, must have the right of exercising the power of controlling legislation in the way which had existed for so many years in every part of the British dominions. There would be no object in sending over mere local bills to the Colonial Office or to the Queen for sanction. It was felt that points on which differences might arise on local bills would be better understood by ourselves in this country than by the Imperial authorities. If reserved, they would have to be referred back to the General Government for its advice as to their disposal; and if this advice were given, the parties concerned would be ignorant of the advisers, who could not be held responsible. The principle upon which our Government was administered was, that no act was done without some one being responsible. It was desirable therefore that such advice should be tendered by parties who could be brought to account for it by the representatives from the section of the country concerned, in the General Parliament. (Cheers.)

THE FINANCIAL POSITION OF THE PROVINCES.

He had now, somewhat too briefly, perhaps, endeavored to go over the machinery and the powers with which the General and the Local Governments were expected to work, and it became necessary that he should say a few words as to the extent of the liabilities and assets

of the partnership into which they were about to enter. In that respect there had not as yet been very much information given to the public, and he proposed now to submit a statement of the liabilities of the several Provinces, of their income and expenditure, and generally of the resources which would be at the disposal of the Confederation, should it be brought about.

First, he would refer to the respective debts of the provinces and as a great deal of dispute had arisen occasionally with reference to the amount of our public debt, he would take this opportunity of giving a statement of the liabilities of Canada, as made up by the Auditor General, with a view to this question of Confederation. This unquestionable and reliable document, he might say, contained a statement not merely of the Debenture Debt of Canada, that due to the public creditor abroad and covered by bonds and other securities, but all other engagements, such as that for the Seigniorial Tenure, which was one of the largest. Though we were not obliged to pay the capital of that debt, still we were obliged to pay the interest, and for the purpose of considering our position in the Confederation, it was necessary to capitalize it, or to consider it as capitalized. The Debenture Debt of Canada, direct and indirect, on the 1st January last, amounted to \$65,238,649; miscellaneous liabilities, \$64,426; Indian Fund, \$1,577,802; Banking accounts exclusive of Crown Lands, \$3,396,982; Seigniorial Tenure—capital to Seignors, \$2,899,711; chargeable on Municipalities Fund, \$196,719; on account of Jesuits' Estates, \$140,271; indemnity to Townships, \$891,500; total Seigniorial Tenure, \$4,118,202. The aggregate of these amounts was \$74,396,063. On the other hand we had a Sinking Fund, \$4,883,177; and cash and bank account, exclusive of Crown Lands, \$2,248,891: together, \$7,132,068. Making the net liabilities of the Province, on the 1st January last, \$67,263,994. Besides that, we had as the property of Upper and Lower Canada, what was known as the Common School Fund, representing a balance of \$1,181,958, which could not be properly considered a liability of the Province, and might be done away with tomorrow if the Legislature thought proper. The Act setting apart that Fund was, indeed, so singularly worded, that it could not become useful for the purpose of supporting education for the next hundred years. For the Fund to be made in any way useful, the Act would have to be altered. But, as he had stated, the net liabilities of Canada were \$67,263,994. The liabilities of Nova Scotia, deducting cash in hand, were on the 1st January last, 14,858,547. Those of New Brunswick, \$5,702,991. Those of Newfoundland, \$946,000. And those of Prince Edward Island, \$240,673. The aggregate debts of the whole Provinces on the 1st January last—and they had not increased since, but had rather diminished—were \$79,012,205.

Now in the scheme of Confederation, it was proposed that there should be a certain fixed rate at which each Province should have the right of charging its debt against the Confederation, and for that purpose the debt of Canada was placed at \$62,500,000, which was something like five millions less than the nominal amount of the net debt. The mode in which that reduction was made was this. There were certain liabilities of Canada contracted for local purposes, and certain assets connected with those liabilities. He referred more particularly to the Municipal Loan Fund, and some similar matters, which were more local than general. It had not been thought desirable that a transference of those securities should be made to the General Government. It was better that each Province should assume that portion of its debt which was particularly local, and take with it those securities which it held for its redemption. And in that way there was established for the debt of Canada an amount equal per head to the amounts contributed or about to be contributed by the two Provinces of Nova Scotia and New Brunswick. If any of these Provinces had been in debt to an amount largely exceeding that of the others per head, the matter would have been in a different position.

But it was found on examination, that, while the debt of Canada might be reduced by the mode he had stated to \$62,500,000—as nearly as possible \$25 per head—Nova Scotia, in addition to her debt, had incurred certain liabilities for the completion of the railway system within that Province, for which she had undertaken engagements amounting to three millions of dollars, which would bring up her debt to eight millions or \$25 per head also—while New Brunswick, for the construction of her railways, had engagements incurred and liabilities

maturing, which amounted to \$1,300,000, bringing up her debt to seven millions—a traction tier bead slightly above that of Nova Scotia and Canada. Thus, by assuming the local liabilities and assets, we were enabled to put the debt of Canada at the same rate per head as those of Nova Scotia and New Brunswick, and therefore, as regarded the three larger Provinces, the assumption of their debts by the General Government did not offer any difficulty whatever.

In the case of Newfoundland and Prince Edward Island it was different. Those Provinces, from their insular position, had not been required to incur the same large obligations for public works. They possessed, fortunately for themselves, easy access to all their settlements by water, or by very short distances of land carriage, and consequently had not been called on to construct canals, or to introduce a railway system. Accordingly, the debts of Newfoundland and Prince Edward Island were found to be much less, in proportion to their population, than those of the others. To place them on a par with Canada, Nova Scotia, and New Brunswick, it therefore became necessary to give them an indemnity for the amount of debt which they had not incurred; because, in assuming their revenues, we called upon them to contribute to the payment of the interest on the debt which we had incurred, and we could not fairly expect them to do so, unless they were in some measure indemnified for it. And it was found that, in taking this course, we were enabled to get over one great difficulty which had met us, which was that those particular Provinces possessed no local revenues, and that, in charging them with the administration of their local Governments, and taking from them the Revenue from Customs and Excise, we should leave the Governments of Newfoundland and Prince Edward Island without any means whatever of discharging their liabilities. With regard to Newfoundland, he might remark that the people in that colony being, in regard to agriculture, altogether consumers, and not producers, because they were a fishing and maritime population, the amount of dutiable goods they consumed was about double per head what it was here. They would, therefore, in the shape of Customs duties, be contributing to the Confederation a larger proportion than properly belonged to them, and accordingly it was arranged that for the amount of debt which they had not incurred, up to \$25 per head, they should be allowed interest, for the purpose of meeting their local payments and providing for their local wants.

THE INTERCOLONIAL RAILWAY QUESTION.

He might remark, while upon this point, that in addition to the liabilities to which he had referred, there was the question of the Intercolonial Railway. This was one which must unquestionably be considered as most intimately associated with the carrying out of the plan of Confederation, and it was indeed plain that no political union could take place between the Provinces unless they had means of communicating with each other. Although the construction of this railway might, perhaps, be more advantageous, as to its local effects, to New Brunswick and Nova Scotia than even to Lower Canada—without question more advantageous than to Upper Canada—yet as a means by which the union was to be accomplished, and by which alone it could be brought about, there was an interest belonging to it which could not be attached to it so long as the Provinces remained separate. In the case of the Lower Provinces, the completion of the Intercolonial Railway by the General Government would be less burdensome than if it were done by them alone. They would have been entering upon a large and expensive undertaking with but a small population, and it would undoubtedly have borne more heavily upon their resources; but, as he would in a few moments have occasion to show, the effect of their union with Canada would be to increase the duties to which they were subject, so that but for the larger share of the railway expenditure, to be borne by Canada, they would have had a larger portion of the burden than if they had undertaken the railway without at the same time going into the Union and subjecting themselves to increased duties of Customs and Excise. We therefore obtained the Intercolonial Railway on terms equitable alike to Canada and the Lower Provinces. [Hear.]

In referring to the Intercolonial Railway, he would take occasion to remark that the public debts of Nova Scotia and New Brunswick had been almost entirely incurred for the construction of railways. There were in operation in those two Provinces upwards of two hundred miles of railway belonging to the Governments, for the policy they had pursued had not been to construct railways by means of encouragement to private companies, but to build them as Public Works. He thought indeed they were beginning to regret this policy and see that it would have been better if they had procured the requisite capital by other means. But in assuming the debts of these Provinces, the Confederation would of course become at the same time the possessor of their railways, and out of the 200 miles of railroad there were over 100 miles, he might even say there were nearly 200 miles, that would become available in connection with the Intercolonial Road.

EXPENDITURES AND REVENUES OF THE PROVINCES.

He would now proceed to state to the meeting some matters connected with the expenditures and revenues of the Provinces last year, 1863, and to give an idea founded on the information he had received from the members of the Conference of what they were likely to be in 1864, for the near approach of the end of this year rendered it possible to state without the risk of serious error what the figures would be. First, as to 1863; in that year we found the Revenues and Expenditures to be as follows :—

NOVA SCOTIA

Revenue	\$1,185,629
Expenditure	1,072,284

Showing a balance in its favor.

NEW BRUNSWICK

Revenue	\$899,991
Expenditure	884,613

Also showing a balance in its favor.

NEWFOUNDLAND

Revenue	\$480,000
Expenditure	479,420

The gentlemen coming from Newfoundland had not brought the latest returns with them, so that the Conference had to take the figures of a previous year.

PRINCE EDWARD ISLAND

Revenue	\$197,384
Expenditure	171,718

So thar for the whole of the Maritime Provinces we had an aggregate

Income	\$2,763,004

THE QUEBEC RESOLUTIONS

Galt's "Proposed Union" speech at Sherbrooke—continued

Outlay	2,608,025

Showing a surplus of no less than \$154,979. It was therefore apparent that we were not going into a partnership with Colonies which required our support in a financial point of view. They had always been able to pay their own way now. They even brought into the public exchequer an amount per head greater than we should contribute ourselves, and this because they were a more consuming people than we. In Canada, he was sorry to say, that in 1863, instead of a surplus, there was a deficiency—a deficiency of \$982, 491, nearly a million of dollars. It was indeed true the deficiency had been made up and more than made up in 1864, and he was happy to have this opportunity of stating that the revenue of Canada for the present year would be considerably in excess of the outlay, even without taking into consideration the additional taxation the Legislature imposed at its last session. [Hear.]

The Customs revenue alone would show an increase over last year of nearly a million and a half—a fact which would fortunately place us in the position of not being obliged to go into the Confederation with a deficiency, while our sister Provinces were going in with a surplus, [Cheers.]

The revenues of the other Provinces had largely increased in 1864, and their united surplus would be considerably greater. Without looking at the new Canadian taxes, which were only now beginning to be productive, we found the following to be the increase of revenue in 1864 as over 1863:

Canada	\$1,500,000
New Brunswick	100,000
Nova Scotia	100,000
	\$1,700,000

The Totals of the Provinces for 1864 would be

Total Revenues (about)	\$14,223,000
" Outlay	13,350,800

Thus there would be a surplus of nearly a million of dollars above the expenditure of all descriptions. (Loud cheers.)

LOCAL REVENUES AND EXPENDITURES.

Now it was necessary to provide by some means for maintaining certain local expenditures of the various Provinces. There were the public works to be kept in order, the educational institutions to be maintained, the systems of civil law to be administered, and there were a variety of other claims to be attended to, which would naturally suggest themselves at once to any one who reflected on the subject. For this purpose it was found necessary to assign them certain local revenues, of which the territorial revenues formed the bulk. These local revenues amounted in 1863, in the Maritime Provinces, to the following sums:

Nova Scotia	\$107,000
New Brunswick	89,000
Prince Edward Island	32,000
Newfoundland	5,000
Total	\$233,000

These were the revenues that would not be transferred to the General Government but would be disposed of by the Local Governments for local purposes. In the case of Upper and Lower Canada together—and he preferred taking them together since it was for the Legislature and not for him to indicate what the several liabilities of Upper and Lower Canada respectively were—in the case of Upper and Lower Canada unitedly, these local revenues amounted to \$1,297,043. Now one objection to confederation was made on the ground of expense, and in order to meet this, every effort had been made to reduce the cost of the local Governments, so that the local machinery should be as little costly as possible, for it would not do to affront the intelligence of the people, and tell them we had devised an expensive kind of machinery to do a very insignificant amount of work. The gentlemen from the Lower Provinces had been asked what reductions they could make in the Government of the several colonies, and the figures he was about to give would be most satisfactory as showing the disposition of those gentlemen, who had reduced their requirements to the lowest sum. In her estimate of outlay for 1864 for objects of local character the Province of Nova Scotia had provided for an expenditure of no less than \$667,000, but had undertaken to perform the same service in future under a confederation at \$371,000, or a reduction of 40 per cent. The expenditure of New Brunswick in 1864 for the same objects was estimated at \$404,000. From causes explained at that time and shown to be satisfactory, she proposed to reduce the expenditure from \$170,000 to \$124,000, and Newfoundland from \$479,000 to \$350,000. In regard to Upper and Lower Canada he would not undertake to say what reduction would be made; but he could show that under the scheme proposed they would have the means of limiting the present outlay which was, taking the average of the last four years, \$2,021,979. Besides that there would be an additional item brought against them for the interest on the excess of their debt over that of the other Provinces, making their full local charge \$2,260,149, which was the present outlay of Canada for works which would not become a charge under a confederation. The outlay of all the provinces being however greater than their local revenues it became necessary to make provision out of the General Fund for the purpose of enabling their Local Legislatures to carry on the machinery of Government.

It was proposed to take away from them every source of revenue they possessed except minor local revenues, and then to give them from the public chest a sufficient subsidy to enable the machinery to work. The estimate was formed on the wants of Nova Scotia. It was at first proposed to form it on the wants of New Brunswick, but these were found greater than those of the former, which had consequently been taken as the basis. The estimate was that 80 cents a head on the population of Nova Scotia would be sufficient to enable her to work her local system. She would want \$264,000. In the case of Upper Canada, 80 cents a head was considerably more than she wanted at the present day, and in the case of Lower Canada was at least adequate with the present local funds that would become available to her. But it was felt that in giving a subsidy from the public chest it was impossible to draw a distinction between one part of the country and another. But it was not intended to hold out, any inducement to future extravagance, to local Governments, but it was hoped that by the operation of natural causes such a check would be put upon expenditures as would bring them down to the lowest point, or at least prevent them from becoming lavish. Therefore the subsidy proposed to be given to local legislatures was fixed, not at an increasing rate according to population, but at the rate which existed at the census of 1861.—By this means, as the population increased, the subsidy would not increase with it. Upper and Lower Canada would thus get within a fraction of two million dollars, and when their population increased to five millions instead of two and a half, would get no more. If they increased their expenses in proportion to the growth of population they would be obliged to resort to direct taxation: and he thought they might trust the people themselves to keep a sharp watch over the local Governments lest they should resort to direct taxation. He thought no surer check could be put upon them than thus fixing the grants they were respectively to receive. (Hear, and

cheers.)

To put the position of the several Provinces into one view, taking the basis of 1864, and assuming that as the basis of the Confederation, were it to take place to-day or on the 1st of January next, the several Provinces united would possess a revenue of \$14,230,000; from which they would have to disburse \$1,530,043; and would also have to give as a subsidy to the Provinces \$3,056,849. Therefore, there would remain available for the purposes of the Confederation \$9,643,108. The expenditure of all these Provinces amounted, in 1864, to \$12,507,591, of which for local outlay there were no less than \$3,954,212 which would be assumed in consideration of receiving the subsidy and local revenues. Thus the expenditure would be reduced as charged upon the general revenue to \$8,553,379, or \$1,100,000 less than the amount that would in 1864 be available for the purposes of the Confederation. He thought this statement was one which would be received as satisfactory in regard to the proposed co-partnership they were about to enter into. In the present state of affairs we found that by uniting all our means, and taking out all wanted for local purposes, there would be left for the General Government upwards of a million and a quarter dollars, over and above our present expenditure. Considering this they might hope that in bringing the General Administration of the country under one Government, there would be a certain amount of economy effected, and an additional efficiency imparted to the Government. It might be true they would be obliged to incur some expenditure in keeping up Local Legislatures, and he was not prepared to deny that; but at the same time they might reasonably hope that when there was taken from them a large share of the subjects previously legislated upon, and putting under one head what was now done under five or six different heads, an economy would be effected; but without making any allowance for what would be achieved in this way they would have means to meet all the demands for 1864 and have a respectable surplus over.

THE TARIFF QUESTION.

That brought him to a very important point, as to whether confederation would produce increased taxation, of which apprehensions were entertained. In the first place the existing taxation in all the Provinces would have provided more than one million dollars over and above the public demand; but at the same time it was quite true that in a confederation they would have to incur certain liabilities such as for the Intercolonial Railway, and for the completion of works now in progress in the Lower Provinces. It must be plain that as the revenue raised by the Colonies under present tariffs was more than sufficient, if we were to raise the tariffs of all the Provinces to that of Canada we should have much more revenue than we required. In the case of the Lower Provinces the average tariff was about 12 ½ per cent and where they now collected duties to about 2 ½ million dollars, under a higher tariff like that of Canada at least three million dollars would be raised. Therefore to make adequate provision for all the wants of the country, they need not bring up their tariffs, but we might reduce ours; and in the raising of duties it would be practicable to find a medium of taxation between the averages of 10 and 20 per cent which would be sufficient to meet the wants of the country. [Cheers.]

THE POSITION OF BRITISH LOWER CANADIANS.

He must apologize to the meeting for having detained them so long, but would only keep them a few minutes longer while closing the remarks to which he had invited them to listen. He had gone over the principal points which were arranged by the Conference at Quebec, and what he now felt called upon to advert to was the mode in which those proceedings were likely to affect our respective populations. It was quite plain that, to secure the support of the community at large to any scheme of this kind, it was necessary they should be satisfied that no injustice would be done by the mode in which it was to be worked out. It was perhaps

impossible to argue against or to meet mere vague apprehensions. But at the same time we must feel that there were certain subjects, the dealing with which either by the General or the Local Governments might be supposed to bring some danger to the institutions which we individually and locally might feel most interested in. He referred of course generally to the position, first, of our French Canadian friends in Lower Canada, and then of the British population of Lower Canada. For, in reality, the difficulty of dealing with this question was to be found in the fears and apprehensions of these two populations.—And it was a fortunate thing, as we were obliged to meet a difficulty of that kind, that we had for so many years got on with so much harmony together—that, if apprehensions existed they could not be shewn to be founded on acts of hostility by one part of our community against another part—that, if there was an apprehension, it was an apprehension of wrong in the future, not a bitter recollection of wrong in the past.

For over twenty-five years harmony had reigned in Lower Canada, and the British and French Canadian populations had felt they could go hand in hand in promoting the common interests of the country. What was wanted now was to maintain that feeling of confidence, to show that no wrong was thought of by one or the other. The truth was that while the French Canadian population must look to our support in the General Legislature for the protection of their rights—while they must look to us as Lower Canadians, to stand shoulder by shoulder with them for the protection of their rights in the General Legislature—we in the Local Legislature should demand that no wrong should be attempted against us. If it should be otherwise, the result would be most disastrous to those who attempted it. A minority so large as the French minority would be in the General Legislature could not be affronted without danger, and such a minority as the British minority of Lower Canada, conspicuous for its wealth and intelligence, though not so much for its numbers, could not be outraged without important results following that would bring their own remedy with them.

He therefore felt that, in taking his position in the Conference, he was charged, not altogether with the simple duty of a representative of the British portion of the population of Lower Canada, but he felt that he equally represented his French Canadian friends; and his conviction was that, instead of there being any clashing and division of interests, they would be found in the future more closely bound together than ever before. It would be found that the effect of the combination of all the Provinces would be to benefit Lower Canada,—not French Lower Canada, or British Lower Canada—but the whole of Lower Canada—by giving it the position of being the commercial heart of the country—that that position we should share together, and that anything which tended to damage that position would be fatal to the interests both of the one and of the other. (Hear, hear.)

He thought our material interests would have to govern us in this respect. He felt that those interests respecting which apprehensions existed on the part of his countrymen, could not be assailed by the French Canadian population, if they should be so unwise as to think of such a thing, without retribution falling upon them in consequence of the action taken by the outraged population on other matters in the General Legislature or even in the local Legislatures. It could not be. Their interests could not be severed. They would live together, as they now did in this town of Sherbrooke, happily and well. They had done so, and he hoped they would continue to do so, by taking special care that they should not outrage each other's feelings. In this way he hoped we should overcome any apprehensions which might exist. But at the same time it was well that, so far as might be, we should make provision against the possibility of wrong. If security were taken that wrong could not be done on the one side or the other, then there was less chance of its being attempted. Instead of having to remedy an injury, we should prevent it.

And to speak more particularly with regard to the British population of Lower Canada, he would remark that, in the General Government they could have nothing to fear. Their race would of course be the dominant race in the General Parliament, and, consequently, he might say, in the General Government. Their interests would be safe there—The interests of trade

and commerce, those in which they felt more particularly concerned, which concerned the merchants of Montreal and Quebec, would be in the hands of a body where they could have no fear that any adverse race or creed could affect them. All those subjects would be taken out of the category of local questions, would be taken away from the control of those who might be under the influence of sectional feelings animated either by race or religion, and would be placed in the hands of a body where, if the interests of any class could be expected to be secure, surely it would be those of the British population of Lower Canada.—(Hear, hear.)

EMIGRATION AND LANDS.

With regard to the position they would occupy in the local Legislature there were two or three questions in which they must feel very great interest, and in which they might fear that hostile action might be taken toward them, if such an unwise course should be attempted by their French Canadian fellow subjects. He would refer first to the question of Emigration and Lands. No doubt here in the Eastern Townships it had been felt by many that possibly, in leaving the lands in the hands of the local governments, some rules might be made which would restrict the occupation of those lands to their French Canadian friends solely. So far as his experience went, we had always been delighted to see our wild lands settled by French Canadians. They had come in like the rest of the people and bought the lands they occupied. With regard to the public domain it was clear that no distinction could be drawn by the local Legislatures. It was possible they might adopt the unwise policy of putting on a price which would prevent any from buying, but, if the land was exposed to sale, it must be as open to one race as the other. In some respects, he might have preferred not in the interests of Lower Canada, but in the interests of the whole country, to have seen them at the disposal of the General Government. But circumstances prevented that—not the position of Lower Canada, but the great importance attached to the public domain by the Upper Canadians, and in the case also of Nova Scotia and New Brunswick by their respective Governments and people, who were determined to have control of their own lands. Though he thought the general interest might have been promoted, if we could have gone to Europe and put one comprehensive scheme of colonization and emigration before the world at large, that was prevented now, and all we could hope for, was that such wise measures might be adopted by the Local Legislatures as would have the same results.

While it was necessary to leave in the hands of the Local Parliaments and Governments the power of determining the rates or terms on which lands might be obtained by emigrants when they reached us, or when the, natural increase of our own population required our young men to take up lands in the back country, he did not think it should be apprehended that the Local Governments would adopt any policy which would check that which was manifestly for the interest of the community at large. Whatever policy were adopted, whether a wise or a foolish one, must be a policy applying equally to all. No distinction could be drawn, with reference to nationality or creed, among those who went upon the Crown domain to buy lands. He did hope and trust that Lower Canada would set an example of liberality, in regard to the disposal of her lands which he was satisfied was her true policy—and especially in regard to her mineral lands, which were now exciting so much attention, and he hoped it would be the case that Lower Canada, in seeking to dispose of her lands, would look rather to the advantage of having an industrious population settled upon them, than to the direct pecuniary benefit she might get from their sale.

THE EDUCATIONAL QUESTION AGAIN.

He would now again briefly allude to the question of education. He believed he had said enough on that, to remove any apprehensions that might have been felt. He did hope that

what he had said to-day with reference to the measure to be introduced by the Government would reach the eyes or the ears of those who were more immediately connected with the question of education, and that the result would be that they would put in some succinct and intelligible form the changes which it might be desirable to make in the present law; and he would take this opportunity of saying—and it was due to his French Canadian colleagues in the Government that he should thus publicly make the statement, that so far as the whole of them were concerned,—Sir Etienne Tache, Mr. Cartier, Mr. Chapais, and Mr. Langevin,—throughout the whole of the negotiations, there was not a single instance when there was evidence on their part of the slightest disposition to withhold from the British of Lower Canada anything that they claimed for their French Canadian countrymen. [Cheers]

They acted wisely in taking the course they did, for certainly it encouraged himself and others to stand up for the rights of their French Canadian friends. (Hear, hear.)

The opponents of the measure had tried to excite apprehensions in the minds of the British of Lower Canada on the one hand, and in the minds of the French Canadians on the other, by representing to one and to the other that they were to be sacrificed. This in fact was the best evidence that the measure had been wisely framed and that it was not to give power or dominance to one over the other. If this were to be its effect, it must fail from its manifest injustice. The only way in which they could expect it to be carried out, was by its being found on examination that no just cause of apprehension existed on the part of any considerable class of the community. [Hear.]

THE QUESTION OF ELECTORAL LIMITS.

He would refer also to the question of the settlement of the electoral limits in Lower Canada. It was proposed that the electoral limits, both for the Local and the General Governments, should be arranged by the Local Legislatures. He was aware that a doubt had been suggested that in assigning the division of electoral limits to the local legislature, the dominant party—to speak plainly the French Canadian party—would so carve and cut up those limits as practically to deprive the British element of Representation. But looking at the position fairly, he did not think there would be any reason to apprehend such a result, for, even supposing the French Canadian majority to desire it, it would not be very easy for them to effect such a purpose. The British population of Lower Canada was nearly one quarter of the whole population of the Country, and in some important districts it constituted the majority, so that he did not well see how a population so large could, by any system of the kind, be deprived of its just representation, but with reference to these electoral limits, it would be absolutely necessary that they should be in the first place determined by the Legislature of all Canada as now constituted, for there would be no local legislation for Lower Canada until after the confederation had gone into effect. It was the legislature of Canada which must define where the seventeen additional members for Upper Canada should be elected, and also whether there should be any change in the electoral limit of Lower Canada. He would further say, in pursuance of the same point, that in the case of Nova Scotia and New Brunswick, a reduction was to be made in the number of their representatives, and unless their local legislature arranged how this was to be effected they could not be represented in the General Legislature. Lower Canada alone remained as it was, and this was because Lower Canada was taken as in a manner the pivot in which the representation of the others turned. [Hear.]

In the first Parliament under the new system, there would reside the power of making such alterations as they saw fit in the electoral laws. As they now existed in the several Provinces, they were all different; the very franchise was different; and it must remain so until the General Legislature had made alterations in the law in; no other way could the system be brought into operation at all, and the same law that applied to the electoral law also applied to electoral limits they must from the necessity of the case be adjusted by the local legislatures preparatory to the meeting of the Federal Parliament. There might perhaps be little

changes made in Lower Canada—some modifications made that might be useful to us—there were cases where English townships were so mixed up with those where the French Canadians prevailed that it was difficult to say where the majority lay—but the subject had not been lost sight of in Conference, and, although he had no authority for any statement on the subject, he might say that perhaps some modification of the electoral limits might be made before the next session terminated. [Cheers.]

INCORPORATION OF RELIGIOUS BODIES.

There was another point on which he might make some remarks, although he would not detain them long. It was the right of the local Legislatures to incorporate bodies such as ecclesiastical corporations. Now, he thought there was no necessity for his hearers to distress themselves much about this; he, for his part, had no objection to let each religious body deal with its own affairs in the way it liked best—to give it the greatest possible degree of freedom. But he believed the same degree of intelligence that had been displayed in France and in England in reference to the incorporation of religious associations would always be displayed in Canada too. The Roman Catholic mind in Lower Canada was quite as well awakened as that of the Protestant part of the community to the evils of tying up lands in mortmain, and thus placing the population of the country in a less independent position that they at present occupied. The intelligent Roman Catholic community quite kept pace with Protestant society in this respect, and there was no reason to fear that any step in the wrong direction would be taken by them in this respect. [Hear.]

ADVANTAGES OF THE UNION TO LOWER CANADA.

No part of British North America would derive so great benefits from the Confederation as Lower Canada, and no portion of the population would derive such benefits as the British element. He thought it was plain that Lower Canada was going to be the great commercial centre for the whole of the Provinces, and even when we extended the boundaries of our Empire to the countries bordering on the Saskatchewan and the Rocky Mountains, the whole wealth of that great country must pour down the St. Lawrence and stimulate the industry of the cities of Lower Canada. [Hear, hear.]

Now if there was any part of the population of Lower Canada which particularly devoted itself to the cultivation of commerce and manufactures, it was the British population. Montreal stood pre-eminent in this respect, and Quebec too was full of merchants of energy and enterprise, principally of the British race, although it was true that our French Canadian friends vied cordially with them in shipbuilding and other branches of commerce, but the greater development to be given to the trade of the St. Lawrence, and the increased commercial facilities which would be afforded to the manufacturers of the Province, would wonderfully add to the advantages enjoyed by the British or rather the English speaking population. And therefore he did not hesitate to say that it would be found in the future that the increased Power and influence given to the Confederation—given it by the union of all their forces and the extension of their commerce both east and west—was going to be immensely beneficial to Lower Canada, and that while all the provinces would improve, we especially should find our position improving and not becoming worse. As he said before, there would be a proper feeling of emulation between the two races in Lower Canada; and both, possessing qualities of a high though different character would unite in forming here a society, a community, which would have within itself more of the elements of greatness and strength than any other community in the Confederation. But it must not be expected that this could be attained if they evinced a want of confidence and entertained a mutual distrust. They ought to come together for the protection of their common interests, and not with the desire to obtain any mean advantage over one another, but to preserve their interests, defend their rights, and do what

lay in their power to make Lower Canada attractive to foreigners, and the whole country so to the wealth and industry of other lands. They might see their water powers made useful for manufacturing purposes, their wharfs and canals crowded with the vessels both of the provinces and other countries, and the manufacturing skill of the people developed so as by that means to overcome the difficulties to which our soil and our climate exposed us, and be able to maintain our place in the front rank of progress in British North America, thus holding no mean place in the new Confederation. (Loud cheers.)

CONCLUSION.

In conclusion, he would remark that the political necessities of Canada seemed to render a measure of union of all the provinces of British North America necessary in itself. He thought that those who examined the subject would find that the federative plan must be adopted. He thought also that it contained within itself the truest protection of all our interests; and that looking at the scheme merely from a material point of view, the co-partnership was one that was fair to all parties and interests. Now, believing this to be the case, he would say that while they believed they had framed a new system of confederation that would meet fully the wants and necessities of our people, they had certainly tried to devise such a system as would contain within itself the germ of unity and not of disunion; they had, he trusted, avoided the evils and errors in the constitution of their Government which were now proving the wreck of the United States; so that in the future they would find the system they were trying to inaugurate a basis of unity among the people, unity of government making the people more and more homogeneous till at length they might at no distant day be enabled to do away with those artificial boundaries which separated one province from another, and come together as one united people. (Loud cheers.)

It was very probable we might not live to see that day, because it would take a long time to outgrow prejudices and sectionalism and those trammels which had grown up, leading to mistaken judgments and estimates of our fellow men; but still he believed that the principle laid down that the administration of the affairs of all should be based upon the principles of common justice would in the end produce a perfect union of all. He was convinced that under such a system the people of the different provinces would become one in every respect, instead of being now merely the inhabitants of different sections—instead of being Nova Scotians, Canadians, etc.—they would all be the subjects of one great nation. [Loud cheers.]

He could not help for a moment adverting to the great future before us. Resting with our back to the icy regions of the North—with the finest river in the world passing through the centre of our land, who could predict our future power and greatness? [Renewed cheers.]

True we should have a foreign frontier, but the movement now taking place appeared to be bringing forth more friendly sentiments on the part of our friends to the South, who were discussing the subject in a favorable spirit. And he believed that anything which had a tendency to promote that friendly feeling ought to meet their hearty support and concurrence. (Cheers.)

They had seen a degree of mistrust growing up on the part of their American friends which they must try and remove if they could. They were bound to show them in all relations every justice, but at the same time they were also bound by the higher duty to themselves to regard with jealous care their own rights and interests, and should their soil ever be desecrated by a foreign foe to hurl back the enemy and defend their constitution and laws with every energy at their command. (Loud cheers.)

Let us come together as one people and be united in one firm front to work in conjunction with the great empire to which we belonged, to labor for the general good. (Applause.)

Let it not be said longer that Canada was unable or unwilling to do more in her own self-defence—let us fling back that reproach, and in dealing with that subject let it be known that we did our whole duty with the determination to discharge the liabilities of a nation devolving

THE QUEBEC RESOLUTIONS

Galt's "Proposed Union" speech at Sherbrooke—continued

upon us. (Cheers.)

Let it be our pride to do so; let it not be said that we were so selfish or mean-spirited that, while willing to enjoy the benefits and privileges of our favored situation, we were unwilling to pay their cost or fight for them. (Cheers.)

In coming forward as we were obliged to do from the necessities of the case, to consider a remedy for our own evils, it was hoped the public mind of Canada would approve the remedy now proposed. We had tried and found, he believed, a remedy for our own difficulties—not in disunion, not in severing the tie between Upper and Lower Canada, but by including in one bond all the British North American Provinces, which had all a common allegiance and a common interest. And instead of remaining separate as we had done for the last 24 years, let us go forward with a million more fellow-colonists standing at our side in the struggle for national existence; and whatever might betide, he trusted the people of Canada, as well as those of the other British North American Colonies, would be worthy of the great interests confided to them, and never be found backward in defending them, no matter from what quarter danger might arise.

The Hon. gentleman resumed his seat after a speech of three hours and ten minutes, amid prolonged cheers.

On motion of **Mr. HENEKER** a vote of thanks was passed to Mr. Galt for the interesting and lucid statement he had placed before his constituents.

The thanks of the meeting were also voted to the Chairman, on the motion of Mr. GALT; and cheers having been given for the Queen and for the Finance Minister, the proceedings terminated.

THE FINANCIAL POSITION OF THE PROVINCES

	Debt, 1863	Income, 1863	Outlay, 1863
Nova Scotia	\$4,858,547	\$1,185,629	\$1,072,274
New Brunswick	5,702,991	899,991	884,613
Newfoundland (1862)	946,000	480,000	479,420
Prince Edward Island	240,673	197,384	171,718
Maritime Provinces	\$11,748,211	\$2,763,004	\$2,608,025
Canada	67,263,994	9,760,316	10,742,807
Totals	\$79,012,205	\$12,523,320	\$13,350,832

INCREASED REVENUES IN 1864

Canada, without the produce of the new taxes	\$1,500,000
New Brunswick	100,000
Nova Scotia	100,000
	\$1,700,000

Deficit of 1863	\$827,512
Surplus of 1864	872,488

RELATED MATERIALS

Galt's "Proposed Union" speech at Sherbrooke—continued

	\$1,700,000

Total Revenues of all the Colonies, 1864	\$14,223,320
Outlay	13,350,832

Estimated Surplus	\$872,488

THE POSITION OF THE CONFEDERATION, ESTIMATED ON THE BASIS OF 1864

	Revenue now produced for General Government	Local Re- venues which would not go into the general Chest	Subsidy to be paid to each Province	Difference, available for the purposes of the Gen- eral Govern- ment
Canada	\$11,250,000	\$1,297,043	\$2,006,121	
Nova Scotia	1,300,000	107,000	264,000	
New Brunswick	1,000,000	89,000	264,000	
Prince Edward Island	200,000	32,000	153,728	
Newfoundland	480,000	5,000	369,000	
	\$13,260,000	\$1,530,043	\$3,056,849	\$9,643,108

	Expenditure	Local Outlay	Difference payable by the General Government
Canada	\$9,800,000	\$2,260,149	
Nova Scotia	1,222,355	667,000	
New Brunswick	834,518	424,047	
P.E. Island	171,718	124,016	
Newfoundland	479,000	479,000	

	\$12,507,591	\$3,954,212	\$8,533,379

Surplus at the disposal of the General Government	\$1,089,729

AVERAGE OF THE PRESENT TARIFFS

Canada	20 per cent.
Nova Scotia	10 "
New Brunswick	15 ½ "

THE QUEBEC RESOLUTIONS

Galt's "Proposed Union" speech at Sherbrooke—continued

Newfoundland	11 ½ "
Prince Edward Island	10 "

FUTURE POSITION OF THE PROVINCES

	Local Revenues	Estimated Outlay for 1864, under present Government	Estimated Local Outlay under the Union
Nova Scotia	\$107,000	\$667,000	\$371,000
New Brunswick	89,000	404,047	353,000
P.E. Island	32,000	171,718	124,015
Newfoundland	5,000	479,000	250,000
	\$233,000	\$1,721,765	\$1,198,015 ‡
Canada	1,297,043	*2,021,979 †238,170	
	\$1,530,043	\$3,981,914	‡

*Average of the last four years.

†Interest on excess of debt.

‡Not estimated by Mr. Galt, for reasons given in the speech.

THE AUDITOR'S STATEMENT OF THE LIABILITIES OF CANADA

Debenture Debt, direct and indirect	\$65,238,649 21
Miscellaneous liabilities	64,426 14
Common School Fund	1,181,958 85
Indian Fund	1,577,802 46
Banking Accounts	3,396,982 81
Seignioria Tenure:	
Capital to Seigniors	\$2,899,711 09
Chargeable on Municipalities' Fund	196,719 66
On account of Jesuits' Estates	140,271 87
Indemnity to the Townships	891,500 00
	4,118, 202 62
	75,578,022 09
Less—Sinking Funds	\$4,833,177 11
Cash and Bank Accounts	2,248,891 87
	7,132,068 98

RELATED MATERIALS

Galt's "Proposed Union" speech at Sherbrooke—continued

	68,445,953 11
From which, for reasons given in his speech, Mr. Galt deducted the Common School Fund	1,181,958 85
Leaving as NET LIABILITIES	\$67,263,994 26

IMPORTS, EXPORTS AND TONNAGE OF THE PROVINCES

	Imports	Exports	Sea-going Tonnage Inward and Outward
Canada	\$45,964,000	\$41,831,000	\$2,133,000
Nova Scotia	10,201,391	8,420,968	1,432,954
New Brunswick	7,764,824	8,964,784	1,386,980
Prince Edward Island	1,428,028	1,627,540	No returns
Newfoundland	5,242,720	6,002,212	" "
	70,600,963	\$66,846,604	4,952,934
	66,846,604		Lake T'ge 6,907,0000
Total Trade	\$137,447,567		Total Tons 11,859,934

THE QUEBEC RESOLUTIONS



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from which this material is sourced)¹*

¹ This link leads to the Gale website—The Economist Historical Archive, 1843-2000. Most university libraries have a subscription to this archive, where the original document can be accessed.

**(XXIV.) "THE TEXT OF THE FEDERAL
CONSTITUTION FOR THE AMERICAN COLONIES,"
*THE ECONOMIST***

NOVEMBER 26, 1864

Source: ["The Text of the Federal Constitution," *The Economist* \(Nov. 26, 1864\), 1455-1456](#)¹

THE TEXT OF THE FEDERAL CONSTITUTION FOR THE AMERICAN COLONIES.

THE thirty-six delegates of the British American Colonies have completed their work, and have published the bases of the Federal scheme which they intend to submit to the Imperial Government. When revised and accepted by the Cabinet, it will be presented to Parliament, we imagine very much in the form of a treaty, to be accepted or rejected *en bloc*, and will then finally be referred to the Colonial Legislatures, for a vote which must of course be a simple yes or no. Six Provinces, Upper Canada, Lower Canada, New Brunswick, Nova Scotia, Prince Edward's Island, and Newfoundland will it is believed accept it, but provision is made for the adhesion of all the North American Colonies from Maine to the Pacific. The bases, which are very full and very well considered, do not modify greatly the information already placed before our readers,² but there is a great difference between deductions from after-dinner speeches and draft bills, and we may perform an acceptable service to our readers by describing from the official record the machinery selected for the last new effort at the manufacture of Empires.

The object of the American colonists, it is clear from every clause of the resolutions, is to form a Nation and not a Union. They have been obliged upon points to defer to sectional jealousies and fears, but they have not given way in any direction save one to the desire of small communities for independence. From the very beginning each colony which accepts the scheme avowedly surrenders its claim to independence, declares itself by act of its local Parliament a Province,—a part that is of a much greater whole. It will lose its separate Governor responsible only to Great Britain, and receive one appointed by the "Acadian" Ministry, while, though it will retain its separate legislature, the powers of that body will be reduced to very narrow dimensions. It will still be absolute in the domain of civil law-commercial legislation excepted,—it may still impose direct taxes, and still provide for all municipal works and events, but the right of criminal legislation, of fixing customs duties, of levying general taxes, of arranging for great public works, of appointing judges, of providing defences, of doing anything which can in any way be considered of national importance, is surrendered. Moreover, even within its limited sphere every act must be submitted to the general Government, and even should the measure not be disallowed, it only runs subject to the general principle that, in the event of collision between a provincial and a national law, the Courts are to act only upon the latter. The Federation, it will be evident, is not one to be composed of Sovereign States.

All the powers thus surrendered, and all to which, saving the Queen's prerogative, an independent nation can lay claim, are transferred to a central authority as unlike that existing at Washington as it is well possible to conceive. It will consist, in the first place, of a Viceroy appointed by the Crown, wielding all the powers of the Crown, protected like the Crown from attack or removal, and fettered like the Crown by the necessity of acting through Ministers responsible to Parliament. This Parliament is composed of an Upper House, to be called the

¹ Full citation: ["The Text of the Federal Constitution for the American Colonies," *The Economist* \(Nov. 26, 1864\), 1456-1457.](#)

² Readers may find these other discussions fully reproduced on PrimaryDocuments.ca. The editor did not find these other publications substantive enough to warrant reproduction in this volume.

THE QUEBEC RESOLUTIONS

"The Text of the Federal Constitution..." The Economist—continued

Council, and composed of 76 members selected by the Crown for life, in the proportion of 24 for Upper and 24 for Lower Canada, 10 for Nova Scotia, 10 for New Brunswick, 4 for Prince Edward's Island, and 4 for Newfoundland, the immense number given to Lower Canada in proportion to its resources being a concession to the French element which in the Lower House will be overborne. In that House, the basis is to be population, arranged on the fixed idea that Lower Canada is to have 65 members always. When, therefore, a province amounts to double her numbers, it will have 130 members, the present proportions being—

Upper Canada	82
Lower Canada	65
Nova Scotia	19
New Brunswick	15
Newfoundland	8
Prince Edward Island	5

The object with which this number has been settled is apparent at a glance. The Constitution has been arranged to meet the susceptibilities of the Lower Province, and Upper Canada is not mistress of the situation as against Lower Canada unless she can gain over more than one other entire colony. This Central Government, thus constituted, will, acting through responsible Ministers, make all laws required for the "welfare and good government" of the nation, all laws on criminal matters, commerce, currency, banking, emigration, marriage and divorce, and all subjects not specially named in the Constitution. It will have the entire control of taxation, internal and external, of the national defences, local militia included, of the post and of all inter-provincial means of communication, will appoint all judges, (who are to be irremovable), exercise generally all except really local patronage, and possess the right of annulling within twelve months any act of the Provincial Councils. These powers are very extensive—may, indeed, be easily so interpreted as to meet all likely contingencies, but then nations are killed by unlikely contingencies ; and we would still advise the Canadians to submit to the insertion by Mr Cardwell of one more clause, enabling the Viceroy and his Ministry, in time of rebellion or visible emergency, to "proclaim" any district or province, and while it remains proclaimed, to exercise absolute authority therein. On some such provision we trust Mr Cardwell will insist, and it is we think the only one in which Parliament should interfere. The principle being granted, there is nothing in any of these details which should offend the mother country, and much to gratify her pride and benefit her interest. The delegates affirm in their very preamble that their first object is to perpetuate their connexion with the mother country, they jealously reserve the prerogative throughout their arrangements, they specify that the Constitution requires the assent of the Imperial Parliament, and they insert this invaluable clause into their fundamental law. "All engagements that may be entered into with the Imperial Government for the defence of the country shall be assumed by the Confederation." That clause gives us the right to call on the Canadians as allies under contract to perform their due share in the work of their own defence, and removes the anomaly under which we are bound to defend men who may refuse to help us—who may shut out our trade, and decline any assistance to our revenue. It is not, that we know of, the duty of Parliament to see that its colonial allies choose constitutions such as Englishmen approve; but even if it were, the Ministry could not object to a scheme which, except in the essential point of the absolute authority reposed in the Central Legislature, is a counterpart of their own. They may recommend certain modifications, such, for instance, as the insertion in the Act of the provincial constitutions, left by the delegates' resolutions to the provinces themselves, but they are not bound to press any point not of pressing imperial interest.

There is, however, one for which no such provision is made, and for which a clause will one day be urgently required. This is the matter of boundaries. The Acadians expect to induce the

people of the Pacific colonies, and, perhaps, the settlers on the territory now held by the Hudson's Bay Company, to enter into their compact; but they have made no provision for the settlement of boundaries. Vancouver's Island, for example, might like to stay out, while its mainland dependencies might like to go in, and who is to settle that quarrel? The vast expanse of the interior, too, is entirely without demarcations, and some appellate authority should be provided in case of serious dispute. That authority must, of course, be the Queen in Council, and the new Act, which may be interpreted a hundred years hence word by word by statesmen who see imperial interests depending on its construction, should contain some definitive provision for the difficulty. Intercolonial questions, too, such as have sprung up between New South Wales and Victoria, should be generally reserved, so that no Ministry, strong in its new militia, its maritime power, and its semi-independence, should be able to commence a legislative warfare with a colony outside its authority.

THE QUEBEC RESOLUTIONS



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from which this material is sourced)*

(XXV.) LETTER FROM CHARLES TUPPER TO
JOHN A. MACDONALD

DECEMBER 13, 1864

Source: [Library and Archives Canada, MG26-A, Vol. 51, 19962-19965](#)

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Private

Halifax, Dec. 13th 1864.

My dear McDonald,

I was glad to learn by your note of the 14th ult. that you had quite recovered your health and that Richard was himself again. I was not surprised that the incessant fatigue and mental labour to which you were so long subjected should have told seriously upon you. We all regretted deeply that we were deprived of the pleasure of your society at Toronto. I quite concur in the alteration respecting the power of the Local Legislature to alter the constituencies of the ~~General Legislature~~ House of Commons. I have consulted

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Henry and McCully on the point and they all agree to the proposed alteration. I have already informed Mr. Galt that we concur in restricting the power of the Local Govt. to tax lumber to New Brunswick. I will be very glad to receive your proposed draft of the Act so soon as you can send it and will offer you any suggestions I think desirable. Under existing circumstances Canada had better pass the Act as near the report of the Conference as possible and then the other Provinces should endeavour to pass transcripts of it. I fear that the Government of New Brunswick has decided not to submit the question to the people until after an appeal

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to the people. [*word crossed out, not legible*] They might do the necessary work of the session very soon and dissolve at once and thus not much time would be lost, but the precedent is a bad one. We have met a strong opposition here but we have the press pretty much with us and I hope we will be able to carry it through if properly sustained by the British Government. I wish very much Lord Monck would induce the Colonial Secretary to authorize our Lieut-Governor to appoint two or three additional Legislative Councillors if found necessary to carry the Bill through the Upper House. I will send you a Colonist with our speeches at the Confederation meeting last Friday night. It was a great success. Many

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influential men previously opposed were convinced and have since come out in favour of the scheme. Will you let me know what you hear from the British Government. The Executive Department may I think be safely left to your judgment. Twelve Executive Councillors much as you have them at present would I think meet the case, but I quite agree with you that it is desirable to have them in the Act. I would not distribute them locally at all. It will be an element of weakness in my opinion. Would it be practicable to provide for surrendering local Govts? I suppose not altho I think it very desirable. I hope Mr Brydges will be able to give me

THE QUEBEC RESOLUTIONS

Tupper's letter to Macdonald—continued

an early assurance that he will construct the Truro & Moncton line under the terms of our resolution to be amalgamated with the Intercolonial after confederation. It need not be published until after your legislation is perfected. Mr Fleming will locate the line and an arrangement for the rest of the line to Canada, contingent upon the Confederation taking place it will damage me seriously if this matter must be imperilled by the want of Canada's consent.

You can at all times rely upon me to any extent.

Ever Yours faithfully
C. Tupper

Hon. J.A. McDonald.

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THE QUEBEC RESOLUTIONS



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(XXVI.) THOMAS D'ARCY MCGEE,
SPEECH IN COMPTON, QC

DECEMBER 22, 1864

Source: [Thomas D'Arcy McGee, Two Speeches on the Union of the Provinces \(1865\), 3-12.](#)¹

Hon. Mr. McGEE on rising, was received with cheering, and said:—

Mr. Chairman, Ladies and Gentlemen,—

I promised my respected friend, your county member, Mr. POPE, to meet him at the recent public dinner given to my colleague, Mr. GALT at Sherbrooke, and to come over here with him to Compton to speak to you on the subject of British American Union. I was, greatly to my regret, prevented, by a sudden and sharp illness, from being present at the Sherbrooke dinner; for there is no public man in Canada whose services to the Union deserve all honorable acknowledgment more than Mr. GALT—(cheers)—and there is no place in the country I had rather discuss this question than in “the Eastern Townships.” (Cheers.)

I am here to make good your member's promise in my behalf, and I am deeply thankful that I am able to be here, and have still a voice to raise in behalf of this cause. (Cheers.)

This is a border country—it is a country actually undergoing its colonization—it is the home of a mixed people, various in origin, in language, and in creed—and, therefore, a very fit place to consider propositions which must interest men of all languages, origins, and creeds, which involve all our future relations among ourselves and with our neighbours, internal and external. So far as I can help it, gentlemen, I will not trouble you with what has been said before by my colleague in the Government at other meetings, but I will endeavour to give you my own views on the nature of the constitutional developments which have been projected by the late Colonial Conferences, to show on what principle the project stands, to illustrate by comparison and contrast the merits of our design, and to show, in closing, its special adaptability to our present situation as British American Provincial communities.

THE TIME FAVORABLE.

At the start I cannot but congratulate the people of all the Provinces on the fortunate conjunction of circumstances which makes this the best possible time for a searching examination and a thorough overhauling of our political system. When I was in the Eastern Provinces last summer—when the Conferences were still a thing to come—I appealed on behalf of the project to the press and the public there, that it should not be prejudged, and I must say I think a very great degree of forbearance and good feeling was manifested in this respect. But I should be sorry, speaking for myself, now that the stage of intelligent discussion has been reached, now that we have got something before us to discuss, that such a vast scheme should pass, if that were possible, *sub silentio*. So far from deprecating discussion now, I should welcome it, for there could not be, there never can be, a more propitious time for such a discussion than the present. (Cheers.)

Under the mild sway of a Sovereign, whose reign is coincident with responsible government in these colonies—a Sovereign whose personal virtues have rendered monarchical principles respectable even to those who prefer abstractedly the republican system—with peace and prosperity at present within our own borders—we are called on to consider what further

¹ Full citation: [Thomas D'Arcy McGee, Two Speeches on the Union of the Provinces \(Quebec: Hunter, Rose, & Co., 1865\), 3-12.](#) The paragraphs have been divided for readability as no paragraph divisions exist in the original. [C.D.]

constitutional safeguards we need to carry us on for the future in the same path of peaceable progression.

UNION, THE MOT D'ORDRE

And never, surely, gentlemen, did the wide field of American public life present so busy and so instructive a prospect to the thoughtful observer as in this same good year of grace, 1864. Overlooking all minor details, what do we find—the one prevailing and all but universal characteristic of American politics in those days? Is it not that “Union” is at this moment throughout the entire new world the mot d’ordre of States and statesmen? If we look to the far South, we perceive a Congress of Central American States endeavoring to recover their lost unity; if we draw down to Mexico, we perceive her new Emperor endeavoring to establish his throne upon the basis of union; if we come farther north, we find eleven States battling for a new Union, and twenty-five on the other side battling to restore the old Union. (Cheers)

The New World has evidently had new lights, and all its states and statesmen have at last discovered that liberty without unity is like rain in the desert, or rain upon granite—it produces nothing, it sustains nothing, it profiteth nothing. (Cheers.)

From the bitter experience of the past, the Confederate States have seen the wisdom, among other things, of giving their ministers seats in Congress, and extending the tenure of executive office fifty per cent beyond the old United States period; from bitter experience, also, the most enlightened, and what we may consider the most patriotic among the Mexicans, desiring to establish the inviolability of their executive as the foundation of all stable government, have not hesitated to import, not “a little British Prince,” but an Austrian Archduke, a descendent of their ancient kings, as a tonic to their shattered constitution. Now, gentlemen, all this American experience, Northern, Southern and Central is as accessible to us as to the electors of Mr. Lincoln or Mr. Davis or the subjects of the Emperor MAXIMILLIAN; it lies before us, an open volume, and invites us to well read, mark and digest its contents. (Cheers.)

It was with a view to contribute my mite at the present stage of the discussion, that I accepted Mr. POPE’s kind invitation and am now here to offer you as clear a view as I can put into words, of the process of reasoning and observation by which those who composed the late Conferences arrived at the decisions at which they have arrived, in relation to the constitution and powers of the General and Local Governments in the future Confederation. (Hear, hear.)

You have probably all read in the newspapers what purported to be the text—and it was very near the text—of the conclusions arrived at. You have no doubt all read Mr. Brown’s explanations at Toronto, and Mr. GALT’s further explanations at Sherbrooke; you have probably also seen two other expressions of opinion, on the general question, in the journals of the day, one from the Honorable Mr. DORION, who is opposed to all union, except some sort of Federation of the Canadas; another from the Honorable Mr. HILLYARD CAMERON, who would much prefer a legislative to a federative union. I don’t say that if it could be had by common consent, I would not be prepared to agree with Mr. CAMERON; but a legislative union, under our circumstances, was simply out of the question. We might as well ask for the moon, and keep asking until we could get it. (Laughter.)

It was a question between some form of federative union or no union at all; and I am not at all prepared to say with Mr. DORION, and never was, that the greater union is not the most desirable, if conditions can be settled satisfactorily to all parties. (Cheers.)

It seems to me—and in saying so I intend no shadow of disrespect to the honorable member for Hochelaga—that the man who can seriously maintain that union is not strength, that five or six comparatively small communities, owning a common allegiance, existing side by side on the same continent, in the presence of much larger communities owning another allegiance, would not be stronger and safer united than separate, that such a one puts himself out of the pile of all rational argument.

THE DEFENCE QUESTION.

I will take as an instance of the irrationality of such an argument—the particular question, the great test question remaining between Canada and England: the question of defence. (Hear, hear.)

The future General Government has reserved to itself, saving the sovereignty of England, the control of our militia and military expenditure. Every one can see that a war with England and the United States would be largely a naval war, and such a naval war as the ocean has never before seen—(hear, hear)—a war that would interest and stir the heart of England even beyond the pitch that made her staid merchants astonish Lloyd's in 1813, with "three times three cheers," when they heard that the "Shannon" had fought and captured, and carried the "Chesapeake" a prize into Halifax harbour. (Cheers.)

Suppose, then, in the event of an invasion of our soil, either in Upper Canada or Lower Canada—suppose that a flotilla was needed on the St. Lawrence, or on Lake Ontario; that England could spare the gunboats, but not the skilled seamen; would it be no advantage to Canada to have the 50,000 Atlantic sailors of the Lower Provinces, to call upon for their contingent to such a service? No doubt the empire could call on them now, but unless it restored the press-gang it could not make them come. But if by our union we gave that valuable class of men the feeling of common country; if by the intercourse and commerce which must follow on our union, that feeling grew to the strength of identity, we would have enough help of that description—drawn from what my colleague Hon. Mr. Cartier calls the maritime element—for the asking. (Cheers.)

The Imperial power, having conceded to all the North American colonies responsible government, can only secure their co-operation, even in military measures, through those several separate governments, (Hear, hear.)

Every one can see at a glance how much the Imperial power, and we ourselves, would gain in any emergency—if there were but two governments instead of six to be consulted—how much in promptitude, in decision, in time, in unanimity, and in effectiveness. I need not enlarge, I am sure, on so self-evident a proposition as this; the man that will not see it, will not, that is all I need add on that score. (Laughter.)

It has, indeed, been asserted by the sceptics in our work that all our theories of a closer commercial intercourse are chimerical; and yet, oddly enough, these are the same people who think a commercial union would "secure all the benefits" of this chimerical prospect. (Laughter.)

Well, I will not meet assertion by assertion, but I will answer a conjecture by a fact. At the very time the member for Hochelaga was issuing his rather inconsistent declaration against a political union as among other reasons, wholly unprofitable in a commercial point of view—and in favor of a commercial union as all that was to be desired in itself,—at that moment, the first steamship, laden with breadstuffs, direct from Montreal to Newfoundland, was dropping down the St. Lawrence, as a result of the partial and brief intercourse, brought about between the two communities, through our Conference at Quebec! That is a fact not very important in itself, perhaps, but very indicative of the possible usefulness of Union in a commercial point of view! (Cheers.)

I may mention another fact: while we were lying in Charlottetown harbor last September, our attention was called to the arrival of a fine oceangoing steamship—one of a regular line between Boston and Prince Edward Island. The Boston people find the trade of that rich little island worth cultivating, and they do it; they know where there is produce and where there is a market, and they establish a line of steamers to run there; yet I am sure they sell nothing to the islanders which we, at third the distance, could not just as well supply them with from Quebec or Montreal. (Cheers.)

I repeat, however, I will not argue so plain a point as that with provinces like ours, union is strength, is reputation, is credit, is security. I will just give one other illustration on this last

head, and then I will drop the topic where it is: the security for peace which a large political organization has over a small one, lies not only in its greater interests and disposable force, but in this other consideration, that the aggressor must risk or lose the benefit of much larger transactions, in attacking a larger than in assailing a smaller, state. If, for example, in our system of defence—in addition to all the Imperial Government could do for us,—if we could, by our joint representative action, be sure to shut up the River St. John upon the people of Maine—to exclude from the gulf the fishermen of Massachusetts—to withhold from the hearths and furnaces of New England the coal of Cape Breton—no man can question but that we would wield several additional means of defence, not now at the command of Canada. And so with the Lower Provinces; if their statesmen could wield our forces and our resources in addition to their own, does any sane man pretend that would not be an immense gain to them? (Hear, hear.)

I may be told again the Imperial Government can do all this for us, if they will; I repeat that the Imperial Government alone can neither do any of these things so promptly, so fully, nor with so little trespass on our responsible governments, as a united legislature could, through an united public force, with the aid of a Federal treasury. I really, gentlemen, ought to beg your pardon—and I do so—for dwelling so long on the truism that union is, in our case, strength; but as the first proposition to which we all agreed at the first Conference, I thought I would give some explanation why we had unanimously arrived at that result. (Cheers.)

FEDERALISM AND IMPERIALISM.

Another objector opposes our project because Colonial Union is inconsistent with Imperial connexion. Well, to that we might answer that we are quite willing to leave it to the statesmen of the empire themselves to decide that point. If England does not find it so, I think we may safely assume it is not so. And, in point of fact, the Imperial Parliament several years ago decided the question when they passed the New Zealand Constitutional Act, establishing six or seven local governments, under one general government, in that colony. (Cheers.)

Still another objector contends that the complement of Federalism is Republicanism, because most of the States with which we are familiar as Federal States, are also Republics. But this objection is by no means unanswerable. It is true Switzerland is a Republic in the sense of having no hereditary head, but the United Netherlands, when a Confederacy, were not a republic in that sense; it is true the United States and Mexico, and the Argentine Federations were all republican in basis and theory; but it is also true that the German Confederation is, and has always been, predominantly monarchical. There might be half as many varieties of federal governments as there are states or provinces in the world; there may be aristocratic federations—like the Venetian,—or monarchical, like the German—or democratic, like the United States: the only definition which really covers the whole species of governments of this description is, the political union of states of dissimilar size and resources, to secure external protection and internal tranquillity. (Cheers.)

These are the two main objects of all confederacies of states, on whatever principles governed, locally or unitedly; federalism is a political co-partnership, which may be, and has been formed by Monarchists, Aristocrats, and Democrats, Pagans and Christians, under the most various circumstances, and in all periods of human history. (Cheers.)

There may be almost as many varieties of confederation as of companies, in private and social life; we say, with propriety too, the company at the hotel, or the company who own the hotel, but the organization of each is widely different. Our Federation will be British; it will be of the fourth class of Lord COKE's division, *de mutui auxilli*—for mutual aid. The only element in it not British is the sectional equality provided for in the Upper House, a principle which is known to be alike applicable to the democratic confederation next us, and the monarchical confederation of Germany. (Hear, hear.)

THE QUEBEC PLAN CONSERVATIVE.

One more objection which comes from an opposite quarter to the last, is that our plan is too stringently conservative. Well, gentlemen I can but say to that—if it be so—that it is a good fault, which we may safely leave to the popular elements of our state of society to correct in time. It was remarked long ago by Lord BOLINGBROKE and a greater than BOLINGBROKE has called it “a profound remark” —that it is easier to graft anything of a republic on a monarchy, than anything of monarchy on a republic. It is always easy in our society to extend democratic influence and democratic authority; out it is not always possible, it is very seldom possible, ever to get anything back that is once yielded up to democracy. (Hear, hear.)

If, therefore, our plan should seem at first sight somewhat too conservative—I repeat my own opinion, that it is a good fault, and the remedy may safely be left to time. So much for what lawyers call the “general issue.”

BRITISH AMERICAN CONFEDERATION PECULIAR.

You will probably like me to define, gentlemen, that particular adaptation of the federal system, which has lately found such high favor in the eyes of our leading colonial politicians. Well, this definition has been, I think, pretty accurately given in the published text,—or what professes to be the text,—of the results arrived at at Quebec. Don't be alarmed; I am not going to read you the whole seventy and odd propositions. (Laughter.)

It is, perhaps, sufficient for my purpose to give you, both by contrast and comparison, a broad, general view of what is, and what is not included in this constitutional charter. In the first place, I may say, gentlemen, to take the most familiar comparison, that we proceeded in almost an inverse ratio to the course taken in the United States, at the formation of their constitution. We began by dutifully acknowledging the sovereignty of the Crown, as they did by boldly declaring their total separation from their former Sovereign. Unlike our neighbors we have had no questions of sovereignty to raise. (Hear, hear.)

We have been saved from all embarrassment on the subject of sovereignty, by simply recognising it as it already exists, in the Queen of Great Britain and Ireland. There, for us, the sovereign power of peace and war, life and death, receiving and sending ambassadors, still resides, so long as Her Majesty and her descendants retain the allegiance of the people of these Provinces. (Cheers.)

No doubt some inconvenience may arise from the habitual personal absence of the Sovereign; but even this difficulty—now that the Atlantic is an eight day ferry, is not insuperable. Next, we made the general, the supreme Government and the local derivative; while the Americans did just the reverse. (Cheers.)

THE CONTRAST WITH THE AMERICAN.

As to the merits and the consequences of this fundamental difference, I shall only say this, that merely to differ from another, and a sometime-established system, is, of course, no merit in itself; but yet, if we are to be a distinct people from our republican neighbors, we can only be so and remain so, by the assertion of distinct principles of government,—a far better boundary than the River St. Lawrence, or the ASHBURTON line. (Cheers.)

But suppose their fundamental politics to be right, would we then, for the sake of distinction, erect a falsehood at the North, to enable us to contend against a truth at the South? Would we establish monarchy merely out of a spirit of antagonism? No! Gentlemen, God forbid! I of course hold, not only that our plan of government is politic in itself, but also, that it is better than the American. I am prepared to maintain this at all times—against all comers: for if I had not myself faith in our work, I should scorn to inculcate its obligation on the public. (Cheers.)

THE QUEBEC RESOLUTIONS

McGee's speech at Compton—continued

We build, as I said the other day at Montreal, on the old foundations—though the result of our deliberations is popularly called “the new constitution.” I deny that the principles on which we proceeded, are novel or untried principles. These principles all exist, and for ages have existed in the British Constitution. Some of the contrivances and adaptations of principles are new—but the Royal authority, Ministerial responsibility, a nominative Upper House, the full and free representation of the Commons, and the independence of the Judges, are not inventions of our making. (Cheers.)

We offer you no political patent medicine warranted to cure everything, nor do we pretend that our work is a perfect work; but if we cannot make it perfect, we have at least left it capable of revision, by the concurrence of the parties to the present settlement, and the same supreme authority from which we seek the original sanction of our plan. (Cheers.)

Still it is to be hoped that the necessity for any revision will seldom occur, for, I am quite sure the people of these provinces will never wish to have it said of their constitution, what the French bookseller of the last century said so wittily, on being asked for the French Constitution—that he did not deal in periodical publications. (Cheers and laughter.)

We build on the old foundations, and I trust I may say, in the spirit of the ancient founders, as well. The matrix of the monarchical form of Government is humility, self-denial, obedience, and holy fear. I know these are not nineteenth century virtues—(laughter)—neither are they plants indigenous to the soil of the New World. Because it is a new world, as yet undisciplined, pride and self-assertion, and pretension, are more common, than the great family of humble virtues, whose names I have named. Pure democracy is very like pride—it is the “good-as-you” feeling carried into politics. (Laughter.)

It asserts an unreal equality between youth and age, subject and magistrate, the weak and the strong, the vicious and the virtuous. But the same virtues which feed and nourish filial affection, and conjugal peace in private life, are essential to uphold civil authority; and these are the virtues on which the monarchical form of Government alone can be maintained.

DISCUSSION RENDERED POSSIBLE BY RECENT EVENTS.

There was a time when such a doctrine as this, which I am now inculcating here, in Compton, could hardly get a patient hearing in any part of North America; but that time is fortunately past away: it is possible in our days, even for republican writers to admit the merits of the monarchical system, without being hooted into silence, as the elder ADAMS was when he published in Philadelphia, towards the end of the last century, his eloquent Discourses on Davila. His grandson and editor, the present able Minister at the Court of St. James, tells us how the printer was intimidated from proceeding with the publication, and that it was the great cause of his ancestor's life long-unpopularity; and for what? Because he maintained, with BURKE, WASHINGTON, BOSSUET, and SHAKSPERE, the divine origin of society, as against the theory of its human origin, upheld by JEFFERSON, PAINE, ROUSSEAU, and JOHN LOCKE. JOHN ADAMS could be President of the United States, but he could not get a printer to publish a general treatise on government which admitted the merits of monarchy—which contended that there was “a natural aristocracy at Boston as well as at Madrid”—and the intolerant outcry then raised against him for the Discourses of Davila pursued him to the grave. (Hear.)

Another American, of even higher mental mark than President ADAMS—perhaps the very first intellect of all the authors of the American system—was on the same ground equally suspected, and equally abused; ALEXANDER HAMILTON, in his original plan of the American Constitution, offended in the same way as ADAMS by advocating “a solid and coercive Union” with “complete sovereignty in Congress”—and we all know how, down almost to yesterday, his memory was branded as that of an enemy of the country he did so much to bring into existence. No wonder political science has been at a stand-still for fifty years on this continent, when no man, however high his position, dared raise a negative to the prevailing democratic

theories, without permission of the clamorous majority for the time being. (Cheers.)

At last—and almost simultaneously the negative has been raised at the extremes of North America—Mexico and Canada—and we, at least here, we have no fear that our printers will be bullied into silence like the printer of President ADAMS. (Cheers.)

We have not conceived our system in a spirit of antagonism to our next neighbors; we will still have enough in common with them constitutionally to obviate any very zealous propagandism on either part; but we will also have enough left of our ancestral system to distinguish permanently our people from their people—our institutions from their institutions—and our history (when we shall have a history) from their history. (Cheers.)

MEXICO AND CANADA.

I have referred, Mr. Chairman and gentlemen, to the assertion of somewhat similar principles to our own now being made in Mexico. It would be strange if Canada should reach, by deliberation and forethought, the same results which Mexico has grasped at out of the miserable depths of her long anarchy (Cheers.)

We are not yet informed whether the new Emperor designs to consolidate his provinces, or to leave them their local organizations; but this I know, that with all the immense natural advantages of Mexico, I should, for my part, rather take my chance for the permanent establishment of a free monarchy in the North than in Mexico. (Cheers.)

We have already solved for ourselves one great problem—the legal relation of Church and State—which is still before the rulers of Mexico. If we have but half the population, we have three times the number of men of pure European race that Mexico has; and while I own that I wish every success to the Mexican Empire, under the auspices of France, I have, I confess, still stronger hopes for the successful establishment of the free kingdom of Canada, under the auspices of Great Britain. (Cheers.)

“For fiery, fierce and fickle is the South;
But loving, dark and tender is the North.”—(Cheers.)

BRITISH AMERICAN FEDERALISM ESSENTIALLY CONSERVATIVE.

We have also solved—so far as the late Conferences could do so, for these provinces—the relation of the Crown to the people,—the sphere of the prerogative, and the sphere of the suffrage. We have preserved every British principle now in use among us, and we have recovered one or two that were well nigh lost; we have been especially careful not to trench on the prerogative of the Crown, as to the powers, rank, or income of its future representative on this continent; as to the dignity of the office, or the style and title of the future kingdom or viceroyalty, or by whatever other name it may be Her Majesty's pleasure to designate hereafter her dominions on this continent. (Cheers.)

Next to the United States, we have the most extended suffrage in the New World; some think quite too far extended; but in our state of society, I do not see how that is to be avoided, in the selection at least, of the tax-imposing House of Parliament. We have, besides, restored to the Crown one of its essential attributes when, as the fountain of honor, we leave to the Sovereign the confirmation of the second, the smaller and more Conservative Chamber; and we preserve for the Crown its other great attribute,—as the fountain of justice, by retaining its right to appoint the Judges,—of course upon the advice of the Constitutional Councillors of the Queen in this country, who are in turn responsible to Parliament and the people for their advice and appointments. (Cheers.)

We have provided also, in our new arrangements, that the tenure of all offices, shall be good behavior, in contradistinction to the “spoils principle” of our next neighbors. In all these respects we have built on the old foundations, in the spirit of the old wisdom—and we have

faith, therefore, that our work will stand. (Loud cheers.)

DIFFICULTIES IN THE WAY.

Naturally, gentlemen, we cannot expect that our course will be all plain sailing. We shall have our difficulties, as all states have had; and this brings me to refer to the powers remaining in the possession of the local legislatures. The difference of language between the majority of Lower Canada, and the majority of the whole union is a difficulty; but it is a difficulty which almost every other nation has had and has solved: in Belgium they have at least two languages, in Switzerland they have three chief languages—German, French, and Italian; the Federal form of Government, the compromise between great states and small, seems peculiarly adapted to conciliate difficulties of this description, and to keep politically together men of different origins and languages. (Hear, hear.)

I confess, I have less anxiety on this score than I have on another—the proper protection of the minority in origin and religion in Upper and Lower Canada respectively. (Hear, hear.)

On this point there is no doubt a good deal of natural anxiety felt in the Townships, as there is among my own constituents in Montreal, and I have no doubt you would like me to enlarge upon it as the point most immediately interesting to yourselves.

RIGHTS OF MINORITIES.

I am, as you are, interested in the due protection of the rights of the minority, not only as an English-speaking member in Lower Canada, but as interested naturally and reasonably for my co-religionists, who form the minority in Upper Canada. (Hear, hear.)

I am persuaded as regards both minorities, that they can have abundant guarantees, sacred beyond the reach of sectarian or sectional domination—for all their rights, civil and religious. (Hear, hear and cheers.)

If we had failed to secure every possible constitutional guarantee for our minorities, east and west, I am sure the gentleman who may be considered your special representative at the Conference— (Hon. Mr. GALT)—and I am equally sure, that I myself, could have been no party, to the conclusions of the late Conference. (Loud cheers.)

But we both believed—and all our Canadian colleagues went with us in this belief—that in securing the power of disallowance, under circumstances which might warrant it, to the General Government, in giving the appointment of Judges and Local Governors to the General Government, and in expressly providing in the Constitution for the educational rights of the minority, we had taken every guarantee, legislative, judicial and educational, against the oppression of a sectional minority by the sectional majority. (Cheers.)

You will have for your guarantee the Queen's name,—which I think the case of Ottawa has shown is not without power in Canada; you will have the subordination of the local to the general authority, provided in the constitutional charter itself, and you will have, besides, the great material guarantee, that in the General Government you will be two-thirds of the whole told by language, and a clear majority counted by creed; and if with these odds you cannot protect your own interests, it will be the first time you ever failed to do so. (Cheers.)

The Protestant minority in Lower Canada and the Catholic minority in Upper Canada may depend upon it the General Government will never see them oppressed—even if there were any disposition to oppress them—which I hope there is not in Upper Canada; which I am pretty sure there is not in Lower Canada. (Cheers.)

No General Government could stand for a single session under the new arrangements without Catholic as well as Protestant support; in fact, one great good to be expected from the larger interest with which that Government will have to deal will be, that local prejudices, and all other prejudices, will fall more and more into contempt, while our statesmen will rise more and more superior to such low and pitiful politics. (Loud cheers.)

What would be the effect of any set of men, in any subdivision of the Union, attempting for example, the religious ascendancy of any race or creed? Why, the direct effect would be to condemn themselves and their principles to insignificance in the General Government. Neither you here, nor the Catholic minority in Upper Canada will owe your local rights and liberties to the forbearance or good will of the neighboring majority; neither of you will tolerate being tolerated; but all your special institutions, religious and educational, as well as all your general and common franchises and rights, will be secured under the broad seal of the empire, which the strong arm of the General Government will suffer no bigot to break, and no province to lay its finger on, should any one be foolish enough to attempt it. (Cheers.)

THE SCHEME AS A WHOLE.

This is the frame of government we have to offer you, and to this system, when fully understood, I am certain you will give a cheerful and a hearty adherence. (Cheers.)

We offer the good people of these colonies jointly a system of government which will secure to them ample means of preserving external and internal peace; we offer to them the common profits of a trade, which was represented in 1863, by imports and exports, to the gross value of 137,000,000 of dollars, and by a sea-going and lake tonnage of 12,000,000 of tons! We offer to each other special advantages in detail. The Maritime Provinces give us a right of way and free outports for five months out of every year; we give them what they need, direct connexion with the great producing regions of the North-west all the year round. This connexion, if they do not get through Canada, they must ultimately get through Canada, they must ultimately get through the United States; and one reason why I, in season, and perhaps, out of season, have continued an advocate for an Intercolonial Railway was, that the first and closest and most lasting connection of those Lower Provinces, with the continental trade system, might be established by, and through, and in union with, Canada. (Cheers.)

I do not pretend that, mere railway connexion will make trade between us and them, but I am quite sure we can have no considerable intercourse, no exchanges or accounts pro or con without such a connexion both for postal and travelling purposes. I rejoice, moreover, that we, men of insular origin, are about to recover one of our lost senses—the sense that comprehends the sea—(Cheers)—that we are not now about to subside into a character so foreign to all our antecedents, that of a mere inland people. The Union of the Provinces restores us to the ocean, takes us back to the Atlantic, and launches us once more on the modern Mediterranean, the true central sea of the western world. (Cheers.)

But it is not for its material advantages, by which we may enrich each other, nor its joint political action, by which we may protect each other, that the Union is only to be valued; it is because it will give, as it only can give, a distinct historical existence to British America. If it should be fortunately safely established and wisely upheld, mankind will find here, standing side by side, on this half-cleared continent, the British and American forms of free government; here we shall have the means of comparison and contrast in the greatest affairs; here we shall have principles tested to their last results, and maxims inspected and systems gauged, and schools of thought, as well as rules of state, reformed and revised, founded and refounded. (Cheers.)

All that wholesome stimulus of variety which was wanting to the intellect of Rome under the first emperors, will be abundantly supplied out of our own circumstances and those of our neighbours, so that no CICERO need ever, by personable considerations, enter into indefensible inconsistencies, and no TACITUS be forced to disguise his virtuous indignation at public corruption, under the thin veil of an outlandish allegory. (Cheers.)

I may be sanguine for the future of this country,—but if it be an error of judgment to expect great things of young countries, as of young people who are richly endowed by nature, and generously nurtured, then it is an error I never hope to amend. (Cheers.)

And here let me say, that it is for the young men of all the provinces we who labor to bring

THE QUEBEC RESOLUTIONS

McGee's speech at Compton—continued

about, the Confederation are especially working: it is to give them a country wide enough and diversified enough to content, them all, that we labor; it is to erect, a standard worthy to engage their affections and ambition; it is to frame a system which shall blend the best principles with the best manners, which shall infuse the spirit of honor into the pursuit of politics, that we have striven—and who can be more interested for our success than the young men of the Provinces, who are to carry on the country into another century? (Cheers.)

RELATIONS WITH UNITED STATES.

We in our time, hope to do our duty; not only in “lengthening the cords and strengthening the stakes” of our constitutional system, with a view to that future, but in guarding jealously in the perilous present, the honor and integrity of this province. I may say to you here, on the Eastern frontier, that the Government of the day are fully informed of all the machinations that have been set on foot, within and without our borders, to drive, or tempt, or trick Canada, out of that straightforward neutrality commanded by the Queen’s Proclamation four years ago. So far, we have been enabled to maintain that neutrality in the letter, as well as in the spirit, and trust we may be equally successful in doing so, so long as it may be required. (Cheers.)

I am well convinced there is no Canadian who would wish his Government to make any base compliance—to overdo or overstrain any legal obligation—in order to buy for us the inestimable boon of peace; but I am equally convinced, and you will agree with me I feel confident, that all that can be done by way of prevention, however onerous or costly it may be to us a province, ought to be done to maintain friendly relations with our neighbors, so far as they will enable us to do so. The rest depends on them,—on the fairness of their statesmen and their military authorities; but come what may in the future, at all events we must see that Canada does its duty, and its whole duty, cheerfully, fully, and fearlessly. (Cheers.)

IS THE QUEBEC PLAN GENERALLY TO BE APPROVED?

Mr. Chairman and gentlemen, I beg your forgiveness for the great length to which these remarks have detained you. But our general plan having already found its way to the public, I was anxious to show our countrymen, here and at home, in a plain, popular way, the processes of reasoning and the guiding principles by which we arrived at the results at which we have arrived. I should blush for myself, and grieve for my colleagues, if we were any of us capable of picking up our principles in a panic, without inquiry or reflection, or examination. (Cheers.)

I need hardly assure you, gentlemen, that nothing was done or said at Quebec or Charlottetown without full deliberation, and very hard work. It would be invidious to name names in connection with what was regarded by all engaged as a confidential discussion; but while I cheerfully recognize in our countrymen of the Lower Provinces the noble qualities they exhibited throughout the whole of these transactions, I must say, I was proud of Canada’s part in them also. (Cheers.)

I was proud of the self-control, the ability, the acquirements, and the disinterested unanimity of our colleagues, from Upper as well as from Lower Canada. (Cheers.)

And, now, gentlemen, that the architects have completed their plan, it is for you to say shall the building be put up? It is for you, and for your representatives in Parliament,—for my friend Mr. POPE and the other Township members—for the people of the Maritime Provinces and their representatives to say, whether this great work is to be carried, with all due diligence, to its completion. If the design should seem to you as wise and fit as it seems to us, then fling all misgivings far behind you and go ahead! Let no local prejudice impede, let no personal ambition obstruct, the great work. Why! The very Aborigines of the land might have instructed the sceptics among ourselves that union was strength. What was it gave at one time the

balance of power on this soil to "the Six Nations,"—so that England, France and Holland all sought the alliance of the red-skinned statesmen of Onondago? What was it made the names of BRANT, and PONTIAC, and TECUMSETH so formidable in their day? Because they too had conceived the idea—an immense stride for the savage intellect to make—that union was strength. (Cheers.)

Let the personalities and partizanship of our times stand abashed in the presence of those forest-born Federalists, who rose superior to all mere tribal prejudices in endeavoring to save a whole people. (Loud cheers.)

And now, my friends of the County of Compton, once more receive my grateful thanks; have no fears for the rights of the minority, but be watchful as you ought to be, and as I am sure your worthy member (who is always at his post when your interests are at stake) will be. (Cheers.)

The Parliament of Canada is, as you are aware, called by His Excellency for dispatch of business at Quebec, on the 19th of January; it is an early call; and I am sure you all feel it will be an important session. I am, I do assure you, persuaded in my inmost mind, that these are the days of destiny for British America; that our opportunity to determine our own future, under the favor of Divine Providence is upon us; that there is a tide in the affairs of nations, as well as of men, and that we are now at the flood of that tide. (Loud cheers.)

Whether the men who have this great duty in charge may be found equal to the task, remains to be proved by their votes; but for my part, I am hopeful; for the early and mutually advantageous union of all the provinces; for the early and firm establishment of our monarchical Confederation on this continent. (Loud cheers—amid which the hon. gentleman resumed his seat.)

THE QUEBEC RESOLUTIONS



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**(XXVII.) DESPATCH FROM VISCOUNT MONCK TO
THE RIGHT HON. EDWARD CARDWELL, M.P.**

DECEMBER 23, 1864

Source: [UK, Parliament, Correspondence respecting the Proposed Union... \(1867\), 1-2.](#)¹

(No. 203.)

Quebec, December 23, 1864.

(Received, January 9, 1865.)

(Answered, No. 5, January 13, 1865, p. 42.)

SIR,

I HAVE the honour to acknowledge with feelings of much satisfaction the receipt of your Despatch (No. 93.), of December 3², in which you convey to me the general approval by Her Majesty's Government of the scheme of Union for the British North American Provinces agreed to by the Conference which met at Quebec in October last.

With regard to the two points upon which you have written, namely, that of the exercise of the Royal prerogative of pardon and the constitution of the Upper Chamber of the general Legislature, I shall only say at present that as respects the former I am in a position to state that it was never the intention of the Conference to interfere in the slightest degree with the constitutional prerogative of Her Majesty to select herself the person to whom she should entrust the duty of revising sentences pronounced by legal tribunals.

The resolution was introduced merely as a suggestion to meet a local difficulty resulting from imperfect means of communication during the winter months between portions of the proposed Union.

It is plain that this proposition could form no part of the Act which will be necessary in order to give effect to the proposed plan of union, and, in fact, the suggestion contained in it must be determined by the decision of the Queen, with whom alone rests the power of naming the person to shall be delegated the exercise of her prerogative.

With regard to the constitution of the Upper House of the general Legislature, it is apparent that the resolutions adopted by the Conference will be subjected to the action of many minds before they shall have become embodied in addresses from the Legislatures of the several Provinces.

I would suggest that we should adjourn the consideration of this subject until we see the form in which the resolutions will emerge from these discussions.

I have the honour to transmit for your information a copy of a communication which, in pursuance of the instructions contained in your Despatch, I have addressed to the Lieutenant-Governors of the Lower Provinces and to the Governor of Newfoundland.

I have, &c.
(Signed) MONCK.

The Right Hon. Edward Cardwell, M.P.,
&c. &c. &c.

¹ Full Citation: [UK, Parliament, Correspondence respecting the Proposed Union of the British North American Provinces \(London: George Edward Eyre and William Spottiswoode, 1867\), 1-2.](#)

² [The despatch from Right Hon. Edward Cardwell to Viscount Monck \(December 3, 1864\)](#) referred to here can be found on pp. 116-118 of this volume. [C.D.]

THE QUEBEC RESOLUTIONS

Monck's despatch to Cardwell—continued

[Enclosure]

Quebec, December 23, 1861.

SIR,

REFERRING to my Despatches to you noted in the margin, I have the honour to transmit for your information a copy of a Despatch from the Secretary of State for the Colonies in reference to the resolutions adopted by the Conference which assembled at Quebec in October last to consider the propriety of effecting a Union of the Provinces of British North America, and also a copy of the answer with I have returned to this Despatch.

In this Despatch Mr. Cardwell desires me "to take immediate measures, in concert with the Lieutenant-Governors of the several Provinces, for submitting to their respective Legislatures this "project for the Conference."

In pursuance of these instructions, I have the honour to inform you that I have summoned the Canadian Parliament to meet on Thursday, January 19th, 1865, when I propose to bring before both Houses of the Legislature the important subject referred to in Mr. Cardwell's Despatch, in order that if the Legislature shall think fit an Address may be adopted to the Queen, praying Her Majesty to direct that steps may be taken for passing an Act of the Imperial Parliament to unite the Provinces of British North America on the basis laid down in the resolutions adopted by the Quebec Conference.

I shall feel much obliged after consulting your advisors on the subject, you will inform me what course you intend to pursue for the purpose of giving effect to Mr. Cardwell's instructions.

I have, &c.
(Signed) MONCK.

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THE QUEBEC RESOLUTIONS



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(XXVIII.) "THE BRITISH AMERICAN FEDERATION,"
THE EDINBURGH REVIEW

JANUARY, 1865

Source: "[Report of Resolutions adopted at a Conference...](#)" *The Edinburgh Review* (1865).¹

ART. VII.—*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's Island, held in the City of Quebec on the 10th of October, 1864, as the Basis of a proposed Confederation of those Provinces and Colonies.*

AMALGAMATION is the order of the day, the approved process by which capitalists of all classes are doubling their profits and defying their competitors. From our railway companies and millionaires the co-operative infection has spread to our mechanics and artisans. Men of all sorts and conditions, at home and abroad (theologians excepted), are seeking in union that strength with which it is proverbially identical. A colossal project of this nature has been just presented to our notice in the proposed fusion of the five provinces of British North America, 'with power to add to their number' as many of the communities lying within British boundaries between the Atlantic and Pacific Oceans as may, on terms hereafter to be defined, elect to join this vast copartnership. Even to nations unconnected by political or geographical affinities with the parties more immediately concerned, the success or failure of a scheme embracing in its contingent operations an area exceeding that of Europe is no matter of indifference. To Great Britain it is impossible to over-estimate the importance and extent of the ultimate consequences depending on this crisis in the history of her Transatlantic provinces. For there are problems of colonial policy the solution of which cannot, without peril, be indefinitely delayed, and though Imperial England is doing her best to keep up appearances in the management of her five and forty dependencies, the political links which once bound them to each other and to their common centre are evidently worn out. Misgivings haunt the public mind as to the stability of an edifice which seems to be founded on a reciprocity of deception, and only to be shored up for the time by obsolete and meaningless traditions. Economists fail to comprehend the value of outlying provinces which garrison their frontiers with our troops, while they exclude our manufactures from their markets. Even orthodox politicians, who would shrink from a Colonial Emancipationist as from a pestilent heretic, cannot help asking themselves sometimes whether it is possible or desirable that these little islands of our's, whose whole area scarcely exceeds 130,000 square miles, should for ever retain, even a nominal dominion, over a fifth of the habitable globe. These hints at a possible disturbance of their existing relations very naturally shock our Colonists, who have no wish to part company with us, and think it very wicked even to talk of dismembering 'an empire on which the sun never sets.' It is not unnatural that the desire to maintain a connexion with the power and wealth of the mother-country should be stronger on the side of the Colonies than it is on that of the British public, for they owe almost everything to us, and we receive but little in return from them. Moreover, the existing system of colonial government enables them to combine all the advantages of local independence with the strength and dignity of a great empire. But the Imperial Government, in the meantime, has to decide, not as of old whether Great Britain

¹ Full citation: "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's Island, held in the City of Quebec, on the 10th of October, 1864, as the Basis of a proposed Confederation of those Provinces and Colonies," *The Edinburgh Review*, Vol. CXXI (January-April, 1865), 181-199.

THE QUEBEC RESOLUTIONS

"British American Federation," Edinburgh Review—continued

is to tax the Colonies, but to what extent the Colonies are to be permitted to tax Great Britain—a question which is daily becoming more urgent and less easy of solution. To register the edicts of Provincial Legislatures is now almost the only remaining function of the Colonial Office; and in the absence of any distinct indications of public opinion at home as to the course to be pursued in the administration of our Dependencies, the smallest contributions from Colonial sources which may tend to simplify the task of the authorities in Downing Street will, no doubt, be thankfully received.

The new British American programme has arrived at a seasonable period of indecision, and this circumstance will insure for its promoters, at all events, a favourable hearing. We learn from Mr. Cardwell's despatch to Lord Monck of the 3rd December that this scheme has already received the deliberate consideration of Her Majesty's Government; and in the course of the ensuing spring it is expected that a deputation will arrive in this country for the purpose of bringing over the Quebec propositions, which will then be submitted in the form of a Bill to the Imperial Legislature. The time is therefore come when this subject must be fully discussed, and no question of greater interest is likely to come before Parliament in the session of 1865, for it raises numerous points of great novelty and complexity, and it will affect the future condition of a vast extent of territory, of a people verging on independence, and, in a less degree, of England herself.

Of all the provinces added to our empire during the last three centuries, none have on the whole proved less troublesome to the parent State than the long belt which extends from the shores of Lake Superior to the banks of Newfoundland. We have heard, it is true, in times past, of Canadian rebellions, we hear sometimes now of hostile tariffs, and it might puzzle the wisest of our statesmen if he were challenged to put his finger on any single item of material advantage resulting to ourselves from our dominions in British North America, which cost us at this moment about a million sterling a-year. But this is the sort of thing that happens to us everywhere, and we are used to it. Retainers who will neither give nor accept notice to quit our service must, it is assumed, be kept on our establishment. There are nevertheless special and exceptional difficulties which beset us in this portion of our vast field of empire. For though Kaffirs and Maories have proved more dangerous neighbours to our colonists and more costly enemies to ourselves than the Red Indians, whose race the threefold agencies of rifles, whiskey, and small-pox seem almost to have exterminated, the permanent occupation of that frontier of three thousand miles which extends from the Bay of Fundy to the Straits of San Juan presents problems more serious than any we have yet had to solve in New Zealand or at the Cape. Although half these difficulties have no place in the estimate of the sanguine prophets who predict the eternity of the American civil war, or (which is much the same thing) its duration until the utter exhaustion of both parties in the conflict, yet, even assuming for the moment that such calculations afford a safe basis of action, they afford no provision against the contingencies of an anarchy more perilous than filibustering expeditions or organised invasions, and they may fail to protect against the ambition or resentment of a powerful neighbour that vast region which, though claimed for England by our maps and guaranteed to us by our treaties, is during a seven months' winter inaccessible to our legions, and therefore indefensible by our arms. When therefore we are told that the battalions of Great Britain are the ægis under which these unapproachable provinces propose to shelter themselves against all comers from all quarters of the compass, and that they may possibly call upon us at any moment in mid-winter, as they did three years ago, for ten or a dozen regiments to protect them from the consequences of some quarrel of our own, and when we reflect how utterly inadequate such a garrison would be, unless supported by a far more efficient local militia than is now in existence, to defend those provinces from the only enemy they fear, it is scarcely surprising that any project which may offer a prospect of escape from a political situation so undignified and unsatisfactory should be hailed with a cordial welcome by all parties concerned.

The movement which culminated last October in the Quebec Conference, and in the Resolutions which have since been reported to the Home Government, novel as it may appear to us on this side of the Atlantic, represents no novel idea to our North American colonists. The scheme of a Federal Union between the Canadas and the maritime provinces was indeed ventilated six years ago, in a correspondence between the Duke of Newcastle and the Canadian Government, but the mainspring of the Federative Movement must be sought not in any past or present impulse from Imperial authorities, but in the political circumstances, necessities, and instincts of the provinces in which it has originated. It has, in fact, grown out of the crisis or (as it has been called in Canada) the 'dead-lock' by which the advocates of 'Representation by Population' have for some years past persistently impeded the practical operations of every successive government which has refused to adopt their policy. When the Canadas, which were divided into two provinces by Pitt in 1791, were reunited in 1840, the terms of union, so far as the electoral laws of the colony were concerned, failed to provide for the contingency which has since arisen of a reversal of the relative proportions of population between the two provinces. West Canada, a large portion of which was then an unreclaimed forest, has now a population of more than a million and a half, exceeding by five or six hundred thousand that of the Eastern Province, to which nevertheless an equal voice in the Canadian parliament is still allotted under the Act of 1840. By the leading men of Upper Canada this state of things has been resented as an anomaly and a grievance, and failing to obtain redress for it, they resorted to a policy of obstruction which has proved fatal to many measures of admitted importance to all parties and districts in the colony. The inconvenience of this position of affairs led, not unnaturally, those who were suffering under it to look out for the basis of a compromise which might, at all events, afford a prospect of the Queen's Government being successfully carried on. This required basis has been found in the project of a British American Federation in which 'Representation by Population' should be accepted as a cardinal principle of union.

It was, therefore, no crude or capricious fancy which brought together the delegates from Canada, Nova Scotia, and New Brunswick, who assembled last September in Prince Edward's Island. The preliminary gathering at Charlotte Town had for its object to establish the basis of those negotiations which, after a further exchange of compliments between the representatives of the contracting Powers at Halifax and at St. John's, took the more definite and detailed form in which they are now presented to our notice, in the Resolutions passed six weeks afterwards at the Conference of Quebec. In this last-named conclave, composed of accredited representatives of all political parties in the five provinces of British North America, the various topics arising out of the project they had taken upon themselves to discuss appear to have been handled, if we may judge from the results before us, with earnestness, vigour, and moderation. The hearty and almost unanimous approval with which the Quebec programme has been greeted, both in the colonies and in this country, disinclines us, especially pending those discussions in the Imperial Parliament, which it must of course necessitate, to dwell critically on its details. There are, nevertheless, points directly involving Imperial interests on which, before the Executive Government is empowered by Parliament to take action in the matter, it seems expedient that some expression of public opinion should be invited.

It will shorten and simplify our criticisms if we assume at the outset that these international negotiations have been undertaken with the deliberate and honest purpose of carrying them out to their fullest consequences. Let it be taken for granted that our North American fellow-subjects are as hearty as ourselves in their devotion to our Sovereign and her empire, and that no evidence is needed to prove the preamble of their project. Dismissing, therefore, from our contemplation all the *broderies* of colonial orations, banquets, balls, *déjeûners*, and receptions, which have been festooned round the council-chamber of the North American plenipotentiaries, let us examine for a few minutes their scheme as a dry matter of business.

Their first edition only is before us. How far it may have since been amended or revised, we

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"British American Federation," Edinburgh Review—continued

do not profess to know. Any alterations it may have experienced have been probably rather in the details than in the general outlines of the plan. As to its primary objects, let the delegates speak for themselves in their six opening Resolutions, which run as follows:—

'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.

'That in the Federation of the British North American Provinces the system of Government best adapted under existing circumstances to protect the diversified interests of the several provinces and secure efficiency, harmony, and permanency in the working of the Union would be a general Government charged with matters of common interest to the whole country, and local Governments for each of the Canadas and for the provinces of Nova Scotia, New Brunswick, and Prince Edward's Island, charged with the control of local matters in their respective sections,—provision being made for the admission into the Union, on equitable terms, of Newfoundland, the North-West Territory, British Columbia, and Vancouver.

'That in framing a constitution for the general Government, the Conference, with a view to the perpetuation of our connexion with the mother-country, and to the promotion of the best interests of the people of these provinces, desire to follow the model of the British Constitution so far as our circumstances will permit.

'That 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 authorised.

'That the Sovereign or representative of the Sovereign shall be Commander-in -Chief of the land and naval militia forces.

'That there shall be a General Legislature for the Federated Provinces, composed of a Legislative Council and House of Commons.'

The qualifications, powers, and number of members who are to form the two Houses of the proposed Federal Parliament are then defined. The Legislative Council is to consist of seventy-six members, to be appointed by the Crown for life, in the following proportions for each province, viz.:—Twenty-four for Upper Canada, twenty-four for Lower Canada, ten for Nova Scotia, ten for New Brunswick, four for Newfoundland, and four for Prince Edward's Island. All the members of the Legislative Council to be British subjects by birth or naturalisation, of the full age of thirty years, and possessing a property qualification of four thousand dollars.

The 'House of Commons' is to consist of 194 members, to be elected for five years, under the laws now in force in the several provinces respectively; the proportion of members to be returned by each province depending on the population as shown by each decennial census. At the first election each province is to be entitled to return members in the following proportions, namely:—Upper Canada, eighty-two; Lower Canada, sixty-five; Nova Scotia, nineteen; New Brunswick, fifteen; Newfoundland, eight; and Prince Edward's Island, five. It is further provided that in all re-adjustments rendered necessary by increase of population in any province, the proportion of members to electors now fixed shall be retained.

The Legislative powers proposed to be committed to the Federal Parliament are thus set forth:—

RELATED MATERIALS

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'The Federal Government shall have power to make laws for the peace, welfare, and good government of the Federated Provinces (saving the sovereignty of England), and especially laws respecting the following subjects:—

1. The public debt and property.
2. The regulation of trade. and commerce.
3. The imposition or regulation of duties of Customs on imports and exports, except on exports of timber, logs, masts, spars, deals, and sawn lumber, and of coal and other minerals.
4. The imposition or regulation of Excise duties.
5. The raising of money by all or any other modes or systems of taxation.
6. The borrowing of money on the public credit.
7. Postal service.
8. Lines of steam or other ships, railways, canals, and other works, connecting any two or more of the provinces together or extending beyond the limits of any province.
9. Lines of steamships between the Federated Provinces and other countries.
10. Telegraphic communication and the incorporation of telegraph companies.
11. All such works as shall, although lying wholly within any province, be specially declared by the Acts authorising them to be for the general advantage.
12. The Census.
13. Militia, military and naval service, and defence.
14. Beacons, buoys, and lighthouses.
15. Navigation and shipping.
16. Quarantine.
17. Sea fisheries.
18. Ferries between any province and a foreign country, or between any two provinces.
19. Currency and coinage.
20. Banking and the issue of paper money.
21. Savings-banks.
22. Weights and measures.
23. Bills of exchange and promissory notes.
24. Interest.
25. Legal tender.
26. Bankruptcy and insolvency.
27. Patents of invention and discovery.
28. Copyrights.
29. Indians and lands reserved for the Indians.
30. Naturalisation and aliens.
31. Marriage and divorce.
32. The criminal law (except the constitution of courts of criminal jurisdiction), but including the procedure on criminal matters.
33. For rendering uniform all or any of the laws relative to property and civil rights in Upper Canada, Nova Scotia, New Brunswick, Prince Edward's Island, and Newfoundland, and for 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.
34. The establishment of a general Court of Appeal for the Federated Provinces.
35. Immigration.
36. Agriculture.
37. And generally respecting all matters of a general character not specially and

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"British American Federation," Edinburgh Review—continued

| exclusively reserved for the local Governments and Legislatures.²

The appointment of lieutenant-governors is vested in the Federal Government, together with the control over all courts of justice and the judicial patronage of the superior courts in each province, the judges of which are to hold their offices during good behaviour, and to be removable only on the Address of both Houses of the Federal Parliament.

After providing that the local Legislature of each province shall be constituted in such manner as the existing Legislature of such province shall provide in the Act consenting to the Union, it is further resolved that the local Legislatures shall have power to make laws on the following subjects:—

'Direct taxation and the imposition of duties on the export of timber, logs, masts, spars, deals, and sawn lumber, and of coals, and other minerals.

'Borrowing money on the credit of the province.

'The establishment and tenure of local offices, and the appointment and payment of local officers.

'Education; saving the rights and privileges which the Protestant or Catholic minority in both Canadas may possess as to their denominational schools at the time when the Union goes into operation.

'The sale and management of public lands, excepting lands belonging to the General Government.

'Sea coast and inland fisheries.

'The establishment, maintenance, and management of penitentiaries, and of public and reformatory prisons.

'The establishment, maintenance, and management of hospitals, asylums, charities, and eleemosynary institutions.

'Municipal institutions.

'Shop, saloon, tavern, auctioneer, and other licenses.

'Local works.

'The incorporation of private or local companies, except such as relate to matters assigned to the Federal Legislature.

² This last clause is obviously very loosely expressed, for what are 'matters of a general character,' and who is to decide whether a matter which may be in dispute between the Confederation and one of its members is of a general character or not? Mr. Cardwell has wisely pointed out, in his despatch of the 3rd of December, that the success of the scheme depends on giving a preponderating authority to the Federal power: and we should prefer to the foregoing enumeration of the powers of the Federal Parliament, a simple declaration that all powers are given to it except those expressly reserved to the several members of the Confederation. In the constitution of the United States the contrary principle was adopted. All powers were reserved to the several States which were not expressly made over to the Union. We think that experience has shown this to have been one of the fatal vices of the American Constitution: and if British North America is to become a great State, we hope its citizens will profit by the mistakes of their neighbours. [*The Edinburgh Review*]

RELATED MATERIALS

"British American Federation," Edinburgh Review—continued

'Property and civil rights, excepting those portions thereof assigned to the General Legislature.

'Inflicting punishment by fine, penalties, imprisonment, or otherwise for the breach of laws passed in relation to any subject within their jurisdiction.

'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.

'And generally all matters of a private or local nature.'

For the presumed purpose of obviating conflicts of authority between the Federal and local Legislatures it is further provided—

'That in regard to all subjects over which jurisdiction belongs to both the General and Local Governments, the laws of the Federal 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.'

All powers of taxation are reserved to the representative branches of the Federal and local Legislatures, such imposts to be in all cases first recommended by message from the Governor-General or Lieutenant-Governor as the case may be. Any Bill of the General Legislature may be reserved for the Royal Assent, and may be disallowed by her Majesty (in accordance with the present practice) within two years. All monies and securities for money belonging to each province at the time of the Union, together with all the public works, the property of such province, shall be vested in the Confederation, which shall assume all the debts and liabilities of such province, such debts not to exceed at the time of Union certain amounts fixed by the Resolutions.

After various stipulations as to the details of Intercolonial finance, the document concludes with the following provisions:—

'All engagements that may be entered into with the Imperial Government for the defence of the country shall be assumed by the Confederation.

'That the Federal Government will secure without delay the completion of the Intercolonial Railway from Rivière-du-Loup through New Brunswick to Truro, in Nova Scotia.

'The communications with the North-Western Territory, and the improvements required for the development of the trade of the great west with the seaboard, are regarded by this Conference as subjects of the highest importance to the Confederation, and should be prosecuted at the earliest possible period when the state of the Federal finances will permit the Legislature to do so.

'The sanction of the Imperial and local Parliaments shall be sought for the union of the provinces on the principles adopted by the Conference.

'The proceedings of the Conference, when finally revised, shall be signed by the delegates, and submitted by each deputation to its own Government, and the chairman is authorised to submit a copy to the Governor-General for transmission to the Secretary

THE QUEBEC RESOLUTIONS

"British American Federation," Edinburgh Review—continued

| of State for the Colonies.³

Such are the leading features of this important State Paper, which will receive, no doubt, at the hands of the Imperial Government and Parliament, the careful consideration which, without prejudging the merits of the case, it may be said unquestionably to deserve. 'Will it work?' is probably the first question which the statesman will ask himself as he contemplates the various cog-wheels and contrivances of this somewhat intricate political machinery. Assuming that the inventors are not mere theorists, but practical men who have an eye to their own best interests and the social and material progress of British North America, have they presented to us a scheme which will attain the objects they have in view, and which has in it the elements of permanent success? It is said, and perhaps truly, that in adopting the image and superscription of her Majesty as the frontispiece of their first edition, the authors of this Constitution prove themselves to be wise in their generation; and whatever may be the ultimate tendencies of their project, the problems which surround it are quite sufficiently numerous and perplexing, without adding to them at starting the quadrennial election of a chief magistrate, after the fashion of their Republican neighbours. It is, moreover, an evidence alike of their foresight and their tenacity of time-honoured traditions that they should have set before themselves as their model the framework of the British Constitution. Nor is it unworthy of remark, that in a project which may be said to have grown out of what we in England have regarded as a democratic movement, namely, the claim of representation by population, nearly all the changes suggested are of a distinctly 'Conservative' character. The property qualification of Legislative Councillors, which is now only temporary, is to be made continuous. Instead of being elected they are to be nominated for life.⁴ Though the programme contains no specific proposition respecting the franchise, it is understood that the tendency of opinion in Canada is rather towards raising than lowering the qualification of electors. We do not hear a whisper of vote by ballot, nor is it proposed to shorten the duration of the Federal Parliaments. In order to centralise authority, and to reduce as far as may be to a municipal level the local Legislatures, all matters of a general 'character' are, in addition to those enumerated in the Resolutions, placed under the control of the Federal Government; and though the distinction attempted to be drawn between general and local matters is in some respects scarcely traceable in the draught minutes of the Conference, the object they had in view is sufficiently clear and intelligible. The selection of Ottawa as a metropolis has been dictated probably by the prudent principle which is said sometimes to guide republics in their choice of presidents, and prime ministers in their choice of bishops, namely, that of neutralising formidable rivalries by doing honour to insignificance. The financial arrangements as between Canada and the maritime provinces appear to have been based on the adoption by the Federal Government of the debts and liabilities of all, and the relinquishment on the part of the local Legislatures of all their revenues, except those arising from the sale of lands, and from certain export duties, the control over which each local Government respectively retains.

The concluding Resolutions, which have reference to the completion of the Intercolonial Railway and the opening of the North-West territory, are not so much items of bargain

³ A very important question on which these papers afford no information, is that relating to the future condition of those territories and dependencies of the Crown in North America which are not included within the present boundaries of the Five Provinces. We allude more particularly to the territories now held by the Hudson's Bay Company under the Crown by charter or lease. The Crown is doubtless bound to take care that the interests of its grantees are not prejudiced by these changes; but, on the other hand, an English trading company is ill qualified to carry on the government, and provide for the defence, of a vast and inaccessible expanse of continental territory. Probably the best and most equitable solution would be the cession of the whole region to the Northern Federation for a fair indemnity; and this would lead to the execution of the great Northern Pacific Railway, under the auspices of the Federal Power. [*The Edinburgh Review*]

⁴ This, however, is one of the two points to which Mr. Cardwell objects on the part of the Government, because it affords no remedy for a dead-lock between the two Houses. [*The Edinburgh Review*]

between the delegates as a recital of their common aims and interests in the prosecution to a successful issue of these important undertakings. The former has, it is well known, been the frequent subject of negotiations between the Imperial and Colonial Governments since the days of Lord Durham, and by correspondence recently laid before Parliament its accomplishment appears to depend on the result of pending applications from the North American provinces for an Imperial guarantee, to which, however, no reference is made in the document before us. This and all the undertakings contemplated for the development of the industrial resources of British America must be regulated (as the language of the Quebec Resolutions informs us) by the state of the Federal finances.

The result of these proposals, if carried into effect, would be the creation of a new State in North America, still retaining the name of a British dependency, comprising an area about equal to that of Europe, a population of about four millions, with an aggregate revenue in sterling of about two millions and a half, a debt of about sixteen millions, and carrying on a trade (including exports, imports, and intercolonial commerce) of about twenty-eight millions sterling per annum. If we consider the relative positions of Canada and the maritime provinces—the former possessing a vast and fertile back country, but no good harbours; the latter possessing good harbours but no back country—the former an unlimited supply of cereals but few minerals; the latter an unlimited supply of iron and coal but little agricultural produce—the commercial advantages of union between states so circumstanced are too obvious to need comment. The completion of the Intercolonial Railway, and the probable annexation of the fertile portions of the great North-Western territory to the new confederation, form a portion only of the probable consequences of its formation, the benefits of which will not be limited to the colonies alone, but in which Europe and the world at large will eventually participate. When the Valley of the Saskatchewan shall have been colonised, the communications between the Red River settlement and Lake Superior completed, and the harbour of Halifax united by one continuous line of railway with the shores of Lake Huron, the three missing links between the Atlantic and Pacific Oceans will have been supplied; and a political project tending however remotely to such a consummation may well challenge the all but unanimous approval it has received from the commercial community in British North America. Politically speaking, it is equally manifest that a Confederation with an aggregate population of four millions could more cheaply and effectually provide for its civil government and for its defence, if necessary, against foreign attack or internal disturbance than the five isolated communities which it is now sought to combine. There are indeed those who, anticipating the inherent difficulties of federation, desire that more complete fusion of interests which a legislative union would effect, but (with the exception, perhaps, of Mr. Dorion, and those whose opinions he represents) the objectors to the scheme belong to a class who would go beyond the plan propounded rather than thwart it or stop short of it.

The real difficulties of the proposal consist in the due adjustment of the threefold relations between the Imperial, Federal, and Local Governments which the creation of this vast confederation will involve. The colonial combinations of which we have had experience in other parts, and at other periods of our empire, furnish few analogies for our guidance under the present peculiar conditions of the North American Colonies. The consolidation of the Windward and Leeward Islands under the Governments of Barbadoes and Antigua, which took place about thirty years ago, was an arrangement devised simply with a view to official convenience, and left untouched the constitutions of the several islands so combined. In the case of New Zealand, representative institutions were given to its six provinces, which were at the same time welded into a Federal Legislature, the Local and Federal Governments having been created simultaneously by an Act of the Imperial Parliament in 1852. The present proposals of the Quebec Conference differ, however, in some important particulars from the course actually adopted by Parliament in the case of New Zealand. The Provincial Councils of that colony, though inhibited by a restrictive clause from legislating on some twelve or thirteen interdicted

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topics, were in all other respects left free (subject to the royal veto) to manage their own affairs. By the British American programme, on the other hand, all matters of a general character not specifically enumerated as of local or concurrent jurisdiction, are intended to be placed under the authority of the Federal Government, and thereby the risks of conflict or attempts at 'nullification' on the part of the subordinate legislatures proportionally diminished. But the chief novelty, and, we may add, difficulty, presented by the Quebec scheme is in the circumstance that now for the first time in our colonial history five provinces, in all of which 'responsible government' is an established rule of administration, propose to superadd to their existing parliaments a superior and central machinery, in which the same system of government by party is to prevail under the nominal rule of the Queen's representative. It will probably be admitted by all who have watched whether with favour or disapproval the working of 'responsible government' in the Colonies since its first introduction in Canada five and twenty years ago, that it is, to say the least of it, a system tending to reduce to the minimum the prerogatives of the Crown. Such a result will probably be its chief praise and justification in the estimate of those who regard the political maturity and eventual independence of our colonies as the great aim and object of Imperial policy. The practical difficulties, however, which beset the working of this critically-devised machinery were foreseen by its reputed inventor in 1839, and have since been sufficiently illustrated. Neither by Lord Sydenham, nor by his three successors, was it put in action; and it was not until Lord Elgin became Governor-General in 1847, that he commenced the process of 'giving his confidence' to each Executive Council in turn, retaining at the same time, through all changes of his policy, the confidence of his sovereign.

In the Australian Colonies and New Zealand, and wherever this system has been introduced, the Imperial Government has compounded for the advantages supposed to be inherent in it by a surrender of power, and by submitting to the inconveniences of a constant change in the Governor's advisers. Whether on these terms 'responsible government' is a good or bad bargain, it is too late to inquire. It rests upon the doctrine by which Adam Smith justified government by party nearly a century ago. 'Men desire,' he says, 'to have some share in the management of public affairs chiefly on account of the importance which it gives them. It is upon the power which the greater part of the leading men of every country have of preserving or defending their respective importance that the stability and duration of every system of free government depends.' Whether this doctrine was rightly or wrongly applied to Canada a quarter of a century ago, we do not pretend to decide. The practical question we have now to ask is, looking at the hitches and dead-locks to which this system seems to be liable, when applied to one colony alone, how will it work when half a dozen 'responsible governments' are called upon to combine in the same confederation? Assuming even that all goes smoothly, the superaddition of a Federal Parliament to the existing institutions must, of course, increase the ordinary difficulties of constitutional government in all new countries where the supply of men uniting the qualifications of leisure, capacity, and inclination for the task of legislation is unequal to the demand. The legislative crew of the 'British North America' will not be less (including the local councils and assemblies) than between six and seven hundred hands, all told. Allowing for the frequent change of officers of all ranks, the question of keeping up the complement with so slender a political reserve to fall back upon, may be serious. This, however, is the affair of the colonists themselves. What we have to fear, and, if possible, to guard against, is the constant peril of a threefold conflict of authority implied in the very existence of a federation of dependencies retaining, as now proposed, any considerable share of inter-colonial independence.

In order to illustrate our argument, let us suppose the Federation to be established, and a dispute respecting some project of law to arise between the Parliament of Newfoundland and the officer administering the government of that island. The dispute (as is the tendency of colonial quarrels) grows in the constitutional struggle, and ends in a ministerial crisis. The

Lieutenant-Governor, on appealing from his intractable senate at St. John's to the Central Executive at Ottawa, is supported in the first instance by the Governor-General in Council, but the Newfoundland members of the Federal House of Commons, finding perhaps that the question at issue is one in which the maritime provinces generally are interested, succeed in combining their representatives with those of the Opposition for the time being in Canada, and the result is a vote of censure on the Federal Executive, and a refusal to vote the salary of the Lieutenant-Governor on the annual estimates. Under these circumstances the Governor-General has the option of moving with the obedience and rapidity of a marionette, in accordance with the fluctuating will of the colonial managers who pull the wires, or he may adopt the more dignified course of submitting the whole case to the Imperial Government, thus involving it in an arbitration between two subordinate Legislatures, which (however it may be conducted) must end in the disappointment of one, and may imperil the loyalty of both.

The fact is, we may schedule as we please 'local' and 'general' topics of legislation; we may define with the utmost possible distinctness the limits of each, or the concurrent authority of both Governments; we may equitably adjust financial liabilities, and allot to the central and provincial authorities their respective spheres of power over future redistributions and rearrangements; but it is on the accuracy and sharpness with which the prerogatives of the Federal Executive are defined that the success and permanence of a constitution, necessarily clogged with checks and counterpoises, must eventually depend. It is hardly to be expected that the local parliaments, with their responsible 'ministers,' will consent at once to be reduced to the rank of a parochial vestry, but it is by this process alone, and by their voluntary surrender of a very large share of the powers now left in their hands, that we can hope for a real consolidation of the provinces of British North America. If, as has been alleged, a Legislative Union is unattainable, because inconsistent with due securities for the rights guaranteed to the French Canadians by Treaty or by the Quebec Act, and Federation is therefore the only alternative, the vital question for the framers of this Constitution is how the inherent weakness of all Federations can in this instance be cured, and the Central Government armed with a Sovereignty which may be worthy of the name. It is the essence of all good Governments to have somewhere a true Sovereign power. A Sovereignty which ever eludes your grasp, which has no local habitation, Provincial or Imperial, is, in fact, no Government at all. Sooner or later, the shadow of authority which is reflected from an unsubstantial political idea must cease to have power among men.

It has been assumed by those who take a sanguine view of this political experiment that its authors have steered clear of the rock on which the Washington Confederacy has split. But if the weakness of the central government is the rock alluded to, we fear that unless in clear water and smooth seas the pilot who is to steer this new craft will need a more perfect chart than the Resolutions of the Quebec Conference afford, to secure him against the risks of navigation. It is true that instead of a president elected every four years you have a governor-general appointed by the Queen every six. It is true also that the area of his nominal dominion presents now no topic more formidable than the expiring jealousies of race between our French and English colonists, to imperil the harmony of the British Federation. It is true that we have also now genuine aspirations of personal devotion to the sovereign, which were wanting to those who first organised the constitutions which resulted in the declaration of independence in 1776. But it is in the rapid ratio of progress at which our colonists have advanced since that period, and in their increasing sense of capacity for self-government, that we shall find our main difficulty in stranding together the thin threads of authority, which their spontaneous loyalty compels, as it were, the sovereign of Great Britain to retain. And it is evident that if this authority or its semblance is to be continued to any purpose of advantage either to the mother-country or to the provinces themselves, it can only be by gradually municipalising the local government and concentrating authority in the newly-created Federal

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Parliament. In the progress through its various stages of a project to which the annals of our empire present no parallel, it is more than probable that obstacles to its success now unforeseen may here and there arise, and that the present apparent unanimity may be occasionally disturbed by sectional jealousies and controversies on points now left purposely vague and undefined. On the whole, however, contemplating the future of this vast experiment, our hopes predominate over our fears. But while in the best interests of our colonists we are inclined to augur well of this enterprise, it must be remembered that the five provinces who were represented at Quebec will not be the only parties who will be called upon to sign, seal, and deliver this international indenture. By the fourth resolution of the Conference it is provided that 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 authorised.' In other words, the Queen is invited to retain a nominal sovereignty, entailing considerable liabilities and perils, and to accept in addition the invidious functions of an arbitrator, in the event of disputes between the associated states and the Federal authorities. Imperial England is not unaccustomed to one-sided bargains with her dependencies. The sound maxim that 'whoever pays the piper should order the tune,' has been generally invested in the conduct of our Colonial wars. For the most part Great Britain has taken on herself the burdens, leaving to her dependencies the privileges of freedom, and the present proposal assumes accordingly that the honour and glory of empire are a full equivalent for all its accompanying embarrassments. If the Quebec project were to be regarded as in any sense a final arrangement, and the equivalent in honour or power to be derived by the Crown from the acceptance of so perilous an authority were to be weighed in the balance with the commensurate risks, the safety and dignity of the proffered position might be very questionable; but it is impossible to regard this proposed federation in any other light than that of a transition stage to eventual independence; and in this view the precise form which Imperial sovereignty may for the time being assume becomes a matter of comparatively secondary importance. There are those perhaps, who, if the choice were offered to them, might prefer an hereditary vice-royalty, or an independent constitutional monarchy inaugurated under a prince of the blood-royal of England, to the republic to which they believe themselves to be drifting, and which the experience of the Federal States, already burdened by a public debt not far short of that which has been accumulated by Great Britain in two centuries, proves to be rather an expensive luxury. But even if the pageantry of a court and the dignity of a peerage could be transplanted at once to an unprepared and uncongenial soil, the success of such an experiment must depend entirely on the spontaneous unanimity with which it was demanded by the colonists themselves. And whether such a course were adopted, or the present rule through the Queen's representative. continued, the subsisting relations between Great Britain and her Transatlantic provinces would remain unchanged, and the responsibilities of the former practically undiminished. For with a long land frontier line swarming with marauders—with points of possible dispute bristling on all sides—with the risk of a fleet of armed American schooners covering the Canadian lakes, when the six months' notice already given of determining our treaty engagements in this behalf shall have expired—with the San Juan question still in abeyance—with the north-west boundaries of Canada still undefined—with the vast region which lies between the Red River and the Rocky Mountains left without any government at all, unless that of the irresponsible agents of the Hudson's Bay Company, at Fort Garry, be deserving of the name—with all these elements of political difficulty hanging over our Transatlantic dependencies, this is not precisely the moment when, whatever form of government they may choose, our implied engagements for some share at least of their military defence can be abruptly terminated.

The policy of retaliation, by which it was once supposed that, in the event of an invasion of Canada, we had only to bombard an American sea-port, for every inland town in our colonies

that might be sacked, is, on the report of our own military engineers, now happily impracticable. At this very time it would cost, we are informed, half a million sterling to put the citadel and works of Quebec in a complete state of defence, and recent reports ordered by the Government on the North American frontier forts prove that a much larger expenditure may be necessary. In addition to these charges an armament may be required on the Lakes. It is time, therefore, to inquire by whom these expenses are to be borne? If further fortifications are deemed requisite for the protection of our North American colonists from attacks which they, it seems, do not apprehend, they may perhaps be manned, in case of necessity, by their own militia and volunteers; but whatever progress they may make in self-defence, it can scarcely be expected that, in a country so thinly peopled, and hitherto so thriftily disposed in military matters, a sudden jump from one-seventh of the total cost of their defence, which is all they now defray, to an assumption of the whole, is very likely to take place. Nor is it probable that if any prince of the blood-royal became to-morrow the adopted sovereign of British North America, any material reduction in the Imperial garrisons in those colonies would be immediately effected. But it is not in the spirit of the economist who desires to get rid, on the best possible terms, of a profitless estate, that the Government and Parliament of England will approach this important question. They have accepted, at the instance of enlightened colonial reformers at home, a fair responsibility for the defence of their dependencies abroad from perils arising from the consequences of Imperial policy. Of that responsibility they are prepared honourably to acquit themselves, until the time shall arrive when all perils traceable to that policy shall cease to threaten the distant provinces of the British Empire.

But while voluntarily accepting the burdens inseparable from their costly and now profitless inheritance, the statesmen of England, aiming no longer, as of old, to retain in helpless minority those communities of her empire which combine the powers and qualifications of free states, hail with no feelings of apprehension or regret each symptom of nascent independence as it may disclose itself. By our past colonial policy, we have surrendered the prerogatives not less absolutely than the emoluments of empire, and their relinquishment has been based on a deliberate consideration of the best interests, both of the mother-country and her provinces. The people of England have no desire to snap asunder abruptly the slender links which still unite them with their Transatlantic fellow-subjects, or to shorten by a single hour the duration of their common citizenship. On the contrary, by strengthening the ties which still remain, they would convert into a dignified alliance an undignified, because unreal, subservency. History has warned them that it is not by futile attempts to retain in an inglorious subjection its scattered satrapies, that the real greatness of a nation can be advanced, but rather by an attitude of watchfulness for the dawning of that inevitable day, when 'years of their apprenticeship shall have been passed, and nature shall have pronounced them free.' By all the tokens of rapidly increasing material prosperity, by the still more important evidences of intellectual and political development, as manifested in the records of the recent Conference at Quebec, we are led irresistibly to the inference that this stage has been well-nigh reached in the history of our Transatlantic provinces. Hence it comes to pass that we accept, not with fear and trembling, but with unmixed joy and satisfaction, a voluntary proclamation, which, though couched in the accents of loyalty, and proffering an enduring allegiance to our Queen, falls yet more welcome on our ears as the harbinger of the future and complete independence of British North America.

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**(XXIX.) "THE CANADIAN CONFEDERACY,"
THE WESTMINSTER AND FOREIGN QUARTERLY
REVIEW**

JANUARY 19, 1865

Source: [*"The Canadian Confederacy," The Westminster and Foreign Quarterly Review \(April 1865\), 533-560*](#)¹

ART. VI. THE CANADIAN CONFEDERACY.

***Resolutions relative to the Proposed Union of the British North American
Provinces. Quebec. January 19, 1865.***

THE probable fate of the British North-American colonies has, for many years, afforded wide scope for speculation. Both in this country and in America the chances have been weighed as passing events offered themselves for analysis. It has been regarded from various points of view; the result being, conclusions as widely different as such topics of discussion usually lead to. Argument resting upon a speculative basis is always unsteady, and kaleidoscopic glances at the present yield very unsatisfactory data from which to decipher the future. Hence it is that America and American affairs have so frequently belied prophecy. The conjectures evoked by the dealings between England and her North-American colonies have in many instances proved erroneous, and we are not now so liable to be led astray by the oracular utterances of nervousness and timidity. We were assured that Canada was incapable of self-control, but we find that political strife carried to the extreme has not been able to weaken the springs of government, or to disregard the promptings of patriotism. Recriminations and jealousies which formerly found vent in the Colonial Office, have been smothered where their origin could be soonest detected and their object most easily frustrated. The consequence of transferring responsibility from the shoulders of the Imperial Government to those of the colonists themselves, is that the shafts of temper no longer spend their force on an imperial target, while a spirit of loyalty and affection has taken the place of an ungracious allegiance. It has also been asserted that the democratic tendencies of these American colonies, would have the effect of weakening if not terminating the relations between them and the mother country; that the grant of freedom from imperial dictation naturally handed over to republicanism the keys of a British stronghold. Neither has this proved true, although the anticipation harmonizes well with the expressed wishes of the United States.

So long ago as 1775, when delegates from the American States assembled in convention at Philadelphia to agree upon the terms of an union, they evidently accepted as a foregone conclusion the immediate entrance of Canada, at least, into the federal compact, for Section XI. of their Articles of Agreement provided that "Canada, acceding to the confederation and joining in the measures of the United States, shall be admitted into and be entitled to the advantages of the Union." Every inducement to revolt was held out to all the British provinces; but neither open temptation nor secret intrigue was sufficiently powerful to allure them from their allegiance. Lower Canada was appealed to in terms that recognised its peculiar position as regards race, language, religion, and laws, and included a guarantee for their security and permanence. But the French inhabitants, besides having the recollection of past wrongs to prompt a rejection, were moved by a deep-rooted antipathy to republicanism to meet with disdain overtures thus insidiously made to them. In after years, the employment of force had as little effect in changing the determination of these stubborn colonists to remain a portion

¹ [*"The Canadian Confederacy," The Westminster and Foreign Quarterly Review \(April 1, 1865\), 533-560.*](#) Some additional paragraphs have been divided for readability. [C.D.]

of the empire; and the several provinces not only fought nobly against the common enemy, but even sent assistance to the more sorely pressed.

Notwithstanding this, it has been an article of political faith with American statesmen and politicians that the "manifest destiny" of their republic would, in its own good time, lead to the absorption of some, if not all, of the adjacent British provinces. To embrace these is their traditional policy, having in its list of founders and supporters such names as Washington, Franklin, Monroe, and Seward. Mr. Seward's views pointed to a peaceable rather than a forcible annexation; and both in England and in British America the idea has been entertained that Canada, New Brunswick, and Nova Scotia, but more especially the first-named, must sooner or later cast in their lot with the powerful nation at their side, impelled by sheer force of political attraction. Nor is this theory incapable of support, though formerly the reasons in its favour were much more numerous than they now are.

A glance at the position occupied by Canada a few years ago will be found to justify in some degree the Montreal annexation movement of 1849. It was a dependency shut in from the seaboard for five months of the year, at an enormous distance from the imperial metropolis; separated from those of kindred sympathies and acknowledging a like allegiance, by an almost untraversable tract of country; exposed to attack at every point along a frontier of a thousand miles; gazing at the prosperity of a nation which held out every inducement to unite with it; without manufactures, coal, or capital, yet witnessing a stream of British wealth pouring into the lap of its rival; thinly populated, and outbid in attracting emigration; with the hope of union between itself and the other British colonies uncertain, although having all the elements of prosperity ready to be combined, but suffering them, from various causes, to lie unimproved and unprofitable. Taking every circumstance into consideration, it cannot be denied that the prospects of a long-continued existence of such a dependency as a separate and distinct political organism were dim and dubious. The maritime provinces had not such influences to contend against; but the temptations brought to bear upon Canada, and her successful resistance to them, naturally beget surprise at the nature of the causes to which she owed her preservation from a loss of identity in the nation at her side. But it is unnecessary for present purposes to do more than notice the fact, as it serves to show the bent of her inclination.

Changed times have suggested new fields for debate, and prophecy has been driven to seek out new channels. A rapid advance in material prosperity brought with it considerations left out in previous forecasts; while, on the other hand, the American Republic presents to its admirers fewer attractions than formerly. The effect is seen in the almost total obliteration of annexation sentiment in the colonies, and in the strength and encouragement afforded to those in England who looked forward to the establishment of a British nationality in America that would not only rival the great republic, but would prove a faithful ally to the mother land. When we yielded to these colonies the right of self-government, we gave up the right to dictate, whether we reserved the privilege of guiding or not. This abandonment of control carried with it, said some, the last link in the chain that bound our British American colonies to the empire; but this hasty assertion has been thus far falsified. Confident in their capacity for self-government, we committed their fortunes to their own keeping, as a faithful guardian unburdens himself of his trust on the attainment of majority by his ward. Had we conceived that this transfer involved a mere change of masters, we should have unquestionably hesitated to sacrifice our interests to those of a foreign power.

But faith in their future was no less strong with our statesmen than it was in the colonists themselves. That self-reliance, that innate vigour, which defies misfortune and begets self-confidence, is a characteristic of our race, and, when grafted in other lands, reproduces its inherent qualities with the characteristics of the parent stock. We had confidence in our kindred and in the virtue of our institutions; and a colonial policy based upon this has proved successful, and in its success its wisdom. A complex relationship has been begotten, but the machinery has worked well. The evidences of stability exhibited by these self-governed

colonies, the variety of resources at their command, and the vast progress they have made in utilizing the advantages placed by nature within their reach, have not been lost sight of by that school of politicians which regards the relations between us and states dependent but in name as presenting some unsatisfactory features. Nor has the change in circumstances been passed over heedlessly by the colonists themselves. They, too, have begun to reflect on the chances of the future. Everlasting youth is denied to nations as well as to individuals, and impulses from within combine with influences from without to urge a consideration of the best means for ensuring a lusty manhood. It is with no little pride, therefore, that we see them enter upon the discussion of a subject of such vital importance as a confederation among themselves with calmness and deliberation indicating a knowledge of the responsibility devolving upon them, and a determination to probe to the bottom the secret of national greatness. It is a complete vindication of our modern policy in permitting them to think and act for themselves. It is of importance, therefore, to know what they propose to do, the basis of the contemplated changes, and their effect. To arrive at a proper understanding, it is necessary to go back a little in their history.

It must not be supposed that the scheme of confederation is the offspring of fear. Its origin can be traced much further back than the civil war in the United States, however much a shock so terrible may have contributed to its maturity; nor can colonial emancipators, should their anticipations be realized, lay claim to its inception, however entitled to the credit of supplying a reason for its adoption.

It is stated that as early as 1810 a union of all the British American provinces was suggested by one of the colonists, and at various times afterwards the attention of the imperial authorities was directed to the subject by leading colonial politicians. Chief-Justice Sewell of Quebec, in 1814 laid before the late Duke of Kent a comprehensive plan, which met with the approval of His Royal Highness. In 1827, resolutions were introduced into the Legislative Assembly of Upper Canada, directed more especially to a union of the two provinces of Upper and Lower Canada; but proposing, as an alternative, "what would be more politic, wise, and generally advantageous,—viz., an union of the whole four provinces of North America under a viceroyalty, with a facsimile of that great and glorious fabric—the best monument of human wisdom—the British Constitution."

Lord Durham, in his report on the affairs of British North America (1839), discusses the subject at considerable length, anticipating nearly all the arguments that can now be urged in its favour. In 1854, resolutions were brought forward in the Nova Scotia Legislature which indicated a strong desire to promote a closer connexion of the different provinces; and in 1857 the subject was pressed upon Mr. Labouchere, then Secretary of State for the Colonies, by delegates from that province; but he felt disposed to leave it to the colonists themselves to take action in the matter. In 1858, the Canadian Government announced as part of their policy that the expediency of a federal union of the British North-American provinces would be anxiously considered, and that communications would be entered into with the other provinces and the Imperial Government to secure adhesion to the project. In accordance with this announcement, delegates were sent from Canada, and the sanction of the Imperial Government was asked to the scheme; but the hesitation exhibited by the other provinces rendered the effort thus made fruitless. The Government of Nova Scotia made the next move, but the policy adopted by them had reference to a legislative union of Nova Scotia, New Brunswick, and Prince Edward Island. In 1863 both Houses of the Nova Scotia Legislature passed, unanimously, resolutions authorizing the appointment of delegates to confer upon that subject with delegates from the other maritime provinces. Similar resolutions were adopted in the Parliaments of New Brunswick and Prince Edward Island. A meeting of delegates was accordingly called to sit at Charlotte Town, Prince Edward Island, in September of 1863.

Meanwhile, events in Canada were rapidly tending to render some change in its political condition an absolute necessity. One government after another was forced to confess itself unable to control parliament; and resignation followed resignation, and election succeeded

election, with no other effect than to increase the embarrassment. The result was that sectional majorities, firmly united, impeded legislation, and assailed each other with every weapon that strong sectional differences place at the disposal of political factions. Lower Canadian representatives united to resist the demands of their compeers from the Upper Province, and Upper Canadian members were as resolute in enforcing what they considered to be just claims. In fact, Upper and Lower Canada were arrayed against each other, each determined not to yield an inch of ground.

This state of things, it was evident, could not long continue without leading to very serious results. The nature of the questions on which the two were divided admitted of no immediate satisfactory compromise, considering the relative position of the disputants. Upper Canadian members alleged that the population of their section of the province exceeded that of the other by 400,000; and as each had an equality of representation, the result was the practical disenfranchisement of these 400,000. It was also contended that the proportion of taxation raised by the respective sections showed a large excess in favour of Upper Canada, as that portion paid two thirds of the taxation of the country, while the relative expenditure exhibited a gross injustice. In answer to this, the Lower Canadians contended that, at the time of the union of the provinces, their section had a majority of 175,000; and it was not till 1850 that the scale was turned against them, by reason of a large immigration; and that they (comparatively rich) had borne the heavier part of the burthen of a debt contracted by the Upper Province, which, at the time, was staggering under the load; that any increase in the representation in Parliament would naturally place them (being a minority) at the mercy of a people dissimilar in race, character, religion, language, and laws. This quarrel culminated on the floor of Parliament, as we have already mentioned, in arraying sections against each other; the one bold in pressing for increased representation, and the other defiant in resisting it.

The union effected between the provinces of Upper and Lower Canada in 1840 was, after all, but a nominal one; each section preserved its identity, and the line between them remained in all its distinctness. The government has been administered by a ministry made up of an equal number from both sections, with, in most instances, a distinct staff of crown officers. It was, of course, to be expected that local politicians would keep alive sectional prejudices with such material as they had to work upon. Each half of the provincial cabinet has been expected to command the support of a majority from the section it represented, so that a ministry having a majority of the whole Houses of Parliament would be compelled to disband by reason of not having a majority within a majority. This policy could have but one effect, and it may be seen that the secret of frequent political crises lies, therefore, on the surface of Canadian politics. No government could be expected to stand out for any great length of time against a vigilant opposition, with so many conflicting interests to appease as the circumstances and extent of that country created. Party strife loses none of its violence by reason of the smallness of the community in which it is developed; and in its choice of weapons loses no advantage through courtesy.

The check given to public business brought both political parties to their senses; and returning reason suggested the necessity for a remedy by which responsible government would be saved from degenerating into a series of faction fights. It was apparent that constitutional difficulties lay at the bottom of this sectional strife. Both parties accepted the omen; the political leaders avowed their willingness to throw aside party ties and even personal feeling and a coalition was formed pledged to co-operate in searching out a practical remedy for the evils which had become intolerable. The result is embraced in the following memorandum, which expressed the policy of the coalition government:—

"The Government are prepared to pledge themselves to bring in a measure, next session, for the purpose of removing existing difficulties, by introducing the federal principle into Canada, coupled with such provisions as will permit the Maritime Provinces and the North-West Territory to be incorporated with the same system of government:

and the Government will seek, by sending representatives to the Lower Provinces and to England, to secure the assent of those interests that are beyond the control of our Legislature, to be united under a general Legislature based upon the federal principle."²

This coalition of parties (being accepted as a guarantee for the cessation of that species of political contention which had proved a source of constant annoyance and irritation) met with the unanimous approbation of both Houses of Parliament, and gave satisfaction to the people and press of the country; while the policy announced afforded a gleam of hope to those who had begun to despair of an adjustment of difficulties hitherto seemingly incapable of settlement. After the prorogation of the Canadian Parliament, an invitation was extended by the Chamber of Commerce of St. John, New Brunswick, to the members of the Canadian Legislature, to pay a visit to the Maritime Provinces. This was accepted by a large number of Canadians, and the principal citizens of New Brunswick and Nova Scotia gave a hearty welcome to their fellow colonists. Their fraternal meetings went far to pave the way for an union, as public attention was at once turned towards the mutual advantage to be gained by a closer connexion. Such an incident may, at first glance, seem of little importance; but when we consider that up to this time public opinion had not kept pace with the dreams of the colonial statesmen (although individuals in all the provinces had agreed on what ought to be done rather than on what could be done), we are inclined to give it due weight.

Shortly afterwards, the convention appointed to consider the subject of an union of the Maritime Provinces, met at Charlotte Town, Prince Edward Island; and members of the Canadian Government attended and proposed to merge in the higher plan of a confederation of all the provinces,—that of a legislative union among the Maritime Provinces. The subject was discussed, and such progress made that it was thought desirable by the Conference that the subject should be resumed in an official manner under the authority of the governments of the several provinces.³ The Governor-General of Canada communicated to the Secretary of State for the Colonies the suggestions of the Conference, stating in his despatch that "the desire for a closer union amongst the colonies than has hitherto existed appears to be generally felt both in Canada and the Lower Provinces;" and, further, "it appears to me that the mode of proceeding suggested is the only one in which the views entertained by the leading politicians of the British North-American colonies on this important subject can be brought intelligibly and in a practical form before your attention." In reply, Mr. Cardwell merely expressed his approval of the course taken in the matter. Official delegates were appointed to represent each province, with the exception of Newfoundland. That province, however, was represented by some of its leading statesmen. The Conference met at Quebec, and formally entered upon the discussion of the subject.

From the foregoing it will be observed that the idea of a possible confederation has never been extinct in any of the provinces, although it has taken Rip Van Winkle slumbers. Until lately it had not been made a party question, nor had its discussion enlisted any very large number of persons. Now, however, it has assumed the proportions of a public question, and invites inquiry into its merits or demerits. Before reviewing the conclusions arrived at by the Conference, it may be as well to take a rapid survey of the country embraced by the confederation scheme, so that we may be enabled to judge of its probable success.

Public attention has but seldom been directed to the capabilities and resources of the British American provinces as a whole even among the colonists themselves has this been the case, and to such a degree that their knowledge of each other, not to mention the little importance they attached to their united value, has been as slight as an acquaintance with them has been superficial. They have had strange impressions of each other, and until lately, when they began to take stock, the general public had no idea that the provinces would unitedly possess

² Statement by Hon. J. A. Macdonald in Canadian House of Assembly, June 21, 1864. [*The Westminster Review*]

³ Report of Committee of Executive Council of Canada, September 23, 1864. [*The Westminster Review*]

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"The Canadian Confederacy," Westminster Review—continued

all the elements necessary to constitute a powerful nation. No inducements were offered to render the acquisition of correct information of any practical service; so that while individuals regarded as visionaries bestowed time and labour in laying a basis for their schemes of future action, the mass of the communities paid little attention to their facts, and gave themselves no trouble about their theories. Each province has been so taken up with its own needs and the working out of its own projects, that greater interests have been kept in the background. But events have forced them to take thought for the future as well as to provide for the necessities of the present, and in setting out they naturally compare themselves with others.

The British possessions on the American continent embrace a territory nearly equal to that of the United States. It is difficult to give with accuracy the area under British rule, as that portion of the continent is but partially surveyed, and boundaries are not yet clearly defined, but an estimate sufficient for practical purposes has been formed. The latest calculation has this result:

	Square miles.
Canada	330,000
Newfoundland	40,200
New Brunswick	27,710
Nova Scotia	18,600
Prince Edward Island	2,131
	418,641

If we add to this the probable area of the remainder—say, British Columbia 213,500, Vancouver Island 16,000, and the Hudson Bay Territory 1,570,500,—the sum total will show 2,218,641 square miles against 2,963,666, which is the area of the great American Republic given in the Report for 1853 of the American Topographical Bureau. A very large portion of this immense tract of country on both sides of the dividing line is of course incapable of cultivation, but the proportion really valuable even for agricultural purposes is very great. Confining ourselves to the North- American provinces likely to be included in the proposed confederation at once, we find, according to the statement of the Hon. George Brown, made at Halifax on Sept. 12, 1864, and alleged to be based upon the statistics of 1861, that the amount of land held by private individuals in the various provinces, with the number of acres under cultivation, stand respectively as follows—

	Held.	Cultivated.
Upper Canada	17,708,232	6,051,619
Lower Canada	13,680,000	4,804,235
Nova Scotia	5,748,893	1,028,032
New Brunswick	6,636,329	835,108
Newfoundland	100,000	41,108
Prince Edward Island	1,365,400	368,127
	45,238,854	13,128,229

Without referring to the agricultural produce of the provinces, which may always be looked to as the basis of their prosperity, and which now yields about 150,000,000 dollars annually, we shall now glance at other features which, though less important at present, yet afford for consideration, an inviting aspect. Besides a fertile soil and magnificent forests, the provinces possess inexhaustible mineral resources, such as are accessories to civilization and material, attractions to enterprise and skill. In Nova Scotia, gold, iron, coal, and copper are found in

abundance. The quantity of coal at present raised is half a million of tons per annum. Four years ago gold was discovered, and now 151 mines are being worked, yielding in the way of revenues and royalties 20,000 dollars annually, New Brunswick, in common with Nova Scotia, has gold, iron, and extensive coal deposits, extending over seven millions of acres. Newfoundland has a coal formation of 1000 to 1500 feet in thickness; but it has not been worked, owing to other more profitable employments absorbing the attention of the inhabitants. As Canada has no coal, though abundance of iron ore and copper, it will be seen what an important bearing the possibility of obtaining supplies from the Lower Provinces may have in after years. Gold has been found in Canada, but thus far the yield is insignificant. Throughout the mineral regions of Canada forest trees exist in sufficient abundance to render the absence of coal for smelting purposes less felt than it otherwise would be. But the time will come when, wood being no longer at the disposal of the miner, coal will have to be resorted to. The profusion of iron ore in Canada, awaiting the magic touch of the capitalist to add to the country's riches, is wonderful; and the copper mines in both the Upper and Lower Provinces have already given such evidences of productiveness as to justify the expressed opinion as to their national value.

Apart from these agricultural and mineral resources, there exists a guarantee for solid prosperity in the exhaustless fisheries that lie at the very threshold of the proposed Confederacy. Their value cannot be over-estimated, and the many times they have been the subject of diplomatic contest shows that their importance has been in some degree, appreciated. For several centuries the governments of various countries have regarded them with envious eye. France has ever shown herself eager to push her interests in this quarter, and placing a proper estimate on their commercial and political importance, has lavished large sums on what she regarded as an investment producing an adequate money return as well as a nursery for her seamen.⁴ It was a maxim with the French Government that the North-American fisheries were of more national value in regard to navigation and power than the gold mines of Mexico could have been if the latter were possessed by France. The number of men now employed by her in these fishing stations is about 11,500, and for years large bounties have been paid to encourage her seamen to engage in the occupation of fishing. The return from the French fisheries cannot be less than 3,000,000 dollars a year. On January 14, 1857, the French Government obtained from England certain concessions relative to fishery rights on the coast of Newfoundland, but the alarm created in the Maritime Provinces by what they looked upon as inflicting injury upon their interests, and the refusal of Newfoundland to accede to the terms of the treaty, prevented it from taking effect.

Nor are the United States wanting in appreciation of the benefits to be derived from a prosecution of this branch of trade. President Pierce, in his Message to Congress (Dec. 1862), in alluding to the Reciprocity Treaty, said: "The treaty between the United States and Great Britain of 5th June, 1854, which went into effective operation in 1855, put an end to causes of irritation between the two countries by securing to the United States the right of fishing on the coast of the British North-American provinces with advantages equal to those enjoyed by British subjects. Besides the signal benefits of this treaty to a large class of our citizens in a pursuit connected in no inconsiderable degree with our national prosperity and strength, it has had a favourable effect, &c."

The amount expended in bounties now averages 300,000 dollars annually, and the return is estimated at about eight and a half millions of dollars. The advantage of position enjoyed by the Maritime Provinces naturally attracts capital and enterprise from other pursuits to profit by an employment so lucrative as that placed by nature within their very grasp. They see with chagrin the treasures of the deep snatched from before their eyes, and going to the enrichment of foreigners, while the apathy of their fellow-colonists living inland prevents a just share being appropriated by those who should profit most by them. Without a system of

⁴ See the Report by M. Ancet for 1851, and that by M. Coste for 1861. [*The Westminster Review*]

"The Canadian Confederacy," Westminster Review—continued

bounties (except as regards Canada) the value of fish, fish-oil, and seal-skins exported from these provinces (independently of what was consumed in domestic use) is thus given—

Nova Scotia	\$2,335,104
New Brunswick (1862)	303,487
Newfoundland (1862)	3,760,010
Prince Edward Island ⁵	
Canada (1862)	703,896

We have not the returns necessary to found an accurate statement of the aggregate value of these fisheries, but competent authorities have suggested 20,000,000 dollars as falling short of the actual yield.

Possessing 5000 miles of sea-coast, the British North-American provinces when consolidated into one power would possess not only all the materials necessary for constructing and equipping ships of war, but also bands of skilful and hardy seamen wherewith to man a powerful fleet. Already their united commercial marine shows an amount of tonnage that would entitle a Confederacy such as is proposed to take high rank as a maritime power. The following table shows the tonnage required for the accommodation of trade:—

	Inwards.	Outwards.	Total.
Nova Scotia (1863)	712,939	719,915	1,432,954
New Brunswick	659,258	727,722	1,386,980
Prince Edward Island (1861)	79,580	87,518	167,098
Newfoundland (1861)	696,763	695,582	1,392,345
Canada (1863)	4,580,010	4,460,327	9,040,337
	6,728,550	6,691,064	13,419,614

The tonnage employed by Canada on the inland lakes is stated to be 6,907,000 tons, but this includes many coasting vessels, between whose arrival and departure a very short interval elapses, so that a very great deduction must be made to express correctly the actual tonnage. But the sea-going tonnage of Canada amounts to 2,133,000 tons. The opportunities for commerce are such as to indicate the natural increase of the colonial marine. The facilities for ship-building turn the attention of a large number not only to the supply of the home demand, but also to competition in foreign markets for the sale of vessels. In 1832 the tonnage of vessels built in British America amounted to only 33,776 tons; in 1863 the number of vessels built was 645, with a capacity of 219,763 tons,⁶ and representing an export value of 9,000,000 dollars. The number of sailors and fishermen of these colonies, as shown by the last census returns, is 69,256.

The total population of the united colonies cannot be said to indicate great strength, considering the vast region over which it is spread; it must, however, be regarded as a respectable nucleus of a nationality which the varied resources of the country will in time fill up and extend by attracting immigration. In five years Nova Scotia has doubled her population, while Canada has increased from 1,147,349 in 1842 to 2,507,657 in 1861; Upper Canada presenting the most rapid increase, as in 1842 her population numbered 486,055, and in 1861,

⁵ We regret to be unable to obtain in time for publication in this article the statement of the value of fish, &c., exported from Prince Edward Island. [*The Westminster Review*]

⁶ Speech of Finance Minister of Canada, Feb. 7, 1865. [*The Westminster Review*]

1,396,091. The population of the six provinces is represented by the census of 1861 to be thus distributed:—Upper Canada, 1,396,091; Lower Canada, 1,111,566; Nova Scotia, 338,857; New Brunswick, 252,047; Newfoundland, 122,635; Prince Edward Island, 80,857 : total, 3,294,056. Adding to this the increase from every source since 1861, and the numbers necessarily omitted, the whole population may be assumed to be nearly 4,000,000 of souls. If we place this aggregate in comparison with the population of European countries ranking as substantial powers—for instance, Portugal, 3,570,000; Holland, 3,500,000; Denmark, 2,480,000; Greece, 1,150,000—we are enabled to form a pretty fair idea of the position a British confederacy may ere long hold among the nations of the earth. The following tabulated statement shows the fighting material available for defensive purposes:—

Upper Canada, from	20 to 30	128,740	
	30 to 40	84,178	
	40 to 50	59,660	
	50 to 60	36,377	308,955
Lower Canada, from	20 to 30	93,302	
	30 to 40	59,507	
	40 to 50	42,628	
	50 to 60	30,129	225,620
Nova Scotia, from	20 to 60		67,367
New Brunswick, from	21 to 40	33,574	
	40 to 50	10,739	
	50 to 60	7,312	51,625
Newfoundland, from	20 to 60		25,532
Prince Edward Island, from	20 to 45	11,144	
	45 to 60	3,675	14,819
Total males from	20 to 60		693,918

The ebb and flow of the tide of population in a new country such as America presents curious results. While the population is being augmented from without, localities and sections of country suffer from the constant drain made upon them by the attractions of older or more inviting parts of the continent. The young Canadian or Nova Scotian, seduced by the prospect of an enlarged scope for ambition or the hope of acquiring a fortune more rapidly than he could do at home, deserts his native land to push his way in the adjoining States or the extreme west of the continent. Even the French Canadians, noted for their attachment to their native soil, become restive, and are found bold enough to seek new homes among a people whom they have been taught to regard as hostile to all that they hold sacred. The number of British colonists now residing in the United States is very great. It is said that there are 20,000 Canadians alone in the Federal army. What has contributed to this self-expatriation has undoubtedly been the want of inter-course between colonies which offer every inducement to industry. Instead of an interchange of floating population, the current has gone in a foreign direction, and thousands of young men have not only been lost to the colonies, but have gone to the building up of their rivals. As districts now scarcely rescued from native wildness become more closely settled, and intervening tracts that serve as so many barriers to communication are pierced by advancing civilization, communities now almost strangers to each other will feel the uniting influences of trade, and present to the colonial youth a greater diversity of pursuits than the limited means and distracted energies of each province have been able to open up.

THE QUEBEC RESOLUTIONS

"The Canadian Confederacy," Westminster Review—continued

Notwithstanding the disadvantages incident to divided counsels and sectional legislation, the provinces have advanced very rapidly in material wealth. Small markets have stunted their manufactures, but their great staples have enabled them to grasp and retain a fast hold on international trade. Their exports and imports already exceed those of the United States in 1821. The returns of 1863 are presented in one view in the following table—

	Imports.	Exports.	Total.
Canada	\$45,964,493	\$41,831,532	\$87,796,025
New Brunswick	7,764,824	8,964,784	16,729,608
Nova Scotia	10,201,391	8,420,968	18,622,359
Prince Edward Island	1,428,028	1,627,540	3,055,568
Newfoundland	5,242,720	6,002,312	11,245,032
	\$70,601,456	\$66,847,186	\$137,448,592

While this trade in the aggregate is large, the part of it strictly intercolonial bears but a small proportion to that carried on with foreign countries. In 1863 the total imports by the St. Lawrence from the British North-American colonies to Canada amounted to 568,806, and the exports of Canada to the other colonies to 992,738 dollars. This low state of intercolonial trade is attributable to the hostile tariffs put in force by each province, amounting in effect to the exclusion of each other's products. Free trade between them will no doubt remedy the evil to a great extent. In the three years preceding the Reciprocity Treaty, the exports of the United States to these provinces were 48,216,518, and the imports 22,588,577 dollars. During the ten years in which the treaty has been in operation, from 1854 to 1863, the expansion has been unexampled, showing an aggregate of exports to the value of 256,350,931, and of imports to the value of 200,399,786 dollars.⁷

It is very natural for the colonists to argue that if reciprocity between them and the United States lent such an impetus to trade, reciprocity between all the provinces would likewise cause an increase in their trade with each other. A large proportion of the goods which the maritime provinces now buy in the States could be supplied by Canada, and the competition would not be with the productions of Great Britain, but with those of the States.⁸ The imports of all kinds of agricultural produce in New Brunswick amounted in one year to 2,060,702 dollars, of which Canada supplied only 177,328. Most of the flour is of Canada growth and manufacture, and instead of its being procured from Portland in the United States, it could be laid down at the head of the St. John River in New Brunswick as cheaply as it is carried to Portland. The New Brunswick Comptroller of Customs, in his report for 1863, says—"If New Brunswick were connected with Montreal and Quebec by direct railway communication through British territory, our imports from the States would decrease immediately, as much of our flour and other supplies could come direct from Canada."

The same might be said of the other provinces. The subject of intercolonial reciprocity has been considered by the colonists, and various schemes have been suggested to change a state of things which all looked upon as anomalous, but which, being beset with difficulties, offered little prospect of a satisfactory or immediate improvement. In 1862 the Legislature of Nova Scotia passed resolutions empowering the Government to negotiate with the neighbouring provinces for an interchange of articles duty free. The Finance Minister of Canada gave his attention to the proposition, and reported to his colleagues the result of his examination. He said:—

⁷ Senator Sumner- Speech on the Reciprocity Treaty in Congress, Jan. 11, 1865. [*The Westminster Review*]

⁸ Report of Canadian Finance Minister on Intercolonial Reciprocity, 1862. [Vol. LXXXIII. No. CLXIV.]—NEW SERIES, Vol. XXVII. No. II. O O [*The Westminster Review*]

"If a complete customs union could be formed between the provinces under which they could interchange, without restriction, all goods the produce and manufacture of whatever country, it would have a beneficial effect. But as, to carry such a union conveniently into effect, greater uniformity in the tariffs of the colonies must be secured, which would be almost impracticable under their present condition, the undersigned contents himself with recommending that, in answer to the despatch of the Nova Scotia Government, a proposal be made for the reciprocal free admission of all articles the growth, produce, and manufacture of Nova Scotia and any other province becoming a party to the agreement that may be founded on this proposal."

The delegates from the provinces of Canada, Nova Scotia, and New Brunswick, who met to consider the subject, came to the conclusion that the free interchange of goods and uniformity of tariff were indispensable consequences of the construction of the intercolonial railway, and that the diminution of the revenues of the respective provinces, from various causes, did not warrant the adoption of measures to carry the principle into effect.

The necessity for a line of railway between Canada and the Lower Provinces has been apparent for years past, and the project has occupied the attention of the imperial as well as the colonial authorities. The trade of Canada is dependent, in a great degree, upon the temper and feelings of the United States. For five months in the year exit by the St. Lawrence is completely cut off, and during this period Portland is the Canadian seaport. Should the Portland section of the Grand Trunk Railway be closed at any time, all communication with Europe must be carried on by the overland route to Halifax, and Canada would be forced to resort to the old system of importation by way of the St. Lawrence during the season of open navigation. The repeal of the Reciprocity Treaty and the abolition of the bonding system will compel Canada to find other outlets than those now available, and will force her to seek relief from a virtual blockade by connecting herself with the other colonies. For defensive purposes the road may also be of advantage, in enabling masses of troops to pass rapidly from province to province. However, as matters now stand, it is the only possible way of forestalling the consequences of complete isolation. The importance of the undertaking has never been questioned.

Lord Durham, in the report to which we have already referred, said—"The completion of any satisfactory communication between Halifax and Quebec would in fact produce relations between these provinces that would render a general union absolutely necessary." In 1843 the Imperial Government caused a survey to be made with reference to a military road, and in 1848 Major Robinson and Captain Henderson reported as to the fitness for railway purposes of the proposed route. In a correspondence between Lord Elgin and Earl Grey in 1848, the former insisted strongly on the advantages likely to accrue from the construction of the line; among others, that it would "tend to unite the provinces to one another and to the mother country, and to inspire them with that consciousness of their own strength and of the value of the connexion with Great Britain, which is their best security against aggression." The Legislatures of Canada, New Brunswick, and Nova Scotia passed acts for the promotion of the undertaking. In 1851, Lord Derby, in the House of Lords, expressed himself in favour of the construction of the line; and in 1852 Sir John Pakington, in a despatch to Lord Elgin, gave expression to the views of the Imperial Government, declaring their intention to fulfil the just expectations held out by their predecessors. In a despatch from the Duke of Newcastle, dated April 12, 1862, a proposal was made, couched in the following terms:—

"Anxious, however, to promote as far as they can the important object of completing the great line of railway communication on British ground between the Atlantic and the westernmost parts of Canada, and to assist the provinces in a scheme which would

so materially promote their interests, her Majesty's Government are willing to offer to the Provincial Governments an Imperial guarantee of interest towards enabling them to raise by public loan, if they should desire it, at a moderate rate, the requisite funds for constructing the railway.... The nature and extent of such guarantee must be determined by the particulars of any scheme which the Provincial Governments may be disposed to found on the present proposal, and on the kind of security they would offer."

In September, 1862, delegates duly appointed by the provinces met at Quebec to consider the proposal, and a memorandum of agreement was drawn up. Owing to a subsequent dissatisfaction with some of the conditions precedent proposed by the Imperial Government, the effort proved abortive. The objections to the construction of the line have been the probable immediate loss connected with it as a commercial speculation, owing to the insufficiency of paying freights, the difficulty of keeping it in running order in winter, and its uselessness for military purposes, owing to its proximity to the frontier. In its favour the arguments rest on a national, military, and commercial basis; that it furnishes the surest means of bringing about a confederation, that it will enable troops to be moved rapidly across British territory, and facilitate the concentration of masses of men, and that it will counterbalance to a certain extent the pressure of the United States on Canada by affording another method by which the foreign mails can be carried, and access to the seaboard obtained for Canadian products and manufactures; besides effecting a saving of time in the transmission of European and American correspondence. The length of railway to be built is estimated at 350 miles;⁹ this, however, may be under the mark. When this line is constructed there will be a complete railway connexion from Halifax on the Atlantic to the shores of Lake Huron.

Thus far the energies of the different provinces have been directed to schemes of internal improvement, promoting facility of internal communication, and every effort has been put forth to secure the vast trade of the West, whose natural channel is the St. Lawrence. Costly though the struggle has proved, yet it is not fruitless. Every mile of railway has paid for itself tenfold in opening up the country and increasing the value of property, and the magnificent canal system has overcome the natural obstacles by which navigation was impeded and commerce forced into other and foreign channels. The benefits conferred will not be confined to one province, but must be shared with all to a greater or less extent, from their very nature. To sustain and extend the public works already in existence, and to call others into being that will act as feeders to them, can only be done efficiently, where the aim is a common prosperity, by unity of action and a clubbing of resources. It will be found that the Canadian Confederacy will set out with a respectable income. Its financial standing may be judged of from the following statement of liabilities, revenues, and expenditure:—

1863.	Debt.	Receipts.	Payments.
Canada	\$67,263,995	\$14,382,508	\$14,909,182
New Brunswick	5,778,000	894,836	884,613
Nova Scotia (about)	5,000,000	1,185,629	1,072,274
Newfoundland	946,000	480,000	479,420
Prince Edward Island	240,673	197,384	171,718
	\$79,228,668	\$17,140,357	\$17,517,207

⁹ Despatch of Duke of Newcastle, April 12, 1862. [*The Westminster Review*]

Summing up the resources of the provinces about to assume the attitude of a distinct power, we find that they possess every element that enters into the formation of a nationality which will, if properly guided, stand the test of time.

We are thus enabled to see at a glance the magnitude of the interests to be dealt with by the delegates appointed to the Quebec conference, and we can imagine the difficulties that presented themselves at every step in their negotiations, while striving to reconcile the prejudices of localities hitherto having complete control over their own affairs. The necessity for securing different races against mutual aggression, and protecting religious views from an intolerance already busy in sowing seeds of discord, involved problems not easy of solution. Had there been any inclination to trifle with the main object of their meeting, or a disposition to throw obstacles in the way of its attainment, the result of the convention would have extinguished all hope of a British American confederation for years to come, as well as suggested grave doubts as to the future peace and welfare of colonies so situated as the British North-American colonies are.

But great responsibilities outweighed narrow-minded views, and mutual concession enabled the delegates to lay down a substantial basis for a consolidated government. The scheme is outlined with prudent forethought, and in detail evinces the care of practical statesmanship. As a whole it is acceptable, taking it for granted that it is the best that could be arrived at. Its authors tell us that they were anxious to follow, as far as circumstances would permit, the model of the British Constitution. How far circumstances controlled their desires, an examination of the prominent features of the resolutions embodying their conclusions will show. The principle of federation, which forms the basis of the whole scheme, presents the widest departure from the model they were professedly anxious to follow.

This Confederacy is not, at first at least, to assume the character of an independent government. The executive authority, the shape and title of which are left undefined, is to be vested in the Queen. We are thus to have a confederation of colonies, with the Queen at their head. Whether its chief executive officer is to be known as Governor-General, or is to have the title and rank of Viceroy, are points apparently reserved for the determination of Parliament. All that the representatives of the several provinces undertook to determine was that the chief executive officer should be nominated by the Crown. It is of the very highest importance to the provinces that this office should be made one worthy the ambition of a statesman. The governors of Canada have necessarily, for the most part, been men of little or no mark at home. It would be very difficult to induce a rising statesman to abandon the prospects which a successful career in the House of Commons opens to him for any attractions that the Governor-Generalship of Canada, as heretofore constituted, has had to offer.

At the time of the union of the two Canadas, Lord Sydenham debated in his own mind whether he should make the salary of the governor six or eight thousand pounds sterling, but the former sum was determined upon. In the near neighbourhood of the American Republic, where the chief executive officer is confined to a salary of 25,000 dollars per annum, it may easily be conceived that many of the colonists regarded the salary of their Governor-General as very extravagant; and even as late as 1849, the Legislative Assembly of Canada, in a spasmodic fit of economy, expressed the opinion that a saving in this item ought then to have been effected.

As a natural consequence of this rate of remuneration, excessive as it may have seemed to a portion of the colonists, Canada has found it necessary to be content with, on the whole, an inferior order of men for governors. The two most striking exceptions have been those of Lord Sydenham and Lord Elgin. Nor is this the worst. It has happened more than once that the poverty rather than the will of the person selected for this post has induced him to accept the appointment; and the necessity for nursing the dilapidated fortunes of these functionaries has sometimes gone far to bring the representative of the Crown into discredit with the people. It is apparently to be left to our Parliament to fix the salary of the executive head of the

confederation, and it is essential that, without being extravagant, it should be such as will attract men with some pretension to statesmanship.

The complexity inherent in all federations will be increased by the fact of this federation being one of colonies. Above their government, and vested with supreme sovereignty, is the authority of Parliament and the Queen; below will be that of the lieutenant- governors of the provinces, deriving their appointment and receiving their pay from the federal executive. Under this tertiary authority, in Canada at least, there prevails an elaborate and an expensive, because extravagant, gradation of municipalities, beginning with the village and ending with the aggregation of townships which forms the county municipality. A system of government so intricate, combining the imperial, the federative, the local, and the municipal elements, will, from its very nature, be exceedingly complex, and must be something like proportionately expensive. But there is no choice in the matter. Federation forms the only possible principle upon which British America can now be united. Lower Canada—of which a large majority of the population is of French extraction— being sensitively tenacious of its national distinctions, with the peculiar customs and rights growing out of them, could not, from its dread of absorption, be induced to assent to any closer form of union. Whether some of the other provinces might not have refused to surrender the privileges of local legislation may also be a question; for even now objections are made by the opponents of federation that the scheme exacts too great a surrender of local rights.

The relations between the Government and the chief executive officer of the confederacy will apparently differ in no respect from those which are at present subsisting between the Colonial Office and the government of any colony having representative institutions. The colonists advance with excessive timidity to whatever has the appearance of ultimate independence, and they seem to be wholly unconscious that they are framing a confederation which is to form a stepping-stone to this final end. It is not that four millions of people might not desire independence, if circumstances assured them of being able to maintain it. But the thoughtful colonist, aroused by the gigantic war which is going on in the neighbouring republic, finds it necessary to look carefully to his position on the American continent. The overshadowing predominance of a single state is the question which that war appears to him to be about to decide; for if the North can succeed in binding once more the broken fragments of the old Union, he fears an attempt to apply to the whole of Northern America the modern and exaggerated reading of the Monroe doctrine. For British America there is, therefore, no absolute independence. She must lean somewhere for support, and her inclinations, if not her interests, lead her to prefer a species of dependence upon the mother country, which shall be something more, though perhaps not much more, than a national alliance.

An ardent partisan of the perfect federative principle might find in the proposed constitution reason to object that it is not being dealt fairly by; that under the guise of federation there lurks a manifest desire and persistent determination to establish a form of government that will in effect partake of nearly all the characteristics of a legislative union. The theory of the United States' constitution is, that the general government can exercise such powers only as are specially delegated to it by the separate states. The Quebec convention has attempted to reverse this principle by investing the confederate legislature with powers over all matters of a general character not specially and exclusively reserved for the local governments and legislatures." Thus the residuum of unappropriated powers, whatever it may be, goes to strengthen the influence of the central government. Of the same character is the right of the federal government to appoint the local governors during pleasure. Nor will the circumstance of these functionaries being irremovable for five years, except for cause, be much, if any, check upon the centralizing tendency; for it is not to be supposed that the federal government would want the ingenuity to have a decent pretext for the removal of an obnoxious governor. In addition to this, the general government is to have a veto on the acts of the local governments. It is impossible to mistake the direction in which these provisions point, and they are calculated to raise the question whether there exists the most perfect conformity and good

faith between the semblance and essence of the yielding to local interests in the name of federation. Any attempt of this nature at overreaching would be very likely, by creating dissatisfaction, to recoil upon the masked advocates of centralization, who, in the initiatory stages, doubtless flattered themselves that they were stealing a march on the opposing principle.

The two Federative Chambers are to be respectively called the Legislative Council and the House of Commons. In the formation of the Legislative Council is another and perhaps more excusable compromise of the federal principle. It is a peculiarity of the United States' constitution that every State, great or small, is equally represented in the Senate. In this way the federative equality of all the States is maintained. The six provinces which are at first to form the British American Confederation are to be represented in the Legislative Council, not in their individual characters but in three several groups, of which the Canadas are to form one each, and the Maritime Provinces, exclusive of Newfoundland, a third. It may be perfectly just that neither Newfoundland nor Prince Edward Island should be allowed to stand on an equal footing with the great province of Upper Canada in the Legislative Council, but the disallowance of this right, nevertheless, negatives the idea of that equality which seems to belong to a perfect form of federation.

Twenty-four is the common number by which these three divisions are to be represented in the Legislative Council. A subdivision has been made for the Maritime Provinces, under which Nova Scotia and New Brunswick are each to have ten councillors, and Prince Edward Island four. Newfoundland, which was not officially represented at the Convention, is to be allowed to enter the union with four members. The scheme embraces prospectively the entrance into the union of the Northwest Territory, British Columbia, and Vancouver Island, just as the articles of confederation of the thirteen colonies made provision for the admission of Canada into the United States league. These distant colonies are not parties to the scheme, and it is only stipulated that they may be admitted in the future on such conditions as the Colonial Parliament may prescribe and the Imperial Parliament sanction. Practical men could hardly talk seriously about an extension, at the present time, of the proposed union from Newfoundland to Vancouver. Between Canada and British Columbia an unsettled wilderness, across which runs the great wall of the Rocky Mountains, intervenes. Without something like continuous settlements, and, at any rate, without other facilities for travel than those which at present exist, so extended an union is out of the question.

The promises of colonization made in the name of the Hudson Bay Company when it changed its proprietary, seem to have been already recalled. Add to this the disputed ownership of territory between the Company and Canada; the acknowledged want of means on the part of the proposed Confederacy to open up this country to civilization, and the hesitation of England to move in the matter, and it will become impossible to fix any probable time at which the extension of the new confederation of British America to the Pacific will be practicable. Another obstacle may be created by such action on the part of a much-neglected colony known as the Red River Settlement as will result in its annexation to the United States. Much discontent exists among the settlers there as to their present relations with their sister colonies and the empire; and their proximity to the American border, with its pushing and hardy settlers, should obtain for them that consideration which the future, if not the present, renders advisable.

The mode of appointing the legislative councillors suggested some difficulties. Of the five existing colonies three had adhered to the principle of Crown nomination; the other two, Canada and Prince Edward Island, had resorted to the principle of popular election. The delegates decided not to sanction the election by a popular vote of both houses of the Confederate Legislature, though some among them advocated the carrying the elective principle to this extreme. It was thought that if both chambers were made elective, it would be impossible long to restrain the Legislative Council to those limits within which it has hitherto been confined; that it would demand the right to alter money bills; and that as its popular credentials

would be just as strong as those of the other house, the demand could not long be resisted. Besides, it was feared that some of the overgrown electoral divisions would claim a representation more nearly in accordance with their population, and that as the principle of representation according to population was to be made the basis of the House of Commons, it might become impossible to check an encroachment which would destroy every semblance of federal equality in the Legislative Council.

Some strange conditions have been attached to the selection by the Crown of legislative councillors. Far from leaving the Crown unfettered in its choice, the delegates thought it essential to prevent the appointment of any one of immature years to the dignified post of senator, and they decided that no one under thirty years of age should be capable of receiving this mark of distinction. To the qualification of age they thought fit to add one of property, which was placed at 4000 dollars, over all incumbrances, in real estate. An exception, however, was made in the case of Newfoundland and Prince Edward Island, where the property might be either real or personal. Another restriction on the power of the Crown, is the limiting of the number of councillors to eighty-two. reason for determining upon a fixed number was, that it would ensure to each province a certain proportional representation, which would be otherwise impossible.

Mr. Cardwell, in a despatch to the Governor-General of Canada, has objected to this fixity of numbers, on the ground that it may bring the legislative machinery to a standstill. There is no indication, however, that the local legislatures, in adopting the scheme, will comply with his suggestions to alter the provision. The Legislative Council is to be composed, in the first instance, of persons selected from the existing local councils—a mode of selection possibly intended to influence those bodies in their action on the proposed scheme. Even the elected councillors, in the provinces where the elective principle has been adopted, will for the most part be well enough contented with a change which relieves them from the cost and trouble of elections and the direct supervision of constituents.

Strangely enough, every one of the twenty-four councillors for Lower Canada is to be held to represent a particular electoral division, in which he must either reside himself or possess the property forming his qualification. This anomalous provision was introduced for the purpose of ensuring the English minority in that province a fair proportion of representatives in this chamber. The introduction of anything like an aristocratic element into the Legislative Council will be out of the question. In framing the Constitutional Act of 1791 for Canada, Pitt proposed to establish an hereditary chamber; but though the provision continued in force till within a few years, it was never acted on in a single instance. A French traveller remarked long ago that the atmosphere of America seemed charged with democratic ideas of liberty. Their influence is not confined to the great American republic, and any attempt to improvise an aristocratic order must prove abortive.

It is one of the disadvantages under which a new country lies that it has not a sufficient number of men of leisure, education, and property to fill the various legislative and executive positions. The quality of the Council is likely to be somewhat better for being selected by the Crown in the manner proposed, than it would be if elected under a suffrage so low as prevails at present. A trial of the two plans in Canada goes to show this, though perhaps not in any very striking degree. There is a contrast in the manners and habits of the two chambers in Canada. The Assembly is frequently violent and hasty; the Legislative Council is calm, dignified, but as a rule exceedingly facile, passing in an hour a measure over which the other house would wrangle for a month. The dignified indolence and quiet haste of the Legislative Council are due to the remnant of the non-elective membership, which, in spite of every new popular accession, has always sufficed to fix the character of the chamber. These qualities, perhaps, in some modified degree, will be transmitted by the proposed succession to the Legislative Council of the new confederation.

The Confederate House of Commons is to be based on the sole element of population, as determined every decade by the official census. A readjustment of the representation will take

place every ten years, but no reduction is to be made in the number of members returned by any section until its population shall have decreased five per cent. relatively to the whole population of the union. The word section, as here used, is of obscure and uncertain meaning, and is capable of various interpretations. If a constituency be meant, or any number of constituencies, or a province, it would be better to say so. To Lower Canada are to be permanently assigned 65 members, and each successive readjustment is to be made upon this standard. In the first instance, it is proposed that the House of Commons shall contain 194 members, of whom Upper Canada is to send 82, Lower Canada 65, Nova Scotia 19, New Brunswick 15, Newfoundland 8, and Prince Edward Island 5. The number may at any time hereafter be increased by the general legislature. The term for which the House is to be elected is five years—subject, of course, to be dissolved sooner if necessary. This is a longer term by one year than that for which any of the local legislatures are now elected. The extension of the parliamentary term will offer men who have neither time nor money to throw away in frequent elections in widely-spread constituencies, stronger inducements to enter public life than formerly. All laws relating to the qualification or disqualification of members, or of voters, now in force in the various provinces, are to remain undisturbed till the general legislature can supersede them by the adoption of some uniform plan.

A federative system necessarily involves something in the shape of a written constitution. It is required to define many of the powers which are respectively to be vested in the general and in the local legislatures; and to do this with such precision as to prevent any doubts afterwards arising is one of the main difficulties in the formation of such a constitution. Thirty-seven subjects of legislation are expressly named in connexion with the general legislature, and eighteen only in connexion with the local legislatures. The enumeration does not profess to be complete in either case, and a general clause is added comprehending all other subjects of a general or private nature, as the case may be. In some cases, including fisheries, agriculture, and immigration, a concurrent power of legislation is given. But it is evident that the power of the general government in respect of immigration will be very much restricted. The best way to attract immigrants is to offer them free grants of land. By the terms of union the several provinces will retain the public lands; so that, with the exception of the Crown lands of Newfoundland, which it is proposed to purchase at a figure disproportionate to their value, the general government will have no land to grant. It seems to have been regarded as impossible to make any arrangement by which the public lands of the various provinces should become vested in the general government; but surely this ought not to have been a more difficult achievement than the adjustment of so many public debts of different relative amounts. Whether any effort was made to place the public lands under the general government does not appear, but it seems to have been accepted as impossible from the outset.

England should do for them, and what the colonies ought to do in their own defence, are questions much debated. The ideas of the colonists are not very ambitious on the point of military expenditure, for they set out with the notion that a million of dollars a year is all they can afford. This sum will doubtless expand with their resources, or under the pressure of necessity. At present the colonists are firm in their determination to preserve their connexion with the mother country, and it is scarcely probable that the United States will drag into their Union an unwilling population on their northern boundary. They would be virtually placing their republic between two fires. As it is, they will have trouble enough with the Southern States for a long time to come. Although there are many obstacles in the way of the formation of the proposed Confederacy, yet when, as in the present case, these are clearly perceived and calmly weighed, they cease to be hindrances which need excite apprehension. With the men of education, intellect, experience, and position among the colonists nearly unanimous in support of the proposed scheme, with the Home Government cordially assenting to it, and prepared heartily to co-operate in giving it the force of law, with Parliament almost pledged beforehand to regard it with especial favour, there is no rashness in concluding that the establishment of a great British power on the American continent has ceased to be the glorious

THE QUEBEC RESOLUTIONS

"The Canadian Confederacy," Westminster Review—continued

vision of a remote future, and will soon be numbered among the most splendid achievements of the present generation.

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THE QUEBEC RESOLUTIONS



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(XXX.) THE QUEBEC RESOLUTIONS, 1864,
AS ADOPTED IN THE LEGISLATURE OF THE
PROVINCE OF CANADA

MARCH 14, 1865

Source: [Library and Archives, MG 26 A, Vol. 46, 18210-18216](#)

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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, October 10th of 1864, as the basis of a proposed Confederation of those Provinces and Colonies.

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 Federation of the *British North American* Provinces, the system of Government best adapted under existing circumstances to protect the diversified interest of the several Provinces, and secure efficiency, harmony and permanency in the working of the Union, would be a general Government, charged with matters of common interest to the whole country; and Local Governments for each of the *Canadas*, and for the Provinces of *Nova Scotia*, *New Brunswick* and *Prince Edward Island*, charged with the control of local matters in their respective sections. Provision being made for the admission into the Union, on equitable terms, of *Newfoundland*, the *North-West Territory*, *British Columbia* and *Vancouver*.
3. 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 people of these Provinces, desire to follow the model of the British Constitution, so far as our 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 or Representative of 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 Federated Provinces, composed of a Legislative Council and a House of Commons.
7. For the purpose of forming the Legislative Council, the Federated Provinces shall be considered as consisting of three divisions: 1st, *Upper Canada*, 2nd, *Lower Canada*, 3rd, *Nova Scotia*, *New Brunswick* and *Prince Edward Island*; each division with an equal representation in the Legislative Council.
8. *Upper Canada* shall be represented in the Legislative Council by 24 members, *Lower*

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Quebec Resolutions, final version — continued

Canada by 24 members, and the 3 Maritime Provinces by 24 members, of which *Nova Scotia* shall have 10, *New Brunswick* 10, and *Prince Edward Island* 4 members.

9. The Colony of *Newfoundland* shall be entitled to enter the proposed Union, with a representation in the Legislative Council of 4 members.
10. The *North-West Territory*, *British Columbia* and *Vancouver* shall be admitted into the Union on such terms and conditions as the Parliament of the Federated Provinces 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 Members of the Legislative Council shall be appointed by the Crown under the Great Seal of the General Government, and shall hold office during life; if any Legislative Councillor shall, for two consecutive sessions of Parliament, fail to give his attendance in the said Council, his seat shall thereby become vacant.
12. The Members of the Legislative Council shall be *British* subjects by birth or naturalization, of the full age of thirty years, shall possess a continuous real property qualification of four thousand dollars over and above all incumbrances, and shall be and continue worth that sum over and above their debts and liabilities, but in the case of *Newfoundland* and *Prince Edward Island* the property may be either real or personal.
13. If any question shall arise as to the qualification of a Legislative Councillor, the same shall be determined by the Council.
14. The first selection of the Members of the Legislative Council shall be made, except as regards *Prince Edward Island*, from the Legislative Councils of the various Provinces, so far as a sufficient number be found qualified and willing to serve; such Members shall be appointed by the Crown at the recommendation of the General Execu-

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tive Government, upon the nomination of the respective Local Governments, and in such nomination due regard shall be had to the claims of the Members of the Legislative Council of the Opposition in each Province, so that all political parties may as nearly as possible be fairly represented.

15. 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.
16. 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.
17. 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 194, distributed as follows: --

RELATED MATERIALS

Quebec Resolutions, final version — continued

<i>Upper Canada</i>	82
<i>Lower Canada</i>	65
<i>Nova Scotia</i>	19
<i>New Brunswick</i>	15
<i>Newfoundland</i>	8
<i>and Prince Edward Island</i>	5

18. Until the Official Census of 1871 has been made up, there shall be no change in the number of Representatives from the several sections.
19. Immediately after the completion of the Census of 1871, and immediately after every Decennial Census thereafter, the Representation from each section in the House of Commons shall be re-adjusted on the basis of Population.
20. 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 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 last taken by having sixty-five Members.
21. No reduction shall be made in the number of Members returned by any section, unless its population shall have decreased, relatively to the population of the whole Union, to the extent of five per centum.
22. 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.
23. The Legislature of each Province shall divide such Province into the proper number of constituencies, and define the boundaries of each of them.
24. The Local Legislature of each Province may, from time to time, alter the Electoral Districts for the purposes of Representation in such Local Legislature, and distribute the Representatives to which the Province is entitled in such Local Legislature, in any manner such Legislature may see fit.
25. The number of Members may at any time be increased by the general Parliament, -- regard being had to the proportionate rights then existing.
26. Until provisions are made by the General Parliament, all the laws which, at the date of the Proclamation constituting the Union, are in force in the Provinces respectively, relating the qualification and disqualification of any person to be elected, or to sit or vote as a Member of the Assembly in the said Provinces respectively; and relating to the qualification or disqualification of voters and to the oaths to be taken by voters, and to Returning Officers and their powers and duties, -- and relating to the proceedings at Elections, and to the period during which such elections may be continued, -- and relating to the Trial of Controverted Elections, and the proceedings incident thereto, -- and relating to the vacating of seats of Members, and to the issuing and execution of new Writs, in case of any seat being vacated otherwise than by a dissolution -- shall respectively apply to

Elections of Members to serve in the House of Commons, for places situate in those Provinces respectively.

27. Every House of Commons shall continue for five years from the day of the return of the writs choosing the same, and no longer; subject, nevertheless, to be sooner prorogued or dissolved by the Governor.
28. There shall be a Session of the General Parliament once, at least, in every year, so that a period of twelve calendar months shall not intervene between the last sitting of the General Parliament in one Session, and the first sitting thereof in the next Session.
29. The General Parliament shall have power to make Laws for the peace, welfare and good government of the Federated Provinces (saving the Sovereignty of *England*), and especially laws respecting the following subjects:
 1. The Public Debt and Property.
 2. The Regulation of Trade and Commerce.
 3. The imposition or regulation of Duties of Customs on Imports and Exports, -- except on Exports of Timber, Logs, Masts, Spars, Deals and Sawn Lumber from *New Brunswick*, and of Coal and other minerals from *Nova Scotia*.
 4. The imposition or regulation of Excise Duties.
 5. The raising of money by all or any other modes or systems of Taxation.
 6. The borrowing of money on the Public Credit.
 7. Postal Service.
 8. Lines of Steam or other Ships, Railways, Canals and other works, connecting any two or more of the Provinces together or extending beyond the limits of any Province.
 9. Lines of Steamships between the Federated Provinces and other Countries.
 10. Telegraphic Communication and the Incorporation of Telegraph Companies.
 11. All such works as shall, although lying wholly within any Province be specially declared by the Acts authorizing them to be for the general advantage.
 12. The Census.
 13. Militia -- Military and Naval Service and Defence.
 14. Beacons, Buoys and Light Houses.
 15. Navigation and shipping.
 16. Quarantine.
 17. Sea Coast and Inland Fisheries.
 18. Ferries between any Province and a Foreign country, or between any two Provinces.
 19. Currency and Coinage.
 20. Banking -- Incorporation of Banks, and the issue of paper money.
 21. Savings Banks.
 22. Weights and Measures.
 23. Bills of Exchange and Promissory Notes.
 24. Interest.
 25. Legal Tender.
 26. Bankruptcy and Insolvency.
 27. Patents of Invention and Discovery.
 28. Copy Rights.
 29. Indians and Lands reserved for the Indians.
 30. Naturalization and Aliens.
 31. Marriage and Divorce.

32. The Criminal Law, excepting the Constitution of Courts of Criminal Jurisdiction, but including the procedure in Criminal matters.
33. Rendering uniform all or any of the laws relative to property and civil rights in *Upper Canada, Nova Scotia, New Brunswick, Newfoundland and Prince Edward Island*, and rendering uniform the procedure of all or any of the Courts in these Provinces; but any Statute for this purpose shall have no force or authority in any Province until sanctioned by the Legislature thereof.
34. The Establishment of a General Court of Appeal for the Federated Provinces.
35. Immigration.

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36. Agriculture.
 37. And generally respecting all matters of a general character, not specially and exclusively reserved for the Local Governments and Legislatures.
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30. The General Government and Parliament shall have all powers necessary or proper for performing the obligations of the Federated Provinces, as part of the *British Empire*, to Foreign Countries arising under Treaties between *Great Britain* and such Countries.
 31. The General Parliament may also, from time to time, establish additional Courts, and the General Government may appoint Judges and Officers thereof, when the same shall appear necessary or for the public advantage, in order to the due execution of the laws of Parliament.
 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 Judges of the Superior Courts in each Province, and of the County Courts in *Upper Canada*, and Parliament shall fix their salaries.
 34. Until the Consolidation of the Laws of *Upper Canada, New Brunswick, Nova Scotia, Newfoundland and Prince Edward Island*, the Judges of these Provinces appointed by the General Government shall be selected from their respective Bars.
 35. The Judges of the Courts of *Lower Canada* shall be selected from the Bar of *Lower Canada*.
 36. The Judges of the Court of Admiralty now receiving salaries 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 only on the Address of both Houses of Parliament.

LOCAL GOVERNMENT.

38. 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 exercise of the pleasure as aforesaid, and also by Message to both Houses of Parliament, within the first week of the first

THE QUEBEC RESOLUTIONS

Quebec Resolutions, final version — continued

Session afterwards.

39. The Lieutenant Governor of each Province shall be paid by the General Government.
40. 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.
41. The Local Government and Legislature of each Province shall be constructed in such manner as the existing Legislature of such Province shall provide.
42. The Local Legislatures shall have power to alter or amend their constitution from time to time.
43. The Local Legislature shall have power to make laws respecting the following subjects: --
 1. Direct taxation, and in *New Brunswick* the imposition of Duties on the Export of Timber, Logs, Masts, Spars, Deals and Sawn Lumber; and in *Nova Scotia*, of Coals and other minerals.
 2. Borrowing money on the credit of the Province.
 3. The establishment and tenure of local offices, and the appointment and payment of local officers.
 4. Agriculture.
 5. Immigration.
 6. Education; saving the rights and privileges which the Protestant or Catholic minority in both *Canadas* may possess as to their Denominational Schools, at the time when the Union goes into operation.

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7. The sale and management of Public Lands excepting Lands belonging to the General Government.
 8. Sea Coast and Inland Fisheries.
 9. The establishment, maintenance and management of Penitentiaries, and of Public and Reformatory Prisons.
 10. The establishment, maintenance and management of Hospitals, Asylums, Charities, and Eleemosynary Institutions.
 11. Municipal Institutions.
 12. Shop, Saloon, Tavern, Auctioneer and other Licences.
 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, excepting those 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 organization 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.
44. The power or respiting, reprieving, and pardoning Prisoners convicted of crimes, and of

RELATED MATERIALS

Quebec Resolutions, final version — continued

commuting and 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 Parliament.

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45. 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.
46. 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*.
47. No lands or property belonging to the General or Local Governments shall be liable to taxation.
48. 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 House of Assembly, as the case may be.
49. 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 Lieutenant Governor, as the case may be, during the Session in which such Vote, Resolution, Address or Bill is passed.
50. 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.
51. 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.
52. The Seat of Government of the Federated Provinces shall be *Ottawa*, subject to the Royal Prerogative.
53. Subject to any future action of the respective Local Governments, the Seat of the Local Government 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.

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PROPERTY AND LIABILITIES.

54. 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

THE QUEBEC RESOLUTIONS

Quebec Resolutions, final version — continued

Government.

55. 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.
 4. Steamboats, Dredges and Public Vessels.
 5. River 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 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. Armories, Drill Sheds, Military Clothing and Munitions of War; and
 11. Lands set apart for public purposes.
56. All lands, mines, minerals and royalties vested in Her Majesty in the Provinces of *Upper Canada, Lower Canada, Nova Scotia, New Brunswick and Prince Edward Island*, for the use of such Provinces, shall belong to the Local Government of the territory in which the same are so situate; subject to any trusts that may exist in respect to any of such lands or to any interest of other persons in respect of the same.
57. All sums due from purchasers or lessees of such lands, mines or minerals at the time of the Union, shall also belong to the Local Governments.
58. All assets connected with such portions of the public debt of any Province as are assumed by the Local Governments shall also belong to those Governments respectively.
59. 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.
60. The General Government shall assume all the Debts and Liabilities of each Province.
61. 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; *Nova Scotia* shall enter the Union with a debt not exceeding \$8,000,000; and *New Brunswick* with a debt not exceeding \$7,000,000.
62. In case *Nova Scotia* or *New Brunswick* do not incur liabilities beyond those for which their Governments are now bound, and which shall make their debts at the date of Union less than \$8,000,000 and \$7,000,000 respectively, they shall be entitled to interest at five per cent. on the amount not so incurred, in like manner as is hereinafter provided for *Newfoundland* and *Prince Edward Island*; the foregoing resolution being in no respect intended to limit the powers given to the respective Governments of those Provinces, by Legislative authority, but only to limit the maximum amount of charge to be assumed by the General Government; provided always, that the powers so conferred by the respective Legislatures shall be exercised within five years from this date, or the same shall then lapse.

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

64. In consideration of the transfer to the General Parliament of the powers of

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Taxation, 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 1861; the population of *Newfoundland* being estimated at 130,000. Such aid shall be in full settlement of all future demands upon the General Government for local purposes, and shall be paid half-yearly in advance to each Province.

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

66. In consideration of the surrender to the General Government by *Newfoundland* of all its rights in Mines and Minerals, and of all the ungranted and unoccupied Lands of the Crown, it is agreed that the sum of \$150,000 shall each year be paid to that Province, by semi-annual payments; provided that the Colony shall retain the right of opening, constructing and controlling Roads and Bridges through any of the said Lands, subject to any Laws which the General Parliament may pass in respect of the same.

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

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

69. The communications with the *North-Western Territory*, and the improvements required for the development of the Trade of the Great West with the Seaboard, are regarded by this Conference as subjects of the highest importance to the Federated Provinces, and shall be prosecuted at the earliest possible period that the state of the Finances will permit.

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

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

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

THE QUEBEC RESOLUTIONS



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(XXXI.) CATALOGUE OF BOOKS IN LIBRARY OF
LATE RIGHT HON. SIR JOHN A. MACDONALD

MAY, 1900

Source: [Catalogue of books in library of late Right Hon. Sir John A. Macdonald \(1900\)](#)¹

[...]

HISTORY.

Baldwin, John D.—Prehistoric Nations; or Enquiries Concerning Some of the Great Peoples and Civilizations of Antiquity. New York, 1869.

History in All Ages. London, 1851

Merrivale, Herman—Historical Studies. London, 1865.

Robertson, William, (D.D.)—The Works of. 12 Vols. London, 1820

Townsend, George—The Manual of Dates. London. 1862.

Turner, Sharon, (F.S.A., R.A.S.L.)—The Sacred History of the World. Vol. I London, 1836.

Tytler—Hon. A.F., (Lord Woodhouselee) Universal History. From the Creation of the World to the beginning of the 18th Century. 6 Vols. London, 1839.

Vomney M—The Ruins, or, A Survey of the Revolutions of Empires. London, 1796.

Folke's Coins, a Numismatic Atlas.

Rollin, M.—Ancient History. Translated from the French. 6 Vols. London, 1839.

Rawlinson, George, (M.A.)—The Five Great Monarchies of the Eastern World. 3 Vols. New York, 1881.

Layard, Austen Henry, (D.C.L.)—Nineveh and its Remains. 2 Vols. New York, 1849.

¹ Full citation: [Catalogue of books in library of late Right Hon. Sir John A. Macdonald \[microform\]: to be sold by public auction at Earnscliffe, Ottawa, on 28 May next at 4.30 and 8 P.M.: for further particulars apply to W.H. Lewis, auctioneer, Ottawa \(Ottawa: 1900\).](#)

There are certainly several problems in relying on an auction list to reconstruct John A. Macdonald's intellectual and political thought. Notably, the auction occurred nearly 10 years after his passing, and a newspaper article from the period notes that "many of the books were presented to Sir John and these were withheld from the sale." See "Sir J.A. Macdonald's Library," *The Evening [Ottawa] Citizen* (May 29, 1900). While the list may not be exhaustive or representative for various other reasons, one should also recall that having books in one's library shelf does not equate in having read them. One must find clear evidence that such works were in fact read and used.

For scholars that have nevertheless made these attempts, see Frederick Vaughan, *The Canadian Federalist Experiment: From Defiant Monarchy to Reluctant Republic* (McGill-Queen's University Press, 2003), and E.A. Heaman, *Civilization: From Enlightenment Philosophy to Canadian History* (McGill-Queen's University Press, 2022). [C.D.]

THE QUEBEC RESOLUTIONS

catalogue of John A. Macdonald's books—continued

Morell, Thomas—Studies in History, containing the History of Greece, &c. London, 1832.

Potter, John, (D.D.)—The Antiquities of Greece. 2 Vols.

Wachmuth, William—The Historical Antiquities of the Greeks, With reference to their Political Institutions. Translated from the German by Edmund Woolrych. 2 Vols. Oxford, 1837.

History of Ancient Greece. W. & R. Chambers' School Edition. London and Edinburgh, 1859.

Grote, George—History of Greece. Reprint from the London Edition. 12 Vols. New York, 1857.

Goldsmith, Oliver—The History of Greece to the Death of Alexander, 11th Edition. Vols. I, II. London, 1812.

Barthélemy, J.J.—Voyage du jeune Anacharsis en Grèce. Vols. I, II, III, IV, V, VI, VII Paris, 1820.

Adam, Alexander, (LL D.)—Roman Antiquities, or, An Account of the Manners and Customs of the Romans. Glasgow, 1840.

Liddle, Henry G , (D.D.) A History of Rome from the earliest times to the Establishment of the Empire 2 Vols. London, 1855.

Merrivale, Charles, (B.D.)—History of the Romans under the Empire. 7 Vols. New York, 1863.

Neander, Augustus, (D.D.) The Emperor Julian, and his Generation and Historical Picture. Translated by G.V. Cox, M.A. New York, 1850.

Gibbon, Edward—History, Decline and Fall of the Roman Empire. 12 Vols. London, 1807. Another Edition in 8 Vols. Paris, 1840.

Caesar, Julius—The History of Vol I London, 1862.

Josephus, Flavins—The Works of. Translated by William Wiston, Edinburgh, 1838.

Schoell, M.—History of the Revolution in Europe, from the Fall of the Roman Empire to the Congress of Vienna, with continuation to the year 1815 In 2 Vols. Vol. I Kingston, U.C., 1840.

Freeman, Edward A, (D.C.L.)— General Sketch of European History. London, 1873.

Ranke, Leopold—Sovereigns and Nations of Southern Europe in the 16th and 17th centuries. Translated from the German by Walter R. Kelly, B.A. London, 1843.

Hallam, Henry—View of the State of Europe during the Middle Ages. 7th Edition. 3 Vols. London 1837. Another Edition in 2 Vols. London, 1846.

Allison, Archibald, (F.R.S.E.)— History of Europe, from the commencement of the French Revolution in 1789 till the Restoration of the Bourbons in 1815. 7th Edition. 20 Vols. Edinburgh and London, 1847.

RELATED MATERIALS

catalogue of John A. Macdonald's books—continued

Monstrelet, Enquerrand de—The Chronicles of England, France, Spain and the Adjoining Countries. Translated by Thomas Johnes. 2 Vols. London, 1852.

Froissart, Sir John—Chronicles of England, France and Spain and the Adjoining Countries. Translated by Thomas Johnes. 2 Vols. London, 1852.

Lingard, John, (D.D.)—History of England from the Invasion by the Romans. 5th Edition. 8 Vols. Paris, 1840.

Craik, Geo. L., and Charles Macfarlane—The Pictorial History of England. 8 Vols. London, 1847.

Thompson, Edith—History of England, (MacMillan's School Course). London, 1875.

Bede's Ecclesiastical History of England, also the Anglo-Saxon Chronicle. London, 1847, 435 The Anglo-Saxon. London, 1849.

Turner, Sharon, (F.S.A, R.A.S.L.)—The History of the Anglo-Saxons, from the Earliest Period to the Norman Conquest. 3 Vols. Paris, 1840.

Thierry, Augustin—History of the Conquest of England by the Normans. London, 1841.

Goldsmith, Doctor—Abridgement of the History of England. London, 1855.

Cromwell's Letters and Speeches, with Elucidations. By Thomas Carlyle. 3 Vols. London, 1857.

Clarendon, Edward, Earl of—History of the Rebellion and Civil Wars in England, begun in the year 1641. 3 Vols. Each divided into two parts, thus making six volumes in all. Oxford, 1717 (another edition in one volume). Oxford, 1843.

Macaulay, Thomas Babington—History of England, from the Accession of James H. Third Edition. 5 Vols. London, 1849.
—Another edition. Vols. III and IV. New York, 1856.

The King and the Commons—Cavalier and Puritan Song. Selected and arranged by Henry Morley. London, 1868.

Smollett, T., M.D.—The History of England from the Revolution to the Death of George II 4 Vols. London, 1841.

Hume, David—History of England, from the Invasion of Julius Caesar to the Revolution of 1688. 6 Vols. London, 1841.

Hughes, Rev. T.S., (B.D.)—The History of England by Hume and Smollett Continued from the Death of George the Second to the Present Time. 5 Vols. Paris, 1835.

James William —The Naval History of Great Britain, from the Declaration of War by France in 1793 to the Accession of George IV. 6 Vols. London, 1837.

Mahon, Lord—History of England, from the Peace of Utrecht to the Peace of Aix-la-Chapelle. Third Edition. 2 Vols. Paris, 1841.

THE QUEBEC RESOLUTIONS

catalogue of John A. Macdonald's books—continued

Burton, John Hill, (D.C.L.)—A History of the Reign of Queen Anne. 3 Vols Edinburgh and London, 1880.

Napier, W.F.P., (C.B.)— History of the War in the Peninsula and the South of France, 1807 to 1814. 4 Vols, text and I Vol. plates. Philadelphia, 1842.

Drinkwater, John—History of the Seige of Gibraltar, 1779 to 1783. London, 1844.

Gleig, Rev. G.R.—A Story of the Battle of Waterloo. New York, 1847.

Kennedy, General Sir James Shaw, (K.C.B.)—Notes on the Battle of Waterloo. London, 1865.

The History of England, in a series of Letters from a Nobleman to his Son. 2 Vols. London, 1827.

Burnet, Bishop—History of His Own Time. With Notes by the Earl of Dartmouth and Hardwicke, Speaker Onslow, and Dean Swift. 2nd Edition Oxford, 1833. 6 Vols

Molesworth, Willkam Nassau, (M.A.)—The History of England, from 1830 to 1874. 3 Vols. London, 1874.

Seeley, J.R., (M.A.)—The Expansion of England. Two Courses of Lectures. London, 1883.

Roberts, Mary—Ruins and Old Trees associated with Memorable Events in English History. London.

Green, John Richard, (M.A.)—History of the English People. 4 Vols. New York, 1880.
—A Short History of the English People. London, 1875.

Richardson, Major, (K.S.F.)— Movements of the British Legion, with Strictures on the course of conduct pursued by Lieut.-General Evans. London, 1837.

Whitman, Zachariah G.—The History of the Ancient and Honorable Artillery Company. Boston, 1842.

West Riding Account. The Account of Money Paid for the Subsisting and Clothing 24 Companies of Foot, and also Trophy Money and 1 Month's Subsistence of the Company, commanded by William Thornton, Esq., raised in the West Riding of the County of York for the support of Her Majesty's Person and Government, in consequence of the Association entered into and of the subscription begun at the Castle of York on the 24th day of September, 1745. Bound in a volume of Miscellaneous.

An Address from the Committee of Association of the County of York to the Electors of Great Britain, to which are prefixed the resolutions of that Committee at their Meetings held on the 3rd and 4th of January, 1781; and the Instrument of Instructions to their Deputies. Bound also in the abovementioned volume of Miscellaneous.

Wright, Thomas—Caricature History of the Georges. London, 1867.

Hervey, John Lord— Memoirs of the Reign of George II. From his accession to the death of Queen Caroline. 2 Vols. London, 1855.

RELATED MATERIALS

catalogue of John A. Macdonald's books—continued

Walpole, Horace *Memoirs of the Reign of King George II*. 2nd edition. 3 Vols. London 1847.

Belsham, W.—*Memoirs of the Reign of George II to The Session of Parliament ending A.D. 1783*. Vols. I, II, III, IV. London, 1795.

Walpole Horace *Memoirs of the Reign of King George III*. 4 Vols. London, 1845.

Pepys, Samuel, F.R.S.—*Diary and Correspondence*. 5th Edition. In 4 Vols. Vols. I, II, IV. London, 1854.

Greville, Charles, C.F.—*A Journal of the Reigns of King George IV. and King William IV*. 2 Vols. New York.

—*A Journal of the Reign of Queen Victoria, from 1837- 1860*. Vols. I, II, III. New York, 1885 and 1887.

Irving, Joseph—*The Annals of Our Time, from the Accession of Queen Victoria, 20th June, 1837, to 28th February, 1871*. London, 1876.

Supplement to the above, Feb., 1871, to Feb. 1874. London, 1881.

Supplement to the above, March, 1874, to July, 1878. London, 1881.

Supplement to the above, July, 1878, to June, 1887. London, 1889.

Hogan, Dr.—*Lives of the Queens of England of the House of Hanover*. 2 Vols. New York, 1855.

Palmerston, Viscount—*The Life and Times of*. By J. Ewing Ritchie. 2 Vols. London and New York.

Kinglake, Alexander William.—*The Invasion of the Crimea*. Vol I, II. Edinburgh and London, 1863.

Russell, W. H., (Correspondent of the Times)—*The War, 1854-1855. From the Landing at Gallipoli to the Death of Lord Raglan*. London, 1856.

...*The War, 1855 and 1856, from the Death of Lord Raglan to the Evacuation of the Crimea*. London, 1856.

Bernard, Mountague, (M.A.)—*A Historical Account of the Neutrality of Great Britain during the American Civil War*. London, 1870.

Hunt, Leigh—*The Town. Its Memorable Characters and Events*. London, 1867.

Charing Cross to St Paul's. Notes by Justin McCarthy, M.P., and Plates and Vignettes from Drawings by Joseph Pennell. London, 1891.

Thornbury, Walter—*Old and New London A narrative of its history, its people and its places*. 2 Vols.

Stow, John—*A Survey of London, written in the year 1598. A new edition*. By William J. Thorns, F.S.A., Secretary, of the Camden Society. London, 1842.

Smyth, George Lewis—*Biographical Illustrations of Westminster Abbey and St. Paul's Cathedral*. London, 1843.

Rutter, John—*Delineations of Fonthill Abbey*. 1823.

THE QUEBEC RESOLUTIONS

catalogue of John A. Macdonald's books—continued

Burton, John Hill—The History of Scotland, from Agricola's Invasion to the Revolution of 1688. 7 Vols. Edinburgh and London, 1867.

Macarthur, Margaret —History of Scotland. London, 1873.

Chambers, Robert—Domestic Annals of Scotland, from the Reformation to the Revolution. 3 Vols. Edinburgh and London, 1859.

Memoirs Concerning Affairs in Scotland from Queen Anne to the Union. London, 1714.

Robertson, William, (D.D.)—The History of Scotland during the Reigns of Queen Mary and King James VI, till his Accession to the Throne of England. 3 Vols London, 1812.

Glass, Rev. Charles Cordon (A.M.)— Stray Leaves from Scotch and English History; with a Life of Sir William Wallace. Montreal, 1873.

Cockburn, Henry—Memorials of His Time. New York, 1856.

Anderson, William—The Scottish Nation, or the Surnames, Families, Literature, Honours and Biographical History of the people of Scotland 3 Vols. Edinburgh, 1866.

Dunlop, John Charles, and Alison, H.—The Book of Old Edinburgh, and Handbook to the Old Edinburgh Streets. Edinburgh, 1886.

Borthwick, Rev. J. Douglas— Borthwick Castle, or Sketches of Scottish History. Montreal, 1880.

Teignmouth, Lord—Sketches of the Coasts and Islands of Scotland and the Isle of Man. 2 Vols. London, 1836.

Ramsay, E.B. (LL.D)., F.R.S.E.)—Reminiscences of Scottish Life and Character. Edinburgh, 1874.

Chambers, Robert— History of the Rebellions in Scotland under the Viscount of Dundee and Earl Mar in 1689 and 1715. Edinburgh, 1829.

Keltic, John S., (F.S.A. Scot.)—A History of the Scottish Highland Clans and Highland Regiments. 2 Vols. London, 1583.

Lander, Sir Thomas Dick (Bart)—Legendary Tales of the Highlands. 3 Vols. London, 1841.

Shaw, Alexander Mackintosh—Historical Memoirs of the House and Clan of Mackintosh, and the Clan Chattan. London, 1880.

501 Falloon, Rev. D. (D.D, LL.D.)—History of Ireland, Civil and Ecclesiastical, from the Earliest Times till the Death of Henry II. Montreal, 1863.

Martin, R. Montgomery—The British Colonies History, Condition, Extent and Resources. 11 Vols. London and New York.

—History of the Colonies of the British Empire in the West Indies, South America, Asia, Australasia, Africa and Europe. London, 1843.

RELATED MATERIALS

catalogue of John A. Macdonald's books—continued

Robertson, William (D.D.)—An Historical Disquisition concerning the Knowledge which the Ancients had of India. (6th Edition) London, 1812.

Kaye, John W,—Lives of Indian Officers illustrative of the History of the Civil and Military Service of India. 2 Vols. London, 1867.

—The Administration of the East India Company, a History of Indian Progress, 2nd edition. London, 1853.

Malleson, Lieut.-Col, G.B.—Recreations of an Indian Official, London, 1872.

The Private Life of an Eastern King. By a member of the Household of his late Majesty Nusser-u-deen, King of Oude. New York, 1855.

Ramabai-Sarasvati, Pundita—The High Caste Hindu Woman. Philadelphia, 1888.

Temple, Sir Richard (Bart.)—India in 1880. 3rd edition. London, 1881.

Watkin, Sir Edward William (Bart., M.P.)—India, a few pages about it. London, 1889.

Staunton, Sir George (Bart.)—An Historical Account of the Embassy to the Emperor of China undertaken by the Order of the King of Great Britain. Abridged principally from the papers of Earl McCartney Compiled by Sir George Staunton, Bart. London, 1797.

Motley, John Lothrop—The Rise of the Dutch Republic. London, 1863.

Skinner, J.E.H. (War Correspondent Daily News)—The Tale of Danish Heroism. London, 1865.

Sinding, Prof. Paul C.—History Scandinavia. Pittsburg, 1884.

Alexander the Great— Life and Actions. By Rev. J. Williams. New York, 1830.

Catherine II., Empress of Russia—History of, J. Castera. Translated from the French by Henry Hunter, D.D. London, 1800.

Gorgei, Arthur—My Life and Acts in Hungary in the Years 1848 and 1849. New York, 1852.

Klapka, General—Memoirs of the War of Independence in Hungary. Vols. I and II. London, 1850.

Coxe, William—History of the House of Austria. 3 Vols. London, 1847.

Sime, James (M.A.)—History of Germany. London, 1874.

Carlyle, Thomes—History of Frederick the 2nd, called Frederick the Great. (In 4 Vols.) Vols. I, II. New York, 1858.

Robertson, William (D.D.)—The History of the Reign of the Emperor Charles V. (13th Edition.) 4 Vols. London, 1812.

Smyth, Sir James Carmichael (Bart.)—Chronological Epitome of the Wars in the Low Counties. London, 1825.

THE QUEBEC RESOLUTIONS

catalogue of John A. Macdonald's books—continued

Schiller, Frederick—History of the Thirty Years' War, the Revolt in the Netherlands, and Historical Dramas. 2 Vols. London, 1846.

Baireuth, Margravine of—Memoirs of Frederica Sophia Wilhelmina. Princess Royal of Prussia, Margravine of Baireuth. With an Essay by W. D. Howells. 2 Vols. Boston, 1877.

Kirwan, M.W.—La compagnie Irlandaise. Reminiscences of the Franco-German War. Montreal, 1878.

Mitchelet, M.—History of France. Translated by G. H. Smith, F.G.S. Vols. I, II. New York, 1847.
Bush, Mrs. Forbes—Memoirs of the Queens of France. 2 Vols. London, 1843.

Weiss, Charles—History of the French Protestant Refugees, from the Revocation of the Edict of Nantes to the present Time. Translated by Frederick Hardman. Edinburgh and London, 1854.

Bayard Chevalier—The Story of. From the French of M. de Berville and others. By E. Walford. London, 1869.

De Retz, Cardinal—Memoirs of. Containing all the Great Events during the Minority of Lewis XIV. London, 1723.

Challice, Dr.—The Secret History of the Court of France under Louis XV. 2 Vols. London, 1861.

Beaumarchais and His Times.—Sketches of French Society in the Eighteenth Century by Louis de Loménie. Translated by H. S. Edwards. 4 Vols. London, 1856.

Louis XVII—His Life, His Suffering, His Death. By A. de Beauchenne. Translated and Edited by W. Hazlett, 2 Vols. New York, 1853.

Carlyle, Thomas—The French Revolution. 2 Vols. London.

De Lamartine, A.—Historic de la Revolution de 1848, 2 vols. bound in one. Bruxelles, 1849.

538 Thiers, M A. - -The History of the French Revolution. Translated by Frederick Shoberl. 2nd American Edition. 4 Vols. Philadelphia, 1842.

Naines, Edward.—History of the Wars of the French Revolution, 1792 to 1815, 2 Vols. London, 1817.

De Lamartine, A.—History of the Girondists. 3 Vols. London, 1847.

De Rocca, M.—Memoirs of the Wars of the French in Spain. London, 1815.

O'Meara, Barry E.—Napoleon in Exile, or, A Voice from St. Helena, 2 Vols. New York, 1853.

Napoleon Bonaparte—Histoire de—Par L. A. J. Mordagne. 7th Edition Londres, 1848.

—Life of. By J. G. Lockhart. Auburn and Buffalo, 1854.

—The Life of. By J. W. Robertson, Newcastle-upon-Tyne.

—Bourrienne's—Private Memoirs of. 2 Vols.

—Memoirs of the Life, Exile, and Conversations of the Emperor Napoleon. 4 Vols. New York, 1855. By Count de Las Cases.

RELATED MATERIALS

catalogue of John A. Macdonald's books—continued

—The Table Talk and Opinions of London, 1868.

Ashton, John—English Caricature and Satire on Napoleon. 2 Vols. London, 1884.

Empress Josephine—Historical and Secret Memoirs of the. By Mile. M.A. le Normand. Translated by Jacob M. Howard. 2 Vols. Philadelphia, 1848.

Bulow (de) M. Histoire de la compagne de 1800 en allemagne et en Italie. Paris

Bonaparte le Prince Lucien, et sa famille. Paris, 1889.

Bonaparte, Prince Roland. Le Premier etablissement des Neulandair a Maurice, Paris, 1890.
Chronicle of the Ciel— From the Spanish. By Robert Southey, London, 1883.

Florian, M.—History of the Moors of Spain. New York, 1844.

Prescott, William H.—History of the Reign of Ferdinand and Isabella the Catholic. 10th Edition. 3 Vols. New York, 1849.

—History of the Reign of Phillip II., King of Spain. Vols. I, II. Boston, 1855.

Kinsey, Rev. W. M., (B.D)—Portugal Illustrated in a Series of Letters. London, 1828.

Hunt, William, (M.A.)—History of Italy. London, 1874.

Proctor, Col.—The History of Italy from the Fall of the Western Empire to the Commencement of the Wars of the French Revolution. London, 1844.

Machiavelli, Niccola—History of Florence. London, 1847.

Hay, John H.D—Western Barbary. London, 1844.

Brown, Marie A.—The Icelandic Discoverers of America. Boston, 1888.

Toque, Rev. Phillip (A.M.)—Newfoundland as it Was, and as it Is in 1887. Toronto, 1878.

McCord, Fred. A.—Hand Book of Canadian Dates. Montreal, 1888.

Collection de Documents relatifs a l'Histoire de la Nouvelle France. 3 Vols. (1492 to 1755).

Relations des Jesuites dans Nouvelle France, 1611 to 1672. 3 Vols. (2 copies) Quebec, 1858.

Hart, Gerald E.—The Fall of New France, 1755-1760. Montreal, Toronto and New York, 1888.

Douglas, William (M.D).—A Summary, Historical and Political, of the first Planting, Progressive Improvements and Present State of the British Settlements in North America. 2 Vols. Printed in Boston, New England, and reprinted London, 1755.

MacMullen, John—The History of Canada from its First Discovery to the Present Time. Brockville, 1868.

Garneau, F.X.—Histoire du Canada. Tomes I, II, III. Quebec, 1859.
Canada, Dessins Historiques

THE QUEBEC RESOLUTIONS

catalogue of John A. Macdonald's books—continued

Parkman, Francis—Works in Ten Volumes, consisting of The Old Regime, Frontenac and New France under Louis XVI., La Salle and the Discovery of the Great West, The Pioneers of France in the New World, The Oregon Trail, The Jesuits in North America, Montcalm and Wolfe (2 Vols), The Conspiracy of Pontiac (in 2 Vols.) Boston, 1884-85.

—History of the Conspiracy of Pontiac. 2 Vols. London 1851.

—The Old Regime in Canada. Boston, 1874.

Pope, Joseph—Jacques Cartier, his Life and Voyages. Ottawa, ...1890.

Miles, H.H. (LL.D, D.C.L.)— History of Canada under the French Regime, 1535-1763. 2 copies. Montreal, 1872.

Boucher, Pierre—Canada in the 16th Century. Translated by E. L, Montizambert. Montreal, 1883.

Smyth, Major-General Sir James Carmichael (Bart.)—Precis of the Wars in Canada, 1755, to the Treaty of Ghent, 1814. London, 1862.

Small, H.B. (S.C.L.)—Chronicles of Canada, or a Concise History of the Leading Events in the Old Provinces of the New Dominion. Ottawa, 1868.

Brymner, Douglas— Report on Canadian Archives, 1884. Ottawa, 1885.

Hannay, James—The History of Acadia, from its first Discovery to its Surrender to England by the Treaty of Paris. St. John, N.B., 1879.

Kirke, Henry (M.A., B.C.L.)—The First English Conquest of Canada. (2 copies) London, 1871.

Coffin, William F.—The War of 1812, and its Moral. A Canadian Chronicle. Montreal, 1864.

Thompson, David—History of the Late War between Great Britain and the United States of America. Niagara, U.C., 1832.

La Rebellion de 1837 a St. Eustache (2 copies). Quebec, 1883.

Ryerson, Egerton (D.D., L.L.D.)—The Loyalists of America and Their Times from 1620 to 1816. 2nd Edition. 2 Vols 2 Copies.

Richardson, Major—Eight Years in Canada, embracing a Review of the Administrations of Lords Durham and Sydenham, Sir Charles Bagot and Lord Metcalfe, &c Montreal, 1847.

Enemikeese—The Indian Chief. An account of the labors, losses, sufferings and oppression of Ke Zig-Ko-e-ne-ne. By David Sawyer, a Chief of the Ozibemay Indians in Canada West. London, 1867.

McLean, John (MA., Ph.D.)— Robin Rustler— The Indians, Their Manners and Customs. Toronto, 1889.

Macdonald, Right Hon. Sir John A. (K.C.B., D.C.L., &c.)—Life and Times of. By J. E. Collins. 2 Copies. Toronto, 1883.

Withrow, William H. (D.D., F R.S.C.)—A Popular History of the Dominion of Canada. Toronto, 1888.

—Our Own Country Canada. Toronto, 1889.

RELATED MATERIALS

catalogue of John A. Macdonald's books—continued

Dent, John Charles—The Last 40 Years, Canada since the Union of 1841. 2 Vols Toronto.

Tuttle, C. R.—History of the Dominion of Canada (Illustrated), in 2 vols. Vol. I. Montreal and Boston, 1877.

Gray, John Hamilton, M P.—Confederation, or The Political and Parliamentary History of Canada. Vol. I. Toronto, 1872.

Leggo, William—History of the Administration of the Right Honorable Frederick Temple, Earl of Dufferin, K.P, G.C.M.G., late Governor-General of Canada. 2 Copies. Montreal, 1878.

Stewart, George, Jr.—Canada Under the Administration of the Earl of Dufferin. Toronto, 1878.

Rattray, W. J., (B.A.)—The Scot in British North America. 3 Vols. Toronto, 1880.

Davin, Nicholas Flood —The Irishman in Canada. London and Toronto, 1877.

Roger, Charles—The Rise of Canada from Barbarism to Wealth and Civilization. Vol I. Quebec, 1856.

Hogan, J. Sheridan—An Essay on Canada, to which was awarded the first prize by the Paris Exhibition Committee of Canada. Montreal, 1855.

Haight, Canniff—Country Life in Canada 50 years ago; Personal Recollections and Reminiscences of a Sexagenarian. Toronto, 1885.

Nova Scotia Archives—Selections from the Public Documents of Nova Scotia. Edited by Thomas B. Akins, D.C.L. Halifax, N.S., 1869.

Gesner, Abraham—New Brunswick, with Notes for Emigrants. London, 1847.

Smith, W. H.—Canada, Past, Present and Future; being a Historical, Geographical, Geological and Statistical Account of Canada West. Vol. I. Toronto.

Canniff, Wm. (M.D., M.R.C.S.E.)—History of the Settlement of Upper Canada; with special reference to the Bay of Quinte. Toronto, 1869.

Political and Historical Account of Lower Canada. By a Canadian. London, 1830.

Christie, Robert—Interesting Public Documents and Official Correspondence illustrative of and supplementary to the History of Lower Canada Vol. IV. Montreal, 1855.

Gunn, Hon. Donald—History of Manitoba from the Earliest Settlement to 1835, and from 1835 to Confederation. By Charles R. Tuttle. Ottawa, 1880.

Begg, Alexander—The Creation of Manitoba. A History of the Red River Troubles. 2 copies. Toronto, 1871.

Historical and Scientific Society of Manitoba—A Volume containing their Library Catalogue and Publications presented to Sir John A. Macdonald as a souvenir of his visit 26th August, 1886.

Powers, J.W.—History of Regina, 1887.

THE QUEBEC RESOLUTIONS

catalogue of John A. Macdonald's books—continued

Masson, L.R.—*Les Bourgeois de la Compaigne du nord-ouest* (Premiere serie). 2 copies. Quebec, 1889.

—One copy (deuxieme Serie) Quebec, 1890.

Adam, G. Mercer—*The Canadian North West. Its History and its Troubles*. Whitley, 1885.

Boulton, Major—*Reminiscences of the North West Rebellions*. 2 copies. Toronto, 1886.

Hincks, Sir Francis (K.C.M.G., C.B.)—*Reminiscences of his Public Life*. Montreal, 1884.

Howe, Hon. Joseph—*Speeches and Public Letters of*. Edited by William Annand, M.P.P. 2 Vols. Boston, 1858.

Journal of the Progress of H R.H. the Prince of Wales through British North America, and his Visit to the United States. By Gardner D. Englehart, Private Secretary to the Duke of Newcastle.

Addresses presented to H.R.H. The Prince of Wales during his State Visit to British North America; with replies thereto, July, August, and September, 1860.

Woods, N. A. *The Prince of Wales in Canada and the United States*, London, 1861.

The Visit of H.R.H. The Prince of Wales to America, reprinted from the *Lower Canada Journal of Education*. Montreal, 1860.

The Tour of H.R.H. The Prince of Wales through British America and the United States by a British Canadian. 2 copies. Montreal, 1860.

Norris, Mr. J. G.—*The Visit to Canada of H.R.H. the Prince of Wales*. (Printed for private circulation). Ottawa, 1876.

Macpherson, Mrs. Daniel—*Reminiscences of Old Quebec*. Montreal, 1890.

Scadding, Henry (D.D.) *Toronto of Old*. Toronto, 1873.

Scadding, Henry, and John Charles Dent—*Toronto Past and Present. Historical and Descriptive. A Memorial Volume 1834-1884*. Toronto, 1884.

Taylor, Conyngham Crawford—*Toronto Called Back, from 1886 to 1850*. Toronto, 1886.

—*The Queen's Jubilee, and Toronto Called Back from 1887 to 1847*. Toronto, 1887.

—*Toronto Called Back from 1888 to 1847 and the Queen's Jubilee*. Toronto, 1888.

—*Toronto Called Back, and Emigration*. Toronto, 1890.

Denison, Capt. Frederick C.—*Historical Record of the Governor General's Body Guard and Standing Orders*. Toronto, 1876

Ryerson—*Memorial Volume*. Edited by J. Geo. Hodgins. Prepared on the occasion of the Unveiling of the Ryerson Statue. 24th of May, 1889, by J. Geo. Hodgins, M.A., LL.D. Toronto, 1889.

Golden Jubilee of the Rev. Father Dowd and Toupin, with Historical Sketches of the Irish Community of Montreal. Biographies of the Pastors of Recollet and St. Patricks, &c., edited by J.J. Curran, Q.C, M.P., Montreal, 1887.

RELATED MATERIALS

catalogue of John A. Macdonald's books—continued

Leavitt, Thad. W. H.—History of Leeds and Grenville, Ont., from 1749 to 1879. Brockville, 1879.

Fraser, John—Canadian Pen and Ink Sketches. Montreal, 1890.

Premier Bulletin du Comité Littéraire et Historique du Cercle Catholique de Québec, Oeuvre du Monument de Jacques Cartier. Québec, 1888.

Bancroft, George—History of the United States from the Discovery of the American Continent. 8 Vols. Boston, 1860 and 1862.

Winsor, Justin—Narrative and Critical History of America. 8 Vols. Riverside Press, Cambridge, U.S.A.

Lardner, Rev. D., LL.D.—History of the Western World. Vol. I. The United States. London, 1830.

Hinton, John Howard—The History and Topography of the United States Vols. I, II. London, 1834.

Bancroft, Hubert Home—The Historical Works of. 39 Vols. Vols. I to V: Native Races, Vols. VI, VII, VIII: History of Central America. Vols. IX to XIV: History of Mexico. Vols. XV, XVI: North Mexican States and Texas Vol. XVII: Arizona and New Mexico Vols. XVIII to XXIV: History of California. Vol XXV: Nevada, Colorado and Wyoming. Vol. XXVI: History of Utah. Vols. XXVII and XXVIII: History of North-West Coast. Vols. XXIX and XXX: History of Oregon. Vol. XXXI: Washington, Idaho and Montana. Vol. XXXII: British Columbia, Vol. XXXIII: History of Alaska. Vol. XXXIV: California Pastoral. Vol. XXXV: Do., Interpocula. Vols. XXXVI and XXXVII: Popular Tribunals. Vol. XXXVIII: Essays and Miscellany. Vol. XXXIX: Literary Industries. San Francisco, 1883-1890.

Fiske, John —The Critical Period of American History, 1783 to 1789. Riverside Press, Cambridge, 1889.

Murray, Hugh—Historical Account of Discoveries and Travels in North America. Vols. I and II.

Mackay, Charles—The Founders of the American Republic. A History and Biography. Edinburgh and London, 1885.

Sullivan, Hon. William (LL.D.) The Public Men of the Revolution. Philadelphia, 1847.

Hull, General Wm.—Revolutionary Services and Civil Life. New York, 1848.

Barry, John Stetson —The History of Massachusetts. The Colonial Period. Boston, 1855.
—The History of Massachusetts—Provincial Period. Boston, 1856.

Irving, Washington—A Humorous History of New York. By D. Knickerbocker. London. 1820.

Hamlin, Marie Caroline Watson—Legends of Detroit. Detroit, 1884.

Fletcher, Lieut.-Col —History of the American War, 1861 to 1864. 3 Vols. London, 1865.

THE QUEBEC RESOLUTIONS

catalogue of John A. Macdonald's books—continued

Davis, W.W.H.—History of the 104th Pennsylvania Regiment from the 22nd August, 1861, to 30th September, 1864. Philadelphia, 1866.

Day, Samuel Phillips—Down South; or an Englishman's Experience at the Seat of the American War. 2 Vols. London, 1862.

Pollard, Edward A.—Southern History of the War. 3 Vols. Richmond, 1862 and 1865.

Narrative of Privations and Sufferings of United States Officers and Soldiers while Prisoners of War in the Rebel Authorities. Report of a Commission of Inquiry appointed by the U.S. Sanitary Commission ; with an Appendix containing the Testimony. Philadelphia, 1864.

Beaman, Charles C.—The National and Private Alabama Plains, and their Final and Amicable Settlement.

The Century of Independence Documents and Statistics connected with the Political History of America. Boston, 1876.

Prescott, Wm. H.—History of the Conquest of Peru. 2 Vols. New York, 1848.

Davies, W.W.H.—The Spanish Conquest of Mexico. Doylestown, Pa, 1869.

Prescott, Wm. H.—History of the Conquest of Mexico. 3 Vols. New York, 1849.

Facuher, de St. Maurice—Notes pour Servir à l'Histoire de l'Emperor Maximilian. Quebec, 1889.

Vernon, Vice-Admiral—A New History of Jamaica from the Earliest Account to the Taking of Portobella. 2nd edition. London, 1740.

Renny, Robert—A History of Jamaica. London, 1807.

The Proceedings of the Governor and Assembly of Jamaica in Regard to the Maroon War. London, 1790.

Bridges, Rev. Geo. Wilson, (A.M.)—The Annals of Jamaica. London, 1828.

Gardner, W. J.—A History of Jamaica. London, 1873.

Edwards, Bryan—History, Civil and Commercial of the British West Indies. 5 Vols. (See page 176). London, 1819.

Bird, M.B.—The Black Man, or, Haytian Independence. New York, 1869.

Dallas, R.C.—The History of the Maroons, from Their Origin to the Establishment of their Chief Tribe at Sierra Leone. Vols. I, II. London, 1809.

The History of the Buccaneers of America. London, 1699.
—Another Edition. London, 1704.

LAW (CONSTITUTIONAL) AND CONSTITUTIONAL HISTORY.

Australian Federation Conference, 1890. Official Record of the Proceedings and Debates. Melbourne, 1890.

Bagehot, W.—*La Constitution Anglaise*. Paris, 1869.

Bledsoe, Albert Taylor (A.M., LL.D.)—*Is Davis a Traitor, or Was Secession a Constitutional Right Previous to the War of 1861*. Baltimore, 1866.

Book of Rights (The), or Constitutional Acts and Parliamentary Proceedings Affecting Civil and Religious Liberty in England, from Magna Charta to the present time. Historically arranged. By Edgar Taylor, F.S.A. London, 1833.

Bourinot, J.G.—*Local Government in Canada*. Montreal, 1886.

Bourinot, J.G., (LL.D., F.R.S., Can.)—*A Manual of the Constitutional History of Canada*. Montreal, 1888.

—*Federal Government in Canada*. Baltimore, 1889.

Brougham, Lord—*The British Constitution, its History, Structure and Working*. London, 1861.

Shipman, Nathaniel, (LL.D.)—*Principles of Government A Treatise on Free Institutions, including the Constitution of the United States*. Burlington, 1833.

Confederation of the British North American Provinces—*Parliamentary Debates on the Quebec, 1865*

Cox, Hamersham, (M.A.)—*The Institutions of the English Government*. London, 1863.

Curtis, George Ticknor—*History of the Constitution of the United States*. In 2 vols. Vols. I, II. New York, 1854-1858.

Debates of the House of Commons, from 1667 to 1694. Collected by the Hon. Anchetette Gray. 10 Vols. London, 1763.

De Lolme, J.L. (LL.D.)—*The Rise and Progress of the English Constitution with an Historical and Legal Introduction and Notes*. By A. J. Stephen, M.A., F.R.S. 2 Vols. London, 1838.

—*The Constitution of England An Account of the English Government*. London, 1810.

Elliott, Jonathan—*The Debates of the Several State Conventions on the Adoption of the Federal Constitution as recommended at the General Convention at Philadelphia in 1787, &c*. In 5 vols. Vols. I, II, III, IV. Philadelphia, 1863.

Fancher, de St. Maurice, (F.R S.C.)—*Parliamentary Procedure*. Montreal, 1885.

Ford, Worthington C.—*The American Citizens Manual*. Part I. Governments—National, State and Local: The Electorate.

—*The Civil Service*. Questions of the Day Series. New York.

The American Citizens Manual. Part II. The Functions of Government—State and Federal. New York, 1883.

THE QUEBEC RESOLUTIONS

catalogue of John A. Macdonald's books—continued

Forsyth, Wm., (M.A , QC.)—Cases and Opinions on Constitutional Law, &c. London, 1869.

Gray, Hon. John Hamilton—Confederation, or the Political and Parliamentary History of Canada. In 2 vols. Vol. I. Toronto, 1872.

Hallam, Henry—The Constitutional History of England, from the Accession of Henry VIII. to the Death of George II.

—Fourth Edition. 2 Vols. London, 1842.

—Another Edition, 3 Vols. Boston, 1854.

Hodgins, Thomas (M.A.)—Supplements to the Canadian Franchise Act of 1885. Toronto, 1886.

Houston, William (M.A.)—Documents illustrative of the Canadian Constitution, Toronto, 1891.

Lefevre, Charles Shaw—Speaker of the House of Commons, Decisions of—On points of Order, Rules of Debate and the General Practice of the House. By Hon. Robert Bourke. London, 1857.

May, Sir Thomas Erskine (K.C.B.)—A Treatise on the Law, Privileges and Usages of Parliament. 5th Edition. London, 1863.

—The Constitutional History of England 1760-1860. 3rd Edition. In 3 Vols. Vols. I, II. London, 1871.

May, Sir Thomas Erskine (K.C.B.)—Another Edition of the Constitutional History of England 1760-1860. 2 Vols. 4th Edition. London, 1861.

Munro, J.E.C.—The Constitution of Canada. Cambridge, 1889.

O'Sullivan, D. A. (M.A., D.C.L.)—(Government in Canada. 2nd Edition. Toronto, 1887.

Palgrave, Reginald F.D.—The House of Commons. Illustrative of its History and Practice. London, 1878.

Pitt, Right Hon. Wm.—Speech in the House of Commons 31st of January, 1799. On offering to the House the Resolution which he proposed as the basis of a Union between Great Britain and Ireland. London, 1799.

Quebec Political Crisis, The—Notes and Precedents. Quebec, 1879.

Reithmuller, Christopher James—Alexander Hamilton and his Contemporaries; or the Rise of the American Constitution. London, 1864.

Russell, Lord John. An Essay on the History of the English Government and Constitution from the Reign of Henry VII. to the present time. London, 1865.

Seaman, Ezra C. —The American System of Government, New York 1870.

Sergeant Lewis - The Government Hand Book. A Record of the Forms and Methods of Government in Great Britain, Her Colonies, and Foreign Countries. 3rd Edition. London, 1890.

Simonde, de Sismondi, J.C.L.—Etudes sur les constitutions des peuples libres. Bruxelles, 1839.

Sterne, Simon—On Representative Government and Personal Representation. Philadelphia, 1871.

RELATED MATERIALS

catalogue of John A. Macdonald's books—continued

Stubbs, Wm. (M.A.)—A Constitutional History of England. Vols. I, II Oxford, 1874.

Sumner, Charles—Orations and Speeches. 2 vols. Boston, 1850.

Taylor, Fennings—Are Legislatures Parliaments? A Study and Review. 2 copies. Montreal, 1879.

Todd, Alpheus—Parliamentary Government in Vols. London, 1867.

—2nd Edition. By his son. 2 vols. London, 1887.

—Parliamentary Government in the British Colonies. 2 copies. Boston, 1880.

United States Constitution—Jefferson's Manual of Parliamentary Procedure, Standing Rules and Orders, and Barkclay's Digest. Washington, 1869.

Watson, S.J.—The Powers of Canadian Parliaments. Toronto, 1880.

Wynne, Edward—Eunomus or Dialogues concerning the Law and Constitution of England; with an Essay on Dialogues. Vols. I and H. London, 1822.

LAW—COLONIAL AND PROVINCIAL.

Civil Code of Lower Canada. Montreal, 1870.

—Another Edition. Montreal, 1880.

Colonial Copyright Acts, The—With an Introduction by Frederic R. Dady, B.A. London, 1889.

Hurlbert, J. Beaufort (M.A., LL.D.)—Britain and Her Colonies. 3 copies. London, 1865.

Morris, Hon. Alexander—The Treaties of Canada with the Indians of Manitoba and the North-West Territories. 4 copies, Toronto, 1880.

Nouvelle, France—Jugements et Deliberations du Conseil Souverain de la Nouvelle France. 2 Vols. Quebec, 1886.

Rules and Regulations for Her Majesty's Colonial Service. London, 1843.

Tarring, Charles James—Chapters on the Law relating to the Colonies. London, 1882.

LAW—COMMON.

Burke, Junius Jessel— Letters to a Law Student. Toronto, 1887.

Burbidge, George Wheelock (A.B.,D.C.L.)—A Digest of Criminal Law of Canada (Crimes and Punishments.) Toronto, 1890.

Forsyth, J. S. (Surgeon, Ike.)—A Synopsis of Medical Jurisprudence. London, 1829.

Livingston, Edward—On Criminal Jurisprudence, complete works. In 2 vols. New York, 1873.

Marsh, A.H. History of the Court of Chancery and of the Rise and Development of the Doctrines of Equity. Toronto, 1890.

THE QUEBEC RESOLUTIONS

catalogue of John A. Macdonald's books—continued

Noye, Wm. Maxims of the Laws of England. Albany, 1890.

Powell, Robert Wynyard (M.D.)—The Doctor in Canada: His Whereabouts, and the Laws that Govern him.

Rogers, R. Vashon—The Law of the Road; or the Rights and Wrongs of a Traveller. Edinburgh and Toronto, 1881.

—The Law of Hotel Life. Riverside Press, Cambridge, 1879.

Sandars, Thomas Callett (M.A.)— The Institutes of Justinian, with English Introduction, Translation and Notes. London, 1853.

LAW—INTERNATIONAL.

Bernard, Montague (M A.)—Four Lectures on Subjects connected with Diplomacy. London, 1868.

Lawrence, T.J. (M.A., LL.M.)—Essays on some Disputed Questions in Modern International Law. Cambridge and London, 1885.

LAW—MILITARY.

D'Aguilar, Lieut.-Gen. Sir George, (K.C.B.)—Observations on the Practice and Forms of District, Regimental, and Detachment Courts Marshall, etc. Dublin, 1865.

Macpherson, Major Pennington—A Catechism on Military Law. Montreal, 1886.

Simmons, Capt. Thomas Frederick—Remarks on the Constitution and Practice of Courts Marshall 5th Edition. London. 1863.

[...]

MILITARY AND NAVAL SCIENCE.

Army Equipment. Part V. Infantry.

Colomb, Capt. J.R.C.—The Defence of Great and Greater Britain. London, 1880.

Denison, Lieut. Col. George T.—Modern Cavalry: Its Organization, Armament and Employment in War. London, 1868.

Gleig, George Robert, M.A.—A Sketch of the Military History of Great Britain. London, 1845.

Havelock, Sir Henry M.—The Main Questions of the Day. First, a Home Reserve Army; Second, the More Economic Military Tenure of India; Third, Cavalry as Affected by Breech-Loading Arms. London, 1867.

McDougall, Col.—Modern Warfare as Influenced by Modern Artillery. London, 1864.

Malton, Capt. Wm. D.—Company and Battalion Drill. 5th edition. London, 1862.

Queen's Regulations and Orders for the Army, The. London, 1857.

RELATED MATERIALS

catalogue of John A. Macdonald's books—continued

Report of the Dominion of Canada Rifle Association for 1887. Ottawa, 1888.

Russell, Wm. Howard—General Todleben's Defence of Sabastopol, 1854-55. A Review. New York, 1865.

[...]

PHILOSOPHY.

Bacon, Lord—The Works of. 2 vols. London, 1867.

Another Edition with the Life of the Author. By Basil Montagu. 3 vols. Philadelphia 1842.
—Essays with Annotations by Richard Whitley, D.D. New York, 1857.

Beattie, James, (LL.D.)—An Essay on the Immutability of Truth in opposition to Sophistry and Scepticism. 6th Edition. Edinburgh, 1777.

Grey, W T.—Enigmas of Life London, 1873.

Hamerton, Phillip Gilbert—The Intellectual Life Boston, 1871.

Locke, John. An Essay Concerning Human Understanding. London, 1853.

Mallock, William Hurrell—Is Life Worth Living. New York, 1879.

Pascal, Blaise—The Miscellaneous Writings of. Letters, Essays, Conversations, &c. London, 1849.

Spencer, Herbert—Essays, Moral, Political and Aesthetic. New York, 1865.

Tucker, Abraham—The Light of Nature Pursued. 2 vols. London, 1848.

Thomae, Agunatus (S.)—Conclusiones ex Universa Philosophai ad Mentum, S. Thomae Agunatus quas Publica Exponit, Certanini, Joannes Bernardus Picconus in Saronensi, Pp. scholarium prarium collegio areditor philosaphus dato cuilibet arguendi 1000. Genua, 1744.

Aristippe, Et quelques-uns de ses Contemporains. Par Wieland. Traduit par Henri Coiffier. Tome I Paris, 1802.

Whately, Richard. (D.D.) Archbishop of Dublin—The Elements of Logic. London, 1840.

POLITICAL ECONOMY.

Canadian Economics: being Papers prepared for reading before the Economical Section of the British Association for the Advancement of Science, Montreal Meeting, 1844. Montreal 1885.

Chalmers, Thomas (D.D.)—On Political Economy in Connection with the Moral State and the Moral Prospects. New York, 1832.

Dick, A.H. (D.S.C. Edin)—Outlines of Political Economy. London and Glasgow. 1873.

THE QUEBEC RESOLUTIONS

catalogue of John A. Macdonald's books—continued

1377 Fawcett, Henry, (M.A.)—Manual of Political Economy. London and Cambridge, 1863.

Hutchinson, John Hely—The Commercial Restraints of Ireland. Dublin, 1882.

Mill, John Stuart—Elements of Political Economy. 3rd edition. New York, 1864.

Another edition in 2 vols. New York, 1864.

—Principles of Political Economy. London, 1865.

Moran, Charles—Money. New York, 1863.

Rogers, James E. Thorald.—A Manual of Political Economy. Oxford, 1868.

Smith, Adam, (LL.D., F R.S.)—An Inquiry into the Nature and Causes of the Wealth of Nations.

Sophisms of Free Trade and Popular Political Economy Examined by a Barrister. London, 1850.

POLITICAL AND SOCIAL SCIENCE AND LEGISLATION.

Bagehot, Walter—Physics and Politics, J.S.S. New York, 1873.

Balmes, Rev. J.—European Civilization, Protestantism and Catholicity Compared. Baltimore, 1859.

Beames, Thomas, (M.A.)—The Rookeries present and prospective. London, 1850

Beaumont, (De) G., and A. De Toqueville—The Penitentiary System in the United States, and Its Application in France. Philadelphia, 1833.

Blaikie, Rev. William G. (A.M , F.R.S.E.)— Better Days for Working People. London, 1863.

Buckle, Henry Thomas—History of Civilization in England. 2 vols, 1858.

Buxton, Charles, (M.A., M.P.)—The Ideas of the Day on Policy. London, 1866.

Cairnes, J. E. (M.A.)—The Slave Power, its character, career, and probable designs. 2nd edition. New York, 1862.

Carlisle, Richard—Manual of Free Masonry. London.

Cassell's Household Guide—being a complete Encyclopedia of Domestic and Social Economy, 3 vols. London.

Cooke, George Wingrove—The History of Party, from the rise of the Whig and Tory factions in the reign of Charles II, to the passing of the Reform Bill. 3 vols. London, 1837.

Dean, G. A.—Fallacies and Tendencies of the Age. 2 copies. London, 1871.

Dwyer, Thomas Ainge—The Odd Book of the Nineteenth Century, or Chivalry in Modern Days. A personal record of reform, chiefly land reform, for the last 50 years. New York, 1882.

RELATED MATERIALS

catalogue of John A. Macdonald's books—continued

Disraeli, Right Hon. B., Lord Beaconsfield—Parliamentary Reform, a series of speeches delivered in the House of Commons, 1848-1866. Edited by Montague Corry, B. A. London, 1867.

Draper, John William, (M.D., LL.D.)—Thoughts on the Future Civil Policy of America. New York, 1865.

Dufferin, Earl—Irish Emigration and the tenure of land in Ireland. London, 1867.

—Speeches and Addresses. Edited by Henry Milton. London, 1882.

Eaton, Dorman B.—Civil Service in Great Britain: A History of abuses and reforms and their bearing upon American politics. New York, 1880.

England and her Colonies—The Five best Essays on Imperial Federation. 2 copies. London, 1887.

Faucher, de St. Maurice—La Question du Jour; Resterons-nous Français. Quebec, 1890.

Fisheries Affairs of the United States and Canada, being United States Senate Doc. No. 113, 50th Congress, First Session.

Fitzgerald—Democracy in the old world and the new. London, 1884.

George, Henry—Progress and Poverty. New York, 1881.

Gladstone, Right Honorable W.E.—Speeches on Parliamentary Reform in 1866. London, 1866.

Grey, Earl—Parliamentary Government, considered with reference to Reform. London, 1866.

Hamilton, Gail—Country Living and Country Thinking. Boston, 1863.

Helps, Arthur—Thoughts upon Government. Boston, 1872

Hurlburt, J. Beaufort (M.A., LL.D.) Protection and Free Trade. Ottawa, 1882.

Inagaki, Manjiro (B.A.)—Japan and the Pacific and a Japanese View of the Eastern Question. London, 1890.

Is Russia Wrong? A Series of Letters by a Russian lady and a preface by J.A. Froude, M.A. 2nd edition. London, 1878.

Junius—Letters. 2 vols. London, 1792.

Another edition. 2 vols. London. 1797.

—By Woodfall. 2 vols.

Langel, Auguste—England, Political and Social. Translated by Prof. James Morgan Hart. New York, 1874.

Lecky, Wm. Edward Hartpole—History of European morals from Augustus to Charlemagne. 2 vols. New York, 1869.

Lewis, David (J.P.) The Drink problem and its solution. London, 1881.

—The Drink Traffic in the 19th Century. London, 1885.

THE QUEBEC RESOLUTIONS

catalogue of John A. Macdonald's books—continued

Lindsey, Charles—Rome in Canada. The Ultramontane struggle for supremacy over the civil authority. Toronto, 1877.

Lord and the Vassal (The)—A familiar exposition of the Feudal system in the Middle Ages. London, 1844.

Louis, Alfred H.—England and Europe: A Discussion of National Policy. London, 1861.

Lowe, Right Hon. R. (M.P.)—Speeches and Letters on Reform. London, 1867.

McGee, Hon. Thomas D'Arcy—Speeches and Addresses chiefly on the Subject of the British American Union. London, 1865.

McPherson, Hon. Edward (LL D.)—A Hand-book of Politics for 1890. Washington, 1890.

Matthews, John—A colonist on the colonial question. 2 copies. London, 1872.

Maurice, Frederick Denison (M.A.)—The Workman and the Franchise.

Chapters from English History on the Representation and Education of the people. London and New York, 1866.

May, Sir Thomas Erskine, (K.C.B., D.C.L.)—Democracy in Europe. 2 vols. London, 1877.

Mill, John Stuart—Considerations on Representative Government. 2 copies. London. 1861-2. —On Liberty. Boston, 1863.

Minute Book of St. Peter's Lodge No. 4. March 12th, 5168, (MSS.)

Morris, Hon. Alexander, (D.C L.)—Nova Britannia or our new Canadian Dominion foreshadowed. A series of lectures, speeches and addresses. Toronto, 1884.

Paget, John—Hungary and Transylvania with remarks on their condition, social, political and economical. Philadelphia, 1850.

Patronage is Power. Montreal, 1886.

Points for Discussion in Treating with the United States, A.D., 1814.

Review of the proceedings of the Legislature of Lower Canada session of 1831 Montreal, 1832.

Ricci, (De) J. H.—The Fisheries Dispute and Annexation of Canada. London, 1888.

Schuyler, Eugene, (Ph.D., LL.D.)—American Diplomacy New York, 1886.

Seventh Report from the select committee of the House of Assembly of Upper Canada on grievances, to whom were referred Lord Goderich's despatch to His Excellency Sir John Colborne, of the 8th November, 1832. Toronto, 1835.

Sewell, Mrs. G.—The Ordeal of free labor in the British West Indies. New York, 1861.

Spence, James—The American Union, its effect on national character and policy, etc. Third edition London, 1862.

RELATED MATERIALS

catalogue of John A. Macdonald's books—continued

Stapleton, Augustus Granville—Intervention and non-intervention, or the foreign policy of Great Britain from 1790 to 1865. London, 1866.

Stebbens, J.E.—Fifty Years History of the Temperance Cause. Hartford, Conn., 1876.

Tocqueville, (De) Alexis—Democracy in America. Translated by Henry Reeve 2 vols. Cambridge, 1863.

The New Gospel of Peace according to St. Benjamin. New York, 1866.

The present position of the Liberal party. By the author of Miriam Grey and Crispin Ker. London, 1862.

Trotter, Thomas—Life pictures from Rum's gallery, or sketches written from personal knowledge of persons who have been ruined through liquor. Toronto, 1886.

True Hollis—Victoria Britania or Celebrate the Reign, A plan for celebrating the reign of Queen Victoria by the inauguration of political changes in the British constitution. New York, 1879.

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The Quebec Resolutions: Including Several Never-Published Preliminary Drafts by George Brown and John A Macdonald and a Collection of All Previously-Published Primary Documents Relating to the Conference

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Canada's Primary Constitutional Documents

Scott Reid is the series editor of the *Canada's Primary Constitutional Documents* book project. In 2012 he founded the Primary Documents project (www.primarydocuments.ca) with the goal of creating a fully searchable online archive of all primary documents relating to the Canadian constitution; the book project seeks to make the most important of these documents available in book and e-book form. He was first elected to the House of Commons in November 2000.

Special Thanks: Michael Scott

Michael Scott is the project manager at PrimaryDocuments.ca and the co-editor of *The Confederation Debates in the Province of Canada* (CCF, 2022). Along with Charles Dumais, Michael is the co-editor of the forthcoming *The Emergence and Defeat of Anti-Confederationists in the Province of Canada, 1864-1867* (University of Toronto Press). Mr. Scott reviewed this volume and suggested numerous improvements. He also formatted the book and prepared it for publication.

Additional Thanks

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CANADA'S PRIMARY CONSTITUTIONAL DOCUMENTS



ABOUT THE SERIES

The book series, *Canada's Primary Constitutional Documents*, has been undertaken by the Runnymede Society with the goal of making available a complete record of all surviving primary documents relating to each part of Canada's constitution. Only if these primary documents are available for consultation, can it be possible for scholars to be certain that they understand what the framers and the contemporary public intended each part of the constitution to achieve.

The primary documents reproduced in this series include early drafts of many parts of the constitution, along with abandoned drafts, correspondence between various framers, records of their public remarks and also of the remarks of those critics who doubted the merits of what was being proposed.

The series takes the form of a set of volumes in which these documents are ordered chronologically, with some allowances for the fact that there was sometimes some overlap between different events. Each volume is available in either book or eBook form.

The series is an attempt to breathe life back into these documents by making them universally available. All of the primary materials published in this series are in the public domain. But they have often been hidden from public view in manuscript form in various archives, or in the form of microfilmed images of old newspapers, or in parliamentary papers published in very small numbers and long since out of print.

However, it is important to remember that each book and eBook in this series remains a provisional and imperfect snapshot of the relevant part of the universe of primary documents. It is always possible that in future years further records will be recovered, which are not included in the present volume.

Scholars are therefore advised to consult the regularly-updated collection at the PrimaryDocuments.ca website. Users of the website also have some additional functionality at their fingertips which cannot be replicated in a paper-and-ink book. These include links, annotations, user commentary, and access to photographic images of the original form of each document, all in downloadable form. Users also have the ability to leave their own comments and suggested corrections at the website.

Scott Reid
Series Editor
Perth, Ontario, May 2025

THE QUEBEC RESOLUTIONS

The **Quebec Resolutions of 1864** are the embryonic form of the *British North America Act, 1867*. The Resolutions lay out the broad outlines of the Canadian constitution, including the formal entrenchment of responsible government, a bicameral parliament with representation by population in the lower house and fixed representation in the upper house, a division of powers between two levels of government, a framework for interprovincial free trade, and the protection for linguistic and religious minorities. Some of the resolutions even entered the constitution in language identical to that adopted in 1864 at Quebec. The early drafts of the resolutions therefore have much to tell us about the origins of the *British North America Act, 1867*.

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