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20

CORRESPONDENCE

RELATIVE TO

A[1] MEETING AT QUEBEC OF DELEGATES

APPOINTED TO DISCUSS THE

PROPOSED UNION OF THE BRITISH NORTH AMERICAN PROVINCES.

Presented to both Houses of Parliament by Command of Her Majesty.
7th February 1865.

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SCHEDULE.

CANADA.

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CORRESPONDENCE

RELATIVE TO

A MEETING AT QUEBEC OF DELEGATES

APPOINTED TO DISCUSS THE

PROPOSED UNION OF THE BRITISH NORTH AMERICAN PROVINCES.

CANADA.

No. 1.

No. 1.

Copy of a DESPATCH from Viscount Monck to the Right Hon. Edward Cardwell, M.P.

(No. 135.)

Sir, Quebec, September 23, 1864.

I have the honour to transmit 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 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.

* Printed in Appendix, page 13.

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.,

The Right Hon. Edward Cardwell, M.P. &c. &c. &c.

(Signed) MONCK.

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

The Committee of Council has the honour 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 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 honour 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 July 6, 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,
W. H. LEE,
Clerk of the Executive Council.

Lord MONCK to Governor of Lower Provinces.

SIR,

Quebec, September 23, 1864.

I HAVE the honour 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 honour to invite you to name a deputation to represent your Province in the approaching Conference, which will meet at Quebec on the 10th of October.

I have, &c.
(Signed) MONCK.

The Lieutenant Governors of Nova Scotia, New Brunswick, Prince Edward Island, and the Governor of Newfoundland.

No. 2.

COPY of a DESPATCH from the Right Hon. EDWARD CARDWELL, M.P., to Viscount MONCK.

(No. 79.)

MY LORD,

Downing Street, October 14, 1864.

I HAVE the honour 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 which your Lordship has taken in this matter

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

Governor General Viscount Monck, &c. &c. &c.

No. 3.

No. 3.

COPY of a DESPATCH from Viscount MONCK to the Right Hon. EDWARD CARDWELL, M.P.

(No. 168.)

SIR,

Quebec, November 7, 1864.

REFERRING to my Despatch (No. 135.*) of the 23rd 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. 151.) and 2nd November (No. 165.), in which I enclosed to you the answers received to that invitation, I have the honour to report that the several gentlemen named in the communications above referred to as Representatives of those Colonies respectively arrrived at Quebec on Monday the 10th October, the day named for the assembling of the Conference.

* Page 3.

† *Note.*—These two Despatches merely reported the names of some of the Delegates, and the expected time of their meeting.

They immediately proceeded to the consideration of the important question, the discussion of which constituted the object of their meeting, having appointed Sir Etienne 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 28th of the same month.

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

I may state that an extended intercourse with the Members of the Conference enables 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 arguments 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 favour.

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 purposes 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.

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 that, 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 influentlal a portion of Her Majesty's subjects.

I have, &c.
(Signed) MONCK.

The Right Hon. Edward Cardwell, M.P., &c. &c. &c.

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, October 10, 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.

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2. 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. 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.

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 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.

9. The Colony of Newfoundland shall be entitled to enter the proposed Union, with a representation in the Legislative Council of four 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 30 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 Executive 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 24 Legislative Councillors representing Lower Canada in the Legislative Council of the General Legislature shall be appointed to represent one of the 24 electoral divisions mentioned in Schedule A. of Chapter 1st 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 10 years; and 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. 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.

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20. For the purpose of such re-adjustments, Lower Canada shall always be assigned 65 Members, and each of the other sections shall at each re-adjustment receive, for the 10 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 the House of Commons, and distribute the Representatives to which the Province is entitled, in any manner such Legislature may think fit.

25. The nuuber 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 to the qualification and disqualification of any person to be elected or to sit or vote as a Member of the Assembly in the said Provinces respectively—and relating to the qualification or disqualification of voters, and to the oaths to be taken by voters, and to Returning Officers and their powers and duties,—und 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 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 12 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 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 and 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. Copyrights.
29. Indians and Lands reserved for the Indians.
30. Naturalization and Aliens.
31. Marriage and Divorce.

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

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 of 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 Messages to both Houses of Parliament, within the first week of the first 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 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 General Parliament.
15. Property and civil rights, excepting those portions thereof assigned to the General Parliament.

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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 of respiting, reprieving, 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.

Miscellaneous.

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 as 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 Government 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 the 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.

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 herein-after mentioned, shall belong to the General 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. Lighthouses and piers;
4. Steamboats, dredges, and public vessels;
5. River and lake improvements;
6. Railway 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. Armouries, 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

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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 5 per cent. on the amount not so incurred, in like manner as is herein-after 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 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.

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 10 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 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.

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.

I certify that the above is a true copy of the original Report of Resolutions adopted in Conference.

E. P. TACHÉ, Chairman.

No. 4.

No. 4.

COPY of a DESPATCH from Viscount MONCK to the Right Hon. EDWARD CARDWELL, M.P.

(No. 174.)

Government House, Quebec, November 14, 1864.

SIR,

Nov. 12, 1864.

I HAVE the honour to transmit for your information a copy of a Despatch which I have addressed to each of the Lieutenant-Governors of Nova Scotia, New Brunswick, and Prince Edward Island, and to the Governor of Newfoundland, enclosing copies of the Resolutions of the late Conference at Quebec on the Union of the Provinces of British North America.

I have, &c.
(Signed) MONCK.

The Right Hon. Edward Cardwell, M.P., &c. &c. &c.

Government House, Quebec, November 12, 1864.

CANADA.

SIR,

REFERRING to my Despatch of 23rd September, and to your answer of 3rd October, I have the honour to inform you that the gentlemen named by you to represent Nova Scotia began their consultations with the delegates from the other Provinces and the Ministers of Canada on the 10th October.

The members of the Conference chose Sir E. P. Taché, Prime Minister of Canada, as their chairman, and I have now the honour to transmit to you a copy of the resolutions* adopted by the Conference, authenticated by the signature of that gentleman. * Page 5.

I have also transmitted a similar copy to Her Majesty's Secretary of State for the Colonies, and the Lieutenant-Governor of New Brunswick and Prince Edward Island and the Governor of Newfoundland.

I have, &c.
(Signed) MONCK.

His Excellency the Lieutenant-Governor of Nova Scotia, &c., &c., &c.

No. 5.

No. 5.

COPY of a DESPATCH from the Right Honourable EDWARD CARDWELL, M.P., to Viscount MONCK.

(No. 93.)

Downing Street, Dec. 3, 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. * Page 4.

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 favourable auspices to have given rise to many differences of opinion.

Such an event is in the highest degree honourable 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 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 have 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 overrated. Its maintenance is essential to the practical efficiency of the system,—and to its harmonious operation,

both in the general administration, 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 Governments. 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 intrusted 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 if, as I hope, you are able to report that these 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.,

Viscount Monck. (Signed) EDWARD CARDWELL.
&c. &c. &c.

[A copy of the foregoing Despatch was sent on the 8th December to the Governors of each of the other Provinces in North America, viz., Nova Scotia, New Brunswick, Prince Edward Island, and Newfoundland.]

The Conference consisted of the following Members:

For Canada,

The Hon. Sir E. P. Taché, M.L.C., Receiver-General and Minister of Militia.
" John A. McDonald, M.P.P., Attorney-General (U. Canada).
" G. E. Cartier, M.P.P., Attorney-General (L. Canada).
" George Brown, M.P.P., President of Executive Council.
" O. Mowatt, M.P.P., Postmaster-General.
" A. T. Galt, M.P.P., Minister of Finance.
" T. D. McGee, M.P.P., Minister of Agriculture.
" Wm. McDougall, M.P.P., Provincial Secretary.
" Alex. Campbell, M.L.C., Commissioner of Crown Lands.
" Q. C. Chappais, M.P.P., Commissioner of Public Works.
" L. H. Langevin, M.P.P., Solicitor-General (L. Canada).
" James Cockburn, M.P.P., Solicitor General (U. Canada).

For Nova Scotia,

The Hon. Charles Tupper, M.P.P., Provincial Secretary.
" William A. Henry, M.P.P., Attorney-General.
" Jo. McCully, M.L.C.
" Robt. B. Dickey, M.L.C.
A. G. Archibald, Esq., M.P.P.

For New Brunswick,

The Hon. S. L. Tilley, M.P.P., Provincial and Financial Secretary.
" W. H. Steeves, M.L.C., M.E.C.
" J. M. Johnson, M.P.P., Attorney-General.
" P. Mitchell, M.L.C., M.E.C.
" E. B. Chandler, M.L.C.
" Lieut.-Col. John H. Gray, M.P.P.
" Chas. Fisher, M.P.P.

For Newfoundland,

F. B. T. Carter, Esq., M.P.P.
John Ambrose Shea, Esq., M.P.P.

For Prince Edward Island,

Col. the Hon. J. H. Gray, M.P.P.
The Hon. E. Palmer, Attorney-General.
" W. H. Pope, Provincial Secretary.
" A. A. McDonald, M.L.C.
" George Coles, M.P.P.
" T. H. Haviland, M.P.P.
" Edward Whelan, M.P.P.

APPENDIX.

COPY of a DESPATCH from His Grace the Duke of NEWCASTLE, K.G., to the Earl of MULGRAVE, *referred to at page* 3.

(No. 182.)

MY LORD, Downing Street, 6th July, 1862.

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 or all of 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.

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

CANADA.

Provinces 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 feeling than an anxiety to discern and 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, &c.,
(Signed) NEWCASTLE.

The Earl of Mulgrave,
&c. &c. &c.

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For Her Majesty's Stationery Office.

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PAPERS

RELATING TO

The CONFERENCES which have taken place between HER MAJESTY'S GOVERNMENT and a DEPUTATION from the EXECUTIVE COUNCIL of CANADA appointed to confer with HER MAJESTY'S GOVERNMENT on SUBJECTS of IMPORTANCE to the PROVINCE.

Presented to both Houses of Parliament by Command of Her Majesty.
19*th June* 1865.

No. 1.

COPY of a DESPATCH from GOVERNOR GENERAL Viscount MONCK to the Right Honourable EDWARD CARDWELL, M.P.

(No. 83.)

Quebec, 24th March 1865.

SIR,

I HAVE the honour to transmit for your information a copy of an approved Minute of the Executive Council of Canada appointing a Deputation from their body who are to proceed to England to confer with Her Majesty's Government on subjects of importance to the Province.

The gentlemen named on the deputation propose leaving by the steamer which sails on the 5th April.

I have, &c.
(Signed) MONCK.

The Right Honourable
Edward Cardwell, M.P.,
&c., &c.

Enclosure in No. 1.

COPY of a REPORT of a COMMITTEE of the Honourable the EXECUTIVE COUNCIL, approved by his Excellency the GOVERNOR GENERAL on the 24th March 1865.

THE Committee respectfully recommend that four members of your Excellency's Council do proceed to England to confer with Her Majesty's Government:

1st. Upon the proposed Confederation of the British North American Provinces, and the means whereby it can be most speedily effected:

2d. Upon the arrangements necessary for the defence of Canada in the event of war arising with the United States, and the extent to which the same should be shared between Great Britain and Canada:

3d. Upon the steps to be taken with reference to the Reciprocity Treaty, and the rights conferred by it upon the United States:

4th. Upon the arrangements necessary for the settlement of the North-west Territory and Hudson's Bay Company's claims:

5th. And generally upon the existing critical state of affairs by which Canada is most seriously affected:

The Committee further recommend that the following Members of Council be named to form the Delegation, viz., Messrs. Macdonald, Cartier, Brown, and Galt.

Certified,
WM. H. LEE, C.E.C.

No. 2.

COPY of a DESPATCH from the Right Honourable EDWARD CARDWELL, M.P., to Governor General Viscount MONCK.

(No. 95.)

Downing Street, 17th June 1865.

MY LORD,

I HAVE the honour to inform your Lordship that several conferences have been held between the four Canadian Ministers who were deputed, under the Minute of your Executive Council of March 24th, to proceed to England to confer with Her Majesty's