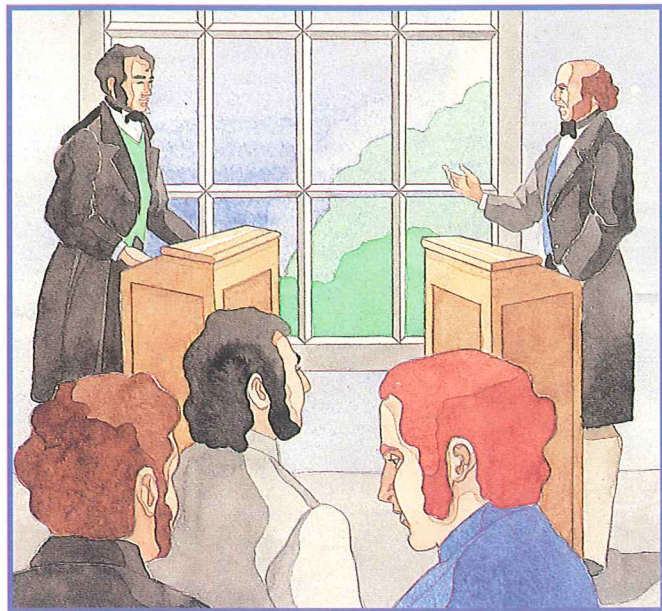


The Confederation Debates

In the Province of Canada



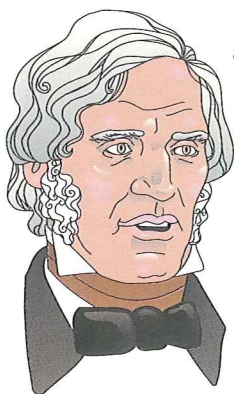
The Confederation Debates included intense discussions of serious disagreements.



The job of the delegates who were at the Quebec Conference was to go home and convince the anti-Confederates (those against Confederation or Union) to change their minds. In order for the Seventy-Two Resolutions to be passed, they had to be approved by the colonial assemblies in the Province of Canada.

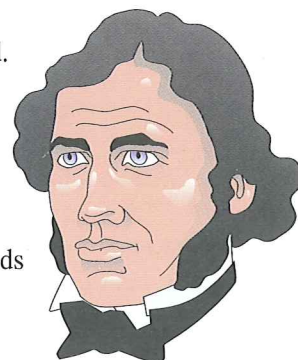
In the Province of Canada the debate continued for six weeks, but in the end the Great Coalition (see page 182) had an overwhelming majority on its side. The vote in the assembly was 91 to 33 in favour of Confederation.

Here is an imaginary conversation that might have taken place among some of the members of the Legislative Assembly after the vote:

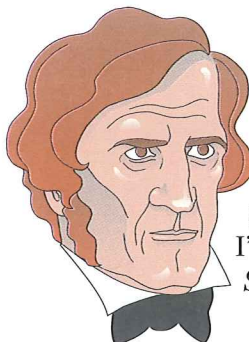


I voted for Confederation because if we are united we will be able to defend ourselves better against the Americans. Britain does not seem very interested in helping us, so we must help ourselves.

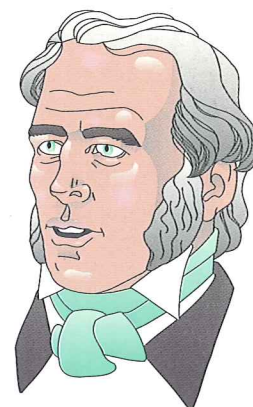
That is perfectly true, my friend. However, what is more important, trade will improve within the British North American colonies. We will send our manufactured and our farm goods to the Atlantic colonies and will receive their goods in return.



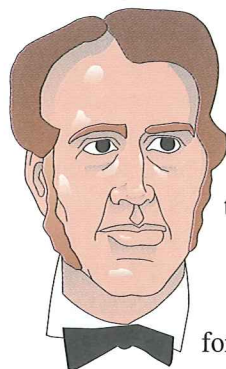
As a *Canadien* and a representative of my people, I am more interested in protecting the *Canadien* way of life. I think that a separate provincial government for Canada East will do that. I'm in favour of guaranteeing *La Survivance*, not Confederation.



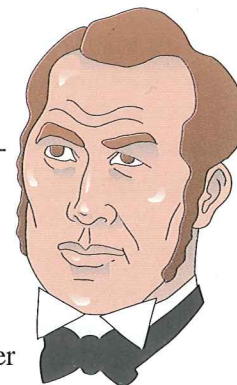
I am also a *Canadien*, but I do not share your feelings about Confederation. I think our way of life will be threatened, because the central government will be too strong and will be run by English-speaking people. We *Canadiens* will have to stand up for ourselves at every turn in the future.



I feel as you do about Confederation, even though I am not a *Canadien*. What good are the Atlantic colonies to the Province of Canada? We don't need to unite with them in order to trade with them.



You nay-sayers are forgetting about the possibility that Confederation will allow us to build a trans-continental railway. Then we will be able to unite with the colonies and territories to the west, and become a nation from sea to sea. Look at all the good farmland we'll be able to take over for the younger generation.



La Survivance—cultural survival, especially of the French language and culture, and of the Roman Catholic religion

In the Atlantic Colonies



There was strong opposition in the Atlantic colonies to the Seventy-Two Resolutions and thus to Confederation. Many people thought that they were doing fine on their own and could see no reason to join Canada and take on its problems. The people of the Atlantic colonies were in the fishing, lumbering, and shipbuilding industries. They felt that they had little in common with the farmers of the Province of Canada.

Briefly, here is what happened before 1867, in the Atlantic colonies:

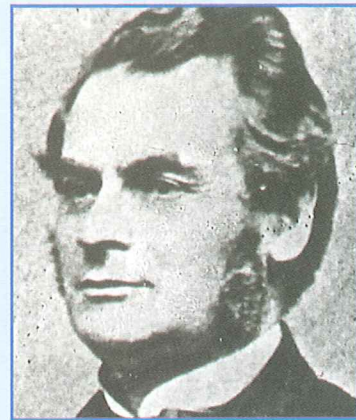
- The people of New Brunswick and Nova Scotia reversed their initial opposition to Confederation and voted for it.
- The people of Prince Edward Island and Newfoundland rejected the idea of Confederation.

The following includes more details about the story of the debates in each of the Atlantic colonies.

New Brunswick

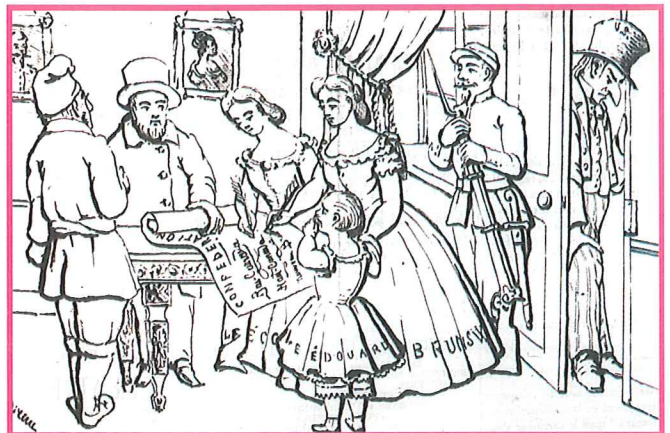
In 1865 Premier Tilley's pro-Confederation government (those in favour of Confederation or Union) fought an election on the issue of Confederation and lost. His opponents stressed that New Brunswick would lose control over its own affairs in Confederation and the people believed them.

In 1866 the lieutenant-governor, appointed by Great Britain, was instructed to encourage Confederation in the colony. He pressured the anti-Confederation government into resigning and appointed a pro-Confederation government. He then called another election. Tilley was re-elected and the new assembly voted for Confederation. This seems like a surprising turnaround, but circumstances changed between the two elections. First, the fear of an American invasion had been reawakened by Fenian raids across the border. People felt it would be much easier to have a strong army if New Brunswick united with Canada. Second, Great Britain announced that it supported the idea of union. People who were worried about breaking ties with Britain were reassured that some links would remain. Third, people had time to think about the possible economic benefits of union. They became convinced that union would mean an enlarged, protected market for New Brunswick goods. Also, people thought union would mean more money for railway construction, which in turn would mean more jobs for the labour force in the colony. Railways were also needed to open up forested land for settlement. Another reason for the pro-Confederation victory was that Tilley was able to wage a strong campaign with money from sources such as shipping, timber, and railway interests, as well as from the government in the Province of Canada.



Sir Samuel Leonard Tilley (1818–1896)

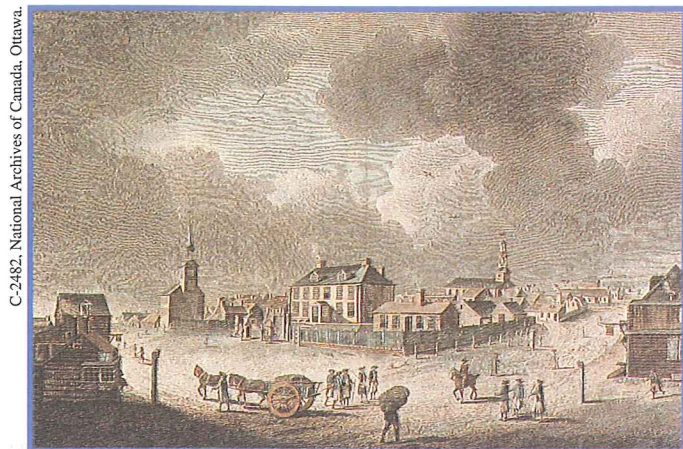
Samuel Leonard Tilley was born to Loyalist parents who had come north following the American Revolution. He had a profitable medical supply business before entering politics. Tilley was one of the Fathers of Confederation. He represented New Brunswick at both the Charlottetown and Quebec Conferences. As premier he led the fight to convince the people of New Brunswick to join Confederation. Following Confederation Tilley joined John A. Macdonald's Conservative government first as minister of customs, then as minister of finance. He was lieutenant-governor of New Brunswick from 1873 to 1878. He returned to the Macdonald government as finance minister in 1878. In 1885 he became lieutenant-governor of New Brunswick.



All in the Family. This 1865 cartoon from *Le Perroquet* shows Upper and Lower Canada arranging to marry Nova Scotia and New Brunswick. They plan to adopt little Prince Edward Island, but the U.S. is not invited.

Nova Scotia

People in Nova Scotia had been quite interested in a union of the Maritime colonies. Nova Scotia was largely responsible for the Charlottetown Conference of 1864. There was a strong emotional pull for a maritime union in Nova Scotia. This was because New Brunswick and Prince Edward Island had been part of one colony (Nova Scotia) during the 1700s.



C-2482, National Archives of Canada, Ottawa.

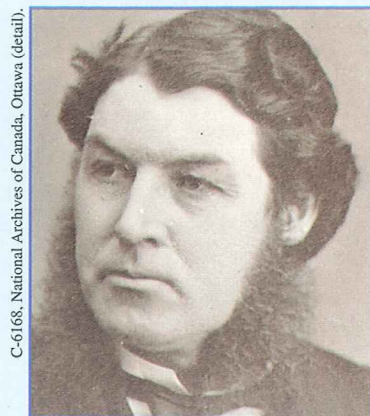
By 1867 Halifax was already an important port and military centre.

Confederation was tied to railway building in the minds of the pro-Confederation people in Nova Scotia. They wanted to see Halifax linked by railway to the Province of Canada (Canada East and Canada West). The access to Canadian markets would greatly help industrial development in Nova Scotia. The reaction of communities in Nova Scotia to the idea of Confederation often depended on their nearness to the proposed railway. If they were not close, then they were not particularly interested.

Many anti-Confederates led by Joseph Howe were concerned about how much influence a small province like Nova Scotia would have in Confederation. They were also worried about higher taxes to support railway development.

Premier Charles Tupper, who was pro-Confederation, watched the 1865 election loss of the pro-Confederation candidates in New Brunswick and decided not to call an election until Joseph Howe lost some of his support. Nova Scotia could not very well join without New Brunswick anyway, since New Brunswick was between Nova Scotia and the Province of Canada. Finally, in 1866 pro-Confederation Premier Tilley of New Brunswick was swept back into office.

A new pro-Confederation lieutenant-governor was appointed in Nova Scotia. Sir Fenwick Williams was well liked because he was a native of the colony and had been a hero in the British navy. With his help, Premier Tupper was able to win the support of the Legislative Assembly for Confederation.



C-6168, National Archives of Canada, Ottawa (detail).

Charles Tupper (1821–1915)

Tupper was a third-generation Nova Scotian, descended from a family of early North American settlers. He became a doctor and was the first president of the Canadian Medical Association. In 1864 Tupper became the premier of Nova Scotia and attended the Charlottetown and Quebec conferences during that same year. He is one of the Fathers of Confederation and is credited with his province's entry into Confederation. After Confederation, Tupper held many Cabinet posts in the federal government, including that of minister of railways and canals from 1870 to 1884, while the Canadian Pacific Railway was being built. He replaced Sir Mackenzie Bowell as prime minister in May of 1896, but resigned July 8 after he and his Conservatives were defeated by Wilfrid Laurier's Liberals. He led the Opposition for another four years before retiring from politics.

Joseph Howe

The popular Joseph Howe led the fight against Confederation in Nova Scotia. His 12 "Botheration Letters" were printed in the *Halifax Morning Chronicle* from January to March, 1865. This is an example of what he said:

Comparing Confederation to a piece of cloth, it is a weak and poorly planned piece of material. Is it a good idea to put new wine [Nova Scotia] in an old bottle [Province of Canada] or to attach new cloth to an old item of clothing? Is union strong when a wise man, doing a steady business, is tricked into joining a gambler? Was Samson stronger when combined with Delilah, who tied him with ropes and cut off his hair?

Prince Edward Island

In Prince Edward Island there was widespread opposition to the idea of Confederation. People were concerned that the island's five representatives in the House of Commons would have little power or influence. Also, the Quebec Conference had refused to guarantee a £200 000 loan to buy out the absentee landlords who owned most of the island. Islanders saw no advantage in the proposed customs union, because the island's government operating revenues came almost entirely from duties on trade with other colonies.

Newfoundland

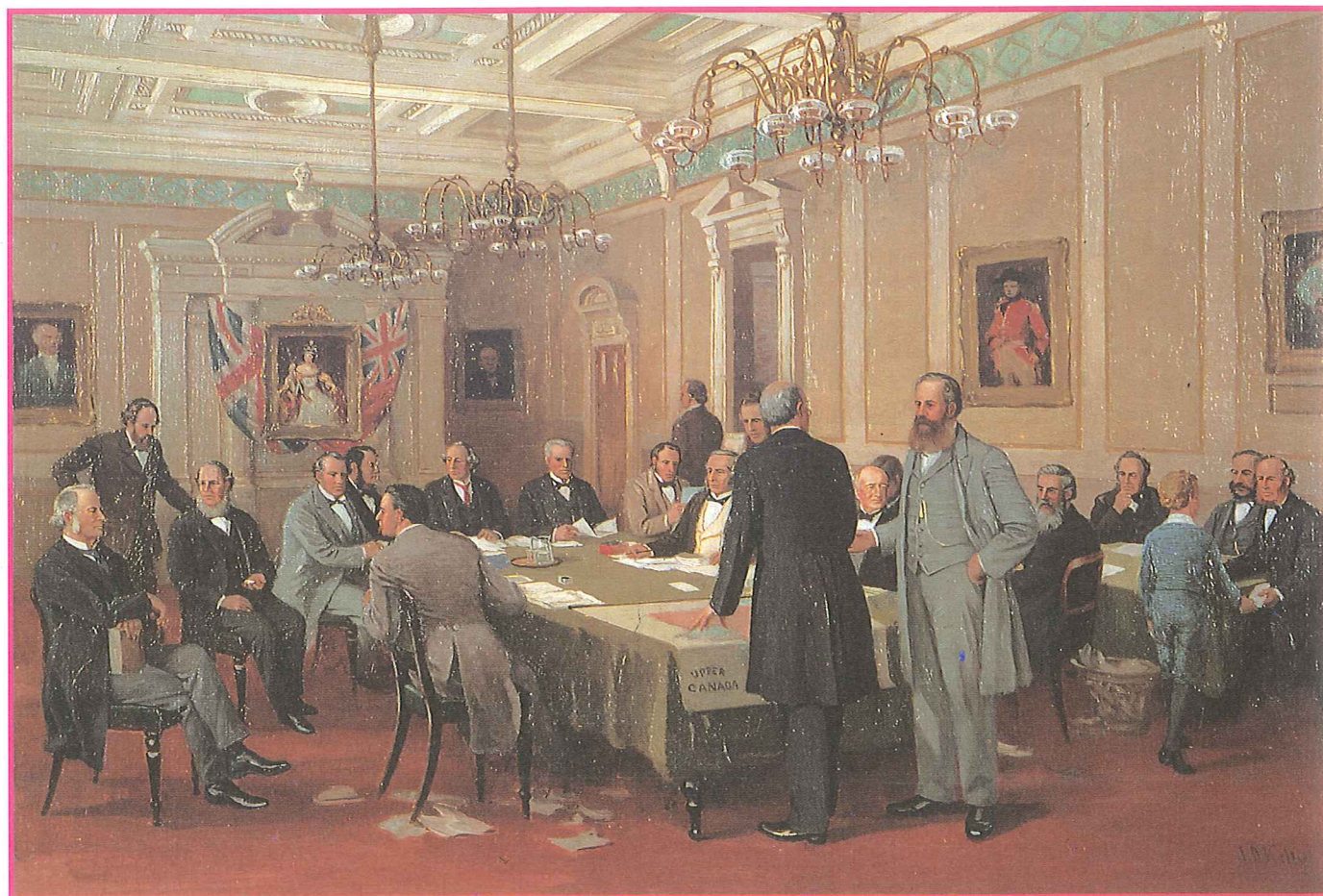
The people of Newfoundland were really not very interested in Confederation. They felt that they had little in common with the people of the united Province of Canada. When they heard about the anti-Confederation events in the other Atlantic colonies, they lost the little interest they had.

The London Conference



Sixteen delegates from the Province of Canada, Nova Scotia, and New Brunswick sailed to London in 1866 to present the Seventy-Two Resolutions to British officials. During the meetings in London, the delegates from Nova Scotia and New Brunswick were able to make some changes that were to their benefit. New Brunswick got assurances that the intercolonial railway would be built. Provincial government **subsidies** were increased.

On February 12, 1867, the bill containing the Seventy-Two Resolutions (the British North America Act) was introduced in the British House of Lords. It passed through both houses quickly, and on May 22, 1867, Queen Victoria proclaimed that the Dominion of Canada would become a nation on July 1, 1867. John A. Macdonald was to be the first prime minister.



London Conference on Confederation, by J.D. Kelly. The London Conference lasted from December 1866 to February 1867.

Subsidy—loan of money that the government contributes or sets aside for a given year's budget. It is usually for a specific project.

The British North America Act, 1867

Introduction

The British North America Act* (BNA Act) created the Dominion of Canada in 1867, stated the powers of the provincial and federal governments, outlined the way in which the government would be structured, and guaranteed protection for minority groups.

Constitution Act, 1867

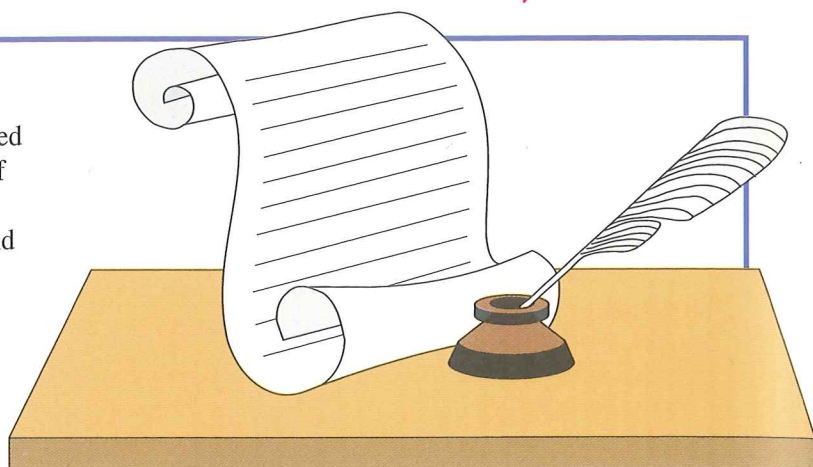
Aim: to create a federal union (Confederation) of the colonies of British North America, associated with Great Britain.



The proclamation of the Dominion of Canada was announced at Windsor Castle in Great Britain in May 1867. The Dominion of Canada was to consist of the provinces of New Brunswick, Nova Scotia, Ontario, and Quebec.

Federalism

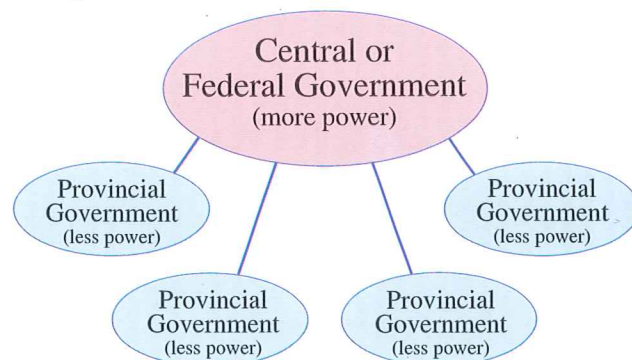
The most important question that the writers of the Constitution Act, 1867 had to decide was whether there should be both national and provincial levels of government, or just a national level. John A. Macdonald and others had not wanted provincial governments. However, Quebec felt that if it lost its provincial government, it would also lose its identity: its French language, its culture and traditions, as well as its civil laws. Many people in the provinces of New Brunswick and Nova Scotia were anxious to have their own provincial governments.



The result was a system of federalism. This meant that the Dominion of Canada would have two levels of government: national or federal (or central) and provincial. The federal government would handle matters affecting everyone. Each provincial government would handle matters affecting only the people it governs within its boundaries.

Canada's System of Federalism

- It would be a system with a central government and provincial governments.
- The central government would have more power than the provincial governments. The provincial governments would have little power and few rights.**



*The BNA Act was renamed the Constitution Act, 1867 because of the changes made to the Constitution in 1982.

**In 1982 some changes were made to the Canadian Constitution. For example, the provinces gained more power.

Form of Central Government

It was decided that the central government of the Dominion of Canada would have three parts. (1) The head of the government of Canada is the monarch and is represented by a governor general. Parliament—the law-making body of the government—is composed of (2) the House of Commons and (3) the Senate.

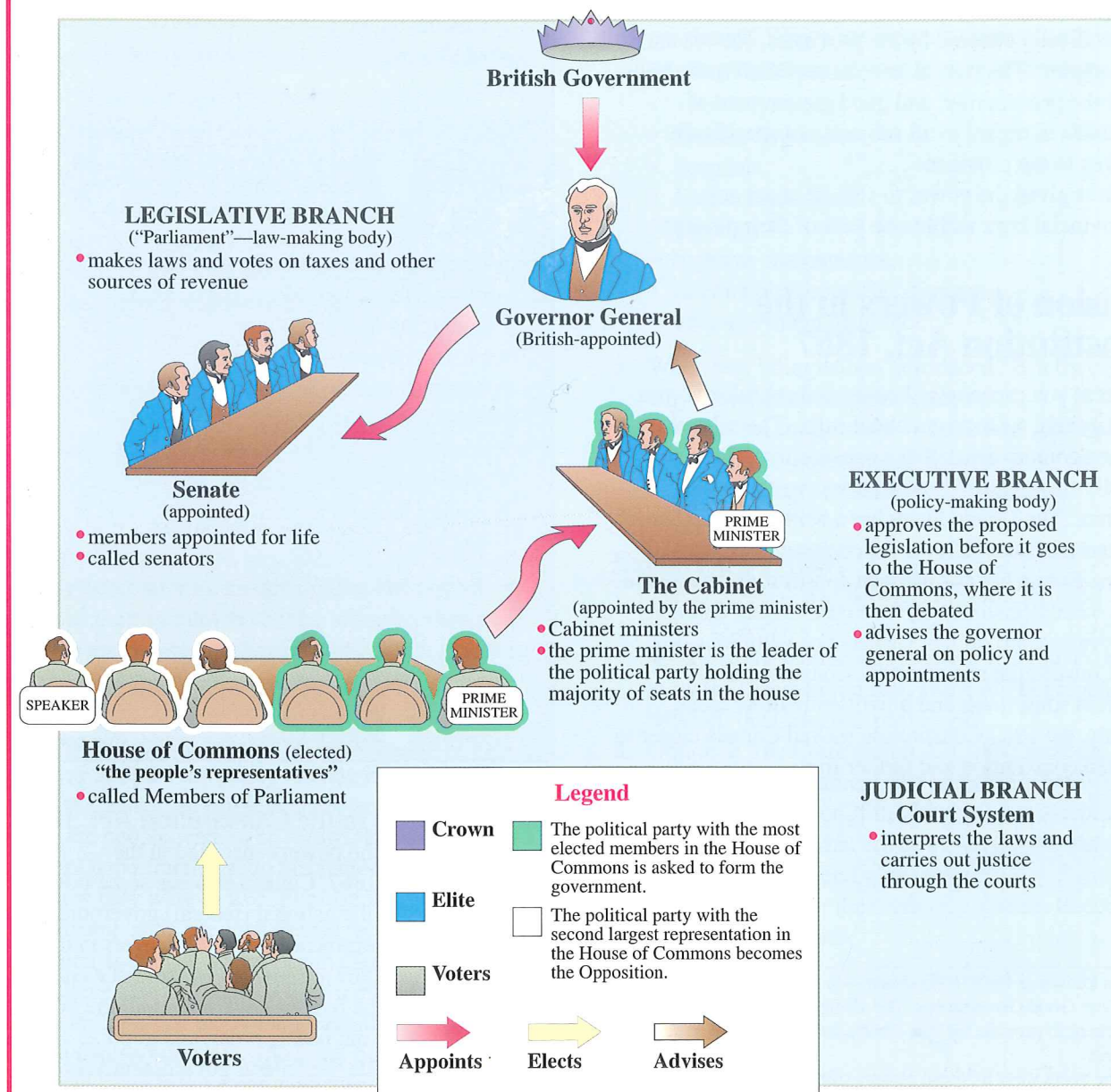
Representatives from each province are elected to the House of Commons. They are called Members of Parliament.

The number of Members of Parliament from each province depends on the size of the population in that province (representation by population). This means that the smaller provinces of Nova Scotia and New Brunswick have far fewer Members of Parliament to represent their interests.

The Senate is meant to represent regional interests. Ontario was given 24 representatives, Quebec 24, and Nova Scotia and New Brunswick 24 together. Senators are appointed.

Canada's System of Federal Government

(as outlined in the BNA Act, 1867)



A Strong Central Government

The central or national government was to be very strong. This was partly because the American Civil War, in which the states fought against each other, was still fresh in the minds of the Fathers of Confederation. They were afraid that if the provinces were too powerful, they might fight in the same way that the American states had.



Here is how the central government became strong:

1. The central government was given authority over matters of general concern. These powers were vague. They included everything that was not specifically covered by the provinces. Here is an example: "The federal government shall make laws for the peace, order, and good government of Canada in regard to all subjects not specifically given to the provinces"
2. It was given the power to veto or reject any provincial laws within one year of their passage.

Division of Powers in the Constitution Act, 1867

Just as you cannot play hockey without rules, so you cannot govern a country without rules. The rules that govern a country are called a constitution. There are basically two types of constitutions: written and unwritten. The United States has a written constitution. If questions arise, one refers to the constitution for the answers. Britain has an unwritten constitution, where the courts make decisions based on customs and traditions and previous court rulings. Canada's constitutions (the 1867 Constitution and the 1982 Constitution) are written in some areas and unwritten in other areas. Actually, the 1982 Constitution moved Canada closer to a written constitution and farther from custom and tradition.

*This is known as the POGG clause—a government for Peace, Order, and Good Government. The United States created a government to provide for life, liberty, and the pursuit of happiness.

**As the years went by these powers often overlapped and blurred, so that the division of powers is no longer easy to explain. It is also a current issue.

Powers Specified in the 1867 Constitution

Among the 29 items that were specifically stated as powers and thus the responsibility of the federal (central) government were:

- trade and commerce
- raising money by taxation
- postal service
- armed forces and defence
- fisheries
- money
- Native peoples and lands reserved for them
- divorce
- criminal law
- penitentiaries

While matters of national interest were to be legislated by the federal government, matters of a particular or local interest were the responsibility of the four provincial governments. These matters were:

- direct taxation within the province
- management and sale of public lands belonging to the province
- provincial prisons
- hospitals and asylums
- local works and projects
- education
- administration of justice and provincial courts
- issuing licences to shops, saloons, taverns, and other businesses

As you can see from the provincial list of responsibilities, the provinces were given authority over social and cultural areas such as education, and local matters such as provincial courts.**

Shared Powers in the Constitution Act, 1867

In addition to the powers specified in the Constitution Act, 1867, Canada also has some powers that are shared by the national (federal) government and the provincial governments. All other powers in the Constitution Act, 1867 are covered by the POGG clause. This clause gave the federal government all the powers necessary to carry out peace, order, and good government. It made the federal government very powerful.