

CHAPTER XXX.

Confederation.

During the union of the two provinces, and especially after the introduction of responsible government in 1848, the main facts to be recorded are more numerous than at any time before that period. They apply also to both provinces and not particularly to Lower Canada. Such were the commencement of the Grand Trunk Railway in 1852; the first ocean steamer in Quebec, 1853; railway between Montreal and Portland opened, 1853; three other railways built in Upper Canada, same year; post-office money order established, 1854; first screw steamer from Liverpool to the St. Lawrence, 1854; sugar refining established in Montreal, 1854; opening of the Niagara Suspension Bridge, 1855; registration of letters in post offices, 1855; the Militia Act passed, 1855; Separate School Bill for Upper Canada passed, 1855; prosperity in Canada, 1855; railway between Montreal and Toronto opened, 1856; the Allan line of steamships in full operation, 1856; the question of representation of the people in Parliament as based on population was put in this form: "Without regard to a separating line between Upper and Lower Canada," 1857; the Jacques Cartier Normal School in Montreal, the McGill Normal School in Montreal, and the Laval Normal School in Quebec, established, 1857; 100th regiment recruited in Canada, 1858; abolition of imprisonment for debt in Canada, 1858; Allan line of steamers made weekly trips, 1859; the Prince of Wales visits Canada, 1860; opening of Victoria Bridge, 1860; laying of the corner stone of Parliament buildings at Ottawa, 1860; population of Upper Canada, 1,396,091; that of Lower Canada, 1,111,566; Nova Scotia, 330,857; New Brunswick, 252,047; War of Secession in the United States, 1861; Morrin College, Quebec, chartered, 1861; three thousand Imperial troops arrive in Canada, 1861; street railways operated in Montreal and Toronto, 1861; royal assent given to Mr. R. W. Scott's Separate School Bill, 1863.

The Reform party of Upper Canada had declared (1859) in favour of a federal union and they were followed in this plan by the Reform party of Lower Canada, in principle, but they did not entirely agree on the method to adopt. Each province was to have a distinct legislature, while a Federal Parliament should legislate upon matters of common concern. This scheme was defeated by a large majority in 1860. The following four years were marked by the difficulty of forming any administration with a sufficient majority to carry on public business.

The Honourable Alexander Galt, representing the English-speaking and Protestant minority of Lower Canada, suggested to include the Maritime Provinces in the project, hoping to obtain their adhesion without much opposition, since Mr. Howe and others had already advocated the practicability of such a union. A coalition ministry was formed, in June, 1864, in which Mr. George Brown entered on condition that a measure be introduced for a union between Upper and Lower Canada, on the federal system, with provisions for the admission of the other provinces and the North-West Territories. Thus a definite base was determined, having the consent of Mr. Brown, who represented Upper Canada. It was thought at first that Lower Canada would object, but Mr. Cartier managed to reconcile both the Catholics and the Protestants by showing the former that they would be left free at home to settle their own affairs, and by giving the Protestants all the guarantees they asked for. Things being so far advanced, Mr. John A. Macdonald joined with the others, and negotiations were opened to bring the Maritime Provinces into line.

These provinces were then making arrangements to discuss their own union project. The offer of Canada made the platform a larger one. When the Charlottetown convention met, a message was sent asking if the Canadians would be admitted, and upon a favourable answer, eight delegates went, with the result that the debates were postponed until a general convention could be held at Quebec. This celebrated meeting opened on the 10th of October, 1864, and closed on the 28th, after ascertaining that Newfoundland and Prince Edward Island would probably not come in, and that it was possible for Nova Scotia and New Brunswick to accept the proposal.

Some admirable speeches were delivered by several of the delegates,

which were not reported because the Conference sat with closed doors, but the public dinners afforded the guests more than one occasion to express their opinion on the great subject of the moment—all, without exception, pronounced in favour of a federal union. A few quotations from responses to toasts will give the tone of most of these speeches:—

“The time has arrived when we are about to assume the position of a great nation, and such being the case, we should not shrink from its responsibilities. The people of the Lower Provinces entertain a magnificent idea of the grandeur which awaits us all. A united nation, we shall become a great country, and the time is not far distant when a colossal power growing up on this continent, shall stand with one foot on the Pacific and the other on the Atlantic.” (Archibald.)

“The magnitude of the question which has called the delegates from the Maritime Provinces to this meeting is one which actually appals me to contemplate, when I reflect that from the time in which the immortal Wolfe decided on the Plains of Abraham the destiny of British America to the present, no event has exceeded in importance or magnitude the one which is now taking place in this ancient and famous city. . . . You can readily understand how important it is that Canada should obtain means of access to the ocean not only for five months but for twelve months in the year. Why is it that the Intercolonial Railway is not a fact? It is because, being divided, that which is the common interest of these colonies has been neglected; and when it is understood that the construction of this work is going to give to Canada that which is so essential to her, its importance will be understood not only in connection with your political greatness, but also in connection with your commercial character, as affording increased means of communication with the Lower Provinces—for the inexhaustible resources of the Great West will flow down the St. Lawrence to Quebec, and from there to the magnificent harbours of Halifax and St. John, open at all seasons of the year. . . . If you look at the colony which I have the honour to represent you will find that its mineral resources cannot be excelled on this side of the Atlantic. You will find a vast country occupied by as valuable coal deposits as are to be found on the surface of the earth. . . . The commercial union can only be realized in connection with a political union.

. . . The tariffs would require to be adjusted to meet the necessities of each people by different legislatures, and while this is the case, while we are separate, we can never hope to have such an adjustment as to give to the people of the whole of the provinces such a commercial union as the Quebec Board of Trade judges to be essential to our common interests.” (Tupper.)

“The union of Upper and Lower Canada has doubled our population and trebled our resources in twenty years. . . . The proposed union will benefit us all. . . . At no distant period a fraternal era might be opened unto us, by which the cool-headed and persevering Englishman might be drawn closer to the warm-hearted and generous Irishman, to the keen, persevering and economical son of Caledonia, and the gay and chivalric offspring of old Gaul—each of these contributing their quota in the good qualities they have inherited from their ancestors, blended together in one great people.” (Taché.)

“The union of Upper and Lower Canada has achieved wonders for the two provinces. The prosperity to which we have risen under the union encourages a still larger combination. I am not one of those who would like to see Upper and Lower Canada separated and warring against each other. . . . The prosperity of Lower Canada is due, to a great extent, to the trade of Upper Canada. . . . Is it right that there should be a custom house erected against the trade of each colony? Is it right that there should be a difference of currency? Is it right that there should be a difference between the system of weights and measures?—between the mode of becoming a British subject? That there should be a difference in the postal service? No!” (Cartier.)

Alluding to the lack of information so long prevailing in Canada respecting the Maritime Provinces, Mr. Galt said it was to be hoped that the visit of their delegates would dispel that ignorance. When he saw the ability of those gentlemen and reflected that they might be one day called to the councils of our united country, it was consoling to think that, if the confederation of the provinces were brought about, we might have the benefit of their talents. . . . “What depressed the commercial energies of this country? Because we had hitherto been confined to two markets—

England and the United States. Now a union with the lower provinces would not only give us the advantage of their local markets, but would also open up to us the enjoyment of their foreign trade. . . . I am sure the delegates will look at the question of confederation not in a selfish point of view, but in one which has regard to the benefit of all, and which would raise this country to a position in which it would be honoured.”

“So far from suggesting a dissolution of the partnership both parties felt that the union of 1841, which with all its unrest had resulted so happily for Canada, should be extended rather than dissolved. In this spirit it was proposed to increase the firm originally consisting of two members by the addition of the adjacent provinces that had a common interest with Upper and Lower Canada in developing the trade and commerce of the country.”*

On the 4th of December, 1866, the delegates from four provinces assembled in London. The British North America Act passed the Imperial Parliament, and received the Royal assent on the 29th of March, 1867, to take effect on the 1st of July following.

In the Quebec resolutions it was agreed that the country would be administered according to the well understood principles of the British constitution. The British North America Act of 1867 was framed to give effect to the principles of responsible government as laid down by La Fontaine and Baldwin. It is clearly stipulated therein that the new constitution will be similar to that of the United Kingdom.

The powers of the provincial legislatures comprise the following subjects: The amendment, from time to time, of the constitution of the province, except as regards the office of lieutenant-governor. Direct taxation and the imposition of duties on the export of timber, logs, masts, spars, deals, saw lumber, coals and other minerals. The borrowing of money on the sole credit of the province. The establishment and tenure of local offices, and the appointment and payment of local officers. The management and sale of the public lands belonging to the province, and of the timber and wood thereon. The establishment, maintenance and management of public and reformatory prisons, in and for the province. The

*Hon. Geo. W. Ross: *The Plains of Abraham*, p. 11.

establishment, maintenance and management of hospitals, asylums, charities and eleemosynary institutions, in and for the province other than marine hospitals, municipal institutions. Shop, saloon, tavern, auctioneer and other licenses, in order to raise revenue for provincial, local, or municipal purposes. Local works and undertakings other than such as are in the following classes: (a) Lines of steam or other ships, railways, canals, telegraphs, and other works and undertakings connecting the province with any other of the provinces; (b) lines of steamships between the province and any British or foreign country; (c) such works as, though wholly situated within the province, are before or after their execution declared by the Parliament of Canada, to be for the general advantage of two or more of the provinces. The incorporation of companies with provincial objects. Solemnization of marriage in the province. Property and civil rights in the province. The administration of justice in the province, including the constitution, maintenance, and organization of provincial courts, both of civil and criminal jurisdiction, and including procedure in civil matters in those courts. The imposition of punishment by fine, penalty or imprisonment, for enforcing any law of the province made in relation to any matter coming within any of the classes of subjects above enumerated. Generally all matters of a merely local or private nature in the province. The legislation of the province may exclusively legislate on education, subject only to the power of the Dominion Parliament to make remedial laws in case of the infringement of any legal rights enjoyed by any minority in the province. The Dominion and the province may also concurrently make laws in relation to immigration and agriculture, provided that the Act of the province is not repugnant to any Act of the Dominion Parliament. The Dominion Parliament may provide for the uniformity of laws relative to property and civil rights in Ontario, Nova Scotia and New Brunswick.

By an agreement made in 1869 between the Imperial authorities, Canada and the Hudson's Bay Company, the North-West Territories, until then partly owned by the Crown and partly by the company, became the property of the Dominion of Canada, on the payment of £300,000 to the company. The settlers, in the Red River region, took alarm at this trans-

action, imagining that their lands were to be taken from them, etc. They opposed the entry of the Canadian officials into the country, and Canada had to equip and send a military expedition (1870) to restore order. This was the first Riel Rebellion, and it did a great deal to create a Canadian sentiment all over the confederate provinces, even in Nova Scotia and New Brunswick where a very strong party of Anti-Canadians existed, under the leadership of Mr. Joseph Howe. This gentleman, at first an ardent advocate of the scheme of confederation seems to have been afraid that Canada would take the lion's share in the direction of the new government. He was not present at the Quebec Conference in 1864, and afterwards did all he could to prevent the Imperial Bill of 1867 from becoming law.

The Province of Manitoba was created by an Act of the Canadian Parliament in 1870. At the same time an Imperial order-in-council was issued which provided that Rupert's Land and the North-West Territory, including Manitoba, should form part of Canada, the stipulated sum of £300,000 having been paid by Canada to the Hudson's Bay Company.

The British colonies of the Pacific Coast entered confederation in 1871, on the understanding that a transcontinental railway should be built to consummate the union.

The last regular troops left Quebec on the 11th of November, 1871, handing over to the militia the safe keeping of the country, a duty which the latter have performed in a very satisfactory manner to this day.

Prince Edward Island asked for admittance in 1873 under some special conditions and this was conceded, but Newfoundland, up to the present date, has not agreed to any proposed arrangement of a similar nature.

The Intercolonial Railway was opened from Halifax to Quebec in 1876.

In 1877, on the recommendation of the Hon. Edward Blake, who was at the time Minister of Justice, the letters patent and instructions given to those who were appointed governors of Canada underwent certain modifications in order to better secure the measure of power exercised by the government and Parliament of Canada. It was then formally agreed between the colonial and the Imperial authorities that in all matters concerning the administration of Canada, the governors were bound to take the advice of their ministers, even in cases specified in the Federal Act, for

instance, in the dismissal of lieutenant-governors, the governor-general as a rule was empowered to act. The obligation imposed upon the Marquis of Lorne, Governor of Canada, to follow the advice of his ministers, in a case of the nature referred to, when he was opposed to their views, was considered as the crowning feature and the final consecration of responsible government in Canada, although it was done to the detriment of provincial autonomy. It has been strongly contended that the official beheading of Lieutenant-Governor Letellier by the federal government established a principle and precedent that the lieutenant-governors were the servants of the federal government and the tools, to a certain extent, of the party in power; and that in case of friction between the federal and provincial governments, the latter could not always rely upon them. It must be admitted that it would require a great force of character in a lieutenant-governor to do his duty against the will of those who had the power to dismiss him. However, it must be admitted also that the principles laid down on the occasion above mentioned by the Imperial authorities in their instructions to the Marquis of Lorne were the most absolute and solemn consecration of responsible government in Canada.

It is now generally understood that the governors should follow the advice of their ministers, except in cases where they (the governors) would be acting as agents of Great Britain in matters having an Imperial character, although they have still the absolute power of refusing the opinion of their constitutional advisers on the ground of public welfare and when another cabinet could be formed immediately to accept the responsibility of the act. But the cases where such steps could be taken are so extreme and exceptional that the governors will very seldom deem it proper or wise to have recourse to it.

Since the Letellier case there has been no friction between the governors and their advisers, at least as regards the application of responsible government. The people of Canada have the full benefit of the British constitution, and the French Canadians are not the last to recognize what they owe to that glorious institution. They look upon it as the bulwark of liberty and civilization all over the world; assured that under its wings

there is a remedy for all grievances, for all abuses, justice for all rights, protection for all good and patriotic causes.

The history of Canada since 1867 is that of the confederation, consequently on a much larger scale than that of any province. It is hardly possible, unless by devoting a special book to the Province of Quebec during the last forty years to detail the various administrations which have succeeded one another in that part of the Dominion, and it would be even dangerous to attempt to do so, as men who acted at the head of affairs are still living, or are too near us to be judged as to the reasons which inspired their conduct.

The history of that province from 1774 to 1848 is particularly interesting, on account of the repeated political battles it had to fight for the cause of liberty—efforts crowned at last by the granting of responsible government, as we have seen.