I greatly fear that the day when this Confederation is adopted will be a dark day for Lower Canada . . . and if it happens that it is adopted, without the sanctions of the people of the province, the country will have more than one occasion to regret it.

— Antoine-Aimé Dorion, Leader of the Parti Rouge

### Pros and Cons of Joining Confederation

Half a year after the Québec Conference, Confederation was at a standstill. Only one colony—Canada—clearly supported it, and even then, French Canadians were divided. The Canadian legislature voted to approve Confederation in March 1865, with ninety-one voting for Confederation and thirty-three voting against. Among the forty-eight politicians from Canada East, twenty-six voted for Confederation and twenty-two voted against it. In each of the Atlantic colonies, there were more anti-Confederation arguments than there was support for the idea of a federal union.

#### Figure 6-12 Pro- and Anti-Confederation Arguments

<table>
<thead>
<tr>
<th>Province or Colony</th>
<th>Pro-Confederation Arguments</th>
<th>Anti-Confederation Arguments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Canada East</td>
<td>• The province would retain control of its language, religion, education, and civil law.</td>
<td>• The central government would have too much power.</td>
</tr>
<tr>
<td></td>
<td>• The United States might annex the province if it was left out of Confederation.</td>
<td>• English representation in the proposed union would greatly outnumber French representation.</td>
</tr>
<tr>
<td>Canada West</td>
<td>• The province would get representation by population. With its rapidly growing population, Canada West was assured a significant amount of power in the new country.</td>
<td>• There were few arguments against Confederation, although some people wanted the final decision to be made by referendum, not a decision in the legislature.</td>
</tr>
<tr>
<td>New Brunswick</td>
<td>• Construction of an intercolonial railway would open up markets for New Brunswick.</td>
<td>• There was no guarantee of the intercolonial railway or which part of the province it would benefit.</td>
</tr>
<tr>
<td></td>
<td>• Costs of building the railroad would be shared by the confederated colonies.</td>
<td>• New Brunswick had more economic ties to the United States than to the Province of Canada.</td>
</tr>
<tr>
<td></td>
<td>• Roman Catholic clergy believed that a Canada dominated by Protestants would overpower the Catholic population.</td>
<td></td>
</tr>
<tr>
<td>Nova Scotia</td>
<td>• A union would provide better defence in case of American aggression or attack.</td>
<td>• Nova Scotia had strong economic ties to Britain, not to the Province of Canada.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Nova Scotians believed they would lose their identity.</td>
</tr>
<tr>
<td>Prince Edward Island</td>
<td>• Few people could see the benefit of Confederation for their colony.</td>
<td>• Islanders had long resented the number of British absentee landlords, which the British Colonial office on the island did nothing about. When the Colonial office wanted islanders to adopt Confederation, most resisted.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Confederation would mean higher taxes to support the intercolonial railway and higher tariffs to create colonial trade.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Because of its low population in comparison to the other provinces, P.E.I. would have little power in Ottawa.</td>
</tr>
<tr>
<td>Newfoundland</td>
<td>• Confederation might offer economic opportunities to offset problems in the fishing, timber, and agriculture industries.</td>
<td>• Most Newfoundlanders saw stronger ties to Britain as more valuable than ties to the other British colonies.</td>
</tr>
</tbody>
</table>
THE PRESSURE BUILDS

After the Québec Conference, New Brunswick, Nova Scotia, Prince Edward Island, Canada East, and Canada West were wrapped up in debates about whether or not to join the union. But as the debates raged on in each of the colonies, internal and external influences intensified, pushing most of them toward Confederation. The American cancellation of the Reciprocity Treaty in 1866 left New Brunswick with few alternatives to Confederation. Despite the anti-Confederation attitudes that existed in Nova Scotia and New Brunswick, the Fenian raids led to a change of heart for some of the population as they felt vulnerable to American attack. In Canada East, the hope that Confederation would protect French Canadian culture helped the pro-Confederation side gain favour by a narrow margin. Canada West had the easiest decision to accept Confederation because it had the most to gain from the union. In the colonies of Newfoundland and Prince Edward Island, however, anti-Confederation sentiments remained strong.

Britain continued to let it be known to the colonies that it strongly approved of the union. The British government stated that it would convene a conference in London to expedite the process. It also promised to quickly pass the necessary legislation to implement the union. Behind all of these outside pressures was the additional perceived threat that if the colonies did not join Confederation, they risked being annexed by the United States.

With both external and internal forces converging on many of the colonies, Confederation was seen by many as the only option to accept.

RECALL… REFLECT… RESPOND

1. What caused the Atlantic colonies to choose Confederation over a Maritime union?

2. It is often argued that Britain showed indifference to British North America’s fate in the early 1860s. Take a historical perspective to consider how this indifference—whether perceived or real—might have influenced the desire for Confederation within British North America.

3. Is there any evidence that the Atlantic colonies were dragged into Confederation? Give reasons for your answer.
As some colonies believed in the threat of American attack, invasion, or annexation, the question was raised whether or not Confederation would result in a better system of defence for British North America. Some of the Fathers of Confederation had differing answers to this question. Below, read the views of George-Étienne Cartier and Antoine-Aimé Dorion on whether Confederation would protect British North America from the United States.

I have no belief that the Americans have the slightest thought of attacking us . . . . I fancy that they have had quite enough of war for a good many years to come . . .. But there is no better mode of warding off war when it is threatened, than to be prepared for it if it comes. The Americans are now a warlike people. They have large armies, a powerful Navy, an unlimited supply of munitions, and the carnage of war has to them been stripped of its horrors. The American side of our lines already bristle with works of defence, and unless we are willing to live at the mercy of our neighbours, we, too, must put our country in a state of efficient preparation. War or no war—the necessity of placing these provinces in a thorough state of defence can no longer be postponed . . ..

— GEORGE-ÉTIENNE CARTIER, Confederation Debates, February, 1865

It is said that this Confederation is necessary for the purpose of people who think that by adding two and two together you make five. I am not of that opinion. I cannot see how by adding the 700 000 or 800 000 people, the inhabitants of the Lower Provinces, to the 2 500 000 inhabitants of Canada, you can multiply them so as to make a much larger force to defend the country than you have at present. Of course the connection with the British Empire is the link of communication by which the whole force of the Empire can be brought together for defence. But the position of this country under the proposed scheme is very evident. You add to the frontier four or five hundred more miles than you now have, and [you have] an extent of country immeasurably greater in proportion than the additional population you have gained . . ..

— ANTOINE-AIMÉ DORION, Confederation Debates, February, 1865

1. Paraphrase the message of each politician.

2. Conduct research to find other arguments for and against Confederation as a defence against an American attack. Take a historical perspective as a member of the Legislative Assembly from either Canada East or Canada West and write a persuasive paragraph stating your opinion on the matter.
THE LONDON CONFERENCE

In November 1866, the Confederation delegates from Canada East, Canada West, Nova Scotia, and New Brunswick met in London, England, to discuss final details and to present their constitution, known as the *British North America Act*, to the British government for approval. The act passed through both British Houses of Parliament.

BRITISH NORTH AMERICA ACT

Although Confederation had been hotly debated in the colonies, the *British North America Act* was passed quietly in the British House of Commons. Except among British North Americans, the act generated little fanfare. Queen Victoria signed the *British North America Act* into law on March 29, 1867, and agreed it would become effective on the first day of July. The new nation was given the name the “Dominion of Canada,” and consisted of Ontario, Québec, Nova Scotia, and New Brunswick.

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**Figure 6-14** A draft of the *British North America Act*, complete with doodling by John A. Macdonald.

**Figure 6-15** Proclamation from Queen Victoria announcing the Dominion of Canada.
A TRUE CONCEPT OF CONFEDERATION?

While political leaders and businessmen fought and argued over Confederation, there was an important set of voices not represented at the Charlottetown, Québec, or London Conferences: those of First Nations, Métis, and Inuit peoples. Under Section 91 of the *British North America Act*, the relationship and responsibilities that First Nations peoples had established with the British Crown were now transferred to the new Canadian federal government. This transfer was never discussed or negotiated with First Nations peoples; instead, they were ignored throughout most of the process.

The Royal Proclamation of 1763 had introduced three important principles governing relations between First Nations peoples and the British Crown. First, it required that treaties be made with First Nations in order to acquire land for settlement. Second, the British were to assist in settling disputes between First Nations and European immigrants. Finally, the proclamation stated that there was a special relationship between First Nations and the British Crown. The *British North America Act* transferred all of these principles to the new Canadian government.

First Nations were not represented as the Fathers of Confederation drafted the *British North America Act*, nor were their interests taken into account, except to make them “responsibilities” of the federal government. Many First Nations people believe the *British North America Act* attempted to remove many of their rights by simply adding them to a list of responsibilities for the Canadian government. Métis and Inuit peoples were not discussed at all.

Take a historical perspective to view Confederation from the perspective of a variety of groups, such as First Nations, Métis, and Inuit peoples, women, the British government, Americans, and colonial leaders from various colonies in British North America.
In 1869, shortly after Confederation, the government of the Dominion of Canada made its goal of assimilating First Nations people into Euro-Canadian culture explicit with the introduction of An Act for the Gradual Enfranchisement of Indians, also known as the Enfranchisement Act. This act built upon the assimilation goals of the 1857 Gradual Civilization Act that you read about on page 129. Enfranchisement is commonly described as the right to vote as a citizen. In order to be eligible, a First Nations person had to be male, over the age of twenty-one, able to read and write in English or French, and free of debt. For First Nations people, enfranchisement came with a cost: the loss of their status as First Nations people. You will learn more about enfranchisement and other federal government policies with the goal of assimilating First Nations people in Chapter 9.

The Enfranchisement Act was the government’s means of trying to control First Nations people and an attempt to assimilate them into European culture. The act was created to

- encourage individual ownership of property instead of the traditional First Nations concept of collectively shared land.
- encourage assimilation by allowing First Nations people to become enfranchised, but at the cost of losing their official identity as a First Nations people.
- encourage the assimilation of First Nations people by awarding enfranchised people with individual plots of land that were cut away from reserve land. Enfranchised individuals were given “location tickets” for this land. They were not allowed to sell this land, but they could pass it on to their children.
- impose a European style of government among First Nations. The act declared that reserves must hold elections for leaders, and the Canadian government had the authority to remove chiefs or other leaders if it saw fit to do so.
- ensure that only men were allowed to vote. This conflicted with the traditional roles of women in First Nations political life.
- promote assimilation by mandating that First Nations women who married non–First Nations men would lose their First Nations status, as would their children.

Although many of the provisions of the act were created in the hopes of encouraging First Nations people to accept enfranchisement and European ways of life, between 1850 and 1920, only about 250 people chose to enfranchise under the act.

![Figure 6-17](Image) This document is a location ticket issued to John Wuk of the Caradoc reserve in Ontario in 1890.

**ED**

1. Actions of the past should be judged on the basis of the values and conditions of the past, as well as by contemporary standards. Examine the ethical dimensions of the Enfranchisement Act from both a historical and contemporary standpoint.
Canadian Federalism

John A. Macdonald favoured the British style of centralized government, in which there is a single, central government that oversees the governing of the whole country. Although there are town and county councils, there are no provinces or states with their own governments. However, because British North America had four very unique provinces and because both Canada East and Nova Scotia demanded some local governing powers, the Fathers of Confederation also looked to the American, federal style of governing. In a federal system, there are separate and distinct powers for the central or federal government and the provincial or state governments. In a federal system, a central government addresses national concerns, while provincial governments look after local concerns.

However, Macdonald believed deeply that the Civil War in the United States had broken out in large part because the states had been given too much power and the central government did not have enough power to effectively set policies.

Therefore, of primary importance to Macdonald and some of the other Fathers of Confederation was ensuring a strong central government. To do this, Macdonald made sure that any area of responsibility that was not clearly delineated in the Constitution would automatically be the responsibility of the federal government.

A Constitutional Monarchy

Using the British system of government as a model, the Fathers of Confederation made Canada a constitutional monarchy. This means that the King or Queen of Britain is Canada’s head of state, and the final authority in making or changing laws lay in his or her hands, not the prime minister’s. However, in a constitutional, or limited, monarchy, the king or queen’s power is limited by the rules established by British tradition and the Canadian Constitution. In Canada, the king or queen has a representative to act on his or her behalf: the Governor General. All proposed laws, called bills, passed by the Canadian government have to be approved by the Governor General. The formal act of giving a bill final approval is called Royal Assent. The Governor General also has the power to prorogue (adjourn for a specified time) or dissolve Parliament and call a general election.
THE PARLIAMENTARY SYSTEM

The Fathers of Confederation decided that Canada, like Britain, would have a parliament to govern the country.Contained within Parliament would be the House of Commons, the Senate, and the Cabinet. Unlike Britain, however, Canada would have two official languages: French and English.

The members of the House of Commons are chosen by the people and representation in the House of Commons is based on population. The country is divided into constituencies, which are groups of voters in a specific area. The number of residents in each constituency is roughly equal. At the time of Confederation, the male citizens in each constituency could vote to choose one representative to represent them in the House of Commons and vote on issues on their behalf. Elected representatives of the people make laws and decide how to spend government revenue, such as taxes.

The Senate was established to protect the regional interests and, perhaps, the property rights of Canadians. As a result, John A. Macdonald encouraged the writers of the Constitution to include a property qualification for senators. Still to this day, senators are required to own $4000 of property in the province they represent. The Fathers of Confederation planned that senators would be knowledgeable and experienced and would provide a careful review of any bills passed in the House of Commons. The Fathers of Confederation did not seem to trust those who were democratically elected by the people so, before a bill reached the Governor General, the Senate was to examine it and could send it back to the House of Commons for revision, before it was sent on to the Governor General for Royal Assent.

The Fathers of Confederation also thought it was important that senators be able to act independently and in the best interest of all Canadians. As a result, like the members of the House of Lords in Great Britain, Canadian senators were to be appointed for life. This way, senators would not be swayed to make a decision one way or another because they were facing an election.

However, in Canada’s parliamentary system, the real power rests in neither the House of Commons nor the Senate. Like Britain, Canada has a prime minister who appoints a group of advisors called the Cabinet. In accordance with the principles of responsible government, both the prime minister and the Cabinet are appointed from the House of Commons and Senate. Together the prime minister and the Cabinet wield the real power in the government.
DIVISION OF FEDERAL AND PROVINCIAL POWERS

According to the British North America Act, the federal government would have thirty-seven distinct powers as opposed to fifteen powers for the provinces. The federal government was also given the responsibility for the “peace, order, and good government” of the new country. To add economic strength to its political power, only the central government would have a broad range of taxation powers. Finally, the central government was given the right to disallow any provincial law that it considered in contravention of a federal law.

The provinces would have control over property and civil rights, natural resources, and “matters of a merely local or private nature in the Province.” The provinces were also given limited powers of taxation. These powers were assigned to the provinces to enable French Canadians to preserve and protect their unique cultural traditions, and to soothe the fears of those in the Atlantic region that Confederation would see their local traditions swallowed up. Provincial governments, it was hoped, would manage local matters that were essential to the preservation of regional identities. However, the lieutenant-governors of each province (who were appointed by the federal government) had the power to veto any legislation that their province wished to pass. This veto power caused many provinces to worry about the extent of their own power to control provincial affairs.

PROBLEMS WITH THE BRITISH NORTH AMERICA ACT

The British North America Act had two primary problems. First, the Fathers of Confederation made no arrangement for how revisions to the British North America Act could take place without British involvement. Second, if the federal and provincial governments disagreed on the interpretation of the British North America Act, their only course of action was to turn to a British court—the Judicial Committee of the Privy Council. If any changes to the Constitution were to be made or any disputes resolved, they had to be approved by the British government and the Judicial Committee of the Privy Council. In fact, the Judicial Committee of the Privy Council was the final court of appeal for all Canadians until 1949, despite the fact that Canada had its own Supreme Court as of 1875.

RECALL… REFLECT… RESPOND

1. Why did Cartier want a federal style of government? In what ways do you think the goals of Québec politicians today have changed and stayed the same since Cartier’s time?

2. Why did Macdonald want a more centralized government than the United States? What other people and groups forced him to modify his vision of Canada’s government?

3. What groups were represented at the Confederation discussions? What groups were left out? What impact would this have on the future of Canada?
One of the Fathers of Confederation and a member of the first Canadian Parliament, Thomas D’Arcy McGee, was assassinated in 1868. The evidence that was used to sentence his murderer remains controversial to this day.

McGee, an immigrant from Ireland, had been elected to Parliament with the help of the Irish population living in west Montréal. Although McGee was a strong supporter of Irish independence from Great Britain, he was a harsh critic of the Fenians. He disagreed with the form of government the Fenians desired and condemned the violence that the Fenians encouraged. He stated, “Secret societies are like what the farmers in Ireland used to say of [a weed]; the only way to destroy it is to cut it out by the roots and burn it into powder.” These words angered Fenians sympathizers, who believed McGee was a traitor because of his comments.

On April 6, 1868, shortly after 1 a.m., McGee left the Parliament buildings and walked to a boarding house where he stayed while he worked in Ottawa. As he was turning his key in the lock, McGee was shot in the head and died immediately. Within twenty-four hours, police had arrested a supposed Fenian named James Patrick Whelan. In his pocket they found a revolver that had recently been fired.

It is now generally agreed by historians that Whelan’s trial was marred by circumstantial (indirect) evidence, bribed witnesses, and political interference. In short, police needed to blame someone for McGee’s assassination, and Whelan, an Irishman, was the best suspect they could find. Some of the information that was ignored in his guilty verdict included the following:

- A young servant who worked at the boarding house where Whelan was living stated that a week before the murder, another servant had handled Whelan’s gun and had accidentally fired it and shot herself in the arm, explaining why Whelan’s gun had been recently fired. The gun accident was confirmed by another witness.
- There were no witnesses who could testify that Whelan had any connection to the Fenians.
- Prime Minister John A. Macdonald, a personal friend of McGee’s, had requested and received permission to sit beside the judge during the entire trial.

During the trial, Whelan maintained his innocence. Despite this and the evidence listed above, he was found guilty of murdering Thomas D’Arcy McGee. James Patrick Whelan was subsequently hanged in front of a crowd of 5000 people. His body was buried in a prisoners’ cemetery in Ottawa.

In 2002, Whelan’s body was exhumed from the prisoners’ cemetery and moved to lie alongside the grave of his wife in Montréal.

1. Using the facts and evidence you have just read, do you believe that James Patrick Whelan should still be considered guilty of the assassination of Thomas D’Arcy McGee? Why or why not?

2. At the time of Confederation, Irish immigrants made up 24 percent of the Canadian population, but many, especially those who were Catholic, suffered from racism and discrimination. Research the reasons for Irish immigration to Canada and the discrimination they faced. How might anti-Irish sentiments have played a role in Whelan’s trial?
**Questions and Activities**

1. The Essential Question for this chapter asks, Why and how was the Dominion of Canada established as a confederation of British colonies of 1867? Using this book and other sources, create a detailed timeline of the events that led up to Confederation. This exercise tests your ability to establish a chronology and to draw connections between related events. Your timeline should
   a) contain a minimum of fifteen events;
   b) use different colours to differentiate between British North American, British, American, and global events and influences on Confederation.

2. Examine Figure 6-24 below and answer the following questions:
   a) Explain the cartoon’s message about Confederation.
   b) Explain how the artist conveys this message. Refer to specific details in the cartoon.
   c) What is the value and limitation of political cartoons as evidence in historical research?

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**Figure 6-24**

*From Halifax to Vancouver* by J. W. Bengough (1851-1923). This political cartoon looks at the discussion about the role of the railway in Canada. “Jonathan” was a name that was often used to represent the United States.
3. “The great majority of nations have been formed, not by people who desired intensely to live together, but rather by people who could not live separately.” Analyze this statement, made by French Canadian historian Jean Charles Bonenfant in 1966. To what extent does this statement apply to French Canadians, people from the Atlantic colonies, and colonists from Canada West in the 1860s?

4. On page 188 of this chapter, the Voices feature is a quote from John A. Macdonald stating, “I am strongly of the belief that we have, in great measure, avoided in this system which we propose for the adoption of the people of Canada, the defects which time and events have shown to exist in the American Constitution.” Conduct research and prepare arguments for or against Macdonald’s statement. Debate this question in an open class forum.

5. Many people believe that First Nations, Métis, and Inuit peoples should have been included in the discussions surrounding Confederation because of their position as Indigenous peoples. Others argue that they were a minority group in British North America and that this expectation is not realistic for the time of Confederation.

Thomas D’Arcy McGee warned that Canada would remain intact only so long as respect was given to all of its peoples. He stated, “So long as we respect in Canada the rights of minorities, told either by tongue or creed, we are safe. For so long it will be possible for us to be united.”

In your opinion, has Canada ever been truly united, given that First Nations, Métis, and Inuit peoples were not included during the Confederation process?

In your newspaper groups, once again decide on three events from Chapter 6 that you would like to include in your newspaper. Your group should now have a total of nine events. From this list, choose, as a group, the event that you wish to have as the centre story, and assign this event to a group member. Have all other members choose one event for which they would like to write an article. Now complete the next steps:

1) The editor should create due dates for submission of the articles.
2) Create a rough draft of your newspaper layout and design.
3) As a class, review the essential components of a newspaper article, such as headlines, lead, body, illustration captions, and answering the five W’s.
4) With your teacher, determine class and computer lab time that will be allotted to this challenge.