Figure 6-1 The British North America Act of July 1, 1867, formally brought together the Province of Canada, New Brunswick, and Nova Scotia into a confederation called the Dominion of Canada. Under this act, the Province of Canada was divided into Ontario (formerly Canada West) and Quebec (formerly Canada East). Newfoundland, Prince Edward Island, and British Columbia were still governed as British colonies, whereas Rupert’s Land and the North-Western Territory were governed as territories. Colonies had more independence than territories.
To explore this Essential Question, you will
• examine the challenges facing British North America prior to Confederation, including
  - political deadlock
  - pressure from the United States
  - economic and geographic challenges
  - Britain’s desire to reduce its colonial responsibilities
• become familiar with the process leading to Confederation, including the events surrounding the Charlottetown, Québec, and London Conferences
• investigate the British North America Act and how the new Dominion of Canada would be governed
• examine the ethical issue regarding the fact that First Nations peoples were not included in the Confederation conferences and negotiations

GETTING STARTED
Examine the map of Canada in 1867 on the opposite page, and consider these questions:
• Why might the colonies of British North America have felt threatened by the United States? (Consider that the United States purchased Alaska from Russia on March 30, 1867)
• What colonies of British North America might have naturally formed unions with each other?
• What type of problems existed between the separate colonies of British North America (think about geography, the economy, and transportation)?
• What parts of British North America might have been more suited geographically to join the United States than to join the other British North American colonies?
Challenges Facing British North America

Since the 1840s, the colonies of British North America (BNA) had faced a variety of internal challenges and external pressures that helped push the colonies toward Confederation.

Political Deadlock

As you learned in Chapter 4, Britain had declared in the Act of Union of 1841 that the two Canadas—Canada East and Canada West—would have equal representation in the elected assembly of the Province of Canada. Britain made this decision because Canada East’s population outnumbered Canada West’s population, and this guarantee of equal representation was supposed to allay Canada West’s fear of domination by French Catholics. However, instead it led to political deadlock, in which government decisions could not be made because each side blocked the other from advancing any agenda.

By 1861, due to a large influx of immigrants into Canada West during the 1850s, the census showed that Canada West had almost 300,000 more people than Canada East. Because of this demographic change, George Brown, a prominent leader in Canada West, began to advocate that representation in the legislature should be according to population. “Rep by pop” would give equal representation to each vote in the assembly. “Rep by pop” became a rallying cry among people in Canada West who agreed with Brown’s views. Canada West’s political leaders saw “rep by pop” as a democratic way to further their own agendas; French Canadian leaders saw it as an attempt by Canada West to assimilate them.

Forming New Alliances

Two increasingly influential leaders in the assembly, George-Étienne Cartier from Canada East and John A. Macdonald from Canada West, began to work together to try to remain in control of the tumultuous elected assembly of the Province of Canada. They both believed that representation by population was not the answer to Canada’s problems and they opposed Brown’s ideas.

Cartier, Macdonald, and Brown realized that the political deadlock highlighted their colony’s French–English duality. Despite their different beliefs, all three men agreed that the Act of Union was not working and that they could play a crucial role in changing the future of Canada.
ECONOMIC AND GEOGRAPHIC CHALLENGES

While political deadlock challenged the Province of Canada, the economy and wide geographical distances were having an effect on all the British North American colonies. Those who supported the idea of Confederation (a political union of the colonies) started promoting it as a way to end their economic troubles, in part by creating a great railroad to connect the colonies.

TRADE AND FINANCIAL CHALLENGES

In the late eighteenth century and early nineteenth century, Britain had given goods and resources coming from British North America preferred treatment. However, by 1840, Britain started to do away with this preferential treatment. In 1846, Britain repealed the Corn Laws, which had been in effect since 1791. This repeal had a devastating effect on the Province of Canada’s economy. The Corn Laws had placed a lower import duty on wheat and grains coming into Britain from British colonies. Without the protection of the Corn Laws, Canadian wheat and flour had to compete with grains from many more countries. Canadian wheat and flour became more expensive, so exports to Britain dropped by over 60 percent.

The Province of Canada was thrown into a recession, a period of economic decline. Some Canadians started to think in terms of a continental rather than a colonial trade system. They began to believe that they should manufacture their own products and find markets for these products within the colonies of British North America. The British North American colonies began to look at working with one another as opposed to working one-on-one with Britain.

What infrastructure would British North America need if the colonies were to trade with one another? What challenges might these infrastructure needs pose?

LINKING THE COLONIES: THE ROLE OF THE RAILWAY

Leaders quickly realized that if trade between the colonies was to be a viable option, an effective system of rail transportation would have to be built to link the East to the West. If a railway was expanded across the prairies and into British Columbia, raw goods could be transported from the West to manufacturing points in the eastern part of British North America. It was also believed that the building of the railway would help open up new settlement opportunities and establish a stronger British presence in the West.

Nova Scotia, New Brunswick, and the Province of Canada all had their own railroads, but the costs were staggering and each government was struggling to cope with the debt from building its railroad. If the railroad system was to expand, the colonies would need to work together. This way they would be able to invest in the railway as one unit and negotiate with possible investors and builders as a single entity. The independent colonies started to look toward the future together.
**Territory and Trade Challenges from the United States**

Another challenge that pushed British North America toward Confederation was the atmosphere of conflict in North America. The American Civil War and its immediate aftermath not only encouraged the union of the British North American colonies, but also directly determined the form that their government took.

**The American Civil War**

It is necessary to have a basic understanding of the American Civil War in order to understand how it affected British North America. Between 1861 and 1865, several southern states declared their secession (withdrawal) from the United States and formed the Confederate States of America. The United States government rejected the southern secession and declared that the act was a rebellion. Largely over the issues of slavery and control over economic and political decision making, the Confederate States fought against the northern states (known as the Union States) in a bitter and brutal war. The war ended in 1865, with the North defeating the South, but the effects of the American Civil War reached far outside the geographical boundaries of the United States.

Britain and France both proclaimed neutrality in the war. However, Britain’s booming textile industry needed cotton, which was produced in the southern states. In 1862, Union ships attempted to block shipments of cotton from leaving the South. To avoid the blockade, British investors built ships called blockade runners. These small, fast ships were able to smuggle cotton out of the South to Britain. Many Americans in the northern states began to look suspiciously at Britain, because although the British government still declared its neutrality, it did little to stop the blockade runners. Britain’s lack of complete neutrality increased American–British tensions.

Why would Britain’s relationship with the United States affect British North America? Suggest potential consequences.
THE TREN T AFFAIR
In November 1861, an American warship stopped the British mail ship
*Trent*, which was heading back to Britain with two Confederate agents
on board. They were travelling to Britain to ask for British support for
the Confederate cause. The Americans took the two agents prisoner,
despite the ship being in neutral waters. Britain threatened to retaliate if
the agents were not released. American President Abraham Lincoln freed
the prisoners as he did not want to have to face a war with Britain while
he was also fighting the Confederate States. Despite the release of the
prisoners, the relationship between America and Britain remained strained.

Because Britain had threatened to retaliate, some Americans wanted
to get back at Britain by attacking British North America. In response,
the British dispatched 14,000 troops to British North America. Because
there was no railway, it took a long time to transfer the troops to where
they were needed. Although the United States never did attack, it is likely
that British North America would not have been able to defend itself due
to its inability to quickly transfer troops.

ST. ALBAN’S RAID
In the autumn of 1864, a group of Confederate soldiers attacked the town
of St. Alban’s, Vermont, using Montréal as their base. After the raid,
the soldiers escaped back across the border to avoid prosecution. British
government authorities arrested the soldiers, but later released them. The
United States government was furious, and it threatened British North
America if future attackers were not turned over to American authorities.
The threat of attack from the United States made the British colonies
realize that, as separate entities, they had little or no means to defend
themselves.

Figure 6-7 On November 8, 1861,
a Union Navy vessel captured two
Confederate agents travelling to Britain
on a mail ship. This event strained
American-British relations in what
became known as the *Trent Affair*. 
United States Expansionism: Manifest Destiny

During and after the American Civil War, there was concern in British North America that because Britain, and by connection British North America, was perceived as supporting the Confederate States, the United States would now look at its northern neighbour in anger and might retaliate. Underlying these fears was the popularity of the doctrine of Manifest Destiny among many Americans at this time. Manifest Destiny was a belief that the United States was destined, by God, to control all of North America. During the 1840s, the Americans were expanding across the continent, leading to the annexation of Texas in 1845, even though Mexico still claimed Texas as its own. After the Mexican–American War (1846–1848), the United States acquired New Mexico and California for $15 million. The United States also looked to the northwest lands of the continent as a rich source of natural resources.

The outbreak of the American Civil War strengthened the sense of Manifest Destiny. A vocal group of American expansionists believed that once the war was over, the United States should turn its attention to the annexation of British North America. Although the ultimate goals of Manifest Destiny were never reached, the popularity of the idea undoubtedly weighed on the minds of many British North American leaders and residents.

Examine how light and dark are used in the painting. What impression does this technique give viewers? Look at the left side of the painting. What and who is “America” clearing out of the way for the newcomers?
FENIAN RAIDS

Besides the American Civil War, other American problems threatened British North America. In 1859, a group of Irishmen formed a brotherhood, called the Fenians, in the United States to promote the liberation of Ireland from British control. The Fenians believed that if they could capture some British North American colonies, they could hold the colonies ransom in return for Ireland’s freedom. In 1866, the Fenians made several attempts to raid British North America.

In the spring of 1866, for example, the Fenians launched a small strike against New Brunswick. Five Fenians crossed the border, held up a customs officer, tore down the Union Jack (the British flag), and then were forced back across the border by the New Brunswick militia and British troops.

A second Fenian attack was more serious. On May 31, 1866, about 1500 Fenians crossed the Niagara River into Canada West. In the Battle of Ridgeway (near Fort Erie), fighting took place between the Fenians and a force of Canadian militia and British soldiers. On June 3, the Fenians retreated across the border, after killing six Canadians and wounding thirty others. Fenian raids into British North America continued until 1871, including an attempted raid into Manitoba that failed before it reached the border. The Fenian raids helped promote a desire for a union among the BNA colonies, which began to believe they needed a united defence.

**Voices**

We are the Fenian Brotherhood,
Skilled in the art of war,
And we’re going to fight for Ireland
The land that we adore,
Many battles we have won,
along with
The boys in blue,
And we’ll go and capture Canada for
We’ve nothing else to do.

— Fenian marching song

**Figure 6-9** The Battle of Ridgeway was the largest and deadliest of the Fenian raids into British North America.
THE END OF RECIPROCITY

Along with the other threats from the United States at the time, an economic influence nudged British North Americans along the path to union. In 1854, the United States and British North American colonies agreed to a **Reciprocity** Treaty that allowed for free trade on products such as timber, grain, coal, livestock, and fish. In the spring of 1866, the United States cancelled the Reciprocity Treaty. One reason for the cancellation was that some Americans believed that if the United States could cripple the economy of British North America, the British colonies would be forced into a union with the United States. However, that was not the result.

Now that British North America had lost its second guaranteed market in the past twenty years, leaders realized that their economic fortunes were tied to the policies of other nations. This realization made many British North American leaders see the benefits of closer economic and political cooperation with one another.

THE IMPERIAL NUDGE: BRITISH SUPPORT FOR CONFEDERATION

After the mid-1840s, Britain’s colonies were no longer regarded as precious economic assets to the empire. By the 1860s, British authorities indicated a growing desire to have colonies, such as those in North America, assume a greater financial responsibility for their own defence in order to reduce the burden on British taxpayers. Many British officials welcomed any ideas, such as Confederation, that might permit the colonies to be more independent and reduce the need for financial and military support.

Britain also believed its own relationship with the United States might improve if British North America was more independent. Britain did not want to have responsibility for managing British North America’s relationship with the United States, as well as its own. Britain promised low-interest loans for railway development as an enticement for the colonies to support Confederation. Colonial governors who did not support Confederation were replaced by governors more sympathetic to the idea.

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**Voices**

I am in favour of a union of these provinces because it will enable us to meet . . . the abrogation (cancellation) of the American Reciprocity Treaty . . . I do not believe the American government is so insane as to repeal the treaty. But . . . if they do repeal it, should this union of British America go on, a fresh outlet for our commerce will be opened up to us.

— George Brown, Legislative Assembly, Province of Canada, 1865

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**RECALL . . . REFLECT . . . RESPOND**

1. What factors within British North America were pushing some of the colonies toward Confederation?

2. What external factors influenced Confederation?
As you engage in historical thinking, there are two things to keep in mind about cause and consequence. First, it is important to remember that events often have multiple causes. Second, broad underlying causes are often as important as immediate causes. Confederation is an excellent example of how multiple issues resulted in a historical event taking place. In examining the diagram below, you will notice how difficult it is to argue that one particular issue caused Confederation. Instead, many issues contributed to Confederation. Notice also that within each of the general issues or topics that caused Confederation, there is a more specific cause of Confederation. You can see that causation in history is not a simple matter.

One of the challenges that historians face is assessing not only what the causes of a historical event were, but also which of the causes may have played the most significant role. In many cases, you will find that historians are able to agree on the general causes of a historical event, but may disagree on the most significant factor.

**Figure 6-10 Major Direct Causes of Confederation**

1. In this chapter we look at the causes that led to Confederation. If you were to continue the chart, what might be some of the consequences of Confederation (think about peoples, provinces, and the economy)?
2. With a partner, brainstorm a current event or issue that has multiple causes. Outline the various causes in a chart similar to the one above.
THE "GREAT COALITION"

In the two decades following the Act of Union in 1841, the job of governing the Province of Canada became increasingly unmanageable. Although coalition governments, such as the Baldwin–Lafontaine coalition, had been formed to bridge the divide between Canada East and Canada West, each had eventually collapsed. There were also divisions among members of the assembly from each side of the Province of Canada. By the 1850s, Canada West’s elected members of the assembly were divided into two rival parties: the Clear Grits led by George Brown, and the Liberal-Conservatives under the leadership of John A. Macdonald. Canada East’s members of the assembly were divided between the Parti Bleu, under George-Étienne Cartier, and the Parti Rouge, under Antoine-Aimé Dorion.

From 1858 to 1862, Macdonald and Cartier served as co-premiers of Canada. However, even that combination could not struggle free from the political deadlock that had enveloped the government. Macdonald and Cartier needed support from their biggest rival—George Brown.

Despite their rivalry, Brown, Cartier, and Macdonald all believed that there had to be a better way to structure Canada. In 1864, the men were able to put aside their personal feelings to form the Great Coalition. Their single goal was the creation of a union of all the British North American colonies.

MOVEMENT FOR MARITIME UNION

If a union of the British North American colonies was to become a reality, it was imperative that the Atlantic colonies be included. However, some Atlantic colonists were skeptical of Confederation. They were concerned that, because of their small population, they would have little influence in a united parliament. They saw themselves as distant and isolated from the Canadas.

With so many arguments against the Atlantic colonies’ participation in Confederation, it was natural that Atlantic citizens and leaders turned first to the idea of a Maritime union between New Brunswick, Nova Scotia, Newfoundland, and Prince Edward Island. The idea of a Maritime union was not new, but in 1864 it generated renewed enthusiasm.

It was decided that a conference would be held in September 1864, in Charlottetown, Prince Edward Island, to discuss the possibility of a Maritime union. Representatives from the Canadas managed to obtain an invitation to the conference, and their participation would change the course of Canada’s history.
THE CHARLOTTETOWN CONFERENCE

The representatives from the Atlantic colonies decided to hear what the Canadians had to say before discussing the possibility of a Maritime union. The members of the Canadian delegation impressed the Atlantic colonies with their arguments and promises about the benefits that the colonies would gain from a union. Macdonald reminded them of the threat that the American Civil War brought to the colonies and discussed how they would be better able to defend themselves if they were united. The Canadian coalition also promised that a centralized government would assume the debts of the colonies that joined. For some colonies, burdened with debt from railway building, this last promise seemed like a solution to a growing problem.

By the end of the conference, the idea of a Maritime union was dropped, and there was a general agreement that a wider union could benefit all the colonies. It was decided that another conference would be held in Québec City the next month.

THE QUÉBEC CONFERENCE

In October 1864, thirty-three delegates arrived in Québec City to discuss the details of a confederation of colonies. Using the ideas that had been outlined at the Charlottetown Conference, the politicians began the difficult task of creating a constitution for the proposed new nation.

All the delegates agreed that ties with Britain would be kept and that the British constitution would be adhered to as closely as possible in creating the confederation’s constitution. There was also agreement that the union would be a federation, meaning that there would be more than one level of government. There would be a national (federal) government that would address the needs of all the regions, and there would also be provincial governments that would look after regional concerns. There was also agreement that the central government would be made up of a House of Commons and a Senate.

However, there was disagreement about how power would be shared between the two levels of government. In the end, the colonies reached an agreement that included seventy-two resolutions on how the new country would be run. This did not mean that Confederation was a reality. Each of the delegates then had to return to his colony and get support for the plan. Some of the hardest work was yet to come.

WEB CONNECTIONS

To learn more about Confederation, visit the Shaping Canada web site and follow the links.

Figure 6-11 Fathers of Confederation, by Robert Harris, 1884. In his work, Harris amalgamated the Charlottetown and Québec conference sites and attendees to create this picture. Knowing this, can Harris’s painting be used as a reliable source of historical evidence? Explain your answer.
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.

—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

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**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>
</table>
| Canada East        | • The province would retain control of its language, religion, education, and civil law.  
                    | • The United States might annex the province if it was left out of Confederation. | • The central government would have too much power.  
                    | | • English representation in the proposed union would greatly outnumber French representation. |
| Canada West        | • 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. | • There were few arguments against Confederation, although some people wanted the final decision to be made by referendum, not a decision in the legislature. |
| New Brunswick      | • Construction of an intercolonial railway would open up markets for New Brunswick.  
                    | • Costs of building the railroad would be shared by the confederated colonies. | • There was no guarantee of the intercolonial railway or which part of the province it would benefit.  
                    | | • New Brunswick had more economic ties to the United States than to the Province of Canada.  
                    | | • Roman Catholic clergy believed that a Canada dominated by Protestants would overpower the Catholic population. |
| Nova Scotia        | • A union would provide better defence in case of American aggression or attack. | • Nova Scotia had strong economic ties to Britain, not to the Province of Canada.  
                    | | • Nova Scotians believed they would lose their identity. |
| Prince Edward Island | • Few people could see the benefit of Confederation for their colony. | • 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.  
                    | | • Confederation would mean higher taxes to support the intercolonial railway and higher tariffs to create colonial trade.  
                    | | • Because of its low population in comparison to the other provinces, P.E.I. would have little power in Ottawa. |
| Newfoundland      | • Confederation might offer economic opportunities to offset problems in the fishing, timber, and agriculture industries. | • Most Newfoundlanders saw stronger ties to Britain as more valuable than ties to the other British colonies. |
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.

Figure 6-13 In the 1860s, many political cartoons from the British North American colonies focused on fears of American influence and possible annexation. How are these fears represented in the cartoon shown here? Note that the term “Uncle Sam” was often used to represent the United States.
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.
Making Confederation a Reality

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.

Let’s Discuss

What groups of people do you think were not involved in discussions about Confederation?

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 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
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 Ascent.

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.

Explorations

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?
**Chapter 6**

**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?

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**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.