



1865 – 1949

# Confederation Debates

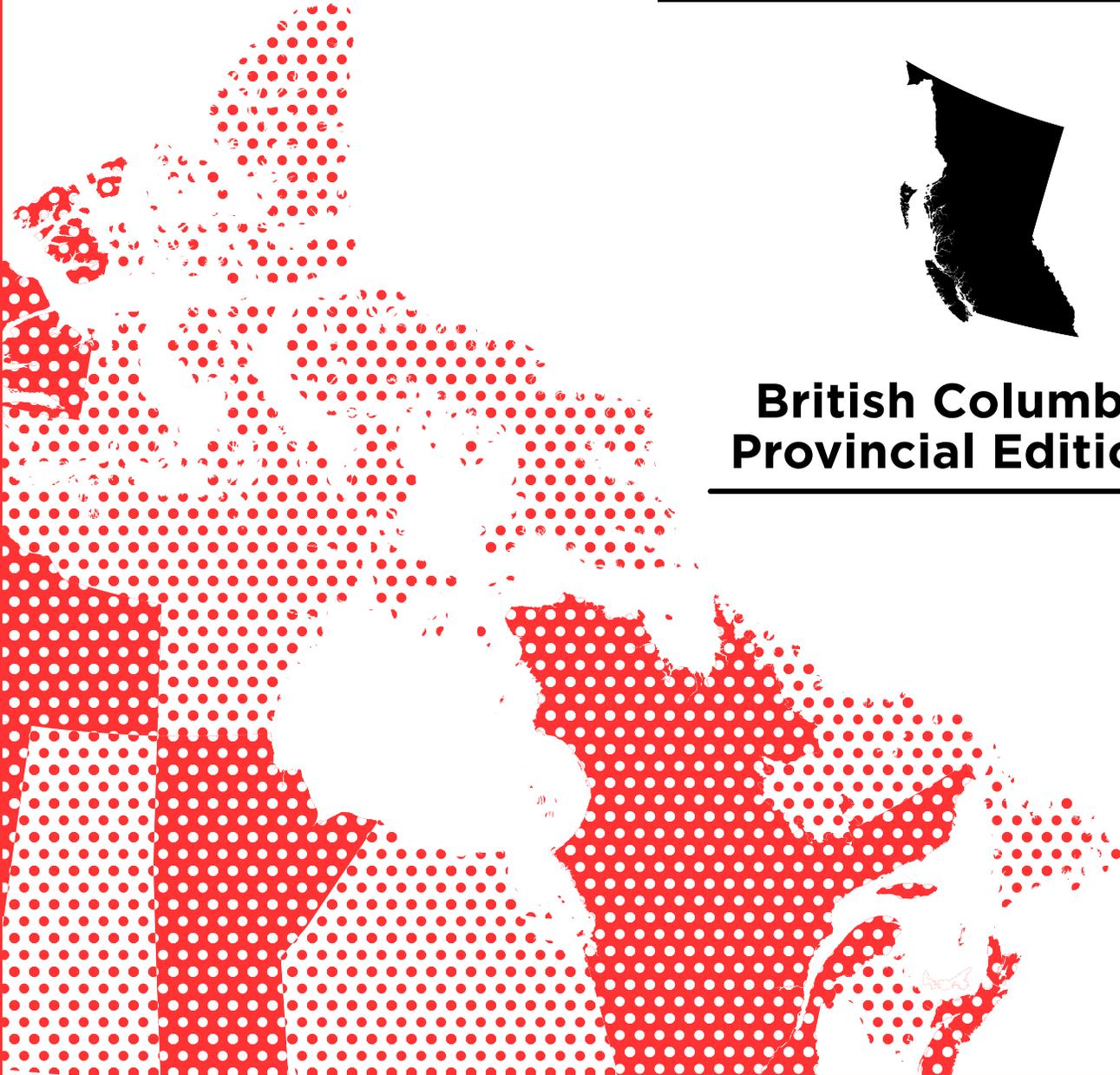
intermediate/senior  
mini unit

<http://hcmc.uvic.ca/confederation/>



**British Columbia  
Provincial Edition**

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# TABLE OF CONTENTS

TABLE OF CONTENTS.....	1
ABOUT <i>THE CONFEDERATION DEBATES</i> MINI-UNIT .....	3
CURRICULUM OBJECTIVES.....	4
Civic Studies 11 .....	4
First Nations Studies 12 .....	4
SECTION 1   CREATING CANADA: BRITISH COLUMBIA .....	6
Prerequisite Skillset .....	6
Background Knowledge.....	6
Confederation Debates: Introductory Lesson.....	7
Confederation Debates: Biographical Research .....	9
Culminating Activity: The Debate .....	11
Culminating Activity Script .....	13
SECTION 2   CREATING CANADA: FURTHERING INDIGENOUS-CROWN RELATIONSHIPS .....	15
Prerequisite Skillset .....	15
Background Knowledge.....	15
“I Left a Trace”: Lesson 1 .....	16
Museum Curation Activity: Lesson 2 .....	18
MUSEUM CURATION EXERCISE .....	22
APPENDICES .....	24
SECTION 1: MATERIALS AND HANDOUTS FOR CREATING CANADA: BRITISH COLUMBIA .....	25
Handout: Introduction to Parliament .....	26
Biography Activity Handout.....	27
Exit Card.....	28
George-Étienne Cartier in Brief.....	29
Amor de Cosmos in Brief.....	30
Henry Pering Pellew Crease in Brief.....	31
John Sebastian Helmcken in Brief .....	32
Alexander Mackenzie in Brief.....	33
John Robson in Brief.....	34
Ballots.....	35
Teacher’s Rubric for Evaluation of Confederation Debates.....	36

Post-Debate Self-Evaluation .....	37
Additional Resources .....	38
Primary Source: George-Étienne Cartier’s Views on Confederation .....	40
Primary Source: Amor de Cosmos’s Views on Confederation.....	44
Primary Source: Henry Pering Pellew Crease’s Views on Confederation .....	49
Primary Source: John Sebastian Helmcken’s Views on Confederation .....	55
Primary Source: Alexander Mackenzie’s Views on Confederation .....	61
Primary Source: John Robson’s Views on Confederation .....	64
72 Resolutions Handout.....	70
<b>SECTION 2: MATERIALS AND HANDOUTS FOR CREATING CANADA: FURTHERING INDIGENOUS- CROWN RELATIONSHIPS .....</b>	<b>71</b>
Response Log Handout .....	72
Handout: Douglas Treaty and Negotiations: Treaty Examples: .....	73
Handout: Record of Negotiation/Implementation.....	75
Handout: Sir James Douglas.....	78
Handout: David Latass (Also Latasse, Latess and Latesse).....	82
Handout: Joseph Trutch.....	85
Handout: Reef Nets .....	88
<i>THE CONFEDERATION DEBATES</i> EDUCATION TEAM.....	90
<i>THE CONFEDERATION DEBATES</i> IS SUPPORTED BY: .....	91

# ABOUT *THE CONFEDERATION* *DEBATES* MINI-UNIT

Before each province and territory became a part of Canada, their local legislatures (and the House of Commons after 1867) debated the extent, purposes and principles of political union between 1865 and 1949. In addition to creating provinces, the British Crown also negotiated a series of Treaties with Canada's Indigenous Peoples. Although these texts, and the records of their negotiation, are equally important to Canada's founding, as the Truth and Reconciliation Committee recently explained, "too many Canadians still do not know the history of Indigenous peoples' contributions to Canada, or understand that by virtue of the historical and modern Treaties negotiated by our government, we are all Treaty people."

The vast majority of these records, however, remain inaccessible and many can only be found in provincial archives. By bringing together these diverse colonial, federal and Indigenous records for the first time, and by embracing novel technologies and dissemination formats, *The Confederation Debates* (<http://hcmc.uvic.ca/confederation/>) encourages Canadians of all ages and walks of life to learn about past challenges, to increase political awareness of historical aspirations and grievances and engage present-day debates, as well as to contribute to local, regional and national understanding and reconciliation.

This mini-unit for intermediate/senior-level classes helps students to understand and analyze the key ideas and challenges that preceded British Columbia's entry into Confederation. The first section deals with the debates in the provincial and/or federal legislatures, while the second section addresses more specifically founding treaty negotiations with the First Nations. Each section can be taught independently.

The activities and attached materials will help students understand the diversity of ideas, commitments, successes and grievances that underlie Canada's founding.

By the end of this mini-unit, your students will have the opportunity to:

1. Use the historical inquiry process—gathering, interpreting and analyzing historical evidence and information from a variety of primary and secondary sources—in order to investigate and make judgements about issues, developments and events of historical importance.
2. Hone their historical thinking skills to identify historical significance, cause and consequence, continuity and change, and historical perspective.
3. Develop knowledge of their province/region within Canada, minority rights and democracy, and appreciate the need for reconciliation with Indigenous Peoples.

# CURRICULUM OBJECTIVES

This mini-unit has been broadly designed for intermediate/senior-level classes. The activities described in the pages, for example, fulfill the following outcomes listed in British Columbia’s “Civic Studies 11” and “First Nations Studies 12” curriculum.

## Civic Studies 11

### UNIT 3: RIGHTS AND RESPONSIBILITIES

In this unit, students assess the historical and contemporary factors that have influenced the development of rights and responsibilities in Canada. The unit uses a variety of assessment strategies to illustrate the core rights and responsibilities concepts highlighted in Civic Studies 11. Specific research, comprehension, analysis, synthesis, and communication skills are emphasized throughout the unit. The unit features a mock parliamentary committee, gallery walk, and a case study to develop student understanding, analysis, and synthesis of the key concepts. The unit includes an analysis of the Canadian Charter of Rights and Freedoms prior to a case analysis on civil liberties in a high school setting. Students then complete an analysis of the landmark documents in the historical evolution of rights and responsibilities, and a mock trial on one or more precedent setting cases in the evolution of human rights in Canada.

- British North America Act 1867
- Canada’s multiethnic and bilingual society
- Canada’s parliamentary system of government and the role of parliamentary committees
- the nature of the conflict between individual and group rights and responsibilities

## First Nations Studies 12

### CONTACT, COLONIALISM, AND RESISTANCE

C3 assess the economic, social, political, and cultural impacts of contact with Europeans on BC First Nations during the period of the land-based fur trade up to Confederation

- describe the main developments in European colonization of British Columbia up to Confederation, including:
  - the gold rushes
  - establishment of early European settlements
- describe the impacts on First Nations of contact with Europeans in the period of the land-based fur trade, including:
  - economic and political (e.g., growth of the cash economy, changes in First Nations settlement patterns, the Douglas treaties, Joseph Trutch and the development of British colonial policy involving land pre-emption and prohibition of Aboriginal land ownership)
- defend a position with respect to the impact of contact on BC First Nations, using relevant supporting evidence

C4 analyse post-Confederation government policies and jurisdictional arrangements that affected and continue to affect BC First Nations:

- compare pre-Confederation and post-Confederation government policies toward First Nations with reference to
  - the Royal Proclamation of 1763
  - the Douglas treaties
  - Joseph Trutch
  - the terms of union (1871)
  - the Indian Act (1876 and subsequent amendments)
  - fisheries management

# SECTION 1 | CREATING CANADA: BRITISH COLUMBIA

## Prerequisite Skillset

- Word processing
- Web research
- Interpretation of primary sources
- Cooperative sharing
- Some familiarity with group debate

## Background Knowledge

Students may need to be reminded of the following subjects from the preceding weeks.

### **SOCIAL**

- Catholic/Protestant divisions in Canada during the 1860s
- Chinese immigration

### **ECONOMIC**

- The Gold Rush (and particularly the boom and bust periods that preceded Confederation debates)

### **POLITICAL**

- The difference between a legislative union (ex. Great Britain had a single legislature for England and Scotland) and a federal union (with federal and provincial legislatures that each have areas of exclusive jurisdiction)
  - The concept of dividing powers between federal and provincial governments, and the respective jurisdictions of each (ex. education, military)
- The Douglas Treaties as well as the lack of Treaties with most BC Indigenous Peoples

## Confederation Debates: Introductory Lesson

**Lesson:** Introduce Confederation and the concept of debate

**Concepts Used:** Brainstorming, concept map

**Recommended Equipment:** Computer(s) for viewing videos and reading *Dictionary of Canadian Biography* entries

**Materials Provided:** Video, handouts

**Time Needed:** 2 x 40-minute classes

### INTRODUCTION

The teacher will engage students in a brainstorming session with the suggested list of framing questions below.

### BRAINSTORM SESSION

To help students recall background knowledge (see previous page), please discuss the following questions:

1. What was Confederation?
2. What were the most influential ideas in British Columbia's Confederation debates?
3. Who was the most influential individual in the Confederation debates?
4. How did linguistic or ethnic tensions impact the debates and our constitution?
5. What are some areas of continuity and change between the Confederation period and today?

### CONCEPT MAP

1. When the brainstorm session has been completed, the teacher will circle the most pertinent/important subjects and sub-subjects that resulted from the brainstorm session.
2. Teachers may add subjects or sub-subjects if important topics were missed during the brainstorm session.
3. Students will then develop a concept map to highlight the important subjects and sub-subjects.
4. A concept map will provide a visual aid for students to see the important subjects and sub-subjects throughout the unit.

### INTRODUCTION TO PARLIAMENT

1. Distribute the "72 Resolutions Handout" to the students and highlight and discuss:
  - a. The fact that representation in the House of Commons is representation by population, and representation in the Senate is by region (ex. the Prairies)
  - b. The division of powers between federal and provincial governments (note that one focuses on national issues like banking, while the other focuses on local concerns like hospitals).

2. Distribute “Introduction to Parliament: The Question Period” handout and review the questions with the class.
3. Show the class any Question Period video posted to <http://www.cpac.ca/en/programs/question-period/>.
4. Pause the video at the start and point out the government side (left), the opposition side (right) and the Speaker of the House (centre).
5. Play several minutes of the video and ask students to fill out and submit the handout for teacher evaluation.
6. When the video is complete and the handouts are submitted, discuss the following points with the class:
  - a. Note that different parties form the government and opposition, and that each take opposite sides on issues
  - b. During Question Period, one person asks questions; the other side answers/rebutts
  - c. The Speaker of the House controls the discussion
  - d. The classroom debate will not have any:
    - i. Yelling
    - ii. Talking over one another

## Confederation Debates: Biographical Research

**Lesson:** Introduce the key historical figures in the Confederation debates

**Concepts Used:** Critical thinking, historical inquiry process, historical thinking, online research

**Materials Used:** Computers

**Materials Provided:** List of biographies, biography handout, primary document handouts, self-evaluation for jigsaw activity

**Time Needed:** 3 x 40-minute classes

### HISTORICAL FIGURE COMPUTER RESEARCH

1. Teachers may wish to familiarize themselves with the key details listed in the historical figure briefs (see appendices) before beginning this activity.
2. Ideally, each student should do the research using their own computer. If there are no computers available, the teacher may wish to print off the *Dictionary of Canadian Biography* entries described below. Alternatively, if all students have access to a computer and internet access at home, this activity could be assigned for homework.
3. Divide the students into six equal-sized groups.
4. Assign each group one of the major historical figures listed below. Alternatively, teachers may allow students to choose their historical figure.
  - a. George Cartier
  - b. Amor de Cosmos
  - c. John Sebastian Helmcken (strong students should be assigned to this historical figure)
  - d. Alexander Mackenzie
  - e. Henry Pering Pellew Crease (strong students should be assigned to this historical figure)
  - f. John Robson
1. Distribute copies of the “Biography Activity Handout” (see appendices) to all of the students.
2. Tell students to use Google to search for their historical figure and to find their listing on the *Dictionary of Canadian Biography* website as listed (see appendices).
3. Tell the students to read their respective *Dictionary of Canadian Biography* entries and record their answers in the blanks on the “Biography Activity Handout.”

### GROUP DISCUSSION

1. After students have completed their research—in the computer lab or at home—the students should rejoin their groups (see 3 above) in the classroom.
2. Distribute the Primary Source” handouts (see appendices) to the groups. (Each student should have their own copy.)
3. Each student will be given a task: reader, writer and discussant. (The reader will read the source to the group, the discussants will contribute to the discussion and the writer will record the group’s ideas on a separate sheet of paper.) There can be more than one student assigned to each role.

4. The teacher will encourage each group to decide which statements were most important, and to discuss the possible historical significance of these statements(ex. the debate about responsible government).
5. When this work is complete, the students will compare and share these reflections with their group members and determine what facts and ideas they think will be important for their peers to know. Each group member will add these notes to their “Biography Activity Handout.”

### **JIGSAW**

1. When all students have shared information with their group, they will separate into a jigsaw activity. The goal of this activity is for all students to learn about every historical figure from their peers.
2. The teacher will assign the students in each group a number between 1 and 6. (ex. Students researching John Robson will be labelled number 6.)
3. All number 1s, 2s, 3s, 4s, 5s and 6s will then gather together. Each student should have at least one person from every group to share their information.
4. If there are too many students in the historical figure groups, each member should share a portion of what they learned with the jigsaw group. If there are too few students to divide the historical figure groups among each of the jigsaw groups, one student can present their information to more than one group.

### **EXIT CARD**

1. Students will fill out the exit card (see appendices) and hand it in to the teacher for evaluation.
2. An exit card is an exercise designed to engage students with the material learned in class at the end of a lesson. All students will answer questions before leaving class. Exit cards allow teachers to assess the class’s understanding of the day’s material in preparation for the next lesson.
3. Students will answer the questions and will hand in the exit card to the teacher at the end of the lesson.
4. The exit card questions found in the appendices satisfy the requirements for three historical thinking concepts: historical significance, cause and consequence and historical perspective.
5. The teacher has discretion on whether to mark the exit cards to ensure understanding.

## Culminating Activity: The Debate

**Culminating Activity:** This culminating activity will introduce students to the basics of debate within a historical context and give them an opportunity to compare different historical positions on key issues of the 1860s and early 1870s.

**Concepts Used:** Critical thinking, primary sources, debate, using appropriate vocabulary, historical inquiry process, historical thinking concepts

**Time Needed:** 2 x 40-minute classes

Students/teacher will choose which figure they want to represent, which may be the same as or different than the historical figure they researched.

### MATERIALS (ENCLOSED)

- Mock ballots for optional voting activity, to be printed or photocopied in advance of the lesson (See appendices; the ballot's text is loosely based on the motion that all of the Province of Canada's representatives debated in 1865.)
- Script for teachers to use as "Speaker of the House" (See "Culminating Activity Script" below.)

### OPTIONAL MATERIALS (NOT ENCLOSED)

- Voting booth (set up before the debate begins for optional voting activity)
- Voting box (if the class is also going to do the voting activity)
- Costumes (ex. The teacher may borrow a graduation robe to wear while acting as "Speaker of the House," or find a white wig)

### DEBATE PREPARATION

1. If possible, rearrange the classroom desks to resemble parliament (i.e., the pro-Confederation and anti-Confederation groups will sit across from each other, with teacher standing in between at the front of the room).
2. Students will gather in their historical figure groups and prepare for the debate by composing short answers to the following questions that will be posed during the debate. Each student in the group will write an answer to one of the questions. If fewer than five students are in a group, one or more students may answer two questions.
  - a. What are the benefits of union?
  - b. What are the drawbacks of union?
  - c. Should British Columbia seek responsible government?
  - d. Should British Columbia accept representation by population in Confederation?
  - e. Local autonomy, or the ability to run things like schools without interference from the rest of the country, was very important to most of Canada's founders. Will the division of powers between federal and provincial governments protect local autonomy?
  - f. Will British Columbia's economy benefit from Confederation?
3. Students should practice their speech in front of the other members of their group to remain within a two-minute time constraint.

**DEBATE**

1. The Speaker of the House (the teacher) will stand at the front of the classroom (between the pro- and anti-Confederation sides of the room if the classroom desks have been moved to either side of the classroom). The Speaker of the House will then read from the script enclosed below to bring the debate to order, and will pose important questions.
2. Students will be given the opportunity, after everyone has shared, to offer a direct rebuttal to another student's statement. The Speaker of the House may allow students to rebut a particular point.
3. Once each theme has been addressed and all students have had the opportunity to make their case, the Speaker of the House will motion for adjournment.
4. After the debate is finished, teachers may hold the optional voting activity (below).

**OPTIONAL VOTING ACTIVITY**

1. Students should fill out the "Post-Debate Self-Evaluation" handout (see appendices) and submit it to the teacher during the voting activity. If you chose to skip this activity, please proceed to the "Reflection Activity" below.
2. The teacher will invite each student to the front of the classroom to vote.
3. Each student will go to the voting booth, make their mark for or against joining Confederation based on the debates they have just heard, and deposit the ballot into the box or bucket.
4. When every student has voted, the teacher will collect the ballots, count them, and announce the outcome to the class.

**REFLECTION ACTIVITY**

1. Debrief session on how the 1870 debates are important today. Guiding questions for students can include:
  - a. Why was their historical figure important in the Confederation debates?
  - b. What are some ways in which each historical figure responded to challenges and/or created change?
  - c. Was the language in the materials hard to understand? Imagine if, as was the case for the Indigenous Peoples of Canada, English was not your first language.
2. Were you surprised by the opinions British Columbia's founders took regarding Indigenous Peoples?

## Culminating Activity Script

1. To bring the House to order, the Speaker will say, “This meeting will come to order.”
2. The Speaker of the House will then conduct roll call for the six historical representatives. As each representative is named, students from that historical figure’s group will say, “Present.”
3. Once everyone is accounted for, the Speaker will read the House rules:
  - a. The Speaker of the House has ultimate power while Parliament is in session.
  - b. All representatives must stand to make their statements but will not leave their desk.
  - c. The Speaker will ask individual students to rise and sit as if they were debating in Parliament.
  - d. No name-calling or insults will be tolerated.
  - e. Representatives may ask to interrupt the current speaker with a question or counter point by raising their hand. The Speaker of the House will decide whether to ask the current speaker to pause.
  - f. Arguments must remain relevant to the subject of the debate. The Speaker of the House has the right to move to another speaker if anyone goes off-topic.
  - g. Students should write down any personal questions or comments for the debrief after the debate.
  - h. Optional: The Speaker may limit the amount of time Representatives are allowed to speak (ex. two minutes)
4. The Speaker of the House will then introduce the first main question: “What are the benefits of union?” The groups representing Amor de Cosmos, Henry Pering Pellew Crease, John Robson, and George Cartier will be asked to speak. Each group will be limited to a two-minute opening statement.
5. The Speaker will then introduce the second main question: “What are the drawbacks of union?” The groups representing John Helmcken and Alexander Mackenzie will be asked to speak. Each group will be limited to a two-minute opening statement.
6. The Speaker will then introduce the third main question: “Should British Columbia seek responsible government?” Prompting questions for students may include:
  - a. Are British Columbia and its voters ready for responsible government?
  - b. How did those opposing responsible government justify their position?
7. Before introducing the next main question, the Speaker of the House will say, “Is everyone ready for the next question?” Additional discussion/debate may ensue.
8. The Speaker will then introduce the fourth main question: “?” Prompting questions for students may include:
  - a. Is it fair for some provinces to have more representatives than other provinces in the new country? Why?
  - b. British Columbia received six seats in the House of Commons at Confederation. Was this representation by population? (Note for teacher: six seats actually over-represented BC’s 1870s population.)
9. Before introducing the next main question, the Speaker of the House will say, “Is everyone ready for the next question?” Additional discussion/debate may ensue.
10. The Speaker of the House will then introduce the fifth main question: “Local autonomy, or the ability to run things like schools without interference from the rest of the country, was very important to most of Canada’s founders. Will the division of powers between federal and provincial governments protect local autonomy?” Prompting questions for students may include:
  - a. What powers does the Constitution give to the federal government?
  - b. What powers does the Constitution give to provincial governments?
  - c. Did the founders worry that the federal government would interfere in provincial affairs?
  - d. How did the founders try to minimize and alleviate these concerns about provincial autonomy?

11. Before introducing the next main question, the Speaker of the House will say, “Is everyone ready for the next question?” Additional discussion/debate may ensue.
12. The Speaker of the House will then introduce the sixth main question: “Will British Columbia’s economy benefit from Confederation?” Prompting questions for students may include:
  - a. Will British Columbia’s trade increase or decrease if it joins Canada?
  - b. Should British Columbia focus on trading with the United States or with Britain and Canada?
13. When everyone has had the opportunity to state their case, the Speaker will say, “I move for the adjournment of this session of Parliament.”

## SECTION 2 | CREATING CANADA: FURTHERING INDIGENOUS-CROWN RELATIONSHIPS

### Prerequisite Skillset

- Word processing
- Interpretation of primary sources
- Cooperative sharing

### Background Knowledge

Based on the background information provided (see appendices), teachers should familiarize themselves with the following ideas and consider how they will be discussed with students. These ideas will help the students think about treaties and the treaty relationship as important parts of Confederation and as founding documents of Canada's constitutional order. Understanding the treaties as important parts of Canada's constitutional architecture demonstrates the role Indigenous Peoples played in shaping the country. Important learning outcomes include:

- Nation-to-Nation relationship
- The Royal Proclamation, 1763 and the Treaty relationship
- The British North America Act, 1867
- The Indian Act, and how it was used to exercise jurisdiction *over* Indigenous Peoples
- Historical background on the signing of the Treaties and their main clauses

## “I Left a Trace”: Lesson 1

**Lesson:** Introduce oral tradition, negotiations with the Indigenous Peoples; discuss the possibility of cultural/linguistic misunderstanding

**Concepts Used:** Brainstorming, historical significance, written response log

**Materials Enclosed:** Handouts (see appendices)

**Time Needed:** 2 x 40-minute classes

### THINK, PAIR, SHARE

To introduce students to the idea that history is constructed from traces of the past (see list of examples below), we suggest this introductory activity. The two activities and the follow-up response log engage students by having them analyze their personal experience.

1. After describing what a trace is, ask students to take 10 minutes to record everything that they have done in the last 24 hours (and that would be appropriate for classroom discussion) on a blank sheet of paper. They must draw their reflections. Examples of traces include:
  - a. Telling your parent you loved her/him
  - b. Telling someone you know a story about your past
  - c. Bringing mud into the house
  - d. Things you created with your hands
  - e. Actions that influenced others
  - f. Digital traces
2. Ask the class to identify:
  - a. Which traces were purposeful and which were accidental by marking them with a “P” and an “A.”
  - b. How would someone who is not from Canada interpret your traces? Would they be the same or different?
  - c. Would an historian working 100 years from now be able to interpret your traces the same way you would today? Students should also mark traces that they believe historians would correctly interpret with an “H.”
3. Ask the students to find a partner.
4. The partners will then, without saying a word, exchange their drawings.
5. Tell the students that they are now historians, and instruct them take 5 minutes to examine each drawing and write down observations like:
  - a. What do they believe the drawing describes?
  - b. What is the drawing used for?
  - c. Why do they think the individual thought the drawing was important?
  - d. What does each trace mean?
6. Ask the students to pass the drawings back to their author.
7. Have the class discuss how many items their partners correctly identified. Did they correctly interpret the significance of the “H” items?
8. How many of the “P” items were interpreted correctly? Is the class surprised that their purposeful traces were not always the ones that were interpreted correctly?

### RESPONSE LOG

1. Hand out the “Response Log Handout.” (See appendices.) Students should answer one of the five questions to reflect on the topic. Recommended reflection time is half an hour.
2. If the students do not have time to finish their response, the teacher can assign it as homework.

**VIDEO DEBRIEF**

Debrief the class with one or both of these Indigenous “Trace” videos.

- “Wab Kinew — Heroes” (song about Indigenous heroes). <https://youtu.be/3U14KmHlzMc>.
- “The Ballad of Crowfoot,” which examines the situation of Aboriginal people in North America through the figure of Crowfoot, the legendary nineteenth-century Blackfoot leader of the Plains Cree. <https://youtu.be/l-32jc58bgI>.

## Museum Curation Activity: Lesson 2

**Lesson:** Introduce negotiations with the Indigenous Peoples; discuss the possibility of cultural/linguistic misunderstanding, nation-to-nation relationships and museum curation techniques

**Concepts Used:** Historical significance, flow charts

**Materials Enclosed:** Handouts (see appendices)

**Time Needed:** 2 x 40-minute classes

**Note:** Teachers may wish to invite an Indigenous leader into the classroom to tour the exhibit that the students will produce, comment on their interpretations of the “artifacts,” and share their own experiences with the Canadian state and/or reconciliation.

### **INTRO/BACKGROUND INFORMATION FOR TEACHER TO PREPARE FOR THE MUSEUM CURATION ACTIVITY**

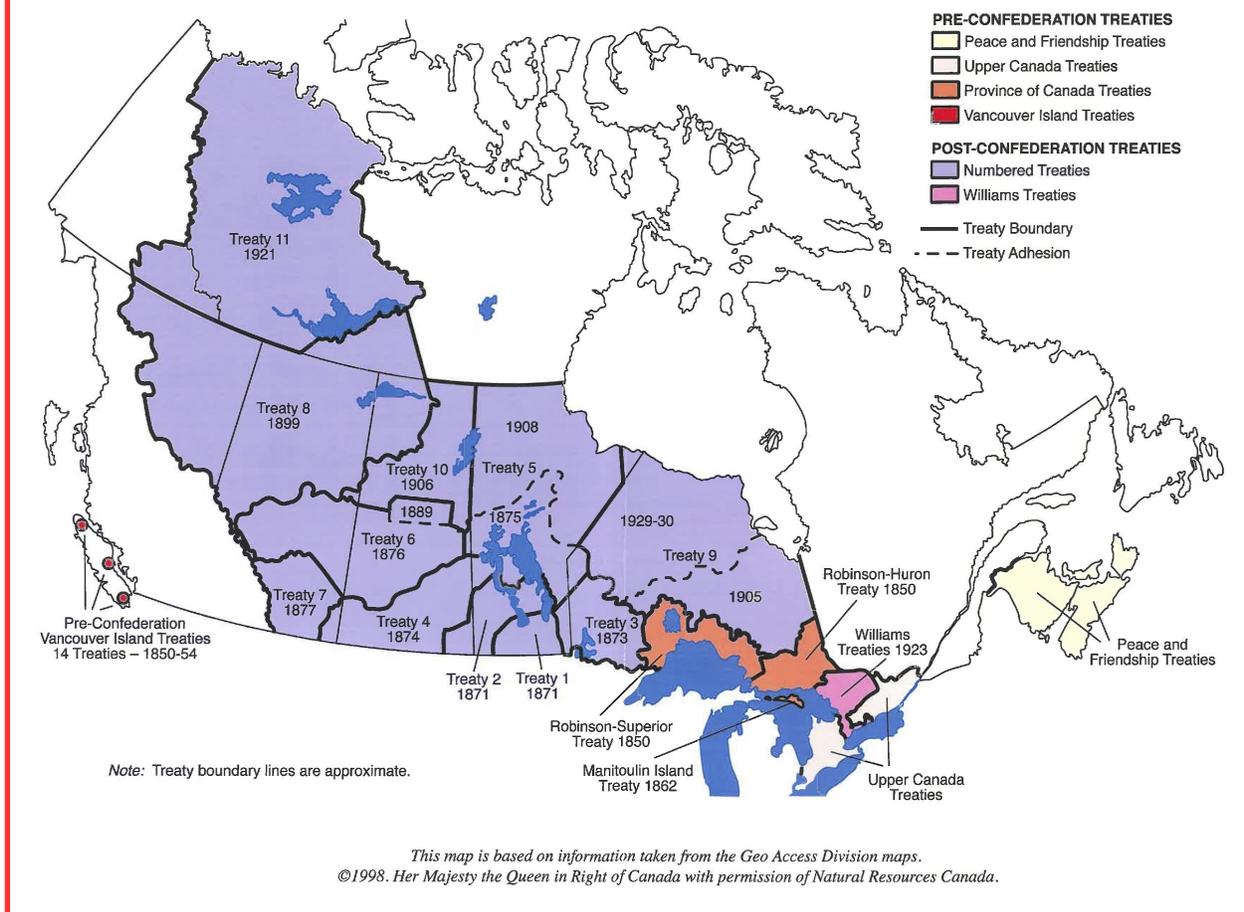
#### *Introducing the Treaty Relationship:*

There are two very distinct stories we can tell about Confederation and Canada’s Indigenous Peoples. In one story, Indigenous Peoples are largely invisible. Here, their only presence is found in s.91(24) of the British North America Act, 1867, where “Indians, and lands reserved for the Indians” were deemed to be federal, as opposed to provincial, jurisdiction. This has subsequently been interpreted as providing the federal government with a power *over* Indigenous Peoples and their lands. The Indian Act of 1876, which is largely still with us today, was passed on this basis. This created what political philosopher James Tully has called an “administrative dictatorship” which governs many aspects of Indigenous life in Canada. Many of the most profoundly upsetting consequences of colonialism are traceable in large part to the imposition of colonial authority through s.91(24) and the Indian Act of 1876.

But there is another story as well. Canada did not become a country in single moment. Though the British North America Act, 1867, created much of the framework for the government of Canada, Canada’s full independence was not gained until nearly a century later. Similarly, the century preceding 1867 saw significant political developments that would shape the future country. Canada’s Constitution is both written and unwritten. Its written elements include over 60 Acts and amendments, several of which were written prior to 1867. The Royal Proclamation, 1763, for example, is a foundational constitutional document, the importance of which is reflected by its inclusion in s.25 of the Canadian Charter of Rights and Freedoms. The Royal Proclamation, 1763, established a basis for the relationship between the British Crown and Indigenous Peoples in North America. By establishing a procedure for the purchase and sale of Indigenous lands, the proclamation recognized the land rights of Indigenous Peoples and their political autonomy.

Both the pre-Confederation and post-Confederation treaties form an important part of this history and what legal scholar Brian Slattery calls Canada’s “constitutional foundation.” It is through Treaties such as these that the government opened lands for resource development and westward expansion. It is also through the treaty relationship that Indigenous Peoples became partners in Confederation and helped construct Canada’s constitutional foundations.

## Location of Historical Treaty Boundaries in Canada



For a detailed discussion/background information, and a detailed version of what you will present to the class, consider watching “Legal Fictions of the Indian Act”: <https://youtu.be/PBXnjBX7j3c>.

If you want to present a video to the class on this, consider “Nation to Nation: Honouring the Royal Proclamation of 1763”: [https://youtu.be/eFyuI7gzy\\_0](https://youtu.be/eFyuI7gzy_0).

This helpful article outlines the Crown-Indigenous relationship and the importance of the Treaties: “Why It’s Time to Clearly Define the Crown’s Role with First Nations,” <http://www.macleans.ca/society/why-its-time-to-define-the-crowns-role-with-first-nations/>.

## INTRODUCING THE DOUGLAS TREATIES: TEACHER BRIEFING

British Columbia was designated as a Crown colony in 1849. That year, the Imperial government granted the whole of Vancouver Island to the Hudson's Bay Company on the agreement that the company would facilitate settlement of the colony. As legal historian Hamar Foster noted, "[w]hen the British Crown granted the fee in Vancouver Island to the Hudson's Bay Company in 1849, the Colonial Office had made it clear that the new 'owners' were expected to perfect their title by treating with the Indians" (Foster 1989). James Douglas was not the Governor of the new colony, but the Chief Factor of the Hudson's Bay Company. Given the important role of the company, however, and the limited civil government, Douglas was responsible for planning and executing much of the early settlement on Vancouver Island. The area which saw the most early development, around present day Victoria, was the traditional territory of several coast Salish peoples, including the Songhees (Lekwungen), Esquimalt, and Saanich (WSÁNEĆ). From 1850 to 1854, Douglas entered into 14 agreements with First Nations in the region. Eleven of the agreements were signed in Victoria, two at Fort Rupert, and one at Nanaimo.

The Douglas Treaties cover the land around Victoria, Saanich, Sooke, Nanaimo, and Port Hardy—about 930 square kilometers in total. In exchange for these lands, the Indigenous Peoples received clothing, blankets, and cash payments. The treaties recognized ongoing Indigenous rights to occupy "villages and enclosed fields" and to hunt and fish as they had done previously, including on the surrendered lands. Surveys to determine the precise boundaries between Indigenous and non-Indigenous lands were promised but never carried out. The Douglas Treaties show that the British recognized Indigenous ownership of the land. The British believed that they needed to acquire the land before it could be settled. Clearly the British would not have felt compelled to purchase the land unless they believed it already had an owner. These agreements were designed, from Douglas's perspective, as land purchases which would open the land for settlement while setting aside lands for the use and occupation of Indigenous Peoples. There is good reason to believe that the indigenous signatories had a different conception of the treaties. As Dr. Foster writes:

These treaties, however, were unexceptional insofar as equality of bargaining power is concerned; Douglas secured the approximately fifty square miles of the Saanich peninsula for a little over £100, which he paid to the Indians in Hudson's Bay Company blankets at the 300% Company mark-up for non-employees. As the trial judge acknowledged, the Indians "could not have thought of [such a transaction] as a purchase," and would not have regarded the woollen goods they received as payment for land. What seems much more likely is that they believed that they were agreeing to peaceful relations, to share the right to harvest certain resources, and to allow a limited number of colonists to occupy some of the lands they were not themselves occupying. (Foster 1989).

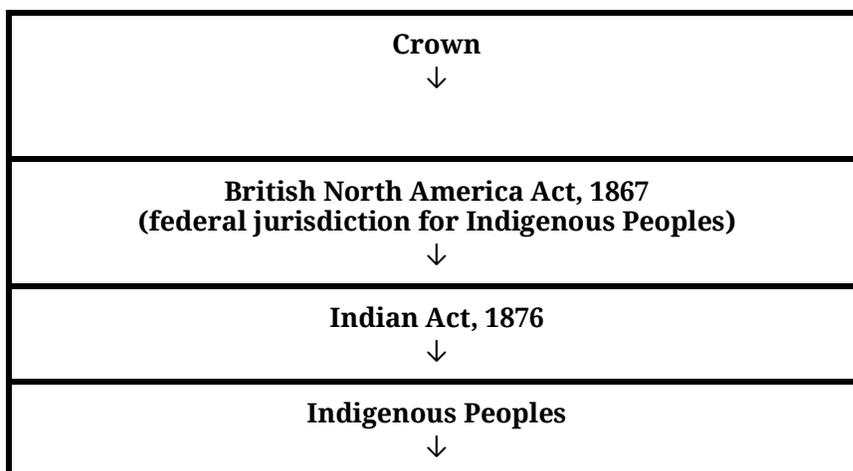
Douglas stopped entering into treaties as settlement in the colony was slow and he lacked funds to continue. Aside from Treaty 8, which covers a small part of Northeastern British Columbia, the Douglas Treaties were the only treaties in BC until the Nisga'a Treaty in 2000. After Confederation, many dominion officials were upset when they learned that Aboriginal title in BC had not been extinguished by treaty. This left the "land question" open in British Columbia, an issue which is still largely unresolved.

The Douglas Treaties continue to be of considerable importance in the contemporary relationship between Indigenous and non-Indigenous peoples on Vancouver Island. The land on which the provincial legislature sits was originally set aside for the Songhees and Esquimalt First Nations in 1854. As a result, the provincial government compensated the First Nations with \$31.5 million in 2007, a recognition that the lands were improperly taken. Fishing and hunting rights under the treaties have been recognized by the courts, and Indigenous Peoples continue to see the treaties as a recognition of important rights and as a basis for their relationship with the Crown.

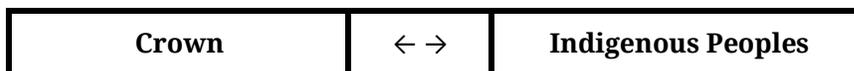
## INTRODUCING THE DOUGLAS TREATIES: HOW TO PRESENT THIS INFORMATION TO THE CLASS

To present these messages in an accessible way to the class:

1. The teacher will write all of the keywords on the board before the students enter the classroom:
  - a. Royal Proclamation, 1763
  - b. British North America Act, 1867 (remind students that they have a handout on this from the parliamentary activities)
  - c. The Douglas Treaties
  - d. Indian Act, 1876
  - e. Treaty Relationship
  - f. The Crown
1. The teacher will discuss the keywords by mapping out the relationship on their own flow chart at the front of the class visually linking these points as the federal government has traditionally seen it. (i.e., Indigenous Peoples are a jurisdiction of the Crown, wards of the state who needed to be assimilated into dominant Canadian society.) The drawing will be hierarchical:



1. The teacher will then ask the class to draw a second flow chart, and follow the teacher as they describe and link these ideas again according to a nation-to-nation relationship. (i.e., the Crown and Indigenous Peoples have a long pre-Confederation history as co-equal, non-hierarchical partners that was continued after Confederation.) The flow chart will emphasize equality:



## MUSEUM CURATION EXERCISE

1. Divide the class into six groups and assign each group one of the following:
  - a. Douglas Treaty: Treaty Examples
  - b. Sir James Douglas
  - c. David Latass
  - d. Joseph Trutch
  - e. Reef Nets
  - f. Records of Negotiation/Implementation
2. Each group will research their artifact using the resources provided in the appendices.
3. Teachers have the discretion to allow the groups to present what they learned in creative ways (ex. diorama, YouTube video), but we recommend that each produce an historical plaque (roughly 200 words).
4. Each group will pair their plaque (or other visual displays) with the historical artifact.
5. The class (teacher, students, and Indigenous guest — if applicable) will then re-congregate, and tour their collective exhibit.
6. Suggested talking points for each artifact:
  - a. *Treaty Examples*
    - i. What rights and responsibilities are recognized in the treaty?
    - ii. The treaty uses complex and technical legal language. Did you find it easy to understand?
    - iii. Would it have been difficult for people who did not grow up with English to understand the language used?
    - iv. Which of the parties to the treaty might have benefitted most from having it written this way?
    - v. How might current understandings of the treaty be shaped by the fact that the only copy is written in English and articulated in dense legal language?
    - vi. Thinking about our museum exercise, what does the language of the treaty tell us about who gets to write history and how power is exercised by creating certain historical accounts?
    - vii. What might be missing from the treaty as it is presented here?
  - b. *Biography of James Douglas*
    - i. What was Douglas's main concern when he began construction of Fort Victoria?
    - ii. What was his position at the time?
    - iii. What was Douglas's approach to Treaty making?
    - iv. What were his goals in the colony?
    - v. What did Douglas think of Responsible Government?
  - c. *Biography of David Latass*
    - i. How did Latass come to have a leadership role in his nation?
    - ii. Thinking back to our museum curation exercise, why might there be such uncertainty around the details of Latass's life?
    - iii. What did Latass believe about the treaties?
    - iv. What did he prioritize late in life?
    - v. Why might he have changed his priorities?
  - d. *Biography of Joseph Trutch*

- i. Why was it controversial for Trutch to be named chief commissioner of lands and works?
  - ii. Why might Trutch's land holdings and relationships with the social elite have been a problem for First Nations?
  - iii. What was Trutch's approach to Indigenous land policy?
  - iv. How did he justify the change in policy?
  - v. What is the legacy of his approach?
- e. *Reef Net Fishery*
- i. What is the reef net fishery?
  - ii. In what ways is the fishery important to WSÁNEĆ people?
  - iii. How does the fishery impact WSÁNEĆ governance and law?
  - iv. Given this, why is it important that the treaty recognizes the right to fish "as before"?
- f. *Record of Treaty Implementation*
- i. What instructions did Archibald Barclay give James Douglas about entering into treaties?
  - ii. What did James Douglas think was important to include in the treaties?
  - iii. How did Gabe Bartleman describe the purpose of the treaties?
  - iv. How did Latass and Foster describe the Indigenous perception of the treaties?
  - v. What does Claxton say about the Indigenous understanding?



# APPENDICES

# SECTION 1: MATERIALS AND HANDOUTS FOR CREATING CANADA: BRITISH COLUMBIA

## Handout: Introduction to Parliament



### THE QUESTION PERIOD

What were the main topics discussed in the video?

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/5

List the political parties of the different politicians who spoke in the video (ex. "Conservative").

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/5

Do the politicians address each other directly? Explain.

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/5

How do members of the parliament behave during Question Period?

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/5

Total: /20

## Biography Activity Handout



Your Name: \_\_\_\_\_

Name of Historical Figure: \_\_\_\_\_

Birth and Death Dates: \_\_\_\_\_

Family Members:

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Where were they born? \_\_\_\_\_

Where did they live? \_\_\_\_\_

Pro- or anti-Confederation? \_\_\_\_\_

Reason(s) for pro-Confederation or anti-Confederation position:

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## Exit Card



Your Name: \_\_\_\_\_

Date: \_\_\_\_\_

Historical significance: Name the three historical figures you think had the biggest impact on Confederation and write a sentence about each explaining why. (You should have at least one figure from pro- and one from anti-Confederation.)

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Cause and consequence: Name one way that Canada would be different if we didn't have Confederation.

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Historical perspective: Name one person and one reason they were anti-Confederation.

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If you were to select a new national capital, what city would you choose? Why did you choose this location? Do you think your choice would be different if you lived in a province other than British Columbia?

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## George-Étienne Cartier in Brief

*This summary borrows from the Dictionary of Canadian Biography entry listed in the “Additional Resources” section of this mini-unit.*

Sir George-Étienne Cartier was born on 6 September 1814 at Saint-Antoine-sur-Richelieu, Lower Canada to a wealthy merchant and political family. At the age of twenty-three, he participated in the rebellions in Lower Canada in 1837 and afterward was forced to flee to the United States for roughly six months. Indeed, newspaper reports claimed that he was killed in the ensuing confrontations. When Cartier returned from the United States in October of that year, he resumed his law practice. In 1848, Cartier began his political career by winning the seat for Verchères in the Legislative Assembly of United Canada. In 1852, Cartier introduced the bill that created the Grand Trunk Railway Company, and he was subsequently appointed one of its legal advisors the following year. He soon became the leader of the Parti Bleu. The party drew much of its support from the Roman Catholic Church and was thus strongly committed to preserving the power of the Catholic Church and French culture in what is now Quebec. Many Bleus also had strong ties to big business. Cartier, for example, was intimately involved with the Grand Trunk Railway. In 1857, Cartier and John A. Macdonald supported each other as co-Premiers, and the two men continued to work closely as leaders of their respective French and English coalitions until Cartier’s death in 1873.

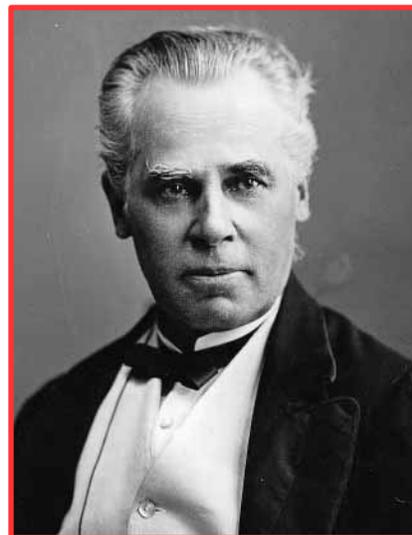


Image held by Library and Archives Canada.

As a leader in the Great Coalition, Cartier was one of the leading advocates of Confederation and took a leading role at the Charlottetown and Quebec conferences, and strongly defended the proposal in the Legislative Assembly. The Bleu leader believed that it was the only alternative to annexation to the United States. In 1865 he declared, “We must either have a Confederation of British North America or else be absorbed by the American Confederation.” Cartier also desired the expansion of the Province of Canada’s financial and political influence across British North America. Because John A. Macdonald was ill, Cartier led the Canadian effort to bring British Columbia into Confederation. He was also instrumental in arranging for a railway, rather than a wagon road, to be built from northern Ontario to the Pacific coast.



## Amor de Cosmos in Brief

*This summary borrows from the Dictionary of Canadian Biography entry listed in the “Additional Resources” section of this mini-unit.*

Amor de Cosmos was born under the name William Alexander Smith in Windsor, Nova Scotia, in 1825 to a family of Loyalists. In 1852, he moved to California to work as a photographer. In 1854, a bill from the California Senate approved his name change to Amor de Cosmos. Four years later, he joined his brother at Vancouver Island after hearing that gold has been found on the Fraser River. He founded the *British Colonist* newspaper in 1858, where he began his lifelong advocacy for the city of Victoria. His paper also fought for responsible government, the unification of the colonies, and the development of a “nation” in BC that employed Chinese workers without giving them full rights within the community. He also espoused a strong belief in progress, growing populations and an economic future for BC based on farming, fisheries, and forestry. He held a seat in the Vancouver Island Legislative Assembly from 1863 until 1866. After the union of the provinces of Vancouver Island and British Columbia, he sat in the British Columbia Legislative Council for four years.

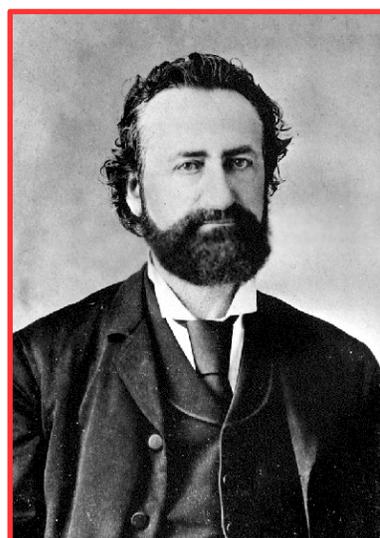


Image held by Library and Archives Canada.

De Cosmos supported Confederation because he believed it would prevent American expansionism into British Columbia. He hoped that, with time, a larger British political union would mature to the point that it would occupy a seat in an imperial legislature in London, England. His intense advocacy for Victoria also led him to push for that city to become the chief Canadian Pacific transportation hub. To accomplish these lofty goals, he founded the Confederation League with other British Columbian politicians in 1868. At the League’s convention in Yale that year, the League passed motions to join Confederation, and sparked considerable support for the colony to join Canada. He and his supporters continued to pursue responsible government and Confederation for several years against those who opposed uniting with Canada. This latter movement was led by de Cosmos’s chief rival: John Sebastian Helmcken.

From 1871 to 1874, de Cosmos was elected to the British Columbia Legislative Assembly, where the lack of sufficient progress on the Canadian Pacific Railway limited his effectiveness. De Cosmos served as British Columbia’s second premier from 1872 to 1874. He is known as British Columbia’s “Father of Confederation” because of his important role in founding the Confederation League, uniting the colonies of Vancouver Island and British Columbia, and for fervently advocating bringing the province into Confederation.



## Henry Pering Pellew Crease in Brief

*This summary borrows from the Dictionary of Canadian Biography entry listed in the “Additional Resources” section of this mini-unit.*

Henry Pering Pellew Crease was born near Plymouth, England, in 1823 to a wealthy family whose fortune had begun to fail. Educated in Britain, and a graduate of Clare College, Cambridge, Crease later studied law and passed the bar in 1849. Crease and parents, trying to bolster their weakening financial position, ventured to Upper Canada to speculate in canal construction. When this initiative failed, they returned to Great Britain, where Henry Crease briefly took up the law before turning to other occupations, including managing a mining company, which ultimately ended with his resignation due to corruption allegations.

In 1858, he, and later his family, immigrated to Vancouver Island, where he set up a legal practice. He quickly engaged in the island’s heated politics, labelling himself a “liberal and independent Reformer.” He won a Victoria District seat in the Island’s House of Assembly in 1860, and the Governor James Douglas named him attorney general of the mainland colony the following year. When British Columbia and Vancouver Island were merged in 1866, Crease maintained this office. While serving as attorney general, he was responsible for contributing to and defending much of the colonies’ early legislation.

When British Columbia’s legislature debated Confederation, Crease’s closeness with the old Colonial elites led him to support Confederation in general, but to oppose responsible government. Appointed as a judge to the Supreme Court of British Columbia in 1870, he continued in this role until 1896, when he was also knighted. Crease died in Victoria in 1905.

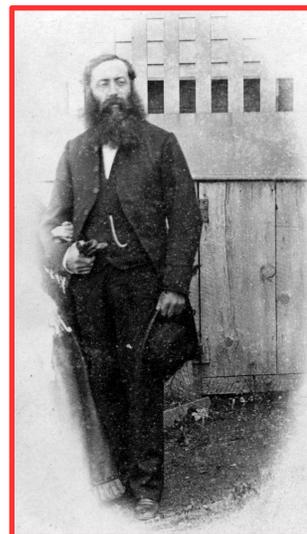


Image held by Royal BC Museum



## John Sebastian Helmcken in Brief

*This summary borrows from the Dictionary of Canadian Biography entry listed in the “Additional Resources” section of this mini-unit.*

John Sebastian Helmcken was born 5 June 1824 in London, England. He pursued a career in medicine, first apprenticing as a chemist and druggist, and then entering Guy’s Hospital in 1844 to study to become a doctor. By 1847, he was a surgeon on the Hudson’s Bay Company vessel Prince Rupert. After successfully writing his examinations, Helmcken spent time on a passenger ship that sailed to India and China and was subsequently posted to Fort Rupert in 1850. While stationed there, Governor Richard Blanchard appointed him magistrate to deal with disturbances among the miners. In 1852, he married Cecilia Douglas, the youngest daughter of the colony’s new governor, James Douglas. In 1856, he was elected to the Vancouver Island’s assembly and remained in politics until BC entered Confederation in 1871, serving as Speaker of the House the entire time. Throughout his time in politics, Helmcken continued working for the HBC and, in 1870, he was appointed to the Executive Council.

Helmcken believed that the union with Canada had to be one that was beneficial to the colony; he remained an outspoken skeptic of the union during the debates because of BC’s geographic isolation from the rest of the dominion. Therefore, when he was selected to be one of BC’s delegates to negotiate terms of union, he pursued the possibility of a transcontinental railway and demanded that Canadian tariffs not be imposed on the colony until the railway was completed. Canada’s willingness to promise to begin constructing a transcontinental railway within two years, and to complete it within ten years, turned Helmcken into a Confederation supporter.

After Confederation, Helmcken declined invitations become a senator, provincial premier, and even lieutenant governor, and instead retired from public life to focus on his medical practice. The only additional major responsibility he accepted was a directorship with the Canada Pacific Railway Company, where he staunchly supported Sir John A. Macdonald throughout the Pacific Scandal. In addition to his roles in government and with the Hudson’s Bay Company, he was a founding president of the British Columbia Medical Association, established the Medical Council of British Columbia, and was the president of the board of directors of the Royal Hospital in Victoria (1890–1920).

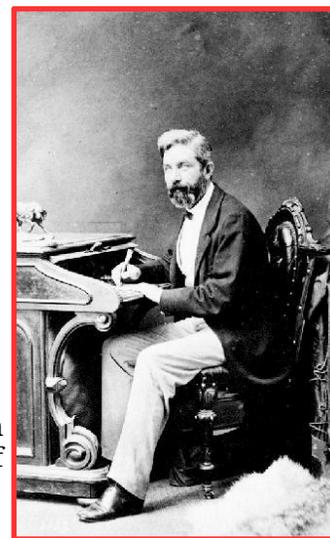


Image held by Library and Archives Canada.



## Alexander Mackenzie in Brief

*This summary borrows from the Dictionary of Canadian Biography entry listed in the “Additional Resources” section of this mini-unit.*

Alexander Mackenzie was born on the 28 January 1822 in Scotland as the third of ten sons to a family that was not well off and which consequently moved frequently. At the age of 13, with his father’s health failing, Mackenzie began working full-time as an apprentice stonemason and subsequently emigrated to Canada with the rest of his family in 1842 with only 16 shillings to his name. Mackenzie served as a contractor and foreman on major canal and building sites in southern Ontario and settled in Port Sarnia in Upper Canada in 1846 with his family. Mackenzie was also a Protestant who advocated for the separation of the Church and State in order to encourage personal freedoms, and he showed little interest in activities unrelated to self-improvement. He was also thrifty and, even after he became Prime Minister of Canada, complained about spending \$128 on a political banquet in 1876.



Image held by Library and Archives Canada.

Mackenzie started his political career in 1851 as a campaigner for George Brown’s Reformer Party. During the 1861 election, Mackenzie won the seat for Lambton in the province’s Legislative Assembly and quickly rose to become one of Brown’s lieutenants, supporting representation by population, government retrenchment and fiscal responsibility, and the supremacy of the Parliament over financial interests. He was a strong speaker and a good parliamentary tactician, but often lacked the flair to inspire those around him.

Mackenzie supported Confederation because it guaranteed key Reform goals like representation by population, but he disliked the “Great Coalition” because it required Reformers to ignore differences with their Conservative rivals. After George Brown failed to win a seat in the 1867 election, other leaders like Mackenzie, Edward Blake, Luther Hamilton Holton, and Antoine-Aimé Dorion initially shared the leadership role, though Mackenzie led the party in parliament. During this period, he frequently spoke for Ontario Reformers, complaining against Louis Riel’s continued freedom or the sheer cost of the railway promised to British Columbia in order to bring the colony into Confederation.

It was not until March 1873 that the Liberal Party formally selected Mackenzie to lead the party. Within a month of Mackenzie’s election, the Pacific Scandal severely weakened the Conservatives. The following January, the Liberals won the subsequent election and Alexander Mackenzie, with his reputation for honesty, became Prime Minister of Canada. His cabinet, however, struggled to coalesce, and disunity plagued the government. Nevertheless, his government, achieved several important reforms, including the establishment of Canada’s Supreme Court.

In 1878, Mackenzie called for an election which his government subsequently lost to the Conservative Party. Although he returned to his seat in Lambton, he soon resigned as party leader. During the next decade, he became increasingly isolated and, with his voice failing, rarely spoke in Parliament after 1882. He died on 17 April 1892, after several months of being bedridden from a fall near his home.

## John Robson in Brief



*This summary borrows from the Dictionary of Canadian Biography entry listed in the “Additional Resources” section of this mini-unit.*

John Robson was born on 14 March 1824 in Perth, Upper Canada. After attending common and grammar schools, he pursued careers as a journalist and politician. Robson was a Presbyterian, which shaped his subsequent beliefs and actions. As the editor for *The British Columbian*, as well as after becoming the elected representative for the city and district of New Westminster in the colony’s Legislative Council, Robson pushed for responsible government. He also favoured the establishment of a British North American federation, claiming that it would free British Columbia from the Colonial Office’s “yoke of oppression” and improve overland communication.

In the fall of 1868, he was one of the representatives from New Westminster at the Yale Convention, which passed resolutions favouring confederation and responsible government. When the new council decided that “under existing circumstances the Confederation of this Colony with the Dominion of Canada would be undesirable, even if practicable,” Robson formally protested that the council “did not fairly reflect public opinion.”

Robson continued to exhort British Columbians to support Confederation. Following his move early in 1869 to Victoria, where there was considerable apathy or opposition to it, he emphasized its possible economic advantages for Vancouver Island such as lower tariffs, the restoration of Victoria’s free port status, improved communications, an efficient mail service, increased population, reduced administrative costs, the transfer of Britain’s main Pacific naval base to Esquimalt, a thorough geological survey, and even a low-interest loan to pay for improvements to Victoria’s drainage, sewage, and water systems.

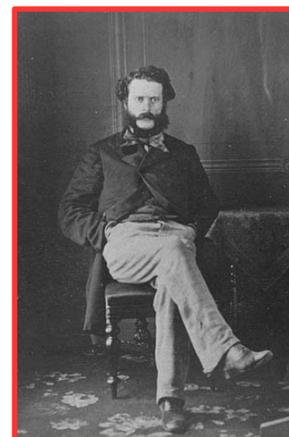


Image held by Library and Archives Canada.

By 1870, the political mood in British Columbia had shifted dramatically. Governor Frederick Seymour had died and his replacement, Anthony Musgrave, was a friend of Sir. John A. Macdonald and supported Confederation. Although this pleased Robson, he protested against the Colonial Secretary’s suggestion that British Columbia was not yet ready for responsible government.

Governor Musgrave apparently invited Robson to join the British Columbia delegation sent to Ottawa in May 1870 to negotiate the terms of union but Robson ultimately stepped down in favour of John Sebastian Helmcken. After Confederation, Robson was elected to the first provincial Legislative Assembly to represent Nanaimo and remained in this position till 1875. He also represented New Westminster (1882–1890) and Cariboo (1890–1892). As a member of parliament, Robson, despite having once said that “respectable women don’t want the vote,” pushed forward private bills to extend suffrage to women. In February 1883, he was also elected as the provincial secretary, which included the education portfolio, ministry of finance and agriculture, and ministry of mines. With the change in government, Robson remained as the provincial secretary and minister of mines; however, when Alexandre Edmund Batson Davis, the premier, became sick and eventually died, Robson became British Columbia’s Premier from 1889 to 1892. After a minor accident on the 20 June 1892, he died of blood poisoning nine days later.

## Ballots



### **BALLOT**

Be it resolved that British Columbia should join Confederation as a province of Canada according to the negotiated terms of union.

- Yes  No
- 

### **BALLOT**

Be it resolved that British Columbia should join Confederation as a province of Canada according to the negotiated terms of union.

- Yes  No
- 

### **BALLOT**

Be it resolved that British Columbia should join Confederation as a province of Canada according to the negotiated terms of union.

- Yes  No

## Teacher's Rubric for Evaluation of Confederation Debates

	4	3	2	1	Points
Factual Information	<p>Significant contribution to the debate.</p> <p>Student was able to provide historical information relating to their character.</p>	<p>Reasonable contribution to the debate.</p> <p>Student missed a few crucial elements of historical information about their character.</p>	<p>Minimal contribution to the debate.</p> <p>Student missed a significant number of crucial elements during the debate.</p>	<p>Unsatisfactory contribution to the debate.</p> <p>Student did not provide enough crucial pieces of historical information about their character.</p>	
Comprehension	<p>Student fully understands the historical content and significance of the debate. Speech is well prepared and all questions are answered during the debate.</p>	<p>Student somewhat understands the historical content and significance of the debate. Speech is prepared and major concepts are understood.</p>	<p>Student vaguely understands the historical content and significance of the debate. Speech is somewhat prepared but major concepts are missed or misunderstood.</p>	<p>Student does not understand the historical content and significance of the debate. Speech is not well prepared and student has not contributed significantly to the debate.</p>	
Delivery	<p>Student clearly articulates during the jigsaw and debate. All questions are answered and delivered articulately.</p>	<p>Student reasonably articulates during the jigsaw and debate and questions are reasonably answered.</p>	<p>Student sometimes articulates during the jigsaw and debate but there are a few misunderstandings.</p>	<p>Student does not articulate during the jigsaw and debate and does not deliver the speech well and there are many misunderstandings.</p>	
Rebuttal	<p>Student can effectively rebut during the debate.</p>	<p>Student can adequately rebut during the debate.</p>	<p>Student has limited rebuttal during the debate.</p>	<p>Student is not able to rebut during the debate.</p>	
Historical Thinking	<p>Student shows significant understanding of historical thinking concepts and uses them throughout the debate (e.g., speaking as their historical figure would as opposed to giving their own views).</p>	<p>Student shows a general understanding of historical thinking concepts and uses some throughout the debate (e.g., can somewhat speak as their historical figure would).</p>	<p>Student shows some understanding of historical thinking concepts and uses a few throughout the debate (perhaps with some misunderstanding or citing their own views).</p>	<p>Student shows little understanding of historical thinking concepts (e.g., not speaking as their historical figure would or giving irrelevant arguments).</p>	
Total					



### Post-Debate Self-Evaluation

Name: \_\_\_\_\_

Your self-grade: \_\_\_\_\_

Describe your contribution to the group:

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What would you do to improve your group work next time?

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What would you do to improve your debating skills next time?

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How could your team improve next time?

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Teacher comments:

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Teacher grade:

## Additional Resources

### GENERAL RESOURCES

“The Confederation Debates.” <http://hcmc.uvic.ca/confederation/>.

Barman, Jean. *The West Beyond the West: A History of British Columbia*. University of Toronto Press, 2007.

“Confederation.” *Dictionary of Canadian Biography*.  
[http://biographi.ca/en/theme\\_confederation.html](http://biographi.ca/en/theme_confederation.html).

“The Charlottetown and Quebec Conferences of 1864.” *Dictionary of Canadian Biography*.  
[http://www.biographi.ca/en/theme\\_conferences\\_1864.html](http://www.biographi.ca/en/theme_conferences_1864.html).

Hall, Anthony J. “Indigenous Peoples: Treaties.” *Canadian Encyclopedia*.  
<http://www.thecanadianencyclopedia.ca/en/article/aboriginal-treaties/>.

Henderson, William B. “Indian Act.” <http://www.thecanadianencyclopedia.ca/en/article/indian-act/>.

Tidridge, Nathan. “Why It’s Time to Clearly Define the Crown’s Role with First Nations.” *Macleans*.  
<http://www.macleans.ca/society/why-its-time-to-define-the-crowns-role-with-first-nations/>.

Waite, Peter B. “Confederation.” *Canadian Encyclopedia*.  
<http://www.thecanadianencyclopedia.ca/en/article/confederation/>.

### VIDEO LINKS

Question Period. <http://www.cpac.ca/en/programs/question-period>.

### CARTIER, GEORGE

Bonenfant, J.-C. “Cartier, Sir George-Étienne.” *Dictionary of Canadian Biography*.  
[http://www.biographi.ca/en/bio/cartier\\_george\\_etienne\\_10E.html](http://www.biographi.ca/en/bio/cartier_george_etienne_10E.html).

Sweeny, Alastair. *George-Étienne Cartier: A Biography*. Toronto: McClelland and Stewart, 1976.

### CREASE, HENRY PERING PELLEW

Loo, Tina. “Crease, Sir Henry Pering Pellew.” *Dictionary of Canadian Biography*.  
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### DE COSMOS, AMOR

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## Primary Source: George-Étienne Cartier's Views on Confederation

When British Columbia's Legislative Council debated Confederation, George-Étienne Cartier said the following points:

### RESPONSIBLE GOVERNMENT

“This was an opportune time to admit the colony into the union, for it was desirable to extend the Confederation to the Pacific as soon as possible, and on economical grounds it was advisable to admit the colony into the Dominion before the increase of population could increase the subsidy<sup>1</sup> to a very large rate. Then with respect to the clause providing for provisions it must be remembered that British Columbia was a Crown colony. Under it several officers were appointed for life, and they should be provided for. The colony had laterally adopted responsible Government which was to commence from the date of the union, so that no future charges of this kind need be expended<sup>2</sup> in the future. There were very few such pensions to be provided for; the majority of them would be employed under the Federal Government. Then, with respect to the tariff,<sup>3</sup> it was provided that they should retain their own tariff, which was higher than ours, till the completion of the Pacific Railway. No inconvenience need be anticipated from it, and under the peculiar circumstances of the case it was necessary to allow them to retain it.”

*House of Commons*, 28 March 1871, pg. 278.

### ANNEXATIONISM

“Hon. Sir GEORGE-É. CARTIER: We have more in proportion than they have. You may defend the American system; we are opposed to it.”

*House of Commons*, 30 March 1871, pg. 301.

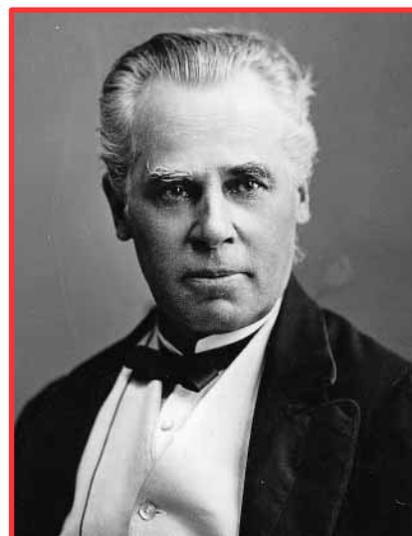


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### RAILWAY

“Item eleven, relating to the construction of the Pacific Railway, would no doubt provoke discussion. There were various unfounded rumours with respect to this. It was not the intention of the Government to construct the road, but it would be undertaken by companies to be assisted mainly by land grants. It was not the intention of the Government to burden the exchequer<sup>4</sup> much to obtain this railway. While this clause was under discussion between the delegates and the Government it was proposed by the Dominion that the colony should hand over a forty mile strip

<sup>1</sup> Subsidy = help with costs

<sup>2</sup> Expended = used

<sup>3</sup> Tariff = a tax on imports or exports

<sup>4</sup> Exchequer = a government office responsible for grants and collecting revenue

of land towards the construction of the railway. That would be 24,000 square miles of land, or 50,360,000 acres of land, not merely agricultural land, but mineral land. Placing that land at \$1 per acre, it would be equal to a grant of \$50,360,000 towards the construction of the railway. It was proposed to give the colony \$100,000 per annum, which, placing the interest at 5 per cent, would be the annual interest on the value of 2,000,000 acres of land, leaving the remainder to be used by this Government. The railway, starting from Nipissing, would be about 2,500 miles, 700 of which would pass through Ontario. They did not expect to get entirely the 20 mile grant on each side of the road, but they expect to get from the Ontario Government every alternate lot on each side of the line for that 700 miles. That would give 9,000,000 acres of land from the Ontario Government.

“Starting from Lake Nipissing it would connect with the Ontario system of railway and with the Quebec system of railway through the Ottawa Valley. They were prepared to give it to any company which would undertake the construction of the line, with a capital of twenty-five millions of dollars, which with interest at 5 per cent, would represent \$1,500,000 per annum. The hon. member for Sherbrooke had recently remarked that the certain increase of receipts from customs and excise was at the rate of 5 per cent per year. At that rate, taking the customs at \$10,000,000, the increase would be \$500,000, and on excise, taking the receipts at \$5,000,000, \$250,000. That would give a total from these two sources alone to meet \$1,500,000 per annum, a sum of \$750,000. He knew it would be argued that this railway would cost between one and two hundred millions of dollars, if not more....

“Hon. Sir GEORGE-É. CARTIER would compare it with the American Pacific Railway, which from Omaha to the Pacific was 1,775 miles in length. That railway was aided by land and money grants, and cost \$50,000,000. The Canadian Pacific Railway would be about 700 miles longer. Yet he would place the cost at double the rate of the American Pacific Railway, and the utmost cost that could be incurred would be \$100,000,000. But whatever it would cost, he would assure the House that there would be no taxation on the country more than existed at present. (Cheers)<sup>5</sup> A certain portion of the public lands had been reserved for the Indians,<sup>6</sup> and the only guarantee that was necessary for the future good treatment of the Aborigines was the manner in which they had been treated in the past. Now, having glanced at the provisions of the Bill he would call the attention of the House to the fact that while our neighbours had taken sixty years to extend their borders to the Pacific, the young Dominion would have accomplished it inside of ten years. And look at the importance of the extension. We need a seaboard on the Pacific if ever this Dominion was to be a powerful nation in the future, and what more convenient time could there be for this union than at the present time? He concluded by an allusion<sup>7</sup> to the splendid position which England had attained by the development of her marine power, and that even Prussia, notwithstanding the triumphs she had lately won, must be content to take a second place beside the great maritime power of England. The hon. Baronet<sup>8</sup> resumed his seat amid loud cheers.”

*House of Commons, 28 March 1871, pg. 278.*

<sup>5</sup> Cheers = applause from fellow politicians.

<sup>6</sup> Indians = an archaic term for First Nations Peoples

<sup>7</sup> Allusion = reference

<sup>8</sup> Hon. Baronet = George Cartier

“Hon. Sir GEORGE-É. CARTIER said that he had hoped after the discussion of the last three days all the arguments against this measure would have been exhausted, and that he would not be called upon to speak again. But after the remarks just made by the hon. member for Lambton, he felt called upon to make some reply. He was willing to give credit to the hon. members who opposed this measure, for sincerity. He (Hon. Sir George-E. Cartier) was much surprised, at the line of argument which they had followed. He was surprised that the member for Lambton should try to meet such a great question on the mere ground of cost. He admitted that the Union was a necessity and that the railway also was a necessity, but the honorable gentleman objected to be tied down to a specified time. He objected to being bound to build a line of 2,500 miles in ten years—but in past years even when the country was new and with comparatively few resources she had built 2,000 miles in eight years....

“Let the member for Lambton and his friends read their speeches on the North West question. Then no expense was too great, no haste too much, no trouble too great, if only the North West could be acquired, but now they said don’t go so fast. He wanted to get hold of the Red River country at any cost, and now from the very same mouth that had spoken of the fertility of the North West, they heard the very opposite. He had then been willing to send any number of men to obtain possession of the country.”

*House of Commons*, 31 March 1871, pg. 310.

“The matter had already been discussed sufficiently, and the time was now come for settlement, and he would say that without the prospect of British Columbia, they would never have persuaded a majority of the House to consent to acquire one inch of the North West. For the sake of the member for Lambton himself he trusted his speech would not be well reported, and especially that part in which he had spoken of the character of the land in most disadvantageous terms, and yet he said he was in favour of building a railway as soon as possible. If the land was as described by the hon. member, why should a railway be built at all? He reiterated 10 years was too long, and as to the mode of building the railway that would all be submitted to Parliament, and within the next few days the Government would ask for an appropriation for the preliminary survey. He maintained that Canada was better able to-day to undertake the Pacific railway than she had been years ago to advance fifteen millions to the Grand Trunk. The whole affair of the hundred millions was a bugbear.<sup>9</sup> There was no such thing as incurring that debt<sup>10</sup> in a few years—it was an absurdity to make such a statement...

““It had been objected that the estimate for the Canadian Pacific might not be correct. He admitted that, but the argument worked both ways. The cost might prove very much below the estimate, and an immense amount of land was reserved to cover it. He quoted a statement showing the average cost of railway communication in the United States, showing 2,600 miles of line in operation, the average cost being, in the different States, from \$25,000 to \$33,000 per mile. It was admitted that there was a large extent of prairie land to be crossed, and the smaller expenditure necessary there would leave means to overcome difficulties in other portions. The hon. members opposite had been sufficiently unpatriotic to represent the country as that it would never attract immigration, and he quoted from the proceedings of the House of Representatives of the State of Minnesota speaking of the Canadian line as practicable, and the territories of the North West and British Columbia, as fertile, and the most valuable of the Continent, and yet men in this country, the leaders of their party, did their utmost to decry<sup>11</sup> their country.”

*House of Commons*, 31 March 1871, pgs. 310–311.

“Hon. Sir GEORGE-É. CARTIER said this amendment was equally objectionable with the others that had been moved to prevent to passing of the address, and he would announce to the House, and to the hon. member for Sherbrooke, that the Government intended and determined that this

<sup>9</sup> Bugbear = a cause of obsessive fear, irritation, or loathing

<sup>10</sup> Incurring that debt = getting a lot of debt

<sup>11</sup> Decry = publicly denounce

great railway should be carried out by companies and not by the Government, and through the means principally of land grant and small money subsidies, and further that early in the ensuing week, the Government would place before the House a resolution by which to take the sense of the House with regard to the manner in which that Railway should be built, and he might announce beforehand that the determination of the Government was that, when the sense of the House had been so taken, they would carry it out more prudently with regard to the Exchequer of the country than was proposed in the amendment of the hon. member for Sherbrooke.”

*House of Commons*, 1 April 1871, pg. 318.



## Primary Source: Amor de Cosmos's Views on Confederation

When British Columbia's Legislative Council debated Confederation, Amor de Cosmos said the following points:

### UNION IN GENERAL

"We are here, Sir, laying the corner stone of a great Nation on the Pacific Coast. When we look at past history, we find some nations that date their origin in the age of fable; some have been produced by violence, and extended their empire by conquest. But we are engaged in building up a great Nation in the noon-day light of the nineteenth century, not by violence, not by wrong, but I hope, Sir, by the exercise of that common sense which the Honourable gentleman who preceded me called statesmanship."

British Columbia, *Legislative Council: Debates on the Subject of Confederation*, 10 March 1870, pg. 31.

"With respect to the main principle, I am in favour of Confederation, provided the financial terms are right in amount, and if the other terms will contribute to the advancement and protection of our industry. If we cannot get favourable terms, which I believe we can, it will then be for the people of this country to say whether we shall remain in isolation or seek some other more favourable union."

British Columbia, *Legislative Council: Debates on the Subject of Confederation*, 10 March 1870, pg. 38.

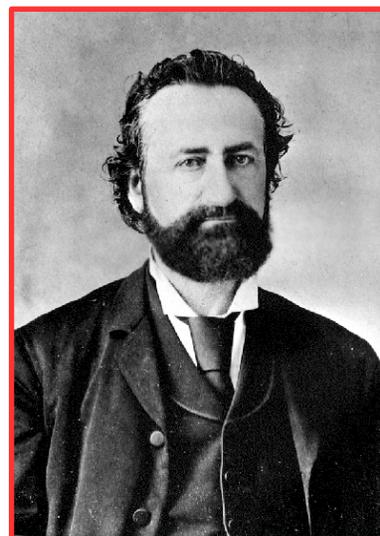


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"Next he says that the Dominion is only an experiment, and that it may break up. How often have I heard people predict that the United States, as a nation, must break up, as it was only an experiment. Why, Sir, they forget that the States had existed as separate Governments for one hundred and fifty years before their union. So with the Provinces of the Dominion of Canada; they existed as separate Governments for the last hundred to two hundred years, and Confederation is but the application of long-tried principles to a larger territory. Why did not the Honourable Member for Victoria City [Helmcken], when he said there were defects in the Confederation machine, tell us what the great defects in the machine were? He has merely raised up a scarecrow."<sup>1</sup>

British Columbia, *Legislative Council: Debates on the Subject of Confederation*, 10 March 1870, pg. 35.

<sup>1</sup> Scarecrow = unconvincing warning

“Confederation is diversity in unity: really and essentially a general unity, and an application of law to diverse interests.”

British Columbia, *Legislative Council: Debates on the Subject of Confederation*, 10 March 1870, pg. 36.

### RESPONSIBLE GOVERNMENT

“A great deal has been said about the form of Government—about Responsible Government—but I say this: that every Government, whether responsible or irresponsible—must have money. It is impossible for the most perfect political system to move without it. Ways and Means must be provided. Now, I have always said, and I still maintain, in view of Confederation, that the amount that ought to be placed at the disposal of our Local Government when we enter Union ought to be an annual surplus of \$200,000, or nearly so, after having provided for the annual current expenditure of our Local Government; that is, for all the offices and services that must be kept up at the expense of the Colony, in order to keep it moving as a Province of the Dominion.”

British Columbia, *Legislative Council: Debates on the Subject of Confederation*, 14 March 1870, pg. 57.

“The people want Responsible Government and representative institutions under any circumstances. I think the people would be traitors to themselves if they accepted any form of Government which had not the element of responsibility. I would rebel if there were enough like me in the Colony, and arrest every member of the Government that I thought was robbing me of my rights. I would go to a further extreme.”

British Columbia, *Legislative Council: Debates on the Subject of Confederation*, 18 March 1870, pg. 37.

### REPRESENTATION BY POPULATION

“Mr. Chairman, during the previous debate an Hon. Member referred to 120,000 as the basis of representation, as well as the basis of population. We find this echoed by others, last, but not least, by the Hon. Attorney-General himself. I am surprised to find the Hon. and learned gentleman setting this up as a basis. For the basis of representation under the Organic Act<sup>2</sup> was the basis of representation allowed to Quebec, that is, one member for every 20,000. It is proposed that we shall have eight members; then the population ought to be 160,000; but it is only set up as 120,000, which number would only entitle us to six members. Now, Sir, I have no objection to getting eight members for the House of Commons, and four for the Senate; but I do object to Hon. Members and newspapers spreading abroad statements which have no foundation in fact. I think our population has been over estimated. It is going abroad that 120,000 is the proper foundation for representation; I say it is not so. The honest straightforward and manly course is for our Government to say to the Dominion Government, that it is necessary for us to have a larger representation on territorial grounds. The whole thing resolves itself into expediency;<sup>3</sup> beyond expediency I say that no one can find a fulcrum<sup>4</sup> for the assertion. I would cheerfully support twelve and six so far as it goes. But I do denounce that want of principle and want of truth that surrounds this basis.”

British Columbia, *Legislative Council: Debates on the Subject of Confederation*, 17 March 1870, pg. 94.

<sup>2</sup> Organic Act = the terms of union

<sup>3</sup> Expediency = convenience

<sup>4</sup> Fulcrum = tipping point

“Representation is one of the most important elements in free Governments; and as it has been urged by the Hon. Mr. Wood and others, that British Columbia would not be heard in the Canadian Senate or Commons, and that our small delegation would be crushed and out-voted, I will briefly examine the subject. Now, Sir, the whole of the Pacific States of the United States have only twelve Representatives in Congress—six in the Senate and six in the House of Representatives. California has two Senators and three Representatives; Oregon, two Senators and one Representative; Washington Territory, one Delegate; and Nevada, two Senators and one Representative. Now, it is proposed in the Resolutions to grant to British Columbia twelve Members—four in the Senate and eight in the Commons—a number equal to the whole representation of the Pacific States, with 1,000,000 people, in the United States Congress. Again, there are only five States that have more than twelve Members in Congress. They are New York, Pennsylvania, Illinois, Indiana, and Ohio. Take another glance at the representation of the States most remote from Washington. Texas has five Members; Florida, three; Maine, seven; and California, five. Remoteness and small numbers have never caused any of those States to be treated unfairly. Under the popular system of government there, the small States do not go to the wall. Has little Delaware gone to the wall?<sup>5</sup> Has Rhode Island gone to the wall? No; neither would British Columbia go to the wall in the Parliament of Canada. The Government of Canada is based on the popular will; and that is the highest of guarantee that we shall be treated fairly by the Dominion.”

British Columbia, *Legislative Council: Debates on the Subject of Confederation*, 10 March 1870, pg. 37.

#### ANNEXATION

“When sitting in the Vancouver Island House of Assembly, in the place now occupied by the Hon. Chief Commissioner, I defined British Colonists to be politically, nothing but subordinate<sup>6</sup> Englishmen; and I contend, Sir, that Confederation will give us equal political rights with the people of Great Britain. In labouring for this cause, Sir, my idea has been and is to assist in creating a nationality—a sovereign and independent nationality.”

British Columbia, *Legislative Council: Debates on the Subject of Confederation*, 10 March 1870, pg. 33

#### TRADE

“It would be most unwise to join Canada without protection. We must have a control over certain imports in the terms, for a protective tariff is the only inducement<sup>7</sup> to farmers to remain upon the soil. We depend upon them to build up a permanent interest in the country, that will last for ever.”

British Columbia, *Legislative Council: Debates on the Subject of Confederation*, 10 March 1870, pg. 35.

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<sup>5</sup> Gone to the wall = failed

<sup>6</sup> Subordinate = lower than

<sup>7</sup> Inducement = persuasion

“I do not see, with the Honourable Member for Victoria City, that we can get all we want without Confederation by a judicious arrangement of our own tariff. I can show that what we want most in this Colony population, and that population employed in a remunerative<sup>8</sup> manner. Isolation will not secure population. Confederation on proper terms will give us population; will give us means to employ labour remuneratively; will enlarge our commerce, and build up our industry.”

British Columbia, *Legislative Council: Debates on the Subject of Confederation*, 10 March 1870, pg. 36.

“The Hon. Attorney—General asks why we are not prosperous? In my opinion, Sir, the causes of our want of prosperity are various. They first arose under the administration of Sir James Douglas in 1858, and have been perpetuated down to the present day. The people were then almost driven away, and down to the present time the Government have done nothing comparatively to induce population to settle in the Colony. Another reason is, that the country is somewhat rugged, and not so attractive for settlement as some others. The Hon. Member for Victoria City says that it is our proximity to the United States. I most respectfully deny it. Population would have come if greater efforts had been made to get it. The Attorney-General is consistent in one thing. He said in 1867, and he says in his speech now, that British Columbia is of vital importance to Canada. I cannot see it. I cannot see why the Canadian Railway, if this was a foreign country and our boundary coterminous<sup>9</sup> with that of Canada, might not have run through to connect with our railway system, as the French railways connect with those of Belgium.”

British Columbia, *Legislative Council: Debates on the Subject of Confederation*, 10 March 1870, pg. 33.

## RAILWAY

“Then he says it is absurd to ally ourselves to people who were 3,000 miles away; but nothing in his argument showed me that the absurdity was proven. I remember, Sir, when the communication between California and Washington was by Panama and Nicaragua. Was California then less to the United States than now? We now can hold communication with Ottawa by San Francisco and the Pacific Railroad, and will be as near to our Central Government as Washington Territory. The Honourable Member speaks of people 3,000 miles away being unable to do as well for us as we could do for ourselves. I believe they could do just as well, so far as some general principles are concerned, if we only settled the conditions properly. With regard to the States of the neighbouring Republic getting on better than the Provinces or ourselves, I would ask, where is the progress of Washington Territory, as compared with our own country?”

British Columbia, *Legislative Council: Debates on the Subject of Confederation*, 10 March 1870, pg. 34.

“I have, however, year after year, looked upon Railway communication as the only means to settle up the interior of British Columbia. I never could see how British Columbia could be settled up without a Railway to connect Fraser River with Kamloops. I think, Sir, that a different course ought to be pursued by the Government with the Dominion than that proposed. Assuming that the Coach Road may be open in three years,—for I am ready to admit that proposition,—when people settle the country from Thompson River to Osoyoos Lake the farmers must have the means of transport for their various productions. How are they to get them out? I maintain that the true course for the development of the resources of the country is to make a line of Railway from some navigable spot on the Fraser to Lake Kamloops, I claim for this that it might be regarded as a part of the transcontinental line, and in my opinion it would do more to build up the country than anything else that could be conceived, and I believe it to be thoroughly practicable. I, therefore, move a recommendation to His Excellency that the construction of a Railway from steamboat

<sup>8</sup> Remunerative = financially rewarding

<sup>9</sup> Coterminous = having the same boundaries or similarities

navigation on the Fraser River to Kamloops Lake be inserted in the terms, instead of commending from the initial sections on the seaboard of British Columbia.”

British Columbia, *Legislative Council: Debates on the Subject of Confederation*, 16 March 1870, pgs. 78–79.

“I remark, Mr. Chairman, that there is a considerable contrast between the views of two Hon. Members of the Executive Council. I mean the Hon. Chief Commissioner (Mr. Trutch) and the Hon. Member for Victoria City (Dr. Helmcken). The former says that it is not proposed to construct a railway with reference to local interests. He says to advocate our own local interests is simply inapposite. I think differently. I think that we should deal with it locally as well as nationally. I presume it is put in the terms because it is expected that it will benefit the Colony. We don’t care so much for its benefiting the people of Montreal as for benefiting ourselves; we look at it from a British Columbian point of view. I say with the Hon. Member for Victoria City (Dr. Helmcken), that we should deal with it with reference to British Columbian interests. After the discussion of yesterday, I confess my surprise. I thought from the tenor<sup>10</sup> of the Resolutions that the Canadian Government would construct the line. Now, we are informed by the Hon. Chief Commissioner that it will be undertaken by a private company. Then, he says if we cannot get a Railway we must have an equivalent. If this clause is not a fixed principle in the terms, then, I ask, what do the Government propose as an equivalent? With regard to Railway communication through British Columbia, we ought, in my opinion, to connect Kamloops and the adjacent country with the seaboard. That is, commencing at navigable water on Fraser River and ending at Savona's Ferry, Kamloops Lake. This line, at the utmost, is only 150 miles long. The expense of its construction, at \$50,000 per mile, would be \$7,500,000. We might safely approach the Canadian Government upon this, irrespective of the terms of Union, under the constitutional provision authorizing the Dominion Government to construct public works of this character.”

British Columbia, *Legislative Council: Debates on the Subject of Confederation*, 17 March 1870, pg 90.

## **INDIGENOUS RIGHTS**

*In response to Henry Holbrook’s (another member of the Legislative Council) motion requesting “protection” for the Indigenous Peoples of BC, Amour de Cosmos replied as follows:*

“Don’t report it.”

British Columbia, *Legislative Council: Debates on the Subject of Confederation*, 25 March 1870, pg.152.

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<sup>10</sup> Tenor = tone



## Primary Source: Henry Pering Pellew Crease's Views on Confederation

*When British Columbia's Legislative Council debated Confederation, Henry Crease said the following points:*

### SUMMARY STATEMENT

“The circumstances, political, geographical, and social, under which we are at present placed, compel us to political movement in one direction or another, and the question is now—In what direction shall we go?”

“We are sandwiched between United States Territory to the north and south—indeed on all sides but one, and that one opening towards Canada. Our only option is between remaining; a petty, isolated community 15,000 miles from home, ekeing out<sup>1</sup> a miserable existence on the crumbs of prosperity our powerful and active Republican neighbours choose to allow us, or, by taking our place among the comity<sup>2</sup> of nations, become the prosperous western outlet on the North Pacific of a young and vigorous people, the eastern boundary of whose possessions is washed by the Atlantic.

“This is the only option left to faithful subjects of the British Crown.

“Now look at our condition as a Colony, with a climate far finer than any other in the world, with magnificent harbours, rivers, seas, and waters for inland navigation, with unrivalled resources of almost every description you can name—coal, lumber, spars, fish, and furs—mines of gold, silver, copper, lead, cinnabar, tin, and almost every other mineral throughout the land; with a soil and climate admirably adapted to pastoral and agricultural pursuits—with almost every natural advantage which the lavish<sup>3</sup> hand of Nature can bestow upon a country—the undoubted fact remains :—

“We are not prosperous.

“Population does not increase.

“Trade and commerce languish;<sup>4</sup> coal mining does not advance; agriculture, though progressive, does not go forward as it might.

“The settlement of the country, though increasing, yet falls short of just expectations.

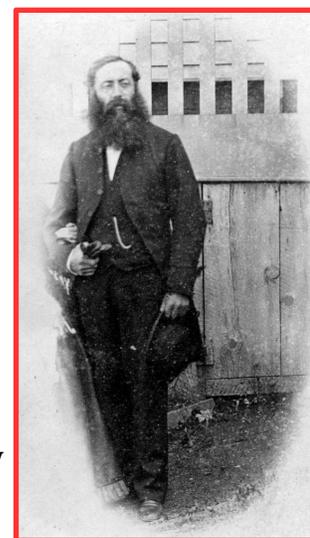


Image held by Royal BC Museum

<sup>1</sup> Ekeing out = to make something last longer

<sup>2</sup> Comity = Associating for mutual benefit

<sup>3</sup> Lavish = luxurious

<sup>4</sup> Languish = grow weak

“No public works for opening the country are on hand, and a general lack of progress (that is, proportioned to the extraordinary resources of the Colony) is everywhere apparent.

“And why is this?

“It is not, as some allege, because of the particular form of Government we at present enjoy (if it were, Confederation in that would effect a change).

“It has among other things a Public Debt altogether disproportioned<sup>5</sup> to our means.

“Our close proximity to an active and powerful neighbour whose interests are foreign to our own. [‘Hear, hear,’ from Dr. Helmcken.] But the chief<sup>6</sup> reason of all is that policy of isolation which has kept us aloof<sup>7</sup> from the assistance and sympathy of a kindred<sup>8</sup> race, and left us in the infant state of one of England’s youngest Colonies, to support the burdens and responsibilities of a thickly peopled and long settled land.

“Do Honourable Members ask what would Confederation do for us?

“It would at once relieve us from the most if not all the present ills from which we suffer, if properly arranged.

“For Confederation in some sense means terms. It would assume our Public Debt.

“Greatly increase our Public Credit, and thereby aid in the utilization of our varied resources.

“It would leave us a good balance in our Exchequer to carry on all local works and open out the country.

“It would give us a Railroad across the Continent, and a quick and easy access to Ottawa, New York, and London.

“It would cement and strengthen, instead of weaken, our connection with the Mother-land, and ensure the protection of her Fleet and Army.

“It would attract population, over tending in a continuous wave towards the West.

“It would promote the settlement of our Public Lands, and the development of Agriculture.

“Under it Trade and Commerce would take a fresh start. It would enlarge, not contract, our political horizon, and it would infuse new hope and life blood into the whole system of the Colony, and not leave us a more detached Municipality, as some suppose, any more than Scotland is separate from the rest of Great Britain, or the County of Kent from England.”

British Columbia, *Legislative Council: Debates on the Subject of Confederation*, 9 March 1870, pg. 7.

## RESPONSIBLE GOVERNMENT

“I maintain, Sir, that liberal Representative Institutions for this Colony are not dependent on the success of the scheme of Confederation; they are in no way connected with it. Confederation is, however, the easiest and quietest way of getting Responsible Government, should that be found after deliberation to be really desired so ardently<sup>9</sup> by the whole community as some Hon.

<sup>5</sup> Disproportioned = too big or too small

<sup>6</sup> Chief - main

<sup>7</sup> Aloof = not informed

<sup>8</sup> Kindred = similar in kind

<sup>9</sup> Ardently = Enthusiastically

Members aver. To those who conscientiously believe in Responsible Government, and that the real desire of the country is for it, or as the Hon. Member for Victoria District says is a ‘unit’ for it, I say fling in your voice with us; these Resolutions will most speedily assure the result you desire. If the people, after careful deliberation and full information on the subject, whether we be confederated with Canada or not, really desire Responsible Government, they will have it. Their voice will be heard on this particular question, as on all others connected with Confederation. But it is the hollowest pretence<sup>10</sup> to assert that Confederation should be stopped till the Governor can send down a scheme for Responsible Government. If we do not get Confederation we shall still have our own Representative Institutions, and once possessed of Representative Institutions under the Imperial Statute of Victoria, the Colony will, if it be such a unit as described, be able at once to get Responsible or Party Government. Now, I earnestly deprecate,<sup>11</sup> on the part of the Government, the unfair allegation which one Hon. Member has so improperly insinuated<sup>12</sup> that the Government or Government Officials considered the *people* of British Columbia unfit for self-government. Why, Sir, neither the Governor nor any member of the Government, or any other official, ever said or thought that the people of this Colony were individually or collectively unfit for Responsible Government. The utmost that has ever been said on this side of the House has been that, under the present *circumstances of the Colony*, it would be unwise, excessively costly—nay impracticable. As I have said before, and again repeat, the Governor has no power of himself to alter the Constitution. He can only refer it where it has already gone, to the decision of the Queen in Council, which we ought in common justice to await before bringing forward any Resolution for Responsible Government. Now, how would the country, if a unit on this point, get Responsible Government after Confederation? After Confederation the people can have Responsible Government, if they desire it, under clause 92 of the ‘British North America Act, 1867,’ by which power is given for the Provinces to change their own Constitution.”

British Columbia, *Legislative Council: Debates on the Subject of Confederation*, 11 March 1879, pgs. 52–53.

“As to the special merits of Responsible Government itself, it is hardly necessary to argue it here at such an inopportune<sup>13</sup> time. I shall, therefore, merely say that I think it totally inapplicable at present to the circumstances of British Columbia, where population is so sparse, and lies at the circumference of a circle which contains an area of 300,000 square miles, and where representation is so difficult that the form suggested would be the most expensive that could be adopted, and instead of preventing agitation, will be likely to increase it. Much of the population is alien, and, in any case, this Council is not the proper body to pass upon it. If, however, the country is of a different opinion, they can say so at the polls, and there is no power can prevent their getting Responsible Government. But, I would ask, what makes the system so particularly attractive to Honourable Members who advocate it? We are told that it is solely because it will be good for the Colony, but there is no attempt to prove the proposition that has been set up. Another thing strikes me as coming with a very bad grace from those who support this recommendation. It presupposes a distrust of Canada, and assumes that men of the large experience of Canadian statesmen, and so reliable as they are, are not to be trusted to yield to a general cry from the country for enlarged representative institutions. I don't think that this is the time to go into the question. I say, then, that whenever Responsible Government is wanted it can be had.”

British Columbia, *Legislative Council: Debates on the Subject of Confederation*, 21 March 1870, pgs. 106–107.

<sup>10</sup> Hollowest pretence = weakest claim

<sup>11</sup> Deprecate = express disapproval of

<sup>12</sup> Insinuated = implied

<sup>13</sup> Inopportune = inconvenient

## RAILWAY

“I readily confess that there are drawbacks to material union, such as distance, lack of communication, and, to some extent, want of identity of interest, which can only—but yet which can—be removed, either wholly or in a very great degree, by suitable conditions of Union.”

British Columbia, *Legislative Council: Debates on the Subject of Confederation*, 14 March 1870, pgs. 5–6.

“The Hon. ATTORNEY-GENERAL proposed the adoption of Clause 8:—

“8. Inasmuch<sup>14</sup> as no real Union can subsist between this Colony and Canada without the speedy establishment of communication across the Rocky Mountains by Coach Road and Railway, the Dominion shall, within three years from the date of Union, construct and open for traffic such Coach Road, from some point on the line of the Main Trunk Road of this Colony to Fort Garry, of similar character to the said Main Trunk Road; and shall further engage to use all means in her power to complete such Railway communication at the earliest practicable date, and that surveys to determine the proper line for such Railway shall be at once commenced;<sup>15</sup> and that a sum of not less than One Million Dollars shall be expended in every year, from and after three years from the date of Union, in actually constructing the initial sections of such Railway from the seaboard of British Columbia, to connect with the Railway system of Canada.”

British Columbia, *Legislative Council: Debates on the Subject of Confederation*, 16 March 1870, pg. 78.

## ANTI-ANNEXATIONISM

“If we watch the progress of events, they all point to the same end, to the growth of a new universal sentiment of nationality in British America.

“It is clear that events all gravitate in that direction.

“[Mr. DeCosmos—‘In the direction of Confederation or Nationality?']

“I say, Sir, that the current of events points to Confederation and ultimately to Nationality.

“Confederation is evidently our ultimate destiny—Our own interests—Canadian aspirations—and Imperial policy, as enunciated<sup>16</sup> in the Secretary of State’s Despatch,<sup>17</sup> all point the same way.”

British Columbia, *Legislative Council: Debates on the Subject of Confederation*, 9 March 1870, pg. 8.

## TRADE

“Upon this question of tariff we must especially avoid attempting to commit the Dominion Government to any fixed principle. The tariff cannot be part of the terms, but it is, undoubtedly, a matter of consideration to be urged on the Canadian Government. Though we have assented to the Organic Act, we have not shut ourselves out from going to the Dominion Parliament to ask for remedies which they can give to us, and to ask them to find a remedy which will make Confederation acceptable to this Colony. Therefore, I think, with the Honourable Chief Commissioner, that one general Resolution upon this subject, after dealing with the three separate Resolutions or abstract principles, may, with advantage, be passed by this House. I think also, with that honourable gentleman, Mr. Chairman, that Canadian statesmen who will have to deal

<sup>14</sup> Inasmuch = considering

<sup>15</sup> Commenced = began

<sup>16</sup> Enunciated = said

<sup>17</sup> Despatch = dispatch

with this matter, will do so with wisdom. They, in considering the terms when other Provinces have entered the Confederation, must have experienced some of these difficulties which now come to us for the first time. No doubt many honourable members of this House have given great consideration to this question, yet I think that Canadian experience will help us.... Another difficulty in dealing with this matter that we have to encounter is, that we have information that a reconstruction of the Canadian tariff is at present going on, and there is some chance of a reciprocity treaty being arranged, therefore we cannot put forward any fixed principles. The main objections of the Dominion to a separate tariff, it strikes me, will be found to be: first, that they are afraid of infringing principle; and, second, the formation of a precedent for a special tariff, which might cause Newfoundland, New Brunswick, Nova Scotia, and other Provinces to ask for special tariffs to suit their particular circumstances, and to avoid the inconvenience of possible hostile tariffs. There are certainly many plausible reasons to be found in favour of a special tariff for British Columbia. Such as the difficulty of communication. The want of either road or railway, and the security against smuggling into Canada. But the probability is, that protection to commerce would be secured by the reconstruction of the Canadian tariff, and I regard the framing of a tariff now which would apply satisfactorily to our altered circumstances, under such a thorough change as Confederation would bring, a matter of impossibility.... But I see no reason why, when we are going into a partnership, we should not arrange the best terms we can; and I think that the differences could be altered in favour of this Colony, and in favour of Confederation generally. We have no power ourselves; that is the reason this question is not brought up in the terms. We must see what effect Union will have on this Colony first; we must see how the thing works before we decide finally. At the same time, we must take care that we protect such important interests as agriculture and commerce from haste or injurious<sup>19</sup> delay. I will, therefore, as soon as the terms are settled, propose a resolution which will meet this difficulty and give time to see what change, if any, the country may require. In sending our resolutions to the Canadian Government, we must not suppose that we have exhausted the subject. Many points must arise when the Canadian Commissioners come here, or ours go there—if the matter take that turn; but we should be careful not to overload the terms, lest we should endanger the cause of Confederation altogether. We must have some faith in the Dominion Government—in Canada and Canadian statesmen. We must not forget that their own interests would be ours.”

British Columbia, *Legislative Council: Debates on the Subject of Confederation*, 24 March 1870, pg. 147.

“If I thought the interests of the Colony would suffer, I would consent to bring the subject before the Canadian Government, but I think we have nothing to fear.”

British Columbia, *Legislative Council: Debates on the Subject of Confederation*, 24 March 1870, pg. 149.

## INDIGENOUS RIGHTS

*In response to Henry Holbrook's (another member of the Legislative Council) motion requesting “protection” for the Indigenous Peoples of BC, Attorney General Henry Crease replied as follows:*

“I ask the Hon. gentleman to be cautious, for Indians<sup>20</sup> do get information of what is going on.”

*Crease continues:*

“These are the words that do harm. I would ask the Hon. Magisterial Member for New Westminster to consider...”

<sup>19</sup> Injurious = cause damage or harm

<sup>20</sup> Indians = an archaic term for First Nations Peoples

“If the Indians had no better protectors than the Hon. Magistrate from New Westminster, I should not envy them their protection. The Hon. gentleman must have forgotten the directions of the Imperial Government to His Excellency the Governor, in Lord Granville’s dispatch....

“My esteemed colleague the Hon. Registrar-General says we have no Indian policy. I say our policy has been, let the Indians alone....

“As these words may go forth, I wish to state on behalf of the Government that the care of the Indians will be the first care of the Imperial Government and of the Local Government.”

British Columbia, *Legislative Council: Debates on the Subject of Confederation*, 25 March 1870, pgs. 151–152.



## Primary Source: John Sebastian Helmcken's Views on Confederation

When British Columbia's Legislative Council debated Confederation, John Helmcken said the following points:

### UNION IN GENERAL

"I have opposed the Government on Confederation. I think it probable that when the terms come back from Canada they will bear but little resemblance<sup>1</sup> to themselves; so until the country is satisfied I will oppose Confederation. It is sufficient that the ultimate issue now rests with the people themselves; and I hope they will band themselves together to demand these or better terms..."

"I intend now to offer no factious opposition to the conditions, but it will be my duty to point out what I consider faults,<sup>2</sup> and though I will support the terms as they are, or nearly so, others must go in. I will not attempt to introduce anything which Canada cannot concede;<sup>3</sup> so that on the one hand, Canada may have no excuse to refuse to accept the terms, and on the other, if Confederation does come it may come accompanied with conditions that will be beneficial to the material interests of the Colony. I now bide my time;<sup>4</sup> when the terms as agreed to by Canada return, the people may find them changed, and not so attractive and enticing as they now appear."

British Columbia, *Legislative Council: Debates on the Subject of Confederation*, 11 March 1870, pg. 52.

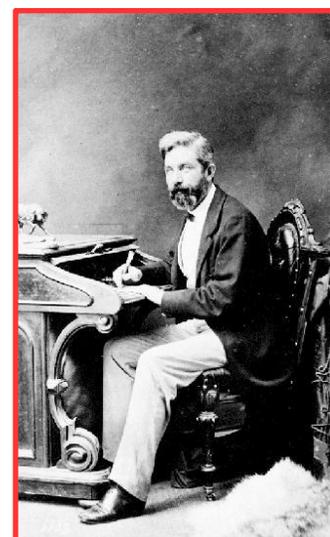


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### RESPONSIBLE GOVERNMENT

"A new election ought to have been called before this question was brought on; but there is one satisfaction left us, it is that Her Majesty's Government have left the terms to the Colony.

"It is for the people to use that power rightly, wisely, and well, to see that Confederation means the welfare and progress of the Colony.

"Now, Sir, in the first place, it is necessary for the people to see that Confederation must be for the general good of the Colony."

British Columbia, *Legislative Council: Debates on the Subject of Confederation*, 9 March 1870, pg. 9.

<sup>1</sup> Resemblance = similarity

<sup>2</sup> Faults = mistakes

<sup>3</sup> Concede = admit

<sup>4</sup> Bide my time = wait for an opportunity

“Great heavens! what terrible things are said and done in the name of the people. To hear Hon. Members talk one would think that they were the people. But the people are quiet while Hon. Members are very loud. I intend to support the Government. I do not mean to say much for or against. I take the position that the people can have Responsible Government when they want it; and their representatives ought to be satisfied to take it when the people really and seriously ask for it. Responsible Government has been one of the watchwords<sup>5</sup> of a certain set of politicians who wanted to bring on Confederation.”

British Columbia, *Legislative Council: Debates on the Subject of Confederation*, 21 March 1870, pg. 113.

“...I am not pledged to Responsible Government, but I am pledged to representative institutions. The latter have been granted; my mission thus far is fulfilled. I have always asserted that we must take our steps to Responsible Government gradually. Having representative institutions, we can go on to the other. No one ever stated that the people were unfit to govern themselves; all acknowledge that they have talent enough. But this I do assert, that thus far the people have shown an unwillingness to govern themselves—have taken but little interest in the matter. It is not that they are unfit, but unwilling. They prefer looking after their own business; it pays them better. I need not refer to the difficulty of getting members; and doubtless some of us sit here from that cause; and it is no doubt true, as has been said, that better could have been found outside [sic]. If you have Responsible Government it will fall into the hands of those who wish to make a living by it. No one has said that it would be economical—it would not be so.”

British Columbia, *Legislative Council: Debates on the Subject of Confederation*, 21 March 1870, pgs. 114–115.

“If the people really desire Responsible Government, why is there any necessity for all this agitation? I admit that many of the people of Victoria desire it, and think that it can be carried out. Ask the scattered districts in the country, and they will tell you that they do not know or care about it. Political opinion does not run high in the Colony. I intend to support the Government upon this clause, but I leave myself perfectly free to vote for Responsible Government if I think proper. I want to secure the material interests of the Colony. Let the people say whether those material interests will be benefited by Confederation, but not mix up the question of Responsible Government with it. I am perfectly willing to abide by the decision of the people on Responsible Government, and on Confederation on Terms, separately. My sole desire is to see this country materially benefited. If the people want responsibility I will not say nay, but we must have good terms. At the polls Responsible Government might carry Confederation with very indifferent terms. I am perfectly certain that the Government have acted wisely in not allowing the terms to be clogged with Responsible Government. I say, don't let Responsible Government take the place of material benefits.”

British Columbia, *Legislative Council: Debates on the Subject of Confederation*, 21 March 1870, pg. 115.

“If I wished to oppose Confederation, I believe that I could not do a better thing towards effecting my object than to vote for Responsible Government; but I want to see the more material wants advanced by Confederation. I know that material interests were not the pivot, but that is was place, patronage, and office that was wanted.”

British Columbia, *Legislative Council: Debates on the Subject of Confederation*, 21 March 1870, pg. 114.

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<sup>5</sup> Watchwords = a group's beliefs.

## TRADE

“No union between this Colony and Canada can permanently exist, unless it be to the material and pecuniary<sup>6</sup> advantage of this Colony to remain in the union. The sum of the interests of the inhabitants is the interest of the Colony. The people of this Colony have, generally speaking, no love for Canada; they care, as a rule, little or nothing about the creation of another Empire, Kingdom, or Republic; they have but little sentimentality, and care little about the distinctions between the form of Government of Canada and the United States.

“Therefore no union on account of love need be looked for. The only bond of union outside of force—and force the Dominion has not—will be the material advantage of the country and pecuniary benefit of the inhabitants. Love for Canada has to be acquired by the prosperity of the country, and from our children.”

British Columbia, *Legislative Council: Debates on the Subject of Confederation*, 9 March 1870, pg. 13.

“I am opposed to Confederation, because it will not serve to promote the industrial interests of this Colony, but, on the contrary, it will serve to ruin many, and thus be detrimental<sup>8</sup> to the interest and progress of the country. I say that Confederation will be injurious to the farmers, because protection is necessary to enable them to compete with farmers of the United States. The Tariff and Excise Laws do not supply that. They will be inimical<sup>9</sup> to brewers.

“Inimical to the Spar Trade;

“Inimical to Fisheries;

“Inimical to Whaling Pursuits;

“Inimical to Spar and Lumber Business.”

British Columbia, *Legislative Council: Debates on the Subject of Confederation*, 9 March 1870, pg. 12.

“Our true course, Sir, judging from the statistics, is not to look to Canada, but to seek to extend our markets for our natural productions, and to obtain an agricultural productive population. I say, Sir, that there is no necessity for us to join Canada; we can get on very well by ourselves at present.”

British Columbia, *Legislative Council: Debates on the Subject of Confederation*, 9 March 1870, pg. 11.

“We shall find it difficult, Sir, to get a Tariff<sup>10</sup> from Canada that will suit us, and I think that I shall be able to show you, Sir, that Confederation will not produce population Anything that deprives this Colony of the power of protecting the local industries and interests of the Colony, and of regulating and fostering<sup>11</sup> its commerce and trade, cannot be otherwise than dangerous and injurious to the country.

“I feel perfectly sure, Sir, that if Confederation should come, bringing with it the Tariff of Canada, not only will the farmers be ruined, but our independence will be taken away. It will deprive our

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<sup>6</sup> Pecuniary = relating to or consisting of money

<sup>8</sup> Detrimental = harmful

<sup>9</sup> Inimical = harmful

<sup>10</sup> Tariff = tax on imports and exports

<sup>11</sup> Fostering = encourage something

local industries of the protection now afforded them, and will inflict other burdens<sup>12</sup> upon them. It will not free trade and commerce from the shackles which now bind<sup>13</sup> them, and will deprive the Government of the power of regulating and encouraging those interests upon which the prosperity of the Colony depends.”

British Columbia, *Legislative Council: Debates on the Subject of Confederation*, 9 March 1870, pg. 9.

#### REPRESENTATION BY POPULATION

“Mr. Chairman, I find the average of representation in the Dominion Parliament is one member to 15,000. That, on the basis of 120,000, gives eight members. Nova Scotia has 19 members for 39,000, New Brunswick has 12, Newfoundland has 8 members. All we have to do is to take care that we are not included in the census of 1871. Our number cannot be diminished, so we may put it at 1881 safely. As for fictitious numbers, it is useless to talk about it.”

British Columbia, *Legislative Council: Debates on the Subject of Confederation*, 17 March 1870, pg. 94.

#### BRITISH COLUMBIA INFLUENCE WITHIN CONFEDERATION

“It would be absurd for us to sacrifice our interests in order that laws may be made for us by a people who know little of our condition and wants, and who in fact must necessarily legislate for the greater number—the people of the Atlantic Provinces. It is dangerous to place ourselves at the disposal<sup>14</sup> of superior numbers.

“I believe, Sir, that we are quite capable of making laws for ourselves.

“If we are united, or rather absorbed, everything will centralize in Canada, and the whole country will be tributary<sup>15</sup> to Canada. The number of Representatives sent to Ottawa from other places would overwhelm the number sent from British Columbia. Even in the matter of appropriations,<sup>16</sup> where the scramble always is, this Colony would be overborne; we should be laughed at by the victors for our pretensions. It is the case in all other Colonies, and would be here.”

British Columbia, *Legislative Council: Debates on the Subject of Confederation*, 9 March 1870, pgs. 12–13.

“If we are Confederated with Canada we become its tributary, and in all that concerns us chiefly Canada has to act for us. In all our chief concerns, commerce, shipping, and mercantile laws, agriculture, trade, navigation, fisheries, currency, banking—Canada rules. She may tax us to any extent, and in any manner she pleases, so that it is quite possible we may have export duties on gold and coal.

“All such things as require money for their performance are left for the Colony to provide; those that require intellect are supplied by Canada.”

British Columbia, *Legislative Council: Debates on the Subject of Confederation*, 9 March 1870, pg. 13.

<sup>12</sup> Inflict other burdens = cause trouble

<sup>13</sup> Shackles which now bind them = preventing

<sup>14</sup> Disposal = the needs of

<sup>15</sup> Tributary = a state that pays tribute to another state

<sup>16</sup> Appropriations = A sum of money

“It is absurd to suppose that the same laws, whether civil, commercial, or industrial will be found equally advantageous to all parts of this great Continent. It manifestly cannot be so; the conditions are different. We know what is best for ourselves, and are able to legislate to effect that. We have no wish to pay Canada to do our legislation.”

British Columbia, *Legislative Council: Debates on the Subject of Confederation*, 9 March 1870, pg. 13.

## DEFENCE

“The United States hem us in on every side;<sup>17</sup> it is the Nation by which we exist; it is the Nation which has made this Colony what it is; but, nevertheless, it is one of our greatest drawbacks. We do not enjoy her advantages, nor do we profit much by them; we do not share her prosperity, and we are far too small to be her rival. The effect of a large body and a small body being brought into contact, is, that the larger will attract the smaller, and ultimately absorb it. [‘Yes, yes,’ and ‘No, no.’]

“[Hon. Member for Kootenay—How about Switzerland?]

“I say more, Sir. I say that the United States will probably ultimately absorb both this Colony and the Dominion of Canada. [‘No, no, no,’ from Mr. Trutch, Mr. Crease, and others.] Canada will in all probability find it quite as much to her advantage to join her ultimately, as we do now to join the Dominion.”

British Columbia, *Legislative Council: Debates on the Subject of Confederation*, 9 March 1870, pg. 10.

“Confederation would make the Dominion territorially greater, but would, in case of war, be a source of weakness. It is people, not territory, that makes a country strong and powerful. To be strong, the union must be of people, and in my opinion that condition is wanting. I feel certain that Her Majesty’s Government has no wish to be put to the expense of defending the country; no wish to be involved in quarrels with the United States; no wish to keep Canada depending upon her support, but rather a wish to force her into independence—to get rid of her altogether.”

British Columbia, *Legislative Council: Debates on the Subject of Confederation*, 9 March 1870, pg. 11.

## RAILWAY

“And I will ask that the promises made by the Dominion Government will be strictly performed. [‘Hear, hear,’ from Mr. DeCosmos and Mr. Wood.] This Colony would be just as much isolated as ever after a paper union, without a Railway as one of the conditions. I acknowledge that we might have such union as exists with England now, with a Railway.... The distance is so great between this Colony and Ottawa without any Railway and without any Telegraphic communication, that laws might be passed there, which would ruin British Columbia, without our having any notice of them. I do not consider that Canada expects or intends to attempt to make this Railway a paying institution of itself. There are a great many institutions in this Colony which are not paying institutions. Canada takes the view that the Railway is necessary to complete the British line of communication between England and her Asiatic possessions, in order that the English people may share in the carrying trade to China and the East Indies with our American neighbours. Canada expects to influence Great Britain to guarantee the loan for the formation of the Railway. Great Britain may guarantee the loan for the purpose of having a check on the American line of Railway, but, she would never guarantee it for Canadian purposes only. The people of England would not tolerate it. I consider this an essential condition. Without it Confederation must not take place. This is one of those things which will be a vast benefit to this Colony and to Canada,

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<sup>17</sup> Hem us in = block

and therefore I regard it as a necessary condition. Why should this Colony join Canada except for the benefit of both? We should be better off without Canada if we have no Railway. I say that this Colony had better stand alone than risk everything, without a Railway. What benefit can Canada expect from Confederation with British Columbia without a Railway? Is she afraid of, British Columbia being handed over to America? If Canada thinks she can hold British Columbia for her own purposes, and use it when she pleases, and takes her own time to do what she likes with it, she is mistaken. The Railway has been made a lever for Confederation, by Canada, I ask that Canada be now made to promise faithfully that a Railway shall be made. With regard to the expenditure of \$1,000,000, there should be a forfeit of ten per cent. payable to this Colony if it is not spent; I am not so much afraid about the Canadian Government not carrying out the terms as I am of our own people. I believe that there is more danger from our own people than from the Canadian Government. British Columbia may cheat herself, and it is our duty, man for man, to take care that we don't cheat this Colony; that we don't in fact cheat ourselves. I think that the Coach Road may be useful; it will take some time to build a Railroad, and it will be necessary to have communication. The road might be used for Immigration purposes, and for driving cattle, but will be of no use commercially; such an idea would have suited people who lived some years ago. Speaking of commerce in which the Dominion is to take part, I do not myself believe that the Asiatic traffic will come this way; but still we must not lose sight of the idea that it may eventually be partially diverted to this route."

British Columbia, *Legislative Council: Debates on the Subject of Confederation*, 16 March 1870, pg. 81.

#### **INDIGENOUS RIGHTS**

"The Honourable Member for Cariboo seems to find it difficult to understand my position. I think it right to endeavour<sup>18</sup> to get the best terms we can, and to point out difficulties. It is the duty of every man to do so. I am perfectly willing to sit here and make the best terms possible. When they come back from Canada it will be time enough for me to decide whether or not I shall support Confederation. I am now anti-Confederate, but I may become Confederate if the terms are good. I say if the Indians<sup>19</sup> are to be stuck on Reservations there will be a disturbance. I think, Sir, that it will be well that there should be some opposition."

British Columbia, *Legislative Council: Debates on the Subject of Confederation*, 25 March 1870, pg. 152.

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<sup>18</sup> Endeavour = try hard

<sup>19</sup> Indians = an archaic term for First Nations Peoples



## Primary Source: Alexander Mackenzie's Views on Confederation

*When the House of Commons in Ottawa debated accepting British Columbia into Confederation, Alexander Mackenzie said the following points:*

### UNION IN GENERAL

“In 1865 the Parliaments of Canada, Nova Scotia, and New Brunswick were told the same story with reference to the resolutions which formed the basis of Confederation, but those resolutions were afterwards altered by the delegation<sup>1</sup> at London, and he was not prepared to accept these resolutions in the nature of a treaty which this House could not alter. He believed on the other hand that it was essential for the future prosperity of the Dominion, that this colony should be admitted into the Union and that there should be the best possible understanding as to the terms of admission to prevent future complications, and he should not be prepared to acquiesce<sup>2</sup> quietly in the resolutions which had been prepared by the hon. gentlemen opposite. By these resolutions, the basis of our political system would be violated as was done in the case of Manitoba last session, and after the struggle which had to be gone through to secure that basis, he should certainly oppose any further attempt to alter it, that is representation by population as regards the House of Commons. Some deviation he acknowledged might be made in the Senate. The Hon. Minister of Customs tells us that the population of Whites, Chinese, and Indians<sup>3</sup> is 60,000 in that country, but we have never given representation under our system to Indians. If such were allowed we could claim several more members for Ontario. He would consent to a considerable grant of money to carry on the Government of a new colony, and particularly of such a difficult country as Columbia, and he would not show himself less liberal than any other member of this House in considering what ought to be done in the present case. In the discussion in reference to Newfoundland, he preferred allowing a sum to carry on the Government rather than make over the public hands, as while the revenue was \$3,000 per annum, the cost of management was \$6,000, and he took the same view with regard to the land grant for the construction of the railway to the Pacific.”



Image held by Library and Archives Canada.

*House of Commons, 28 March 1871, pg. 282.*

<sup>1</sup> Delegation = political representatives

<sup>2</sup> Acquiesce = to accept but not without being upset

<sup>3</sup> Indians = an archaic term for First Nations Peoples

## RAILWAY VS. ROAD

“Resolved that this House, while willing to give its best consideration to any reasonable terms of union with British Columbia, is of opinion that the terms embodied in the said address are so unreasonable, and so unjust to Canada, that this House should not agree thereto.”<sup>4</sup>

*House of Commons*, 1 April 1871, pg. 315.

“From all he knew of the country after descending from the Rocky Mountains the country was valueless for agricultural purposes. The gold mines have certainly proved very remunerative,<sup>5</sup> but they are carried on by large companies, and the large importations of breadstuffs into the colony corroborated the barrenness<sup>6</sup> of the land. He thought the Government should be prepared to give every information as to the mode they propose of constructing the Railway, and whether any propositions<sup>7</sup> had been received for its construction. He denounced<sup>8</sup> the Government for desiring to undertake the completion of the work in ten years, and should certainly record his protest against such an arrangement, and he considered that to give such an immense grant as was proposed to any Company would be to retard the settlement of the country, as was found to be the case in the western States. He doubted very much if the Province of Ontario would grant the land as anticipated by the Minister of Customs, and if they did the greater part of it was valueless for cultivation, and certainly would not realize \$1 per acre as estimated. The Northern Pacific road was largely built by English capital before the land and money grant of the United States was obtained, and the difficulties were not to be compared to those which would be met on the Canadian Railway.

“The Canadian Pacific Railway would cost from six to seven times as much as the Intercolonial, and he was not prepared to involve the country so deeply. He then moved an amendment that all the words after ‘that’ be expunged<sup>9</sup>, and the following substituted, ‘the proposed terms of union with British Columbia pledge the Dominion to commence within two years and complete within ten years the Pacific Railway, the route for which has not been surveyed nor its expense calculated. The said terms also pledge the Government of Canada to a yearly payment to British Columbia, of the sum of \$100,000 in perpetuity<sup>10</sup>, equal to a capital sum of \$2,000,000 for the cession<sup>11</sup> of a tract of Wasteland on the route of the Pacific Railway to aid in its construction, which British Columbia ought to cede<sup>12</sup> without charge, in like manner as the lands of Canada are proposed to be ceded for the same purpose. This House is of opinion that Canada should not be pledged to do more than proceed at once with the necessary surveys and after the route is determined, to prosecute the work at as early a period as the state of the finances will justify.’”

*House of Commons*, 28 March 1871, pg. 282.

“Mr. MACKENZIE stated that what he had said was that after descending the slopes of the Rocky Mountains, the country was the roughest on the continent.”

*House of Commons*, 30 March 1871, pg. 299.

<sup>4</sup> Should not agree thereto = should not agree to them

<sup>5</sup> Remunerative = providing money

<sup>6</sup> Corroborated the barrenness = did not have much food

<sup>7</sup> Propositions = plans

<sup>8</sup> Denounced = said to be wrong

<sup>9</sup> Expunged = deleted

<sup>10</sup> In perpetuity = forever

<sup>11</sup> Cession = the formal giving up of territory

<sup>12</sup> Cede = give up

“He was in favour of opening up communication immediately through the country lying between the head of Lake Superior and Red River. From that point to the Rocky Mountains the way was comparatively easy and quite clear enough for the use of emigrants passing into the North West country. On the Pacific slope, there was no doubt that it would be necessary to expend large sums of money from time to time as the Financial condition of the Dominion permitted in opening up a good route to this side of the Rocky Mountains.

“But this country should not be bound to construct, within so short a time, such a gigantic work. The Grand Trunk had never yet paid one per cent on the capital expended on it, though passing through a well peopled country and having no scarcity of traffic, yet the hon. gentlemen opposite wished to lead the House to believe that this Pacific Railway which was to run for 2,500 miles through an uninhabited wilderness, would be a paying enterprise.<sup>13</sup> We had unfortunately 200 mile lying between the head of Lake Superior and Winnipeg, which was an uninhabitable desert. Now, he would recommend a cheap narrow gauge<sup>14</sup> railway with steamers on the smaller lakes, as the proper means of communication with the open prairie extending west of Fort Garry and through which it would be unnecessary to construct a road for years to come. He considered this attempt as one of the most foolish things that could be imagined—and what was it for? In order to get some 10,000 people into the Union, they were actually agreeing to pay \$10,000 a head on their account.

“Such terms argued either insane recklessness on the part of the Government and their supporters, or a painful want of patriotism, which would damage the country and the character of the hon. Minister of Militia. For thirty years to come it would be unnecessary to construct the greater portion of this line. The only part of the road which would need to be constructed immediately was in British Columbia itself. He would be prepared to consider that as soon as estimates of the cost, &c., should be submitted to this House. Holding these views, he moved that all the words after ‘that’ be omitted, and the following inserted: ‘having regard to the vast importance of the questions involved in the said Resolutions, (including the obligation to construct within ten years the Pacific Railway, the cost of which is estimated to exceed one hundred millions of dollars), time should be afforded to the people and their representatives for consultation before coming to a final decision; and that the consideration of the said Resolutions should, therefore, be postponed to the next Session.’”

*House of Commons*, 31 March 1871, pgs. 309–310.

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<sup>13</sup> Enterprise = business

<sup>14</sup> Narrow gauge = width of the railroad track



## Primary Source: John Robson's Views on Confederation

When British Columbia's Legislative Council debated Confederation, John Robson said the following points:

### UNION IN GENERAL

“The Hon. Mr. Wood has said that there are Hon. Members in this House who would go in for Confederation on any terms. I, for one, have never done so; nothing is more foreign to my desires. [‘Hear, hear,’ from the Attorney-General.] Though I am a Canadian, and am proud of my country, I am also a British Columbian; and upon this question my first and last thought has been, is, and will be, for British Columbia. [‘Hear, hear,’ from the Attorney-General.]”

British Columbia, *Legislative Council: Debates on the Subject of Confederation*, 17 March 1870, pg. 89.

“The Honourable gentleman tells us that Confederation is unnecessary, that this Colony is one of the richest spots on the face of the earth, with a climate inferior to no part of the world,—why should it not go on alone? And he tells us that this view of the question is taken by the majority of the people of the Colony. Why, Sir, the Colony has had all this opportunity for fifteen years; and what is the fact? Ten years ago the Colony had a very much larger population than now, and very much larger commerce. Are we, then, under these circumstances, to ask the people to wait and work out their own salvation? But, Sir, in addition, we are told in a State paper that we are not to be allowed to hang on the skirts of Great Britain, like a mendicant's child. I can hardly reconcile<sup>1</sup> the position of manly independence with the position of hanging on to unwilling Imperial skirts. Rather than that, I would ask for union with the Sandwich Islands, or with Hindostan. British Columbia has tried long enough to get on by herself. After fifteen years hard struggle, she finds herself worse off than she was at the beginning. Her progress has been like that of the crab—backward.”

British Columbia, *Legislative Council: Debates on the Subject of Confederation*, 9 March 1870, pg. 16.

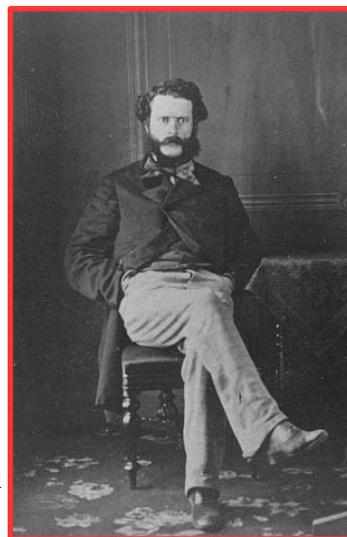


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### RESPONSIBLE GOVERNMENT

“What is Responsible Government? I have been led to believe that considerable confusion of ideas exists upon this point... Without it no Government can, in the true sense, be called a people's Government. All true Governments derive<sup>2</sup> their power from the people. All true Governments must be responsible to the people. Responsible Government is, then, a principle which may be

<sup>1</sup> Reconcile = to make agree

<sup>2</sup> Derive = get

adapted to, and successfully worked out in, this community. If this proposition is incontrovertible,<sup>3</sup> which I maintain it is, who can say that British Columbia is not large enough for Responsible Government? There are men here of ability to form a Cabinet. The Cabinet of the day is, under the responsible system, the Government, just so long as it has the confidence of a majority of the representatives of the people in the House. In the event of that confidence being lost, one of two courses is open: The Ministers place their resignation in the hands of the Governor who commonly calls upon a prominent member of the opposition to form a Ministry; or, if they believe that the House does not truly represent the people upon the question at issue, they advise a dissolution and an appeal to the country. What would Responsible Government have to do here? In dealing with this question I, of course, assume British Columbia to be a Province of the Dominion; and, I confess, that were it otherwise, were it proposed to remain a separate Colony, the case would be different. I do not say that even then I would not advocate the introduction of Responsible Government, but that advocacy might be less hearty and less firm. Regarding British Columbia as a Province of the Dominion, the chief objections are removed by the removal to Ottawa of all those larger and more complex questions of legislation which might threaten to crack the brain of our embryo statesmen.<sup>4</sup> The Local Government would alone have to deal with local questions, and thus it would have very simple duties to discharge—scarcely more difficult, in fact, than those falling within the functions of a large municipality in Canada. Are the people in British Columbia fit for it? And here I would express my sincere regret that the representative of Her Majesty in this Colony has felt it to be his duty to pronounce an adverse<sup>5</sup> opinion. I will yield to no one, either in this House or out of it, in entertaining a high respect for His Excellency, for his talent, experience, and honesty of purpose; but I do say,—and I say it with respect, more in sorrow than in anger—that I cannot think his knowledge of the people of this Colony was such as to justify him in so early pronouncing upon their fitness for self-government.”

British Columbia, *Legislative Council: Debates on the Subject of Confederation*, 18 March 1870, pg. 100.

“I boldly assert that the people of British Columbia are fit for Responsible Government. Do they want it? Doubtless there are those in this House, possibly even in the unofficial ranks, who will deny that the people of British Columbia really desire to have Responsible Government under Confederation. It is sometimes difficult to account for divergence of opinion; but I venture to think that I have the weight of both argument and evidence on my side when I assert, as I do, that the great body of the people—certainly an overwhelming majority—do earnestly<sup>6</sup> and intelligently desire that form of government. It is difficult to believe that any man who has given due thought to the subject can possibly hesitate. Look at the position this Colony would occupy under Confederation, without the full control of its own affairs—a condition alone attainable by means of Responsible Government. While the other Provinces only surrender Federal questions to the Central Government, we would surrender all. While the other Provinces with which it is proposed to confederate upon equal and equitable terms retain the fullest power to manage all Provincial matters, British Columbia would surrender that power. Her local as well as her national affairs would virtually be managed at Ottawa. Could a union so unequal be a happy and enduring one? The compact we are about to form is for life. Shall we take into it the germ of discord and disruption? The people desire change; but they have no desire to exchange the Imperial heel for the Canadian heel. They desire political manumission....<sup>7</sup>

“Has the Anglo-Saxon race become so utterly degenerate here that it is prepared to barter away for mere money subsidies<sup>8</sup> those rights which were purchased with so much blood elsewhere? I

<sup>3</sup> Incontrovertible = undeniable

<sup>4</sup> Embryo statesmen = young men

<sup>5</sup> Adverse = opposing

<sup>6</sup> Earnestly = seriously

<sup>7</sup> Manumission = freedom

<sup>8</sup> Subsidies = giving money to help

utterly refuse to think so meanly of this people. We have seen that even the half-breeds<sup>9</sup> at Red River have too much of the old blood in their veins to permit a fancied political wrong. I am not going to predict a rebellion here. Heaven grant there may be none. But I do feel it my duty to warn the Government against unnecessarily provoking such a possible contingency.<sup>10</sup> Why should there be such an unaccountable antipathy<sup>11</sup> to investing the people of British Columbia with those political powers enjoyed under the British Constitution? Why is the present form of Government so unpopular with the people? I will tell you why. It is just because it is not a people's Government. They had no hand in making it. They had none in working it. They can have none in unmaking it. Only let the people have a hand in forming the Government, in selecting men of their own choice to rule over them, and we would find a popular Government, a strong Government, strong in the heart and confidence of the people. The very same gentlemen who are unpopular now, because ruling without the consent of the people, would be popular then, because ruling by the act and with the consent of the people. The people of British Columbia are naturally a conservative people. Restore to them their political rights, and no Government would need to fear an undue desire for change. The people know best how to manage their own local affairs. Depend upon it, Sir, the people are seldom wrong in their opinions; in their sentiments they are never mistaken.”

British Columbia, *Legislative Council: Debates on the Subject of Confederation*, 18 March 1870, pgs. 101–102.

“The great proposition I desire to impress upon honourable members is this: The Colony is about to become a Province of the Dominion of Canada. No union can be equitable and just which does not give this Colony equal political power—equal control over their own local affairs with that possessed by the people at the Provinces with which it is proposed to unite. I care not how good the other conditions may be: if the people of British Columbia are placed in a false political position they will not be content, and the inauguration of such a union will only prove the beginning of new political discontent and agitation. Mistakes will doubtless result from the first workings of Responsible Government, but these mistakes were better made now than years hence, when the consequences might be more serious. The period of lisping, stammering infancy must be passed. Surely it is better to pass it now, while the political questions are few and simple, and the interests comparatively small, than to wait for great development. Almost every speaker on the Government side has accused me of want of confidence in the Dominion Government. I have no want of confidence in that Government. I know the men who compose it too well for that. I know them as honourable, liberal, large-minded statesmen. But it is our Local Government under the new Constitution, proposed in terms so vague in His Excellency's opening message, that I doubt. The Canadian Government will possess no constitutional power to grant us political relief until asked to do so by our Local Government; and it is the hesitation, the disinclination of the Local Government to move in that direction which I dread. I would again warn the Government against endangering the whole scheme by having it submitted to the people unaccompanied by ‘Responsible Government.’”

British Columbia, *Legislative Council: Debates on the Subject of Confederation*, 22 March, 1870, pgs. 127–128.

“Hon. Members seem to assume that we are going to enter Confederation without Responsible Government. This I repudiate.<sup>12</sup> I say we shall enter with privileges equal to other Provinces. I decline to assume anything else. With regard to the appointment of Senators by the Legislative Council, I would ask by what Council? By this or by the new House? It would not satisfy the people that a Council nominated by the Governor should appoint; and it is yet to be seen that the new

<sup>9</sup> Half-breeds = an archaic term for Métis

<sup>10</sup> Contingency = alternative

<sup>11</sup> Antipathy = negativity

<sup>12</sup> Repudiate = refuse to accept

House, as shadowed forth by the Governor, would be less objectionable than this one. We are entirely in the dark.”

British Columbia, *Legislative Council: Debates on the Subject of Confederation*, 18 March 1870, pg. 97.

“The Hon. gentleman tells us that it is impossible to work Responsible Government with a population so scattered; and in the same breath he tells us that we have Responsible Government now,—that the officials are responsible to the Governor, and he to the Queen. Well, certainly, this is a sort of responsibility; but it is not precisely the kind we want. The responsibility now existing takes the wrong direction. It is not responsibility to the people, but to the supreme power. In this sense the most despotic form of government in the world may be termed Responsible Government. The members of the Government of the Czar of Russia are responsible to him, and he is responsible to the Great Ruler of all; ergo, Russia has Responsible Government! The Hon. gentleman must see the absurdity of his startling proposition.”

British Columbia, *Legislative Council: Debates on the Subject of Confederation*, 22 March 1870, pg. 125.

### PROVINCIAL AUTONOMY

“Hon. Members say we cannot get out, and that Canada may repudiate. I say, nothing of the kind. Canada would never be allowed by the Imperial Government to coerce this Colony to remain in Confederation for the fulfilment of one side of a contract of partnership, the terms of which Canada herself has trodden under foot. To entertain such a supposition is, if I may be allowed the expression, an outrage on common sense too absurd to be for a moment seriously entertained. Would the Imperial Government stand by and let Canada send a force of soldiers to compel British Columbia to remain in Confederation under such circumstances? The Canadian Government never broke faith yet, and the Imperial Government never broke faith yet, and both are pledged to the fulfilment of this condition. Canada has hitherto<sup>13</sup> gone in advance of her word.”

British Columbia, *Legislative Council: Debates on the Subject of Confederation*, 17 March 1870, pgs. 85–86.

### TRADE

“It is, in my opinion, futile to imagine that we shall obtain power, under Confederation, to frame and regulate our own tariff. The Customs tariff is essentially a Federal measure, and the Dominion Government cannot very well permit a Province to make its own tariff. To do so would, in my opinion, be to admit a principle which would ultimately break up the whole Confederation. If such a concession were made to British Columbia every other Province in the Dominion would forthwith clamour for it. The Dominion tariff is of necessity a Federal matter, to be dealt with by the Federal Parliament, and it is unreasonable to expect that such an exception will be made in our favour. The Customs tariff is the main source of Federal revenue; and if any Province were permitted to tinker with it, the Federal revenue would, indeed, be precarious. History does not encourage us to hope for such a power.”

British Columbia, *Legislative Council: Debates on the Subject of Confederation*, 23 March 1870, pg. 135.

“Let us remember that protection is not an unmixed good, and that it sometimes costs more than it is really worth. It should also be remembered that the importance of protection is somewhat localized in its application. Nature has given ample protection to the interior of the Colony; and it is, in reality, only on this Island and the Lower Fraser that artificial protection can be desirable. I

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<sup>13</sup> Hitherto = until now

venture to think that there is a great future before Vancouver Island, but I do not believe that it will ever owe its greatness to agricultural development. I believe that its commercial, maritime, mineral, and manufacturing industries will far outweigh its farming interests, and I do not think, therefore, that we would be justified in refusing Confederation upon fair and equitable terms, simply because we could not have power to regulate the Customs tariff. I regret that I am unable to agree with any one of the recommendations now before the Committee. The wisest course, in my opinion, will be to ask the Dominion Government to withhold the application of the Federal tariff of Customs to British Columbia for a fixed period, say, until railway communication shall have been established through the Dominion to the Pacific. Until that takes place British Columbia must continue to occupy a position so isolated, and so exceptional, as to render the general tariff, however well adapted to the Provinces to the eastward of the Rocky Mountains, scarcely suited to us. But with the opening of continuous railway communication these exceptional conditions will, for the most part, disappear.”

British Columbia, *Legislative Council: Debates on the Subject of Confederation*, 23 March 1870, pgs. 135–136.

“Upon the opening of the Canadian Pacific Railway British Columbia will practically be set down alongside of the Atlantic Provinces. We get over all constitutional difficulties by approaching the subject in this way. I do not say that the Dominion Government will assent to the proposition to postpone the application of their tariff to this Colony until railway communication shall have been established; but we will approach them with a much greater show of reason and success in this way than in the other. I shall, therefore, propose an amendment, or a recommendation, asking that the Customs tariff of the Dominion be not extended over the Colony of British Columbia until railway communication therewith shall have been established. Should this be agreed to on the part of the Canadian Government, it would then become our duty, upon entering the Dominion, to remodel our tariff with a view to protecting local industries on the one hand, and building up our commercial and maritime interests on the other. Canada might, possibly, sacrifice a little revenue in the first instance, but it would come back to her a hundred fold in the greatly enlarged prosperity certain to follow. In this way, also, would be presented a living recognition of the necessity for railway communication, it not an incentive for the speedy consummation<sup>14</sup> of that great desideratum.<sup>15</sup> The course which I propose will more fully meet the local necessities of the country, while it will be more acceptable to the people, and, I feel assured, more likely to meet with the concurrence of the authorities at Ottawa. It possesses the advantage of accomplishing more good than can possibly be attained in the way proposed either by the Hon. Member for Victoria District, or that proposed by another Hon. Member, and, at the same time, of steering clear of constitutional difficulties.”

British Columbia, *Legislative Council: Debates on the Subject of Confederation*, 23 March 1870, pg. 136.

## RAILWAY

“It is true that a sort of union might exist without a Railway, such as the union between British Columbia and Great Britain. But we propose to establish a union that will endure and that will render an Overland Railway just as necessary as the arteries in the human body are necessary to circulate the blood and to keep up life...

“I have some doubts about the clause requiring the Dominion Government to make a Coach Road. The age for Coach Roads has almost passed away. Such a road would not meet the requirements of the present day. I would prefer removing this condition, and require the work to be commenced within two years, or seek compensation in some other way as an equivalent for the supposed advantage of the road. The sooner we do our little part towards convincing the

<sup>14</sup> Consummation = complete

<sup>15</sup> Desideratum = Needed or wanted

Dominion Government that this is necessary, the better. Not only is the Railway a national necessity for the Dominion, but for every fractional part of British North America.”

British Columbia, *Legislative Council: Debates on the Subject of Confederation*, 16 March 1870, pgs. 180–181.

## ANNEXATION

“Certain persons are fond of talking about the advantages of Annexation; all arguments in its favour can be brought with redoubled force in favour of Confederation. British Columbia as a member of the Union would have a Pacific frontage, but only in common with other countries of the Union. As a part of the Dominion she would have more, for she would be the only outlet of the British Confederacy on the Pacific Coast.”

British Columbia, *Legislative Council: Debates on the Subject of Confederation*, 9 March 1870, pg. 17.

## INDIGENOUS RIGHTS

“The Hon. Mr. Holbrook has told you that he speaks in behalf of 40,000 Indians.<sup>16</sup> I speak in the name of 65,000. I am inclined to think we should not pass this matter over entirely; we ought to point out our desire that the Indians should be cared for. Now, the Canadian Indian policy has been characterized as good, even by American statesmen. Our own policy is not worth the name. I consider it to be a blot on the Government. I will, therefore, propose as an amendment the following:—

That the Indian policy of Canada shall be extended to this Colony immediately upon its admission into the Dominion, and that the necessary agencies and appliances for an efficient administration of Indian affairs may be at once established.

“The Canadian Government occupies the position of guardians to Indians. They are treated as minors. There is a perfect network of Indian Agents in Canada, and through them the Indians are made presents of agricultural implements, seeds, and stock. Now, if we let it go forth to the Indians that their interests are being considered, and that this will be greatly to their advantage, I say, by making the Indians feel all this, there will be less danger of exciting any unpleasant feeling among them. We should set the Indian mind at rest and let them feel that Confederation will be a greater boon to them than to the white population.”

British Columbia, *Legislative Council: Debates on the Subject of Confederation*, 25 March 1870, pg. 151.

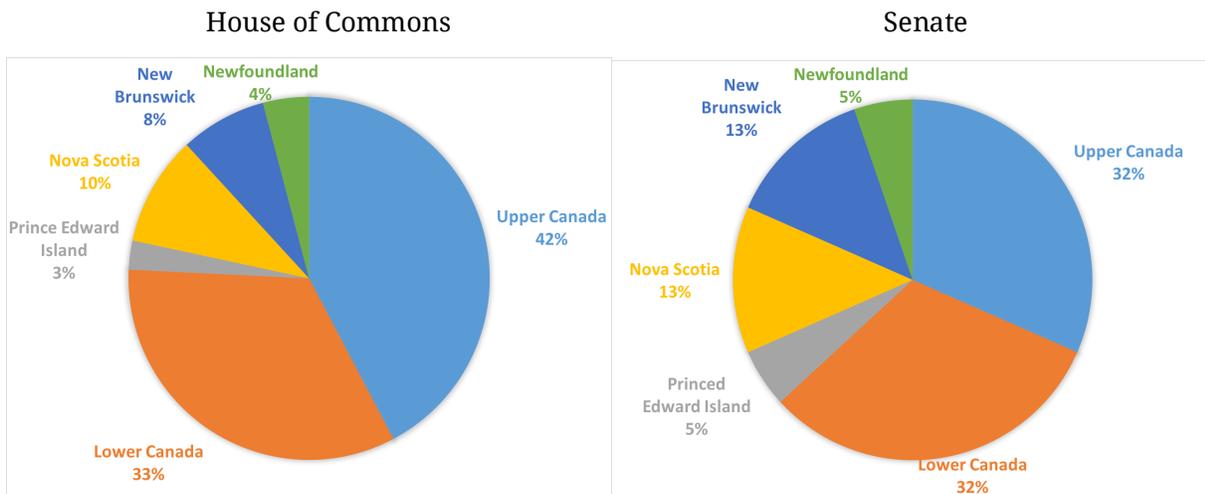
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<sup>16</sup> Indians = an archaic term for First Nations Peoples



## 72 Resolutions Handout

### PARLIAMENTARY REPRESENTATION



### DIVISION OF POWERS

Federal Powers	 Military	 Postal Service	 Indigenous Peoples
Provincial Powers	 School	 Health Care	 Prisons

## **SECTION 2: MATERIALS AND HANDOUTS FOR CREATING CANADA: FURTHERING INDIGENOUS-CROWN RELATIONSHIPS**





## Handout: Douglas Treaty and Negotiations: Treaty Examples:

### SAANICH TRIBE – NORTH SAANICH

Know all men, that we the chiefs and people of the Saanich Tribe, who have signed our names and made our marks to this deed on the eleventh day of February, one thousand eight hundred and fifty-two, do consent to surrender, entirely and forever, to James Douglas, the agent of the Hudson's Bay Company in Vancouver Island, that is to say, for the Governor, Deputy Governor, and Committee of the same, the whole of the lands situated and lying as follows, viz: - commencing at Cowichan Head and following the coast of the Canal de Haro North-west nearly to Saanich Point, or Qua-na-sung; from thence following the course of the Saanich Arm to the point where it terminates; and from thence by a straight line across country to said Cowichan Head, the point of commencement, so as to include all the country and lands, with the exceptions hereafter named, within those boundaries.

The conditions of our understanding of this sale is this, that our village sites and enclosed fields are to be kept for our own use, for the use of our children, and for those who may follow after us and the land shall be properly surveyed hereafter. It is understood, however, that the land itself, with these small exceptions, becomes the entire property of the white people for ever; it is also understood that we are at liberty to hunt over the unoccupied lands, and to carry on our fisheries as formerly.

We have received, as payment [amount not stated]

(Signed)

Hotutstun his X mark and 117 others.

Witness to signatures, (signed)

Joseph William McKay, Clerk H.B. Co's service

Richd. Golledge, Clerk

**SOOKE TRIBE – NORTH-WEST OF SOOKE INLET**

Know all men, we, the chiefs and people of family of Sooke, acting for and on behalf of our people, who being here present have individually and collectively ratified<sup>1</sup> and confirmed this act. Now know that we, who have signed our names and made our marks to this deed on the first day of May, one thousand eight hundred and fifty, do consent to surrender, entirely and for ever [sic] to James Douglas, the agent of the Hudson's Bay Company in Vancouver Island, that is to say, for the Governor, Deputy Governor, and Committee of the same, the whole of the lands situated and lying between the Bay of Syusung, or Sooke Inlet, to the Three Rivers beyond Thlowuck, or Point Shirringham, on the Straits of Juan de Fuca, and the snow covered mountains in the interior of Vancouver Island.

The conditions of our understanding of this sale is this, that our village sites and enclosed fields are to be kept for our own use, for the use of our children, and for those who may follow after us and the land shall be properly surveyed hereafter. It is understood, however, that the land itself, with these small exceptions, becomes the entire property of the white people for ever; it is also understood that we are at liberty to hunt over the unoccupied lands, and to carry on our fisheries as formerly.

We have received, as payment, Forty-eight pounds six shillings and eight pence.

In token whereof, we have signed our names and made our marks at Fort Victoria, on the first day of May, one thousand eight hundred and fifty.

(Signed)

Wanseea his X mark

Tanasman his X mark

Chysimkan his X mark

Yokum his X mark

Chiefs commissioned by and representing the Sooke Tribe here assembled.

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<sup>1</sup> Ratified = signed or given formal consent



## Handout: Record of Negotiation/Implementation

Both in the past and in the current day, Indigenous and non-Indigenous parties have had different understandings of the treaties.

The intention of the Crown was to purchase the Indigenous ownership of the land, extinguishing their title to the land and opening it for settlement. For example, instructions from Archibald Barclay (HBC Secretary) to James Douglas in 1849 read:

With respect to the rights of the natives, you will have to confer<sup>1</sup> with the chiefs of the tribes on that subject, and in your negotiations with them you are to consider the natives as the rightful possessors of such lands only as they are occupied by cultivation, or had houses built on, at the time the island came under the undivided sovereignty of Great Britain in 1846. All other land is to be regarded as waste, applicable for the purposes of colonization. The right of fishing and hunting will be continued to the natives, and when their lands are registered, and they conform to the same conditions with which other settlers are required to comply, they will enjoy the same rights and privileges. The principle here laid down is that which the Governor and Committee authorize you to adopt in treating with the Natives of Vancouver's Island, but the extent to which it is to be acted upon must be left to your own discretion, and will depend upon the character of the tribe and other circumstances. The natives will be confirmed in the possession of their lands as long as they occupy and cultivate them themselves, but will not be allowed to sell or dispose of them to any private person, the right to the entire soil having been granted to the Company by the Crown. The right of fishing and hunting will be continued to them....

*Archibald Barclay, Secretary of the HBC in London, to James Douglas, 17 December 1849.*

James Douglas considered it important to recognize indigenous fishing rights and give them legal protection. He wrote to Barclay that:

I would also strongly recommend, equally as a measure of justice, and from a regard to the future peace of the colony, that the Indians<sup>2</sup> Fishere's [sic]... should be reserved for their benefit and fully secured to them by law.

*James Douglas to Archibald Barclay, Secretary, Hudson's Bay Company, 3 September 1849.*

From a Crown perspective, the treaties were successful land purchases that opened the lands in question for settlement. The indigenous perspective differs. This perspective is often given in oral history and was expressed by Gabe Bartleman in court testimony. Bartleman was born and raised on the West Saanich reserve, a member of the Tsartlip First Nation. He was fluent in the Sencoten language and understood the English language. His parents were Isaac Bartleman and Martha

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<sup>1</sup> Confer = discuss

<sup>2</sup> Indians = an archaic term for First Nations Peoples

Bartleman. Reflecting on his youth, Gabe recalled Chief David Latess speaking to the Saanich people about the understanding of Douglas' word. This is how Gabe remembered hearing it:

The understanding that he gave the people at home was that their way of life was never ever going to be disturbed, that they would always be able to take their food and travel as they did before, that nothing would ever be taken away from them. (As quoted in Vallance).

Legal historians Neil Vallance and Hamar Foster summarize the difference in perception:

The picture that emerges from Latass's description is a patchwork of habitation and resource sites, some to be shared by the Saanich people and European settlers, and some to be occupied exclusively by one group or the other... Many First Nation accounts of treaty meetings across Canada contain a denial of the surrender of their lands, but do not go on to describe how the resultant sharing of the land was going to work. Latass's account is almost unique in its portrayal of how an agreement to share the land would operate. Finally, the Latass accounts indicate that he was aware of the Douglas Forms, but was determined to raise his voice in opposition to the false message he believed they conveyed. (Vallance)

These treaties [the Douglas Treaties], however, were unexceptional insofar as equality of bargaining power is concerned; Douglas secured the approximately fifty square miles of the Saanich peninsula for a little over £100, which he paid to the Indians<sup>3</sup> in Hudson's Bay Company blankets at the 300% Company mark-up for non-employees. As the trial judge acknowledged, the Indians "'could not have thought of [such a transaction] as a purchase," and would not have regarded the woollen goods they received as payment for land. What seems much more likely is that they believed that they were agreeing to peaceful relations, to share the right to harvest certain resources, and to allow a limited number of colonists to occupy some of the lands they were not themselves occupying. The oral tradition about the Treaty that has been handed down among the Tsawout reflects this view. According to it, in early February of 1852 they had forced the Hudson's Bay Company to stop felling trees on Songhees land by sending an armed party to the Company's logging operation at Cadboro Bay. Soon afterwards, a young Indian boy was shot and killed by white men near Mount Douglas. It was in these somewhat tense circumstances that Douglas invited all the North Saanich people to meet with him on the beach at Cadboro Bay. When they arrived they found piles of blankets set aside for them, and a document upon which each man was asked to write an 'X'. (Foster)

The view of treaties as creating a sharing, rather than exclusive, relationship, was expressed by Nicholas Xumthoult Claxton, who wrote: "Indigenous Peoples perceived that the agreements were only confirmation of ownership of village sites, food-gathering sites, and their fisheries. From an Indigenous perspective, entering into agreements with colonists represented an arrangement whereby Indigenous Nations and the white people could live side-by-side, together sharing the land." (Claxton 2008)

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<sup>3</sup> Indian = an archaic term for First Nations Peoples

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## Handout: Sir James Douglas



DOUGLAS, Sir JAMES, HBC officer and governor of Vancouver Island and of the crown colony of British Columbia; b. 5 June or 15 Aug. 1803; d. at Victoria, B.C., 2 Aug. 1877. James Douglas was the son of John Douglas and nephew of Lieutenant-General Sir Neil Douglas. John Douglas and his three brothers, merchants in Glasgow, held interests in sugar plantations in British Guiana,<sup>1</sup> During his early years in the fur trade he was singled out for having a sound knowledge of the French language and “possessing a clear and distinct pronunciation.” At the age of 16 Douglas was apprenticed to the North West Company. Douglas arrived in Quebec in 1819. That winter he applied himself to accounting, learning business methods, and learning about the indigenous population.

In the summer of 1820 he was transferred to Île-à-la-Crosse in present day Saskatchewan. There he threw himself into the struggle between the North Westers and the Hudson’s Bay Company men, fighting a duel with Patrick Cunningham and engaging in military manoeuvres [sic] and threatening appearances. He was one of four Nor’Westers specifically warned on 12 April 1821 to desist from parading within gunshot of the neighbouring HBC post with “Guns, Swords, Flags, Drums, Fifes, etc., etc.” On the union of the two companies in 1821, Douglas was hired by the HBC as a second class clerk. In 1822, though only 18 years old, he was regarded as “a very sensible young man” and a good First Nations trader, who could be trusted to take charge that summer of the Island Lake post.

On 15 April 1825, Douglas left Île-à-la-Crosse to take charge of Fort Vermilion in Peace River during the summer. The next spring he was at Fort St James, Stuart Lake, headquarters of the New Caledonia district. Douglas had now completed the first of seven crossings of the Rocky Mountains, and the experience had left an imperishable<sup>2</sup> memory “of fresh scenes, of perilous travel, of fatigue, excitement and of adventures by mountain and flood.” That spring (1826) he visited the Pacific seaboard for the first time. During the winter of 1827, at Fort St James, Douglas decided to retire from the fur trade at the end of his three-year contract. By March 1828, discouraged by the isolation of his life, the lack of companionship and of good books, the hostility of nearby First Nations, and the danger of starvation after the salmon run failed, he was “bent on leaving the country.” His employers, however, were willing to renew his contract and increase his salary from £60 to £100.

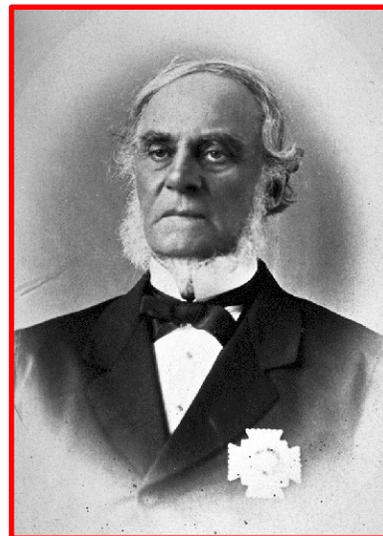


Image held by the British Columbia Archives

On 27 April, according to the custom of the country (confirmed in a Church of England ceremony at Fort Vancouver in 1837), Douglas married Amelia Connolly, half-Indigenous daughter of the chief factor. During the time Connolly left him in charge of Fort St James while he himself took out the 1828 returns to Fort Vancouver, a “tumult”<sup>3</sup> with the local indigenous nations erupted. Following the execution of an Indigenous person who had been involved in a murder at Fort George in 1823, members of the Carrier First Nation invaded the fort to avenge his death and threaten Douglas’ life. James Douglas could be “furiously violent when aroused,” and First Nations leaders had taken an inveterate<sup>4</sup> dislike to him. In November he was again assaulted, near Fraser Lake. There was further trouble at Fort St James on New Year’s Day, 1829. “Douglas’s life is much

<sup>1</sup> British Guiana = a former British colony in the Caribbean

<sup>2</sup> Imperishable = enduring forever

<sup>3</sup> Tumult = confusion

<sup>4</sup> Invertebrate = a long-established habit that is unlikely to change

exposed among these Carriers,” Connolly reported to Governor George Simpson in February 1829, “he would readily face a hundred of them, but he does not much like the idea of being assassinated.”

Connolly’s recommendation that Douglas be instead transferred to Fort Vancouver, where extensive coastal trading and farming operations were under way, was accepted by the Council of the Northern Department. On 30 Jan. 1830 Douglas left Stuart Lake to become accountant under Dr. John McLoughlin, superintendent of the vast Columbia Department. “James Douglas is at Vancouver and is rising fast in favour,” a fur-trader reported in 1831. Simpson, who had met Douglas at Île-à-la-Crosse in 1822 and at Fort St James in 1828, was convinced that Douglas “is a likely man to fill a place at our Council board in course of time.” In November 1839, he was advanced to chief factor<sup>5</sup>.

Douglas made a reconnaissance<sup>6</sup> of the tip of Vancouver Island in July 1842 and, in March 1843, started the construction of Fort Victoria. He was concerned about the interest of the United States government in additional good ports on the Pacific coast. “An American population will never willingly submit to British domination,” he wrote to Simpson, “and it would be ruinous and hopeless to enforce obedience, on a disaffected people; our Government would not attempt it, and the consequence will be the accession of a new State to the Union.” When, in 1846, the British government relinquished its claims to the north bank of the Columbia River and accepted the 49th parallel as the boundary, Douglas reorganized the brigade routes from New Caledonia to make them converge<sup>7</sup> at Fort Langley on the lower Fraser River. In 1848 he investigated the market at Honolulu for salmon and lumber. At last, in 1849, he moved the company’s headquarters, shipping depot, and provisioning centre from the Columbia to Fort Victoria.

To prevent American expansion northward, the company on 13 Jan. 1849 accepted a royal grant to Vancouver Island for ten years. A colony was to be set up within five years, and Douglas expected to be chosen governor. But he was passed over in favour of Richard Blanshard. When Blanshard arrived at Fort Victoria in March 1850 workmen were deserting for the California goldfields and “The affairs of our nascent Colony on Vancouver’s Island are not making much progress,” Douglas admitted in November. Blanshard had already sent in his resignation. On 16 May 1851 Douglas had been appointed governor and vice-admiral of Vancouver Island and its dependencies. The news did not reach him until 30 October. His appointment confirmed, however, he entered into his dual capacity of governor and chief factor with enthusiasm. The gold discovered on Queen Charlotte Islands was protected from the American grasp, the company was advised to purchase the Nanaimo coalfield, Indigenous lands near Fort Victoria were purchased through treaty and reserves were created, roads were built, and schools were established.

No matter concerned Douglas more than First Nations policy. Towards First Nations, his attitude was one of benevolent paternalism, though he followed the HBC rule that violations of law must be speedily punished. To hunt a Cowichan murderer in 1853, he organized among the company servants the Victoria Voltigeurs—a small group of volunteer militiamen—enlisted the services of the Royal Navy, and, for the trial, empanelled<sup>8</sup> a jury on board the Beaver.

In laying out reserves, he left the choice of the land and the size to the First Nations leaders. Surveyors were instructed to meet their wishes and “to include in each reserve the permanent Village sites, the fishing stations, and Burial grounds, cultivated land and all the favorite resorts of the Tribes, and in short to include every piece of ground to which they had acquired an equitable title through continuous occupation, tillage or other investment of their labour.” At first the First Nations’ requests were moderate, not exceeding ten acres per family, but later in the pastoral

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<sup>5</sup> Chief factor = top agent

<sup>6</sup> Reconnaissance = survey

<sup>7</sup> Converge = meet at a point

<sup>8</sup> Empanelled = enlisted

country in the interior, where they needed range land for their cattle and horses, the reserves were much larger. Title remained vested in the crown “as a safeguard and protection to these Indian<sup>9</sup> Communities who might, in their primal state of ignorance and natural improvidence, have made away with the land.” As his land policy evolved, Douglas, certain that the time would arrive “when they might aspire to a higher rank in the social scale and feel the essential wants of and claims of a better condition,” permitted Indigenous Peoples as individuals to acquire property by direct purchase from government officers or through pre-emption, “on precisely the same terms and considerations in all respects, as other classes of Her Majesty’s subjects.” This was highly unusual at the time.

A fur preserve boasting a single stockaded<sup>10</sup> fort only a few years before, Vancouver Island was now a colony with limited representative government. Compared with neighbouring Washington Territory where land was free, the colony’s population was small, but it lived in peace without warfare. Through Douglas’ efforts, large-scale farming, saw-milling, coal-mining, and salmon fishing had been established. His accomplishments offset the criticism of his rule by Blanshard, Cooper, and Admiral Fairfax Moresby before the select committee of the British House of Commons in 1857. When the government converted Vancouver Island into a crown colony in 1859, the governor it chose was James Douglas. After his authority had been confirmed in August he vested title to land in the crown. It was opened to settlement slowly, and, in the hope of attracting British immigrants, it was priced low. Only British subjects could purchase land, but all those who applied for naturalization could obtain it.

Until the crown decided to establish a legislature in British Columbia, the governor possessed absolute power to administer justice and to establish laws and ordinances. It would not be fair to the grand principle of free institutions, Lytton had declared in July 1858, “to risk at once the experiment of self-government among settlers so wild, so miscellaneous, and perhaps so transitory, and in a form of society so crude.” The plan satisfied Douglas, who believed that “the best form of government, if attainable, is that of a wise and good despotism,” and that “representative Governments cannot be carried on without recourse directly or indirectly to bribery and corrupting influences.” He took the opportunity to determine policy and announce it in the form of proclamations.

The calling of a convention at Hope in September 1861 to demand responsible government aroused the governor’s ire: “The term is associated with revolution and holds out a menace – the subject has an undoubted right to petition his sovereign, but the term ‘convention’ seems something more, it means coercion.” The principle of representative government he recognized: in 1862, anticipating the reorganization of the colony’s government in 1863, for which provision had been made in the founding act, Douglas recommended a small chamber, one-third nominated by the crown and two-thirds elected.

As he prepared to step down from office in the spring of 1864, Sir James Douglas had the satisfaction of knowing that he had ended the alien<sup>11</sup> threat and protected the British foothold on the Pacific seaboard. His road was built, Cariboo was at the height of gold production, towns were laid out in the interior, and law and order prevailed in the mining fields. In 1864 the colonial revenues rose to £110,000; Victoria was a city of 6,000 persons, and Barkerville almost as large. Douglas’ last task for British Columbia, now a stable community, was to set up a legislative council. “Sir James Douglas’s career as governor has been a remarkable one,” an official at the Colonial Office acknowledged. “He now quits his two Govts.<sup>12</sup> leaving them in a state of prosperity, with every prospect of greater advancement.”

Douglas left a mixed legacy. While some have claimed that he was a “humanitarian” who “treated individuals, including Negro slaves and Indians, with a respect that few of his contemporaries

<sup>9</sup> Indian = an archaic term for First Nations Peoples

<sup>10</sup> Stockaded = fenced

<sup>11</sup> Alien threat = Americans entering the colony

<sup>12</sup> Govts = governments

showed,” many historians and indigenous peoples question the fairness of the methods he used during treaty negotiations. While he was instrumental in organizing early British settlement, that process, and the means by which it was carried out, is not seen in the same light by all people.

Reproduced, with some updates, from Ormsby, Margaret A. “Douglas, Sir James.” *Dictionary of Canadian Biography*. [http://www.biographi.ca/en/bio/douglas\\_james\\_10E.html](http://www.biographi.ca/en/bio/douglas_james_10E.html).



### Handout: David Latass (Also Latasse, Latess and Latesse)

David Latass was born Songhees and came to be a chief in the Saanich (WSÁNEĆ) nation, having relocated there between the ages of seven and fifteen when he went there to live with an aunt upon the death of his parents. He spent the remainder of his life living at the Tsartlip First Nation. Speaking to a reporter in 1934, Latass claimed to be 105 years old. He was, according to the reporter, “still mentally keen.” Addressing doubts concerning his age, Latass said: “White people doubt my age can be 105 years. They see my bright eyes, they saw me move quickly until a few years ago, they heard me speak in council and address the tribes when long past ninety years old, and they said it was impossible for me to have known James Douglas. But I was a grown man when the big pow-wow was held [in 1850] in Beacon Hill.” Historian Neil Vallance has written that, despite extensive research, he has found wildly varying accounts of Latass’s age and had been unable to confirm it conclusively.

Very few Indigenous accounts of the signing of the Douglas Treaties were written down. Two of the accounts comes from Latass, who recounted the signings of the 1850 Esquimalt/Songhees treaties and the 1852 North Saanich Treaty. His accounts were recorded in a newspaper article from 1934. There is considerable uncertainty around the details of Latass’s life. As Vallance notes, “Latass (or his father) participated in the Songhees/Esquimalt meetings, and he (or his maternal uncles) participated in the Saanich meetings.”

Latass came to a leadership position in his nation, in part, because of his knowledge of the treaties. This was explained during questioning of Mr. Gabe Bartleman, then seventy-three years old, as part of a court proceeding. Louise Mandell, counsel for the Tsawout, questioned Bartleman:

Q ...who was the leader of the Saanich people during the time when you were growing up?

A. A gentleman by the name of Chief David Latesse...

Q. Was David Latesse an elected leader or was he a leader by his birthright or hereditary line?

A. He was a leader by his birthright and became a leader through the merits that he had behind him.

Q. ...what did you understand that the merits were which the people recognized in him?

A. At that time, Chief David Latesse apparently got to understand some of what is called the treaty, and he tried to inform the people that he looked after the best he could at that time.

Q. Now you mention that Chief David Latesse had knowledge concerning the treaty...

A. He didn’t use the word “treaty,” they called it James Douglas’s word.

Q. ...and did Chief David speak about what happened to have that treaty concluded?

A. The understanding that he gave the people at home was that their way of life was never ever going to be disturbed, that they would always be able to take their food and travel as they did before, that nothing would ever be taken away from them. (As quoted in Vallance)

Latass made a series of efforts from 1923 to 1934 to communicate his views on the WSÁNEĆ Treaties to non-Indigenous audiences. These included a letter penned to Dr. Duncan Campbell Scott, Deputy Superintendent of Indian Affairs and Commissioner of Indian Affairs Ditchburn in Victoria, and culminated<sup>1</sup> with the 1934 newspaper interview mentioned above. As Latass was of a considerable age when the interview was given, he was “looked after by a well-educated wife, half his age, who aided in interpreting the ancient’s vigorous statements.” Most of the interpretation, however, was done by Latass’s grand-nephew, Baptists Paull, who was a boxer and wrestler famous around the coast for his skills. In the interview, Latass recounted his memories of the treaties:

In the years around 1850 the Indians<sup>2</sup> considered that there was lots of land and had no thought of or fear of extensive settlement by white men. The whites were welcomed, they provided a fine market for the large amount of fur which the tribesmen annually collected. The trade goods the whites gave in return for the furs were highly regarded. The whites at that time also had no idea of asking the Indians to give up their land. Areas proposed to be used by whites were limited and the gifts of blankets and trade goods were considered as annual dues as I shall show.

I was twenty-one when Governor Douglas gave a big party to the Indians of southern Vancouver Island. The entertainment took place at Beacon Hill on May 24, 1850, and was to celebrate the birthday of Queen Victoria. For weeks in advance the party was the talk of all encampments within eighty miles of Victoria. Invitations were sent to the Songhees, Saanich (WSÁNEĆ), Cowichan, and other tribes and the gathering included men, women and children. The natives were seated in big circles, the chiefs forming the innermost line, the lesser braves being further to the rear, according to their relative importance or youth. The women and children hung around the outskirts of the circles of men, grouping themselves in eager clusters. Hudson’s Bay men distributed hard biscuits smeared with molasses and also other foodstuffs. After all had eaten Governor Douglas addressed the crowd. He was dressed in a coat of blue with gold shoulder pieces and trimmings. He preceded his speech with a salute to the Great White Queen, given with upraised hand. He stressed the desire of the white man to be friends with the tribes. He assured the chiefs that trade in furs with peaceful use of enough land to grow food were the only reasons for establishment of the settlement.

His statement was welcomed by the peace-loving tribes, whose view of white settlement, had it been voiced at all, would have been that there was lots of land and no harm could come from letting the whites have the use of some of it. It must be remembered that First Nations leaders were great bargainers and they would not have had any idea of letting the whites use their land from year to year unless some equivalent trade or gifts be made each year. (As quoted in Allooloo, *et al*)

Toward the end of his long life, it is evident that Chief Latass went to considerable effort to put forward his understanding of the treaties and the treaty relationship. He stressed ideas of friendship, sharing, and mutual respect. He also argued that all payments from the treaties would have been understood by the Indigenous signatories as being owed annually.

<sup>1</sup> Culminated = reached a high point in development

<sup>2</sup> Indian = an archaic term for First Nations Peoples

**ADDITIONAL RESOURCES**

Allooloo, Siku, Michael Asch, Aimée Craft, Rob Hancock, Marc Pinkoski, Neil Vallance, Allyshia West, and Kelsey Wrightson. "Treaty Relations as a Method of Resolving IP and Cultural Heritage Issues." 2 October 2014.

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Vallance, Neil. "Sharing the Land: The Formation of the Vancouver Island (or 'Douglas') Treaties of 1850-1854 in Historical, Legal and Comparative Context." PhD Diss. University of Victoria, 2016.



## Handout: Joseph Trutch

TRUTCH, Sir JOSEPH WILLIAM was an engineer, surveyor, politician, and office holder; b. 18 Jan. 1826 in Ashcott, England, son of William Trutch and Charlotte Hannah Barnes; m. 8 Jan. 1855 Julia Elizabeth Hyde in Oregon City, Oreg.; they had no children; d. 4 March 1904 in Taunton, Somerset, England.

Joseph Trutch was a particular colonial type. An Englishman who lived most of his life in far-flung parts of the empire, he saw the colonies as places of opportunity and advancement but not of permanent commitment. He became an influential figure in colonial British Columbia, part of his legacy being the aboriginal land question that still troubles the province. He amassed great wealth, belonged to Victoria's social élite, was a key politician of the confederation era, and became lieutenant governor in 1871. And yet, for all of his success in the colonies, he eventually returned "home" to England to live out his retirement years. When the Fraser River gold-rush began in the spring of 1858, Trutch was attracted to the new colony of British Columbia. He went to London to discuss his prospects with officials at the Colonial Office. There were no positions available, but he did receive a recommendation from Sir Edward Bulwer-Lytton, the secretary of state for the colonies, to James Douglas, the governor of British Columbia and Vancouver Island.

Trutch arrived in British Columbia in June 1859. While he would play a number of roles in the colony, he began by pursuing his career as an engineer and surveyor. Without a permanent position in the colonial service, he worked on government contracts. He did surveying along the lower Fraser River and was given road construction contracts on the Harrison-Lillooet trail to the Cariboo. In 1862 he was contracted to build the section of the Cariboo Road up the Fraser canyon from Chapmans Bar to Boston Bar. The stretch would include his best-known engineering achievement, the Alexandra suspension bridge. With a 268-foot span, a 90-foot clearance from the river, and a 3-ton load capacity, the bridge was a considerable feat. It was also a source of considerable income for Trutch since under the contract he was allowed to collect tolls on it for seven years. The income has been estimated to have ranged from \$10,000 to \$20,000 a year. Moving about on survey work, Trutch learned where desirable land was to be found and he soon amassed substantial holdings, particularly on Vancouver Island.

Trutch also became involved in colonial politics. He had won a by-election in Victoria District in November 1861 to become a member of the Vancouver Island House of Assembly. Although his first foray into politics ended with the dissolution of the assembly early in 1863, another opportunity came later the same year. Trutch was named chief commissioner of lands and works for British Columbia in April 1864 by Governor Douglas. The appointment was a controversial one. In the local press, opponents of the colonial administration argued, not unreasonably, that Trutch's government contracts and large landholdings meant he would have an obvious conflict of interest. Nevertheless, in a colony where expertise was limited, Trutch's undoubted ability as a surveyor and engineer got him the office. He was now in a position to make major decisions on the allocation of land to settlers and works contracts to developers. As chief commissioner of



Image held by Library and Archives Canada

lands and works he also became, *ex officio*,<sup>1</sup> a member of the Executive Council of British Columbia.

In addition to entering the colonial administration, Trutch had become a prominent figure among the social élite of Victoria. His home, Fairfield House, on the city's outskirts commanded a superb view of Juan de Fuca Strait and became a centre of social life. Trutch smoked fine cigars, kept an excellent wine cellar, and entertained often. An Anglican, he often read the lesson at Christ Church Cathedral on a Sunday morning. Members of the government, from Governor Douglas down, were among his personal friends and it was a close-knit community. The attorney general, Henry Pering Pellew Crease, had been a friend since their school-days together at Mount Radford. Peter O'Reilly, the gold commissioner, married Trutch's sister Caroline Agnes in 1863. In 1870 Trutch's brother John married Zoe Musgrave, the sister of Anthony Musgrave, the last colonial governor of British Columbia. These were the people who ran British Columbia and they ran it in their own interests and those of their class. Anyone who stood in the way of the development of the colony was likely to get short shrift from Joseph Trutch and his kind.

In many ways, Trutch left his most lasting legacy to British Columbia in the area of Indigenous land policy. Just after Trutch became chief commissioner of lands and works, Douglas retired. As governor, Douglas had made that policy himself. Though he had discontinued his early practice of signing treaties with native people to extinguish their title to the land, he had continued to take their wishes into account when laying out reserves, and he insisted that, once established, Indian reserves were to be protected from encroachment. Douglas believed that native people would have some future in the colonies and wanted to provide at least a minimal economic basis for it. Trutch, as the representative of the new settler society, thought that Indigenous Peoples should simply make way for the white population. After Douglas left office, none of his successors as governor had the same interest in native people or policy, and so Trutch stepped in to fill the vacuum of leadership.

There were two major features to Trutch's land policy in the 1860s. First, he confirmed the practice of not recognizing aboriginal title and, second, he made sure that reserves were of minimal size. He believed that native people in British Columbia had no valid claim to the land and therefore it was unnecessary to negotiate agreements or offer compensation, either to extinguish aboriginal title or to reduce existing reserves. Thus the policy of not signing treaties, begun under Douglas, was continued. On the issue of reserve size, however, Trutch instituted a clear change. He took the view that the reserves already laid out were "entirely disproportionate to the numbers or requirements of the Indian Tribes." Even more important, they included good arable and grazing land that ought to be made available to white settlers. He cut back the size of many, beginning with Shuswap reserves in the Kamloops area and continuing the process in the Fraser valley. Native objections were ignored and Trutch deliberately falsified the record of Douglas's dealings in an effort to justify the change in policy. Though few complained at the time, he left British Columbia with a legacy of litigation and a political problem that is unresolved to the present day.

Taking reserve land from First Nations Peoples and giving it to settlers did not, of course, hurt his popularity in his own community. Trutch was growing increasingly prominent in the Legislative Council of British Columbia, of which he had become a member in 1866, and he would play an important role in the major issue facing the settler population of British Columbia by the end of the 1860s. As the gold-rush had fizzled out, a depressed economy created massive financial problems for government that the uniting of the two colonies of Vancouver Island and British Columbia in 1866 had failed to alleviate. There was the need for another political solution to the economic crisis and, with the achievement of the Canadian confederation in 1867, joining the new nation became a possibility. Trutch, and the other British officials, initially opposed any loosening of ties to Britain. They cloaked their fear of losing their lucrative<sup>2</sup> positions in the mantle of

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<sup>1</sup> *Ex officio* = By virtue of position or status

<sup>2</sup> *Lucrative* = financially rewarding

imperial sentiment. Annexation by the United States, another possibility being advocated by a few, was, of course, anathema to Trutch. And yet some change had to be made. British Columbia could not continue as an isolated British colony with a declining economy.

Matters came to a head with the appointment of Musgrave as governor in 1869. He was instructed to engineer British Columbia's entry into confederation. Trutch and Musgrave became friends and, with the marriage of their siblings, relatives. Musgrave also guaranteed the future of Trutch and the other colonial officials with the promise of a position or a pension after British Columbia became a province of Canada. With the threat to his self-interest removed, Trutch became an ardent advocate of union with Canada. He was a forceful speaker when the question was debated in the Legislative Council and was a particularly strong proponent of a railway link. Once the council had voted in favour of joining confederation, Musgrave appointed Trutch, John Sebastian Helmcken, and Robert William Weir Carral to negotiate the proposed terms of union with the federal government in Ottawa.

Trutch was effectively the head of the delegation. Helmcken admitted that he was “head and shoulders above us in intellect—and pertinacity” and so, once in Ottawa, “Trutch was everything and everybody.” He pressed the federal government on building a transportation link to British Columbia and, to his surprise, was offered more than he asked for. The dominion promised to begin constructing a railway within two years and finish it in ten. He was also the author of the unfortunate clause 13 of the terms of union which, in handing responsibility for First Nations and their lands over to Ottawa, stipulated<sup>3</sup> that the federal government would adopt “a policy as liberal as that hitherto pursued by the British Columbia Government.” It was some years before federal officials realized just how illiberal Trutch's Indigenous policy had been. Having concocted a misleading clause on native policy, he had no need to reassure the federal government on that score. Trutch continued to believe that British Columbia's future lay in taking land from native people and making it available to developers such as railway companies.

British Columbia became the sixth province of Canada on 20 July 1871. Joseph Trutch was rewarded by the federal government with appointment as the first lieutenant governor. He was responsible for setting up federal institutions in British Columbia, and he was Ottawa's minister of patronage<sup>4</sup> in the province. He continued to have an influence on First Nations land policy. As lieutenant governor he was also the agent of the imperial government and was a strong advocate of the British case against the United States in the San Juan Island and Alaska boundary disputes. And yet he was becoming bored with his position, which no longer demanded all his energy. Some more challenging business enterprise would have been more to his liking. His enthusiasm was piqued by Prime Minister Sir John A. Macdonald's plans to establish the Canada Pacific Railway Company and he assisted by raising some of the preliminary capital in British Columbia. But the scheme went up in smoke with the Pacific Scandal of 1873. When Macdonald and the Conservatives were replaced by the Liberals under Alexander Mackenzie, the railway was on hold and Trutch had lost his influential contacts in Ottawa.

Joseph Trutch died on 4 March 1904 in Somerset, the same English county in which he had been born 68 years earlier.

Reproduced, with some updates, from Fisher, Robin. “Trutch, Sir Joseph William.” *Dictionary of Canadian Biography*. [http://www.biographi.ca/en/bio/trutch\\_joseph\\_william\\_13E.html](http://www.biographi.ca/en/bio/trutch_joseph_william_13E.html).

<sup>3</sup> Stipulated = demanded as part of the agreement

<sup>4</sup> Patronage = office controlling appointments to office or the right to privileges



## Handout: Reef Nets

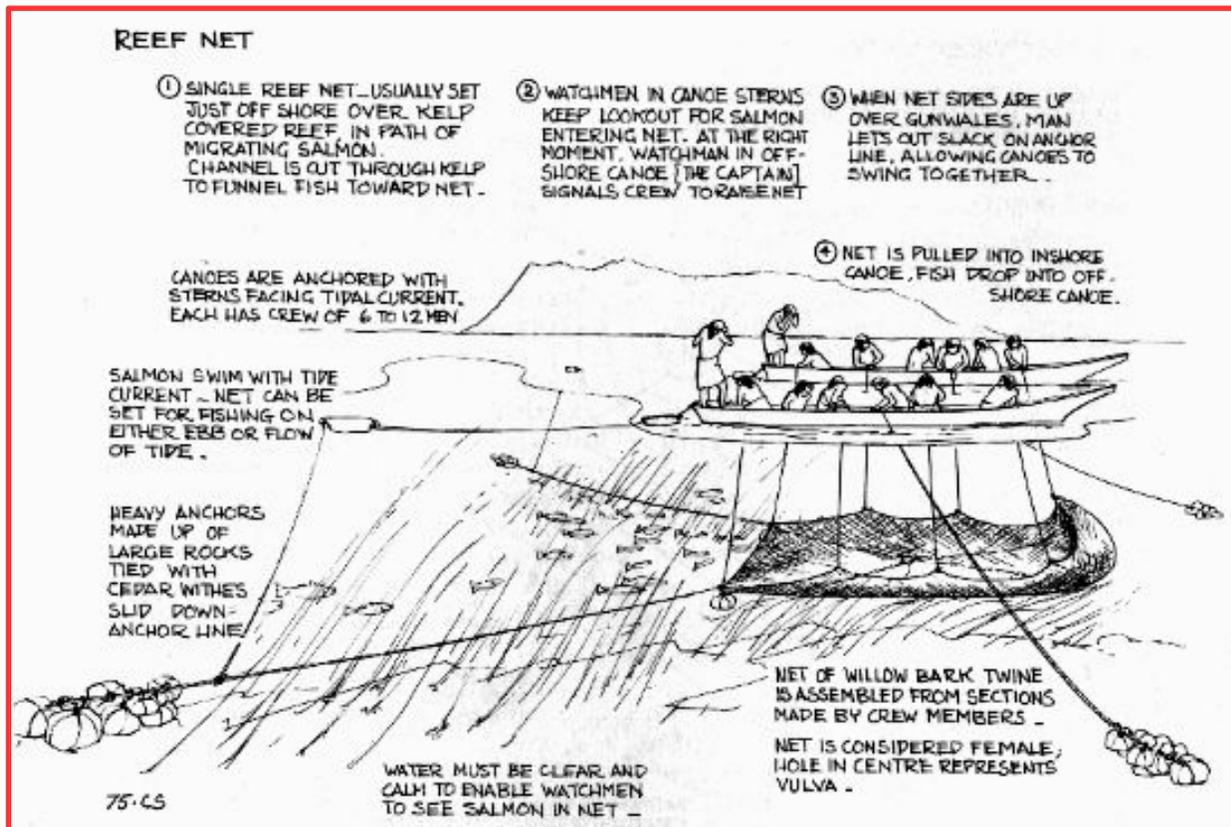


Diagram of reef netting by Hillary Stewart

The “Reef Net” (S~~X~~OLE) is a traditional fishing practice of the Saanich, or WSÁNEĆ, peoples. The practice was central to their livelihood and social and political organization. In the Douglas Treaties, it was agreed that the WSÁNEĆ would be permitted “to carry on our fisheries as formerly.” Today, WSÁNEĆ people understand that to mean that it was agreed they could continue reef fishing, as that was their primary mode of fishing when the treaty was signed. For them, this means much more than simply fishing. Reef net fishing was fundamental to the WSÁNEĆ way of life and to their identity as a people. In WSÁNEĆ teachings, the reef net technique was a gift from the Salmon People, given in exchange for a WSÁNEĆ princess. Many WSÁNEĆ people today continue to say that reef net fishing not only provided sustenance, but also had within it a WSÁNEĆ model of governance. When the treaty protects the right to fish as they had before, then, this included the right to engage in all of the activities, including governance activities, that the WSÁNEĆ would have associated with reef net fishing. For example, as Earl Claxton Sr. and John Elliot Sr. write, “a SWÁLET or fishing location of the reef net was not owned. Rather, the families belonged to the location. The location of such a fishery within Saanich territory was a birthright of the Saanich people. SWÁLET was passed down in a traditional way

along with the ancient family names. All close relatives belonged to the SWÁLET.” (Claxton and Elliot 1994).

#### **ADDITIONAL RESOURCES**

Claxton, Earl, and John Elliott. *Reef Net Technology of the Saltwater People*. Saanich Indian School Board, 1994. This publication provides diagrams and information on the reef net technology, as well as original Sencoten place names.

An informative video can be found at: “To Fish as Formerly: WSÁNEĆ Nation Brings Reef Net Fishing Back after 100 Years.” <https://youtu.be/vTQk1IR9ibc>.

# THE CONFEDERATION DEBATES

## EDUCATION TEAM



**Jennifer Thiverge** led *The Confederation Debates* education committee. She is a PhD candidate in History at the University of Ottawa and has a Masters of Education and a Bachelor of Education in Voice, Drama, and History. Her research interests are interdisciplinary, ranging from using drama to teach about World War One, Dark Heritage and Collective Memory in the Museums, to how gender plays a role in the History of Computer Science. As an active historian and educator, Jennifer has extensive experience in both fields.



**Daniel Heidt**, PhD is *The Confederation Debates* project manager. His doctoral research on Canadian politics and Ontario federalism during the nineteenth century demonstrated that asymmetrical political influence does not necessary destabilize national unity. He also has a strong background in digital humanities and co-owns Waterloo Innovations, a company dedicated to working with researchers to improve digital workflows.



**Bobby Cole** is an MA student in Canadian and Indigenous Commemorative History at the University of Ottawa. His research focuses on the Historic Sites and Monuments Board of Canada's representation of Indigenous history in the 30 years following the Second World War.



**Robert Hamilton** is a PhD student at the University of Victoria Faculty of Law. His research focuses on Aboriginal law in Canada, with a specific focus on Aboriginal and Treaty rights in Canada's Maritime Provinces. Robert holds a B.A. (Hons) in Philosophy from St. Thomas University, a J.D. from University of New Brunswick Law School, and an LL.M. from Osgoode Hall Law School. He has published in the area of Aboriginal land rights in the Maritime Provinces and has presented his research at numerous academic conferences.



**Elisa Sance** is a PhD student in Canadian-American history at the University of Maine. Her doctoral research focuses on language, citizenship and identity in teacher training in Maine and New Brunswick during the twentieth century. As part of her training, Sance studied the teaching of modern languages, the teaching of children with learning and behavior problems in the regular classroom, and feminist pedagogy. She regularly attends professional development events on related topics and participates in outreach programs benefitting high schools and middle schools in Maine.

In addition to this team, Adam Blacklock, Andreea Deac, Varun Joshi and Kira Smith composed biography briefs for several of the historical figures included in this package.

In addition to the quotes identified by volunteer transcribers, Tom Yu canvassed the records for many of the quotes found in the primary document handouts. Beth Graham kindly reviewed the entire lesson plan for typos and various inconsistencies.

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