

**RECONSIDERING CONFEDERATION: Canada's Founding Debates, 1864-1999**  
Edited by Daniel Heidt

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## The Maritimes and the Debate Over Confederation

PHILLIP BUCKNER

On 1 September 1864 fifteen delegates from Nova Scotia, New Brunswick, and Prince Edward Island met in Charlottetown, ostensibly for the purpose of discussing a proposal for Maritime Union. In reality, the delegates were aware that their chances of working out a scheme of Maritime Union acceptable to the three Maritime legislatures were negligible. Quite probably they would not have met at all, if a delegation from the Province of Canada had not asked to attend the meeting in order to present a proposal for a larger union of British North America. Within just over a week the delegates at Charlottetown agreed to the general outline for the creation of a continental union that would ultimately stretch from the Atlantic to the Pacific. In October nineteen delegates from the Maritimes met in Quebec City with delegates from the Province of Canada and Newfoundland and hammered out seventy-two resolutions designed to provide a framework for the constitution of the union. The Maritime delegates then returned to their respective provinces to attempt to get legislative approval for the Quebec Resolutions (or the Quebec Scheme, as it was called by its opponents).

## *The Negotiations*

In recent historiography it has become an article of faith that the Maritimes were persuaded to enter a union that they neither needed nor wanted, a union that was essentially designed to favour the interests of the Province of Canada. It is certainly true that the levels of trade between the Maritimes and Canada in the early 1860s were low. It is also true that many Maritimers could see few benefits from increased economic activity between two regions that had very similar economies, based primarily upon agriculture and the extraction of raw materials for export markets in Britain and the United States. Moreover, during the early 1860s the Maritimes were experiencing comparatively rapid economic growth, generated by the Reciprocity Treaty of 1854 with the United States and the increased demand for raw materials created by the American Civil War. There were, however, fears that the end of the War would also mean an end to the prosperity of the region, especially if the United States abrogated the Reciprocity Treaty.

There were other signs of a bumpy economic future. The population of the Maritimes continued to grow during the 1860s, reaching a total of 768,000 in 1871. But this growth disguised an important underlying reality that some Maritimers recognized. Population growth in the 1860s was generated largely by natural increase as the number of immigrants to the region began to decline and a growing number of the native-born emigrated, mainly to the United States. This was a sign that the limits for the expansion in the Maritimes of a traditional economy based upon the production of raw materials and the wooden ships built and operated by local merchants would soon be reached. Some members of the economic and political elites (and there was considerable overlap between the two) had already begun to see the economic future of the region in terms of the development of railways to the south to Maine and to the west to Canada. These railway links, the railway enthusiasts hoped, would increase the potential for trade and lead to the development of secondary manufacturing industry. Yet the building of long-distance railways involved more capital investment than any of the Maritime colonies could raise on their own. The attempt to build a railroad (usually described as the Western Extension) linking Saint John, the largest city in the Maritimes, with Bangor, Maine, floundered because of the failure of New Brunswick to

find a partner in Maine willing to undertake any construction. The construction of an intercolonial railway linking the Maritimes with Canada also floundered because of the failure to reach an agreement with the Canadian and British governments over how the railway should be financed. Increasingly, it seemed obvious that the Intercolonial would never be built unless the British North American colonies united and made a firm commitment to the project.

The enthusiasm for railways was not universal. It was strongest in the larger urban centres that were likely to be on the route of the Intercolonial or could easily be connected by feeder lines, and in the areas that had substantial coal reserves and deposits of iron and therefore the greatest industrial potential. There was much less enthusiasm for vastly expanded expenditures on railways in communities that relied on agriculture, the fisheries, and the traditional seaborne trades and that preferred to keep taxes and tariffs as low as possible, and it was in these areas where Confederation had the least appeal. Without doubt for the Maritimes the decision to join what was designed to become a continental union involved a far greater risk than it did for the Canadas. The Maritime delegates at Quebec hoped that the economic advantages of the central provinces could be partly offset by the building at federal expense of the Intercolonial railway, but many Maritime merchants and bankers feared that the railway would lead to increased Canadian domination of their regional economy and many farmers, fishers, and shipowners feared that it would lead to increased taxation.

Confederation was, however, about a great deal more than trade. The English-speaking population in both the Maritimes and the Province of Canada may have been separated (as the opponents of Confederation pointed out) by a vast expanse of wilderness, but they still had a great deal in common. They had a sense of a shared ancestry and a deep commitment to the British Empire, to the British monarchy, to the British constitution, and to British liberal values. It was this shared cultural identity that enabled the delegates from Canada and the Maritimes at the Charlottetown Conference to accept the need for a confederation of the British North American Colonies and to agree at Quebec City upon a detailed plan of union. The timing of the conferences was critical. In 1862 the removal of two Confederate envoys to London from a British ship, the *Trent*, by the American navy, had brought America and Britain perilously close to war

and aroused fears across all of British North America. As the American Civil War gradually drew to a close and the victory of the North became inevitable, it was increasingly clear that the balance of power on the North American continent had permanently shifted and that the political and economic viability of the British colonies on the northern half of the North American continent was threatened. The belief that British Americans had to choose between continued membership of the British Empire or gradual absorption into an expanding American Empire was the strongest force driving the movement for Confederation.<sup>1</sup> Initially the anti-Confederates played down these fears, insisting that the end of the war would mean an end to tensions along the American-Canadian border. But the decision of the American government in 1865 to abrogate the Reciprocity Treaty, a decision made on political, not on economic, grounds, seemed a clear sign of American hostility to the long-term survival of British North America. These fears were intensified by the raids on British North American soil from across the American border by the Fenians, an Irish nationalist movement with substantial support among Irish Americans and even some, very limited support, among Irish Canadians. The Fenian Raids have traditionally been viewed as something of a joke rather than a serious threat, a threat the pro-Confederates exaggerated in order to arouse anti-American and anti-Catholic sentiment and gain support for Confederation. There is some truth in this argument, but it greatly underestimates how seriously the Fenian threat was viewed throughout British North America and how worried British Americans were that the raids might provoke an incident that could lead to another Anglo-American War.

Recent scholarship on Anglo-American relations emphasizes that the aftermath of the American Civil War would lead to a growing rapprochement between the United States and Great Britain, culminating in the Treaty of Washington in 1871. But this is an interpretation based largely upon hindsight, for contemporaries both in Britain and British North America took the threat of American expansionism seriously. Even the Treaty of Washington did not bring an end to tensions in the Anglo-American relationship. It is also a myth that the Imperial Government was looking for a way to abandon its commitment to defend its North American colonies. If a war should take place (and the Imperial Government certainly hoped it could be avoided through diplomacy), the British were confident that they

could rely on the Royal Navy to win it. But the Imperial Government was seeking to devolve more of the expense of defending its North American colonies on the British Americans themselves. The belief that the British North American colonies would be better able to protect their borders and survive American continental dominance if they were united was the primary reason why the Imperial Government strongly supported Confederation. Without Imperial support Confederation could not have taken place in the 1860s, but the extent of Imperial influence should not be exaggerated (as it has been in much of the recent literature).<sup>2</sup> British Americans could not have been coerced into Confederation. If a majority, or in the case of Nova Scotia at least a majority in the existing Assembly, had not been convinced that it was in the long-term interests of the British North American colonies to unite against the American threat in order to preserve their connection with the British Empire, Confederation could never have taken place. If anything showed that clearly, it was Prince Edward Island's refusal to join Confederation until it was ready to do so on its own terms, despite the Imperial Government bringing to bear all the pressure it could.

Some anti-Confederates in the Maritimes argued that the colonists would be better off if they abandoned the imperial tie and were annexed to the United States rather than to Canada. But this was the view of a small minority. Some anti-Confederates actually argued the opposite case, that the danger in the creation of a new national state was that it would weaken the loyalty of the colonists to the Empire and lead to independence (which it would eventually, but not in the lifetime of anyone living in 1864). But the majority, even of the anti-Confederates, in the Maritimes accepted that British American union was both necessary and desirable in the long run to preserve the imperial tie. Some of them objected to the timing of Confederation, arguing that union was premature and should not take place until the Intercolonial was built and closer links were forged between Canada and the Maritimes. But the primary objection of many, if not most, Maritimers (certainly of the Maritime political elites) was to the terms upon which union was to take place. Their objection was not to a union, but a union on the basis of the Quebec Resolutions.

With the hindsight of 150 years, it is easy to accept the argument made by the anti-Confederates that the Maritime delegates to the Quebec Conference had made a bad deal which led to the Maritimes entering

an unequal union in which the interests of the region were inadequately protected. Again, there is an element of truth in this argument. Clearly the much larger colony of Canada was bound to have a disproportionate influence in the negotiations leading to union and in the politics of the nation that was being created—a nation that symbolically would be called Canada. Yet, as the leading pro-Confederates from the region recognized, the Maritimes were negotiating from a position of increasing weakness. The Imperial Government clearly intended to devolve more of the responsibility for defending and for governing its North American territories on the colonists. Without a union this would mean placing effective control in the hands of the largest and most powerful colony, the Province of Canada. In negotiations over the renewal of reciprocity with the United States, the regulation of the fisheries, the settlement of Western Canada, and many other important issues with serious consequences for the Maritimes, the Imperial Government was almost certain to follow Canadian advice and pay limited attention to the concerns of the Maritimes. The pro-Confederate leadership also believed that unless the Intercolonial was built and the Maritimes were able to become a part of a rapidly expanding Canadian economy, the region would fall behind and languish. If Canada survived and if it did gain control over the vast imperial territories in the West (and it was in the long-term interests of the Maritimes that both of these things should happen), the Maritimes might be at an even greater disadvantage if it sought to enter Confederation at a later date. The Maritime delegates at Quebec were also aware of the fragility of the Canadian coalition and that there were limits to the compromises the Canadians could accept over the terms of union.

Nonetheless, the delegates from the Maritimes at Quebec did seek to ensure that the interests of the region would be protected as best they could within the new federal structures. The measure that was hardest for the anti-Confederates to accept was the decision to establish representation by population as the basis of representation in the proposed House of Commons, thus ensuring that the Canadians would inevitably form a substantial majority in the new House of Commons, a majority likely to grow even larger over time. But it was clear from the beginning that no other system would be acceptable to the Upper Canadians and the anti-Confederates failed to come up with an alternative that was not patently self-serving and unrealistic. In any event the belief of the

anti-Confederates that the Canadians would form a united bloc in the new House of Commons was rather ridiculous in light of the political history of the United Province of Canada and the obvious divisions between the English-speaking majority and the French-speaking minority. Indeed, George Brown, the political leader of the majority party in Canada West, tried to persuade the Maritime Liberals to support Confederation in order to create a majority in the Canadian House of Commons which would put an end to French-Canadian domination of the united Province. That alliance did not take place, but astute Maritime politicians like Samuel Leonard Tilley and Charles Tupper were right in the assumption that the Maritime contingent to Ottawa would have the ability to play a major role in federal politics, at least during their lifetimes (and Tupper did not die until 1915 at the age of 94).

To offset the principle of representation by population in the House of Commons, the Maritime delegates at the Quebec Conference had insisted on the creation of an appointed second chamber or Senate based upon the principle of regional representation. Unlike the American Senate, however, the Canadian Senate was to be a body appointed for life and appointed by the new federal government, not the provincial governments. Much of the week-long debate over the structure of the Senate at the Quebec Conference focused not on the method of appointment, but on the issue of how many senators would be given to the region.<sup>3</sup> In the end it was agreed that New Brunswick and Nova Scotia would have ten senators each, Prince Edward Island and Newfoundland four each. This meant that the Atlantic Provinces collectively would have twenty-eight senators, four more than the twenty-four each given to Ontario and Quebec. For the Maritime anti-Confederates this did not seem a sufficient number to prevent the senators from the Maritimes being overwhelmed by those from Ontario and Quebec. Ironically, in the long run the Senate would prove ineffective at protecting Maritime regional interests, not because there were too few senators from the region, but primarily because an appointed house had no credibility in an increasingly democratic society. With hindsight perhaps this should have been obvious to the Maritime delegates at Quebec. But they were used to functioning in political systems that were at best quasi-democratic, where the appointed legislative councils still played an active part in politics. Moreover, regardless of how senators were appointed, the centralization of power in the hands of the party controlling the

House of Commons was virtually inevitable under the system of responsible government, a system preferred by both the pro-Confederates and the anti-Confederates to the American republican system of government.

Most of the anti-Confederates were also critical of the highly centralized federal system that was to be created by the Quebec Resolutions. The intention to transfer the major powers of the colonial assemblies to Ottawa was made clear not only by the division of powers and the decision to give the residual authority to the new federal government (a decision later overturned by the Judicial Committee of the Privy Council), but also by the financial arrangements agreed upon at Quebec. The provinces would be left with responsibility for education, for property and civil rights, and for the building of local public works, but with very limited financial resources since control over the most important source of public revenue, import tariffs, was to be surrendered to the federal government. In return for this surrender the provinces were to receive a rather meagre annual subsidy, which, except in the case of the province of Ontario, was, as the anti-Confederates predicted, unlikely to meet provincial needs and in time would force the smaller provinces to impose an income tax to fill the gap between their income and expenditures.

For some anti-Confederates even this constitution was not highly centralized enough and they advocated a legislative union. But this was undoubtedly a minority view. During the nineteenth century all three Maritime provinces had evolved distinct corporate identities. A strong sense of local patriotism—a commitment to their “country”—was not incompatible with other loyalties, certainly not with a commitment to membership in the British Empire, a commitment shared by the vast majority of Maritimers. But some of the anti-Confederates argued that their provincial identity was incompatible with loyalty to the new nation that was being created by Confederation. This was undoubtedly a minority view among the anti-Confederates. The majority of the anti-Confederates objected not to the union, but to the fact that power was being centralized in a far-away government that would be dominated by the Canadians. They also worried that their provincial assemblies would be denuded of any real power and that their provincial identities would gradually erode. It was this fear—a fear of the political as well as the economic domination of Canada—that the Maritime delegates at Quebec had to confront when they returned home to their legislatures, for the Imperial Government had

made clear that only with the consent of the colonial legislatures could Confederation take place.

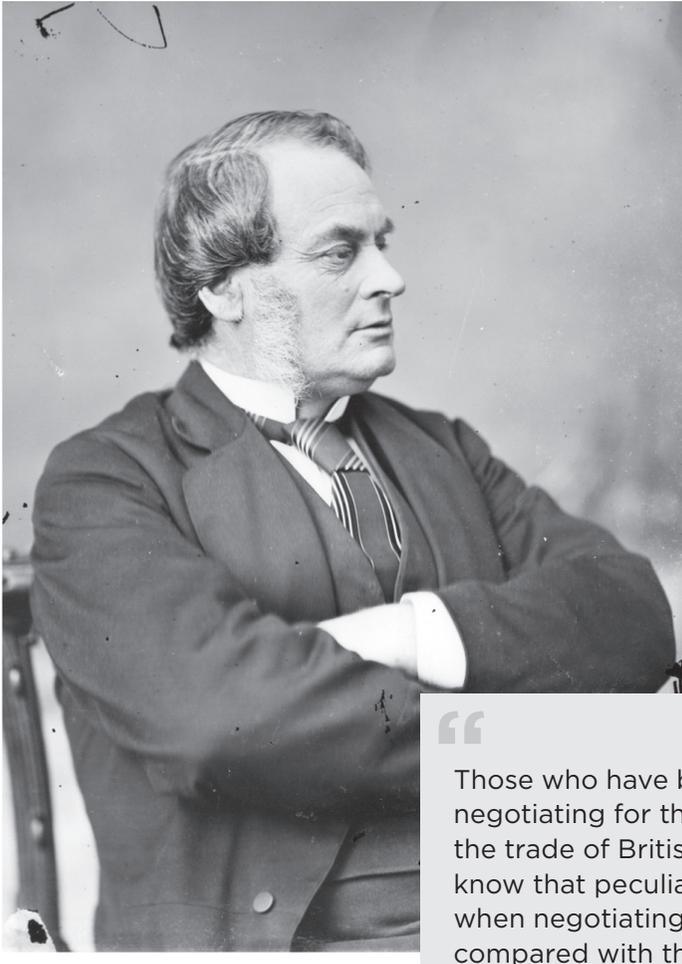
### *Debating Confederation in New Brunswick*

The delegates from New Brunswick at the Quebec Conference had returned relatively confident that the majority of New Brunswickers would support the Quebec Resolutions. New Brunswick, after all, had a long border with the United States, a deeply-rooted suspicion of the American government, and a strong commitment to membership in the British Empire. Indeed, its provincial identity was constructed around its Loyalist heritage and rooted in historical memories of the War of 1812 and the so-called Aroostook War over the boundary with Maine in the 1830s. The Reciprocity Treaty of 1854 had greatly benefitted the province and temporarily weakened anti-Americanism, but fears of American aggression were easily aroused during the American Civil War, particularly since many New Brunswickers harboured pro-southern sympathies. One of the New Brunswick delegates to the Quebec Conference, John Hamilton Gray (not to be confused with the Prince Edward Island delegate with the same name), had lost a brother who had died fighting for the Confederacy.<sup>4</sup> New Brunswick was also bound to benefit from the building of the Intercolonial railway, though which communities would benefit depended on whether the railway took the southern route through the most heavily populated parts of the province, or the northern route which would be more defensible in case of another Anglo-American war. Neither New Brunswick's timber trade nor its flourishing shipbuilding industry were likely to be harmed by union with Canada and its largest city, Saint John, had already begun to industrialize, helped by a tariff on imports that was nearly as high as the Canadian tariff.

The New Brunswick pro-Confederates were led by Samuel Leonard Tilley, a druggist with extensive property holdings in Saint John. Since 1857 Tilley had been provincial secretary and, since March 1861, the head of the provincial government. Tilley was responsible for a controversial programme of building railways at state expense and for a provincial tariff that included a degree of incidental protection to encourage industrial development in the province, particularly in his hometown of Saint John. He was deeply convinced of the economic importance of the Intercolonial and

**Samuel Leonard Tilley**  
*Premier, Reform Leader, NB*

28 JUNE 1866



**CONFEDERATION QUOTE 5.1**

Quotation from New Brunswick,  
Legislative Assembly, 28 June 1866

Photograph by Topley Studio, from Library  
and Archives Canada, PA-026347

“

Those who have been engaged in negotiating for the extension of the trade of British North America, know that peculiar difficulties exist when negotiating out of Union, compared with the facilities which would exist in negotiating when united.

”

of the need for Confederation to preserve the imperial connection. Unlike the majority of the leading pro-Confederates in the Maritimes, Tilley was nominally a Liberal and he had expressed some reservations about the highly centralized constitution created at the Quebec Conference, but in the end he was content with some slight modifications in the division of powers in favour of the provinces.<sup>5</sup>

Party loyalties had always been fluid in New Brunswick and the delegation Tilley selected to go to Quebec, although theoretically bipartisan, was composed mainly of men who had supported his government and who were united in their support for Confederation. The only New Brunswick delegate to express any serious concerns about the Quebec Resolutions was Edward Barron Chandler, a lawyer of Loyalist descent and a former premier of the province, who felt that the proposed constitution would be too highly centralized. Chandler, however, was strongly in favour of Confederation, even on the basis of the Quebec Resolutions, and he led the fight for union in the New Brunswick Legislative Council, alongside two other delegates to the Quebec Conference, William Henry Steeves, a lumber merchant from Saint John, and Peter Mitchell, another lumber merchant (and lawyer and shipbuilder) from Newcastle, who was a strong proponent of the Intercolonial railway. Throughout the battle ahead, the Legislative Council never deviated in its support for Confederation. In the Assembly Tilley's Liberal government was effectively transformed into a unionist coalition with the delegates from the Quebec Conference at its centre. Those delegates included Liberals like Charles Fisher, a Fredericton lawyer and former head of the government whom Tilley had forced from office in 1861, and the English-born John Mercer Johnson, a lawyer from Chatham. But it also included Conservatives like John Hamilton Gray, a Saint John lawyer and former leader of the Conservative party (who had supported Tilley since 1861). So strong was Tilley's hold over his government that only one member resigned, George Luther Hatheway, a merchant and lumberman in Fredericton, the provincial capital whose status would be much diminished by Confederation. Hatheway was so appalled by the terms of union agreed at Quebec that he became one of the leaders of the anti-Confederate movement.<sup>6</sup>

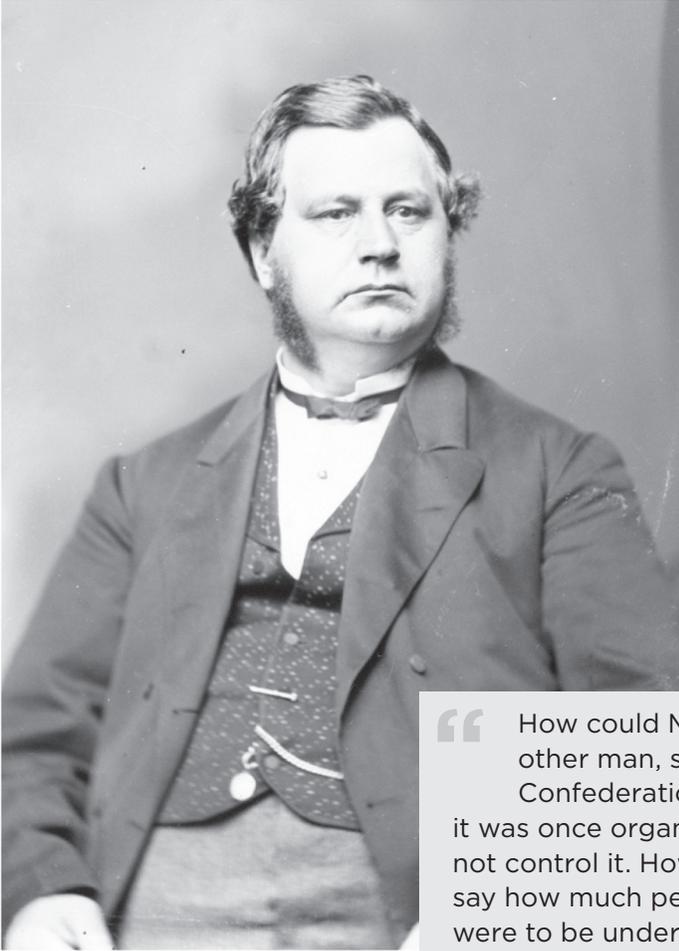
Tilley accepted that the issue of Confederation should be put to the people in an election, but he wished to delay it until the pro-Confederates had the time to sell the deal that had been agreed upon at Quebec. He

was, however, pushed by an overconfident Lieutenant-Governor Arthur Hamilton Gordon into calling an election on 30 January 1865.<sup>7</sup> The result of the election in March 1865 was a disaster for the Tilley Government. All four of the delegates to Quebec in the Assembly, Tilley, Gray, Johnson, and Fisher, were defeated and so were all but six of Tilley's supporters. This left a dearth of leadership for the pro-Confederate cause in the Assembly, which was now composed of about twenty-six anti-Confederates, four independents, and perhaps eleven unionists. The victory of the anti-Confederates was so widespread that it cannot be explained in terms of any single factor. Tilley's railway and taxation policies were already unpopular in parts of the province and he procrastinated over the route of the Intercolonial, thus alienating both those who supported the northern route and those who supported the southern, and raising suspicions that the Intercolonial might never be built at all. Indeed, one of Tilley's most outspoken critics was another of his former Liberal allies, John W. Cudlip, a Saint John businessman who had split with Tilley over the building of the Intercolonial and become a committed supporter of the Western Extension. Cudlip won more votes in Saint John in the 1865 election than were won by any other candidate in the province, although Tilley himself was defeated by only 113 votes.<sup>8</sup> The anti-Confederates did particularly well in Saint John and in the counties along the American border, arguing that the province should concentrate on building the Western Extension to Maine and maintaining close economic links with the United States rather than take the risk of Canadian domination of the New Brunswick economy. The only region of the province where the pro-Confederates won a majority was in the north shore counties, which had fewer economic links with the United States, which relied on mining and the timber trade, and which were more easily persuaded of the advantages offered by the Intercolonial railway. In Restigouche County John McMillan, one of the most important timber merchants in the region and the former surveyor-general, was the only member of Tilley's administration to be re-elected. Restigouche County returned another merchant, Abner Reid McClelan, who had supported Tilley's Liberal Government, as did Carleton County where the timber merchant Charles Connell won by acclamation. McMillan, McClelan, and Connell became by default leaders of the pro-Confederate movement in the Assembly, a task for which none of them was particularly well suited.<sup>9</sup>

In the election the pro-Confederates did particularly badly in areas

**Albert J. Smith**  
*Anti-Confederate Leader, NB*

1 JUNE 1865



CONFEDERATION QUOTE 5.2  
Quotation from New Brunswick,  
Legislative Assembly, 1 June 1865  
Photograph by Topley Studio, from Library  
and Archives Canada, PA-025258

“ How could Mr. Tilley, or any other man, say what this Confederation would do? After it was once organized they could not control it. How then could they say how much per head our taxes were to be under Confederation? These delegates might be there, and they might not. Men die and pass away, but the Constitution would live after them, and Mr. Tilley or anybody else could not say what they would do, and what they would not do, after the Constitution was once adopted. ”

with substantial Catholic minorities. Many Irish Catholics were not enthusiastic about entering a union which might be dominated by the large Protestant majority in Ontario led by George Brown, while the Acadians, who formed just over 10 percent of the population and who had only the weakest of ties with their French-Canadian neighbours, feared that their interests would be sidelined in a federal parliament in which they would at best have one representative. Bishop John Sweeny of Saint John supported the anti-Confederates, as did the two leading Irish Catholic politicians in the province, the conservative John Costigan from Victoria County and the more radical Timothy Warren Anglin from Saint John.<sup>10</sup> Editor of the *Saint John Weekly Freeman*, the most influential Catholic newspaper in the province, Anglin was a controversial figure. He was accused by his opponents of being motivated by his hatred of Britain. In fact, although Anglin never accepted the British domination of Ireland, he had no desire to see British North America incorporated into the United States. He believed that a political union of the British North American colonies was probably desirable at some point in the future, but that it was premature and would bring few immediate military or economic advantages in 1864. He was also extremely critical of the centralist implications of the Quebec Resolutions.

These were also the views of Albert J. Smith, a lawyer from Westmorland County, a county with a substantial Acadian minority. Smith was another Liberal who had once been one of Tilley's colleagues, but he had resigned from the cabinet in 1862 because he was opposed to public financial support for railways. Smith saw Confederation as a scheme dreamed up by the Canadians to solve their internal problems. He was convinced that New Brunswick would be wiser to continue reciprocity with the United States than to enter into an unequal union with Canada, and he was a strong supporter of the Western Extension.<sup>11</sup> The anti-Confederates had no clear leader and no party structure, but Smith agreed to form a coalition government with a Conservative anti-Confederate, Robert Duncan Wilmot, a wealthy Saint John merchant, shipbuilder, and railway promoter.<sup>12</sup> It was an unequal partnership and Smith quickly became the dominant figure in the anti-Confederate government. From the outset it was clear that the anti-Confederates in the Assembly differed greatly over the policies that the Smith-Wilmot Government should pursue. On the critical question of railways some anti-Confederates wished the Government to focus on

building the Western Extension, some still hoped for the building of the Intercolonial, some wanted both railways, and some were opposed to any further public expenditure on railways. In fact, although work was begun on the Western Extension, little progress was made because of the failure to raise sufficient capital. On other issues, like the regulations governing the militia and the amount to be spent on colonial defence, there was also little agreement among those elected as anti-Confederates, though the government was able to push through a bill substantially increasing the budget for provincial defence. Even on the issue of Confederation the anti-Confederates were not united. Some—including Anglin, Hatheway, and Arthur Hill Gillmor,<sup>13</sup> a prominent lumber merchant and farmer from Charlotte County—were opposed to the whole idea of union, at least for the moment, if not for all time. Others were prepared to consider a revised scheme for Confederation but disagreed over the nature of that scheme. Some—like Wilmot—favoured a legislative union; others—like Smith—wanted increased status for the provinces. The anti-Confederate government's majority in the 1865 session of the Assembly fluctuated widely, but it did carry by twenty-seven to ten a resolution to send a delegation to London to make clear that New Brunswick was opposed to Confederation for the foreseeable future.

Smith went to London to meet the Colonial Secretary but came back aware that the Imperial Government was committed to Confederation on the basis of the Quebec Resolutions and that the battle for Confederation was not over. Smith also found that the tide of public opinion was changing. Little progress had been made on the Western Extension and in the spring of 1865 the American Government announced its decision to abrogate the Reciprocity Treaty. Smith's cabinet was torn apart by dissension. In September Wilmot met with delegates from the Province of Canada in Quebec City to discuss how to respond to the abrogation of the Reciprocity Treaty. He returned convinced that legislative union was impracticable given the hostility of the French Canadians and convinced that Confederation was now necessary. In November Anglin resigned because the contract for the Western Extension was awarded to a private company. That same month Charles Fisher won a by-election in York County by a substantial majority and became the leader of the pro-Confederates in the Assembly.

In February 1866 Smith went to Washington to try to renegotiate

reciprocity, but he returned empty-handed and began to hint that he had never been opposed to the concept of British North American Union, only to the greatly reduced status of the provinces under the Quebec Scheme and above all, to the principle of representation by population. His seeming conversion to some form of Confederation further alienated Anglin and antagonized committed anti-Confederates like Hatheway and Cudlip. The die-hard anti-Confederates in the Assembly continued (reluctantly in some cases) to support the government after the Assembly reconvened in March 1866, but a number of independents and even a few of those clearly elected to oppose Confederation withdrew their support. During the winter of 1865–66 New Brunswick also became increasingly concerned by the activities of the Fenians, particularly when a small force briefly camped out on Indian Island until driven off by the New Brunswick militia and a handful of British regulars. The committed anti-Confederates had always claimed that there was no real threat from the United States, but this argument seemed increasingly hollow as the Fenian threat continued along the Upper Canadian frontier.

On April 7 the Legislative Council, which was dominated by pro-Confederates, moved a resolution in favour of Confederation. When Lieutenant-Governor Gordon approved the resolution, against the advice of his ministers, the anti-Confederate government resigned as a body and Gordon asked Peter Mitchell, leader of the pro-Confederates in the Legislative Council, to form a government. Wilmot defected to the new government and Tilley became the attorney general, although he could not take his true place as the head of the government until re-elected to the Assembly. Gordon had in effect dismissed his ministry. The constitutionality of that act was dubious at best. Indeed, the twenty-two members of the Assembly who still supported Smith petitioned the Imperial Government for Gordon's recall. Gordon responded by dissolving the Assembly and calling an election.

Gordon's conduct became a source of controversy during the election, but it seems unlikely that it had much influence on its outcome. Neither, for that matter, did the sums of money given by the Canadians to support Tilley's campaign. The reality was that the pro-American and isolationist policies that had been at the centre of the anti-Confederation campaign in the previous election lay in shatters. The strong support given to Confederation by the Imperial Government undoubtedly played a part in

undermining the support for the anti-Confederates, partly by allowing the pro-Confederates to call into question the loyalty of their opponents. Some anti-Confederates did not forgive the Imperial Government's intervention. But if anyone was responsible for the collapse of the anti-Confederation movement, it was the Government of the United States. Its refusal to renegotiate the reciprocity treaty undermined the viability of the Western Extension and an economic future for New Brunswick outside Confederation. The Fenian raid into New Brunswick, although easily put down, and the slowness with which the American Government moved against the Fenians reinforced fears of American hostility and the need for collective action on the part of British Americans to maintain the imperial connection.

Undoubtedly the Fenian raid was used as an excuse for an attack on the loyalty of the Irish Catholic minority in New Brunswick, particularly by the Protestant religious press. But it is easy to place too much stress on the importance of religious bigotry in the campaign.<sup>14</sup> Anti-Catholic sentiment had been a staple of politics in New Brunswick for decades. Perhaps more important for the pro-Confederates was the desire of many Irish Catholics to distance themselves from the Fenians, who had little support in New Brunswick's Irish communities. Bishop John Sweeny of Saint John, although still privately opposed to Confederation, stayed quiet during the election of 1866, while Bishop James Rogers of Chatham abandoned his previous neutrality and openly defended Confederation.<sup>15</sup> The Irish Catholic vote had never been monolithic and it now swung decisively into the Confederation camp, unseating both Anglin and Costigan. Only the Acadian vote held steady, enabling six anti-Confederates to be elected in Westmorland, Kent, and Gloucester Counties, including Smith and Amand Landry, the spokesperson for the Acadians in the Assembly.<sup>16</sup> Elsewhere the result was largely a disaster for the anti-Confederates, with the pro-Confederates carrying thirty-three of the forty-one seats, mainly with very high majorities. During a short legislative session in June and July 1866 Smith brought forward a series of motions, calling for a public referendum on Confederation and equal provincial representation in the Senate, but they were easily defeated by the Tilley Government, which pushed through the necessary resolutions to send a delegation to London to negotiate the final terms of union. In the election of 1866 Tilley had hinted that there might be some changes in the Quebec Resolutions, but he did

not seek any substantial changes at the London Conference in December 1866 where the 72 Resolutions were transformed into the British North America Act, which was hurriedly passed through the British Parliament. Most of the leading anti-Confederates had always claimed that they were not against British North America union in principle and they abandoned their opposition to Confederation once it was enacted by imperial legislation. Smith, Anglin, and Costigan were all elected to the Canadian House of Commons in 1867. Smith eventually became the minister of marine and fisheries and Costigan the minister of inland revenue, while Anglin ended his political career as speaker of the House of Commons. Only John Cudlip remained defiant to the end. Although defeated in the 1866 election, he was re-elected to the New Brunswick legislature in 1868 where he put forward a motion for annexation to the United States, an act which effectively ended his political career. New Brunswick would join the provincial rights movement of the 1880s, but it had long since effectively been integrated into Confederation.

### *Avoiding Opposition in Nova Scotia*

In Nova Scotia the delegates to the Quebec Conference also faced substantial and growing opposition to the Quebec Resolutions when they returned home. The same five delegates had attended both the Charlottetown and Quebec Conferences and, although the delegation was bipartisan, it was hardly representative of the whole of Nova Scotia. Three of the five were from Cumberland County; four of the five were lawyers and the fifth a doctor. The doctor was Charles Tupper from Amherst who had effectively been the head of the government since the Conservatives had won a sweeping victory in 1863 (although he did not actually become premier until May 1864). Tupper was a proponent of modernization, strongly supporting the building of railways and a more effective education system, and since 1860 he had enthusiastically endorsed the idea of British North American union. He played a key role at both the Charlottetown and Quebec Conferences. Although he would have preferred a legislative union of the colonies, he was a political realist and so was prepared to settle for the highly centralized federal union he helped to craft at Quebec.<sup>17</sup> The other four Nova Scotia delegates made only a minimal contribution at the Quebec Conference. The two Liberals, Adams George Archibald, a

**Adams George Archibald**  
*Liberal Leader, NS*

12 APRIL 1865



“

Whether united with Canada by Confederation or not, we are bound together by a common fate and a common interest, and we must stand or fall together.

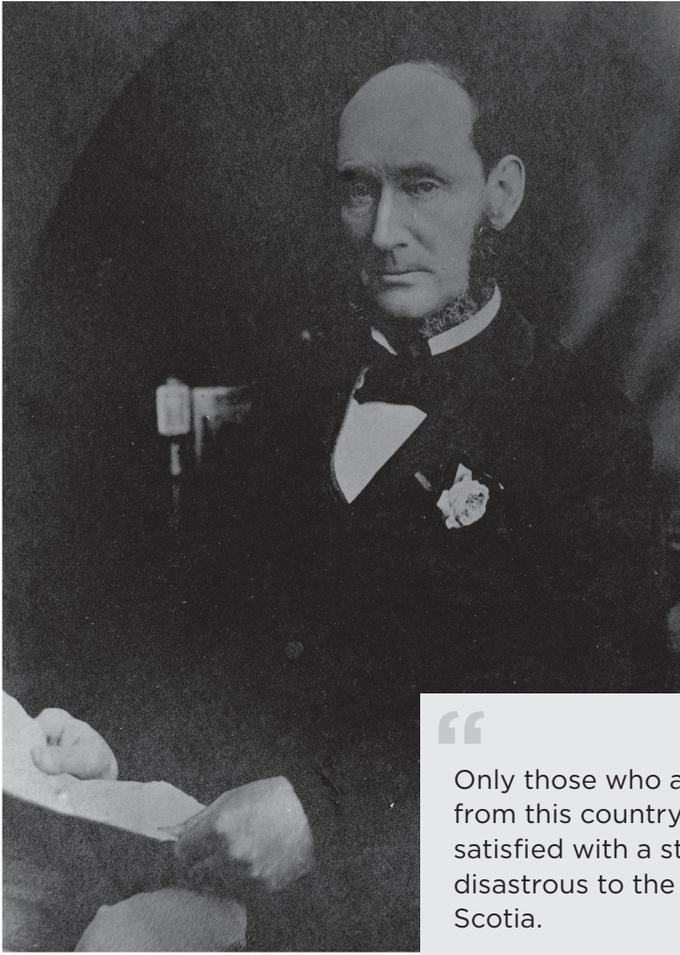
”

**CONFEDERATION QUOTE 5.3**

Quotation from Nova Scotia,  
Legislative Assembly, 12 April 1865  
Photograph from Library and Archives  
Canada, MIKAN 3214517

**William Annand**  
*Anti-Confederate Leader, NS*

12 APRIL 1865



“

Only those who are to be elevated from this country to Ottawa can be satisfied with a state of things so disastrous to the Province of Nova Scotia.

”

**CONFEDERATION QUOTE 5.4**

Quotation from Nova Scotia,  
Legislative Assembly, 12 April 1865  
Photograph from Nova Scotia Legislature,  
Province House Collection

wealthy lawyer and landowner from Colchester County and a former premier, and Jonathan McCully, a lawyer and journalist from Cumberland County, were staunch pro-Confederates.<sup>18</sup> McCully was a legislative councillor and he effectively led the pro-Confederates in the Council. Archibald strongly defended the Quebec Scheme in his speeches in the Assembly but, although he remained leader of the Liberal party, only one other Liberal in the Assembly supported Confederation in the 1865 legislative session. The two Conservatives who had gone to Quebec were divided. William Alexander Henry, a Conservative from Antigonish, supported the Quebec Resolutions,<sup>19</sup> but Robert Barry Dickey had refused to accept the final terms of union agreed upon at Quebec, particularly the financial terms, which he felt were unfair to Nova Scotia.

With most Liberals opposed to the Quebec Resolutions and his own party divided, Tupper quickly realized that he would have great difficulty persuading the Nova Scotia legislature to accept the Quebec Resolutions. Tupper did have the support of the leaders of the Liberal opposition, Archibald in the elected Assembly and McCully in the appointed Council. He also had the support of those who feared the potential threat to British America from an increasingly hostile United States, including Archbishop Thomas Connolly, the spiritual leader of the large Irish Catholic community in Halifax and an outspoken opponent of American republican influences in the province.<sup>20</sup> Tupper could also count on the support of those who believed that Confederation would bring economic development and progress, an argument that had considerable support in Halifax, in communities like Amherst (Tupper's hometown) and Truro which would be along the line of the Intercolonial railway, and in the coal mining areas of Cape Breton and Pictou in eastern Nova Scotia. But more than two hundred petitions against Confederation flooded into the Assembly during the 1865 legislative session, showing that there was little enthusiasm for a union with Canada on the basis of the Quebec Resolutions.

In the winter of 1864–65 many Nova Scotians continued to believe that American threats, particularly the threat to cancel the Reciprocity Treaty, were simply wartime rhetoric and that the end of the Civil War would bring a return to business as usual. In any event the potential of clashes along the border with the United States did not arouse the same fears in a province that had no border with the United States as they did in its continental neighbours. As the anti-Confederates argued, the defence

of Nova Scotia would inevitably depend not on local militias but on the Royal Navy. Some anti-Confederates even suggested that the creation of a British North American union would lead to separation from the Empire and end Britain's commitment to defend its North American colonies. The economic arguments of the pro-Confederates also seemed unconvincing to many coastal communities, particularly in the western half of the province, which were dependent on agriculture, shipbuilding, and the shipping industry. Their priority was to ensure that the reciprocity treaty remained in force. They saw few benefits from an Intercolonial railway and they feared that a union with Canada would cripple the Nova Scotian economy by leading to higher tariffs and increased taxation. This was the view of Thomas Killam, a major shipowner in Yarmouth, who quickly emerged in the Assembly as the leader of those who opposed Confederation on any terms.<sup>21</sup> Even in Halifax Tupper faced considerable opposition from mercantile and banking interests who did not share his enthusiasm for creating a continental nation.

Indeed, Tupper's most outspoken opponent in the Assembly was William Annand, a prominent Halifax businessman and Liberal who owned one of the most influential papers in Halifax, the *Morning Chronicle*. Annand was, however, open to the charge of inconsistency since he fluctuated between opposing Confederation on any terms and arguing that a new conference should be held to amend the Quebec Scheme.<sup>22</sup> A far more effective opponent of Confederation was Joseph Howe. Howe was the former head of the Liberal party and a Nova Scotia legend, but he was now serving as the Imperial Fisheries Commissioner in Washington and he was not a member of the Assembly. He too was open to the charge of inconsistency since he had previously promoted the idea of Confederation. In early 1865 Howe published twelve articles against Confederation known as the "botheration letters," arguing that Nova Scotia would be a subordinate unit within the proposed union.<sup>23</sup> Indeed, all the anti-Confederates agreed that under the Quebec Scheme Nova Scotia would effectively be annexed by Canada and that it would have little influence in a House of Commons with 194 members of which only nineteen would come from Nova Scotia, or in an appointed Senate also dominated by the Canadians. They also agreed that the surrender of all tariff revenues to the federal government would leave the government of Nova Scotia with inadequate resources to promote provincial development. Agreement on these issues

allowed for the creation of an anti-Confederate coalition that included both those who rejected Confederation in principle upon any terms, and those who simply felt British North American union was either premature or who rejected not the idea of union but the Quebec Scheme.

Tupper was lucky. With the election of an anti-Confederate government in New Brunswick, there was no immediate necessity to hold a vote on the Quebec Resolutions and on 22 March 1865 he temporized by introducing a motion to renew the negotiations over Maritime Union. This led to an indirect debate over whether Maritime Union should be seen as simply a step toward the larger union, but the debate ended without any real resolution when the legislature was prorogued in April 1865. By the time that the Nova Scotia legislature met in 1866, much had changed. The American Civil War had ended and the American Government had made clear its intention to cancel the Reciprocity Treaty, raising fears about the economic future of a Nova Scotia cut off from American markets and particular fears about the future of the fisheries if American fishermen had access to the inshore waters of the province. It had also become clear that the Imperial Government was going to give Canada a leading role in any negotiations with the United States and that the interests of the Maritimes would take second place, thus strengthening Tupper's argument that there was no logical alternative to union if the Maritimes wanted to influence Canada's decisions. Tupper was also able to get a promise from the Canadians that a guarantee for the building of the Intercolonial railway would be included in the Act of Union. The Fenian threat and American talk of annexing Canada had greatly strengthened the argument for building the Intercolonial as quickly as possible and of the need for a unified British North American response to American aggression. The Imperial Government had also thrown its full weight behind a union based upon the Quebec Scheme, thus weakening the argument that British North American union would lead to the collapse of the imperial connection.

Gradually in the winter of 1865-66 the anti-Confederate coalition began to disintegrate. William Miller, from Richmond County, one of the original opponents of Confederation, admitted that he had come to believe that union was inevitable and, on 3 April 1866, he proposed a conference be held in London to discuss the terms of union. A number of the opponents of union now switched sides and on 10 April 1866, Tupper moved a motion declaring that it was desirable that a Confederation of

the British North American Provinces should take place and authorizing the appointment of delegates to arrange the terms of union with the other colonies at a conference in London. Opposition to Confederation now appeared futile and the remaining anti-Confederates in the Assembly focused on demanding that the terms of union should be submitted to the people for their approval. An amendment to Tupper's resolution to this effect was rejected by a vote of thirty-one to eighteen and the original resolution accepted by thirty-one to nineteen. There was a clear regional pattern in the vote. Of the nineteen who opposed Tupper's motion, sixteen represented the western counties, a region with close ties to the United States and relatively little involvement in the fisheries. The pro-Confederates, on the other hand, came mainly from the central and eastern counties and included four Liberals and five Conservatives who had previously opposed union.

Tupper's motion had not included any mention of the Quebec Resolutions, but the opposition argued that there would be few changes made at the London Conference which was held in December 1866 and they were correct. The Canadian delegates would not have agreed to any substantial changes in the Quebec Resolutions, even if Tupper had demanded them, which he did not. A clause was inserted into the British North America Act guaranteeing the construction of the Intercolonial railway, and the twenty-four Maritime seats in the Senate were divided between New Brunswick and Nova Scotia, even though four of them had been intended for Prince Edward Island. Some minor changes were made to the subsidies to be given to the provincial governments. The regulation of the fisheries now became a federal rather than a shared federal-provincial responsibility and, at Tupper's request, the provinces lost the authority to levy an export duty on coal on the grounds that such levies would deter capital investment in Nova Scotia. At least one Nova Scotian delegate remained dissatisfied with the final agreement. William Alexander Henry, who had expressed similar concerns at the Quebec Conference, remained convinced that the Maritimes should have greater weight in the Senate and that more power should be given to the provinces to offset Canadian dominance in the new House of Commons, but in the end he abandoned his opposition and supported Confederation.

The opponents of Confederation in the Nova Scotia Assembly, led by Annand and Killam, were furious with the content of the British North

America Act. The result was a particularly bitter legislative session in 1867, as both sides traded insults and called into the question the loyalty of their opponents. The anti-Confederates denied that any real improvements had been made in the Quebec Scheme and demanded that the people of Nova Scotia be consulted in a general election before the British North America Act, which had already been passed by the Imperial Parliament, came into effect. In the end the anti-Confederates were defeated by a vote of thirty-two to sixteen. This was a larger margin than in the previous session, reflecting in part the belief that further opposition would be pointless. On the actual day of Confederation, 1 July 1867, flags of mourning joined banners of celebration in Nova Scotia's urban centres. Annand and Howe had travelled to London to try to persuade the British Parliament not to pass the British North America Act and now they organized a movement to repeal the Act. Although the anti-Confederates carried an overwhelming majority of both the federal and the provincial seats in Nova Scotia in the elections of 1867, there was never any real chance that the Imperial Government would agree to let Nova Scotia secede from the Dominion of Canada. In the end Howe broke with the repeal movement, negotiated a deal with Ottawa that included an increase in the federal subsidy to the province of Nova Scotia, and entered the federal cabinet in January 1869 as president of the Council. In a few parts of the province, anger against the way that union had been achieved in Nova Scotia led to a movement advocating annexation to the United States, but outside of Yarmouth where the movement was led by Killam, there was little enthusiasm for joining the United States. Annand, after becoming premier of Nova Scotia in 1867, continued to protest against Confederation until the Liberals came to power in Ottawa in 1873. The sense of grievance in Nova Scotia would persist in the province's political culture, surfacing again during another (rather weaker) secession movement in 1886, but in reality most Nova Scotians wanted better terms within Confederation rather than independence.

### *Holding Out for More: Prince Edward Island*

From the outset it was clear that Confederation was going to be an even harder sell in Prince Edward Island than in the mainland provinces. Because it was an Island and had no border with the United States, many

Islanders could comfort themselves with the assumption that they could remain aloof from developments taking place on the continent because they could rely on the Royal Navy to protect them. One of the key arguments of the anti-Confederates on the Island was that there was no reason why they should pay taxes to defend Canada and the vast territories it hoped to acquire in the West. In the short run this argument was undoubtedly true, but in the long run the commitment of the Imperial Government to protect Prince Edward Island was bound to be determined by what happened on the mainland. In that sense, whether they liked it or not, their fate was, as the pro-Confederates argued, bound up with the fate of Canada. Moreover, there were short term costs in isolationism. Prince Edward had some serious checks on its autonomy before 1873. After the collapse of the Reciprocity Treaty the Island could not negotiate a free trade agreement on its own with the Americans without Imperial consent (which it was never going to get) and it had almost no control over one of its most important resources, the fisheries. In these and many other important areas Britain would inevitably seek advice from the Canadian government, but would pay little attention to the needs of Prince Edward Island. Even on purely internal matters Prince Edward Island was so insignificant in British eyes that it had less influence over Colonial Office decisions than lobbies representing interest groups based in Britain, as had repeatedly been shown in the successful efforts of the absentee landlords in Britain to block attempts on the Island at land reform.

One of the most persuasive arguments of the anti-Confederates was that the Island would have little influence in a Parliament at Ottawa where they would have only a handful of members. But what would become gradually clear after 1867 to a growing number of the Island political elite was that little influence was better than none. The alternative, of course, was for the Island to reject the limitations on its autonomy and declare its independence from Britain. But while Islanders might refer to Prince Edward Island as their “country” (a term also used in New Brunswick and Nova Scotia), the vast majority of Islanders never thought of Prince Edward Island as potentially a separate nation. They wished to remain part of the Empire. In this sense they were no different than the majority of the English-speaking British Americans on the mainland.

There is an unfortunate tradition in both Island and Canadian historiography of treating Prince Edward Island as a fundamentally different

place from the mainland British North American colonies. Of course, the Island had some distinctive features. It was a small Island with a very large proportion of arable land. But, as in the other British North American colonies, most of the non-Francophone migration to the Island had come from the British Isles. In one sense it was the most British of all the Maritime colonies since it had received hardly any migrants from other places in Europe, had only small numbers of Francophones, Blacks, and Indigenous People, and contained perhaps the smallest proportion of Irish Catholics in the region (though it did have a large number of Scottish Catholics). Moreover, the roots of its British population did not go back many generations, since the vast majority of its immigrants had arrived after 1815, which is why so many members of its political elite were first or second generation immigrants from Britain, as compared with New Brunswick and Nova Scotia which had received far larger numbers of immigrants from both America and Britain prior to 1812.

The Island was different from the mainland Maritime colonies in one other important respect: in the 1760s the Island had been divided into a series of lots distributed by ballot to absentee landlords in Britain. The tenant system explains why migration to the Island came overwhelmingly from the British Isles. It also explains why the Island did not attract many middle class immigrants with the capital to purchase freehold estates. While there was a growing number of wealthy merchants and landlords on the Island and there was certainly inequality among the tenant farmers who formed the majority of the population, inequality was less pronounced than in the other British North American colonies. Given this social reality and the mobilization of the population in various campaigns to sweep away the landlord system, it is hardly surprising that the Island had the most democratic political system in British North America. In 1865 it was the only colony to have both an elected upper chamber and an Assembly elected upon the basis of nearly universal male suffrage. Many Islanders therefore did not like the decisions made at Quebec to have an appointed Senate (especially one appointed by Ottawa) and a House of Commons in which the members would be elected in all the other provinces under much more restrictive franchises.

In late 1864 Islanders had good reason for believing that there was no pressing need to join an economic union with the rest of Canada. In the previous decade the population of the Island had increased by no less

than 29 percent to a population of 80,857 and even in the 1860s it would increase by 16.3 percent. This growth reflected the strength of Prince Edward Island's traditional economy based upon exporting agricultural products and fish as well as its thriving shipbuilding industry. Most of the ships built on the Island were destined for sale in Britain, but many were also owned by Island merchants and used to carry Prince Edward Island products to markets in New England and the other Maritime colonies. The Island had not started building railways and Islanders could not see how the building of an Intercolonial railway would bring any benefits to them, particularly since they would be taxed to pay for it. The end of the American Civil War in 1865 and the collapse of the Reciprocity Treaty would dramatically curtail the Island's trade with the United States, but it did not dent the rather optimistic assumption that the golden days of the previous decade would return.

Even at Quebec Conference it was apparent that the Island delegation was less than happy with the Quebec Resolutions. On a number of issues the Islanders found themselves isolated. They thought that the Senate should be based on the principle of provincial rather than regional equality and were dissatisfied that only four senators would be given to Prince Edward Island. They were also not happy with the undemocratic nature of the Senate, even when the property qualification for senators was slightly reduced at their (and Newfoundland's) request. The Prince Edward Island delegation was also the most disturbed that the House of Commons would be elected on the basis of representation by population, particularly when the compromise of allowing them one extra member, so that they would have six rather than five members, was rejected. Finally, they did not like the centralized nature of the new constitution and they believed that Prince Edward Island, with its small debt, was not going to receive adequate compensation for the transfer of its customs revenues to Ottawa. They had come to the Conference anticipating that they would be given a grant to enable the Prince Edward Island Government to purchase the remaining proprietorial estates, but this proposal was rejected by the other delegations.

Unlike the other delegations, the Island delegation had disagreed with each other on a number of issues. Partly this was a reflection of personal animosities. The two men most critical of the proceedings at Quebec were Edward Palmer and George Coles. Coles was a prominent Charlottetown merchant who wished to put an end to the proprietorial system. Although

an Anglican, he was the leader of the Liberal party which relied heavily upon Roman Catholic support.<sup>24</sup> Palmer was both a lawyer and a large landholder who defended proprietorial rights and opposed many of the reforms introduced by the Liberals, including universal male suffrage. He had led the Conservatives to power in 1859 and again in January 1863 by arousing anti-Catholic sentiment among the Island's Protestants and forming an all Protestant government.<sup>25</sup> So deep was the antagonism between the two men that they had once fought a duel (a bloodless one). Palmer was a mercurial figure and there was also little love lost between him and Colonel John Hamilton Gray. Gray had served in the British Army for over twenty years before returning to the Island. In March 1863 he had replaced Palmer as leader of the Conservative party and prime minister. Gray and his fellow Conservative, William Pope, a lawyer and editor of the most important Conservative newspaper on Prince Island, were enthusiastic supporters of Confederation. They were prepared to defend—even if reluctantly—the Quebec Resolutions. They were supported by another Conservative delegate at Quebec, Thomas Heath Haviland, a major landowner, another spokesman for proprietorial rights, and an even more enthusiastic supporter of Confederation. Haviland believed that unless British Americans united to create a nation stretching from the Atlantic to the Pacific, they would in time be annexed to the United States. Throughout the late 1860s and the early 1870s he consistently attacked the insularity of the anti-Confederates as misguided.<sup>26</sup>

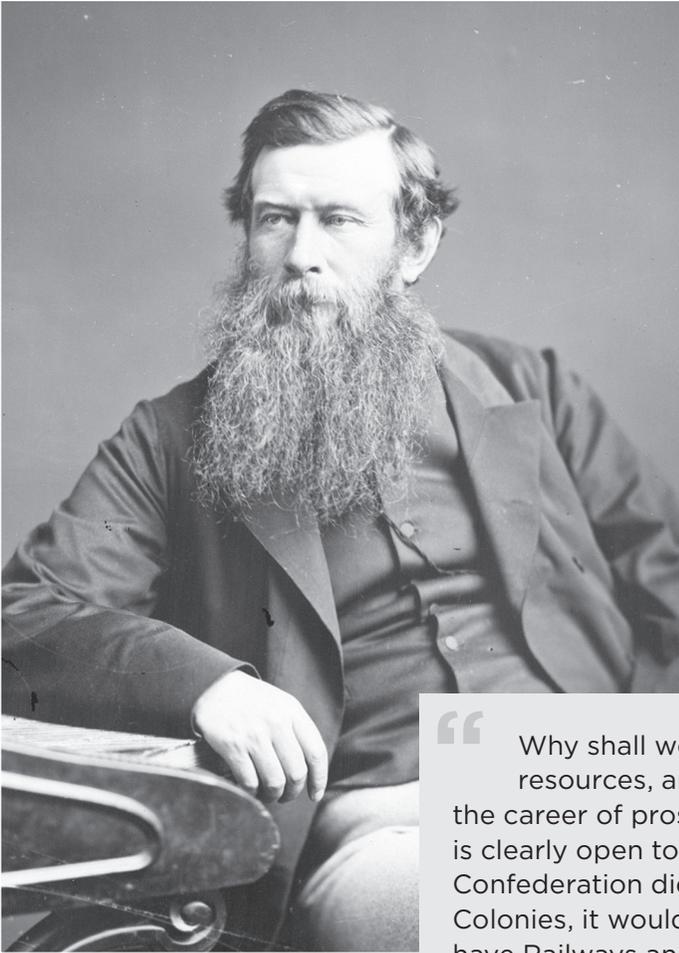
It is possible that under different circumstances the Conservative pro-Confederates might also have been assisted by Coles, the leader of the Liberal party, who was not against Confederation in theory, but who was completely antagonized by the decision not to give the Island the funds with which to liquidate leasehold tenure. That decision would cost the pro-Confederates on the Island dearly for there were a substantial number of tenant farmers and their advocates who might have been willing to support Confederation if it resolved the land issue. Coles, however, led the Liberal party into opposition to Confederation, with the support of another of the Liberal delegates at Quebec, Andrew Archibald Macdonald, a member of one of the wealthiest shipbuilding families and part of the Catholic aristocracy on the Island.<sup>27</sup> Macdonald was the opposition leader in the Legislative Council, where he and Palmer would conduct a relentless campaign against the Quebec Scheme.

The seventh of the Island's delegates to Quebec, Edward Whelan, was almost the only Liberal to support Confederation. Whelan had been born in Ireland and had trained as a journalist in the office of Joseph Howe before moving to Charlottetown and establishing the Island's most important Reform newspaper. In the 1850s he became a member of the Liberal government, strongly supporting the attempts of Coles to end the proprietorial system and speaking out on behalf of Catholics. Prior to the Charlottetown conference he had been skeptical of the proposed union, but like Coles he had come to believe that only Confederation could put an end to Colonial Office meddling and give the Island the resources to finally resolve the land question. Although he was unhappy with the Quebec Resolutions and the unwillingness of the Conference to provide the necessary funds to buy out the proprietors, he continued to advocate union, but his influence in the Liberal party, even over Irish Catholic Liberals, was in decline. Like many moderate Liberals, he did not approve of the tactics of the Tenant League in the 1860s—an organization which encouraged the Island's tenants to ignore the law and refuse to pay the rents they owed—and he supported the Island government's decision to request British troops to put an end to the agitation. Although he had always supported the independence of Ireland, he strongly disapproved of the Fenians, believing—like D'Arcy McGee in Canada and Timothy Warren Anglin in New Brunswick (though the first approved and the second disapproved of Confederation)—that Irish Catholics were better off living in British North America under the British constitution than in the United States.<sup>28</sup> These policies, as well as his support for Confederation, weakened his hold over his Irish Catholic constituents, who were increasingly influenced by the younger and Island-born journalist, Edward Reilly. In 1862 Reilly founded the *Vindicator*, a newspaper which vigorously supported the Catholic Church, did not condemn the Tenant League, was non-committal about the Fenian Raids, and vehemently attacked the Quebec Resolutions. In a by-election in 1867 Reilly defeated Whelan, thus removing from the Assembly the most articulate, in fact almost the only Liberal defender of Confederation, and permanently, as it turned out, since Whelan died a few months later.<sup>29</sup>

The Conservative pro-Confederates did not fare much better. Gray was forced out of office in January 1865 and replaced as premier by James Colledge Pope, the younger brother of William Pope. The younger Pope

**William Henry Pope**  
*Colonial Secretary, PEI*

24 MARCH 1865



CONFEDERATION QUOTE 55  
Quotation from Prince Edward Island,  
House of Assembly, 24 March 1865  
Photograph by Topley Studio, from Library  
and Archives Canada, PA-027027

“ Why shall we not unite our resources, and enter upon the career of prosperity which is clearly open to us? What Confederation did for the older Colonies, it would do for us. We have Railways and Steamboats, and machinery which they had not. We have a country in many respects equal to theirs. Are we prepared to admit that our people are inferior to the old Colonists, or to the Americans of the present day? ”

**James Colledge Pope**  
*Conservative Leader, Premier, PEI*

7 MAY 1866



CONFEDERATION QUOTE 5.6  
Quotation from Prince Edward Island,  
Legislative Assembly, 7 May 1866  
Photograph by Topley Studio, from Library  
and Archives Canada, PA-027027

“

[Moved:] Even if a Union of the Continental Provinces . . . should have the effect of strengthening and binding more closely together those Provinces . . . this House cannot admit that a Federal Union . . . could ever prove . . . advantageous to the interests and well-being of the people of this Island, cut off . . . by an immovable barrier of ice for many months in the year.

”

had become one of the largest shipping contractors on the Island and the owner of some very large estates. He entered politics later than his brother but became part of the Conservative Government elected in 1859.<sup>30</sup> William was enthusiastic about Confederation but James was not. James did not disagree with the abstract principle of union but he did not think that the Quebec Resolutions offered fair terms to the Island and, although William remained a member of the new Government that James formed, it was decidedly an anti-Confederate government. How anti-Confederate would become clear in the debates in the 1865 session of the legislature, when William Pope, supported by Haviland, moved eight Resolutions in favour of Confederation. Gray, Haviland, and William Pope passionately defended the need for Confederation on the grounds that the choice was between union and annexation to the United States. The anti-Confederates denied that the Island was faced with such a stark choice and attacked the Quebec Resolutions, particularly the decision to give the Island only five members in the proposed House of Commons, a number which the anti-Confederates predicted would shrink to none as the population of Canada continued to increase through immigration. Speaker after speaker predicted that Confederation would destroy not only the Island's autonomy but its economy. These speakers included not just prominent Conservatives like James Pope and Frederick Brecken, but almost all of the leading Liberals, including George Howlan, another Irish Catholic and a major shipowner, who was emerging as the leader of the Catholic Liberals.<sup>31</sup> Whelan was the only important Liberal to defend Confederation. The end result was never in doubt and James Pope's amendment to his brother's resolutions, substituting five resolutions which attacked the idea of union, was carried by a vote of twenty-three to five. The Pope Government then prepared an address to the Queen indicating its determination to stay out of Confederation, an address carried by twenty-three to four in the Assembly and unanimously in the Upper House.

When Charles Tupper, the prime minister of Nova Scotia, tried to persuade Prince Edward Island to renew discussion of Maritime Union in 1865, the Government of Prince Edward Island declined to participate. Nor did the Pope Government pay any heed to British Imperial pressure. In 1865 the Imperial Government informed Prince Edward Island that without union the Island would have to pay the salary of the lieutenant-governor and it also tried—unsuccessfully—to make the Island

pay for the British troops sent to the Island from Halifax to control the Tenant League. In response to this pressure, when the Assembly met in 1866, James Pope angrily presented his famous “no terms resolution,” one of three resolutions declaring that Prince Edward Island would never agree to Confederation. Some of the members of the Assembly, such as Francis Kelly, another Irish immigrant who had become a land surveyor and farmer and who was elected as a running mate of the Liberal leader George Coles in Queen’s County, declared that he wished the resolution could be made even stronger.<sup>32</sup> During the debate Cornelius Howatt, a tenant farmer from Prince County,<sup>33</sup> made the comment that the issue for Prince Edward Island was “a question of ‘self or no self’” (a comment resurrected in the 1970s by a group of Prince Edward Island academics who were critical of what had happened to Prince Edward Island under Confederation and who described themselves as the “Brothers and Sisters of Cornelius Howatt”).<sup>34</sup> A handful of pro-Confederates, including Whelan, Colonel Gray, and Haviland objected to the finality of the resolution and the insult it offered to the Imperial Government, and William Pope resigned from his brother’s government in protest at the resolutions. The anti-Confederates were confident that there was no reason to fear the Imperial Government’s reaction since the Assembly was fully within its constitutional rights to pass the resolutions. And pass them it did by a vote of twenty-one to seven.

The resolutions and the address to the Queen based on them certainly indicate that a large majority in the Assembly were opposed to Confederation, but one should be careful of taking the resolutions at face value. Even James Pope, who moved the resolutions, indicated in private that his personal opinion was less dogmatic than the resolutions he sponsored and that there might come a time when more advantageous terms might be offered to the Island and it might have to reconsider its position. He also rejected Edward Palmer’s suggestion that the Island send a delegate to London to support Howe in lobbying against Confederation.

James Pope was in London on private business in late 1866 at the same time as the delegates from New Brunswick and Nova Scotia, who were there to participate in the London Conference. Pope talked with them about the possibility of an \$800,000 grant from Canada to enable the Island to purchase the remaining proprietary estates, but the Canadian delegates indicated that no decision could be made without the prior consent of the new Canadian Parliament, in effect vetoing the proposal. When news of the

offer leaked to the public on the Island, the anti-Confederate press condemned the grant as a bribe from Canada that the Island should reject on principle. Several anti-Confederates felt so strongly a sense of betrayal that they resigned from Pope's cabinet, thus weakening the Conservatives as they prepared for the election of February 1867, in which they were soundly defeated by the Liberals. Anti-Confederation sentiment certainly played a part in the Liberal victory. Edward Palmer bragged to Joseph Howe that the number of pro-Confederates in the Assembly had been reduced from eight to five, while the number of anti-Confederates had been increased to twenty-five and that even the five pro-Confederates had been forced to pledge not to attempt to revive the issue of joining Confederation until after another election. With Coles, a dedicated anti-Confederate in control, the Liberal Government did not include a single supporter of Confederation. But the refusal of the Imperial Government to provide the Island with a guarantee for a loan to purchase the remaining proprietorial estates meant that the issue of union was not dead. Moreover, the Island was beginning to feel the impact of the closing of the American market. In 1868 it entered into some rather pointless informal negotiations with General Benjamin F. Butler, a congressional representative from Massachusetts, about Prince Edward Island negotiating a separate free trade and fisheries agreement with the United States. It is unlikely that the American government took the discussions seriously since it was quite clear that Prince Edward Island did not have the authority to negotiate a separate treaty with the United States, a fact it was forced publicly to acknowledge.

In August 1869 the Governor General of Canada, Sir James Young, and three members of the Canadian cabinet came to Charlottetown to see if they could negotiate Prince Edward Island's entry into Canada. By this time the English-born Robert Poore Haythorne, a wealthy land proprietor, had replaced Coles, who had been forced to retire because of ill health, as head of the Liberal government.<sup>35</sup> The Canadians did offer "better terms," including an increase in the annual subsidy and efficient steam communication between the mainland and the Island. But the negotiations broke down early in 1870 over the settlement of the land question since Haythorne insisted that the Canadian government should persuade the British Government, which had created the problem, to give the Island the \$800,000 it needed to buy the remaining estates, something that was never likely to happen. The Island also indicated that any offer of better terms

should include a grant for the construction of a railway on Prince Edward Island, a proposal the Canadian Government was not prepared to accept.

In the Assembly in 1870 the anti-Confederates rejoiced over the failure of the negotiations but there was a difference in their tone. It was still triumphalist. But while the anti-Confederates congratulated themselves on their success in rejecting the Canadian offer, they also seemed to accept that even “better terms” might be on offer in the future, which implied a growing recognition that time was not on their side. And it wasn’t. Increasingly the Island found its autonomy constrained. The Island government had no alternative but to accept Canadian regulation of its fisheries and the more direct subordination of the Island’s lieutenant-governor to the governor general in Ottawa. In 1871 it agreed to adopt the Canadian decimal system of coinage. The final and decisive factor that would bring Prince Edward Island into Confederation was the decision to build a railway across the Island. This was a controversial decision, since it would lead to a huge and ultimately unsustainable increase in the provincial debt. This was a risk that the other Maritime colonies had accepted two decades earlier, and the reasons why the Island entered the railway age were much the same. Island entrepreneurs and politicians were not carried away with enthusiasm for a technology they did not need, but were motivated by a growing recognition that the limits for the expansion of the traditional economy had been reached, if not exceeded. In the 1870s the wooden shipbuilding industry was beginning a slow but steady decline and, with it, would come the decline of the shipping industry. As it became apparent that the Americans were never going to renew reciprocity, the Island had to find ways to lower transportation costs so that it could compete more effectively in Canadian markets. Moreover, many Island farmers located some distance from the capital wanted greater access to the market in Charlottetown.

Even Haythorne, who headed the anti-Confederate Liberal government, reluctantly accepted the need for a railway and it is conceivable that he might have embarked on building one, despite the reservations of some of his most outspoken anti-Confederate supporters, such as David Laird, the editor of the most influential Protestant newspaper on the Island.<sup>36</sup> But although the Haythorne Government was re-elected in July 1870, it only had a small majority in the Assembly and the defection of a block of Catholic Liberals into the Conservative party brought James Pope back into power. The new government included William Pope and a number of

Conservatives suspected (probably with good reason) of being sympathetic to Confederation, but the Catholic Liberals who had defected, led by the anti-Confederate George Howlan, insisted that no change should be made in the Island's constitutional status without consulting the people in an election. Howlan had previously been unsympathetic to the building of a railway, but he had come to the conclusion that the Island had no choice given the changing economic conditions. And so the construction of the railway began in 1871. Like all railways built in this period the project was accompanied by accusations of corruption, mismanagement, and over-expenditures, some of them fair and some of them not.

Partly because of these charges, the Conservatives were defeated in 1872 by the Liberals. In opposition the Liberals had claimed that they would bring the costs of the railroad under control but they were unable to resist the political pressure for further expansion. In November 1872, with the Island facing imminent financial collapse, the Haythorne Government approached the Canadian Government about joining Confederation. Some of the anti-Confederates had opposed building the railway because they saw it as leading inevitably to Confederation and they claimed that this was the main reason why the government had embarked upon the project. Indeed, it has become an unchallenged assumption in Canadian historiography that the Island was "railroaded" into Confederation. Yet there is no evidence that there was a conspiracy to force the Island into Confederation against its will through bankruptcy. It is true that a growing number of the Island's politicians were beginning to accept that Confederation was probably inevitable and that it would be in the Island's interest to build the railway before Confederation took place, since it would then become a debt that the Dominion Government would have to accept. But it was not only the railway debt that convinced many anti-Confederates that Confederation was increasingly desirable. For some, it was the knowledge that the Island was never likely to have the resources to buy out the remaining proprietors; for others, a desire to put an end to the 15 percent duty that the Island had placed on imports from Canada, by far the Island's major trading partner. By 1873 it also seemed clear that the Dominion was here to stay and that far from weakening the tie with Britain, Confederation had led to an even stronger bond with the United Kingdom.

In February 1873, Haythorne and Laird, previously a vehement anti-Confederate, travelled to Ottawa to discuss terms and found the

Canadian Government (influenced by Maritime Conservatives like Tilley) relatively generous in its proposals. But Haythorne had always promised that any deal would be put to the voters and an election was held in March 1873. The Conservatives under Pope won the election by campaigning that they would be able to negotiate even better terms with their fellow Conservatives in Ottawa. After the election Pope, Howlan, and Haviland, one of the few politicians who had continuously supported Confederation, returned to Ottawa, where they did gain slightly better terms. These terms included much of what the Island had sought at Quebec in 1864 and even a bit more. Canada agreed to assume the Island's railway debt and to give the Island \$800,000 to purchase the estates of the remaining landlords. Its annual grant from Ottawa was raised to fifty dollars a head, a larger grant than was given to the other provinces, which was justified on the basis that Prince Edward Island had no Crown Lands which it could sell to raise revenue. The Canadian Government guaranteed (a promise it would later have difficulty in fulfilling) continuous steam communication with the mainland. The Island also received the six members in Parliament its delegates had asked for at Quebec (though it was probably entitled to that number because of its population growth over the previous decade).

In the Assembly only two members voted against the deal, one of them Cornelius Howatt who kept his anti-Confederate faith to the end. The other was a fellow farmer from Bedeque, Augustus Edward Crevier Holland. The other twenty-four members supported the agreement, some of them (like James Pope) declaring that they had been convinced of the need for Confederation for some time, others declaring that they had become pro-Confederates not out of choice but out of necessity. Certainly everyone—even Howatt—accepted that further resistance was futile. Some, like the only remaining delegate to the Quebec Conference still sitting in the Assembly, Thomas Heath Haviland, welcomed the Island's decision, declaring that Islanders would now become part of a nation extending “from the blue waters of the Atlantic, to the shores of the bright and sparkling Pacific Ocean,” and that they should be “proud to form part of a Dominion that has a form of government so superior to that of the United States.”<sup>37</sup> On 1 July 1873 Prince Edward Island entered Confederation. There were no protests against the union, certainly not in Charlottetown where many Islanders joined in celebrations and buildings were decorated with the Canadian flag. Even among most of those who had previously resisted

Confederation, there was little animosity since Prince Edward Island had entered Confederation on something close to its own terms. Ironically the Maritime province which had protested the most against Confederation entered it in the end with the least resentment.

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## NOTES

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