

AN UNEXPLAINED INCIDENT OF CONFEDERATION IN NOVA SCOTIA

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THE history of the Confederation movement in Nova Scotia is, in general, well known. Every step in its progress from the time—1800—when Attorney-General Uniacke submitted to the Home Government proposals for a union of those colonies in North America still owing allegiance to the British Crown, until the delegation led by Howe failed to induce the British parliament even to make enquiry into conditions in Nova Scotia, has been fully and freely discussed, so that its place and importance are well understood. There is one exception, and that a most important one, with which it is the purpose of this article to deal.

It will be remembered that while the Canadian parliament adopted, by large majorities in both Houses, the scheme of Confederation agreed upon by the delegates from the several provinces at the Quebec Conference, the parliament of Prince Edward Island rejected it; and the people in New Brunswick, to whom it was submitted by the Government of that province, by an enormous majority voted against it. Without New Brunswick the proposed union was for Nova Scotia impossible. It required all Dr. Tupper's ingenuity and skill to prevent a hostile resolution being passed in the Nova Scotia Legislature during the session of 1865. The best he could do in a positive way was to secure a resolution in favour of resuming negotiations for a union of Nova Scotia, New Brunswick and Prince Edward Island—the Maritime Union—as had been originally proposed. No such negotiations were undertaken, and I do not think it unfair to say it was never intended they should be undertaken; the resolution served its purpose in preventing one against any union whatever.

The election in New Brunswick was held in March, 1865. Before the new House met in the following March, the new Government found itself in deep waters. One member had resigned, and another made no secret of his dissatisfaction. Several of its supporters had recanted on the Confederation issue. In the only by-election held—that in York County—the Confederates had, in the face of apparently impossible odds, redeemed the seat. It had become abundantly clear—even the way-faring man could not err—that whenever the people of New Brunswick were given another opportunity of expressing their opinion on the question of Confederation,

their verdict would be a very different one from that which they had so recently given.¹ What would the Legislature of Nova Scotia do during the session of 1866, now that New Brunswick's position had changed? It was notorious that a majority of the House of Assembly were strongly, perhaps I might say irreconcilably, opposed to the Quebec scheme. Adroit and able as Dr. Tupper was, he was unable to discover any method by which he could secure a favorable vote. From February 22nd, when parliament opened, until April 3rd, so far as the records show, the question of either the larger or the smaller union was never mentioned. On that memorable day William Miller, member for Richmond County, afterwards Senator Miller, rose in his place; without any previous notice of motion, but bringing himself within the rules of the House by making an enquiry of the Government, he made a long speech in which, while still affirming his determined opposition to the Quebec scheme, he promised the Government his cordial support,² "if they will publicly abandon the Quebec scheme and introduce a resolution in favour of a Federal Union of British North America leaving the details of the measure to the arbitrament of the Imperial Government properly advised by delegates from all the provinces." Miller was supported by Samuel MacDonell, one of the members for Inverness County, whose opposition to Confederation in any form had previously been most pronounced. Dr. Tupper, though—as he afterwards solemnly deposed—taken completely by surprise at this *volte face* on the part of Miller and MacDonell, was not slow to take advantage of it. Within a few days he introduced a resolution along the lines suggested by Miller. It read as follows:—

Resolved that His Excellency the Lord Governor be authorized to appoint delegates to arrange with the Imperial Government a scheme of union which will effectually secure just provisions for the rights and interests of this province; each province to have an equal voice in such delegation, Upper and Lower Canada being for this purpose considered as separate provinces.³

It was the fateful resolution for Nova Scotia; its far reaching effect cannot be overestimated. Howe once referred to it as, "the resolution brought in by Dr. Tupper at Mr. Miller's instance which led to the English convention and the passage of the Act of Union."⁴ Miller himself wrote of himself; "while a member of the Nova Scotia Assembly he rendered signal service to the cause of Union, being

¹ The result of the 1865 election was 35 to 6 against Confederation; of the 1866, 33 to 8 in favour.

² *Debates*, House of Assembly (1866) page 189.

³ Curiously enough, this resolution does not appear in the official reports of the Debates for 1866; but it will be found on page 5 of the *Debates* for 1867.

⁴ Letter to Men of Hants Chisholm's *Speeches and Letters of Howe*, Vol. 2, page 586.

in favour of Confederation, but opposed to the financial scheme of federation. It was on his initiative and with his assistance that the compromise was effected, whereby the delegation to England was appointed in 1866 in order to secure, under the auspices of the Imperial authorities, such modification of that scheme as would make it more acceptable to the people of Nova Scotia; to this action was really due the acceptance of the union by the Legislature of Nova Scotia at a time when the project appeared to end in inevitable failure."⁵ It was adopted by the House of Assembly by a vote of 31 to 19:—in the majority appear the names of at least four, besides Miller and MacDonell, who had previously expressed their opposition perhaps not to union in the abstract, but to that union formulated by the Quebec scheme. Even so, as a certain staunch admirer of Dr. Tupper, though one differing from him politically, wrote:⁶ "Only by the extensive exercise of the patronage of the Government, and by every bold measure which it was possible for an indomitable man to exercise, he secured the passage of this resolution." But not by patronage nor promises nor appeals to party loyalty could all his followers be induced to support it. The name of such an encrusted old Tory as James Fraser (Downe), one of the members for East Pictou, will be found in the minority.

Howe was occupied with his duties as Fishery Commissioner till midsummer of 1866, and Miller up till this time, while never considered or named as the leader of the Anti-Confederates, was their most convincing and powerful speaker. It was he that was chosen, along with Messrs. A. G. Jones and W. J. Stairs, to lay their case before the great demonstration in Temperance Hall, Halifax. It was he that they sent into Lunenburg County in a by-election to conduct the campaign for their candidate, and to win a very handsome victory even against the doughty Dr. Tupper himself. Miller was not a strong party man; he boasted that he recognized no leader, and had never attended a caucus in his life; but no one had more often broken lances with the Government. He was not what nowadays would be called "a good mixer"; he dwelt apart, and prided himself on his aloofness; he was regarded by none with great liking, not to say love or devotion. Possibly this accounts for the fact that few, if any, gave him credit for sincerity in his conversion:—I write "conversion" though Miller always maintained there was no change in his opinion or conduct in offering his support to the Government in the way he did. At once it was assumed that he had fallen under Dr. Tupper's influence

⁵ Morgan's *Canadian Men and Women of our Times*, page 805.

⁶ Longley's *Howe*, in "Makers of Canada," page 188.

and had made a corrupt bargain with him. He was hardly in his seat when William Annand, an outstanding figure among the Anti-Confederates, from his seat said, referring to Miller:—"I do not know the influences that are at work, but I can imagine them"—a remark which Dr. Tupper rightly interpreted as an insinuation that Miller had been bribed. Some years later Annand stated in the *Morning Chronicle*, which he then owned and controlled, that Miller had been bought by Dr. Tupper. Miller sued for libel, and Dr. Tupper was called as a witness. Both he and Miller swore positively that not a single word had passed between them on the subject, and Dr. Tupper went on to say that no man in the House was more astonished than he when Miller made his proposition. At the time, on the floor of the House in the most solemn manner he had made the same statement⁷, and it shows the deep-rooted nature of the suspicion attaching to Miller's action that it became necessary to repeat it.

I knew Senator Miller, but not well enough to examine him about any political matter, let alone one on which he was known, and with reason, to be sensitive. MacDonell during the later years of his life I came to know intimately; and once, while spending an evening with me, he gave me his *apologia pro vita sua*—his political life, I mean. I particularly asked him how and why on this occasion he had come to Miller's support, and to use his own expression, had "seconded the resolution that brought Nova Scotia into Confederation." His reply, to put it mildly, was startling. He said:—

Miller came to me one day and told me he had learned on the very best authority that Annand and other leaders of the Anti-Confederates were negotiating with the other side and planning to accept Confederation; that in consequence Confederation was bound to come; and we (he and MacDonell) had better get into line or we should be left out in the cold and lose all chance of obtaining any of the good positions. I could not believe him. But two days later Miller again came to me, assured me he knew Annand was making terms with the enemy, and we must move quickly if we were to anticipate him. He told me his plan was to propose that the Quebec scheme be abandoned and the whole matter referred to the Home Government. As that Government was known to be strongly in favour of Confederation, such a proposition was tantamount to accepting Confederation. I eventually agreed to support him, and did so. Miller made a good speech—he was one of those men who could speak well under any circumstances. I was speaking against my convictions and spoke very badly.

⁷ *Debates*, House of Assembly 1866, page 204.

None who knew MacDonell would question his word. For myself, I have no doubt whatever that Miller did approach him as he said, and did tell him that Annand was about to strike his colours. But that does not mean that Annand really had this intention. Miller may have been misinformed; or worse, may have been stating what he knew to be untrue. I feel quite sure that MacDonell in after years had adopted the latter alternative. If it were so that Annand was about to "rat", I cannot help thinking he would have been taxed with it by someone in the course of the debate that followed upon Miller's proposition. I have carefully read the official report of that debate—interesting reading it is, 60 years after—and can find nothing positive of this nature asserted against Annand. The only possible colour to the story from the debate is to be found in two statements of the Attorney-General, Hon. W. A. Henry:

I will only say at present that it looks to me very much as if the hon. gentleman (Annand) all along had this object in view; only wait, says he, until three or four of us who have been opposing Union can be convinced by some means or other, then we are all right. That is the substance of the hon. member's remarks. If two or three gentlemen could only be induced to assist the friends of Union, then there will be no difficulty about a reference to the people.⁸

I ask the hon. member (Annand) to consider the position he occupies on this question. I am prepared to prove by the most conclusive evidence that the hon. member within the last two or three weeks would have been willing to go for this very resolution without any stipulation as to an appeal to the people.⁹

It would be a strained interpretation of these extracts to say that they charge Annand with being ready to sell out his party and leave it in the lurch, and there is no other evidence against him. We must, I think, exonerate Annand from any suspicion of treachery or bad faith. As for Miller, let us give him the benefit of the doubt, and say he was mistaken.

⁸ *ibid.*, page 206.

⁶ *ibid.*, page 249