

once where to turn. With Canada, it was not as simple. The Proclamation Act, the Quebec Act, and the Act of Union present worthy challenges to Confederation as the founding period of Canada and, even if these challengers are ultimately exposed as impostors, the Confederation Period itself harbors enough important events--most notably, the crucial meeting in Quebec City in October, 1864--to make the Confederation Debates something less than the sole contender for serious study of Canada's founding.³ Despite these methodological problems, I shall focus exclusively on the Confederation Debates of 1865.⁴ I do so because no other event from the Confederation Period has records as complete as these and, more importantly, because these records reveal a sustained level of serious--and at times profound--public argument which, I believe, is sans pareil in Canadian constitutional history.

This article has three substantive sections. The first touches briefly upon the most salient differences between the constitutional arguments of 1865 and those one hears today. The second examines more fully the similarities between then and now in three specific areas: the distribution of powers in Canadian federalism, the need for popular consent to constitutional change, and the central role of public administration.⁵ Section three considers how the Confederation fathers looked upon the United States. The paper concludes with some brief unsolicited advice for my neighbors to the north which I hope they will see as prudent counsel rather than meddlesome preaching.

Then and Now: the Differences

In view of the enormously important constitutional questions raised by the aboriginal peoples in Canada today, it is startling to discover that they are hardly ever mentioned throughout the long debates of 1865. Although the text of the resolutions before Parliament referred explicitly to "Indians and Lands reserved for Indians," the fathers of Confederation never got around to discussing seriously either this provision or the Indians themselves. The very few references to them are either indirect as when H.L. Langevin