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HARVARD UNIVERSITY PRESS
CAMBRIDGE, MASS., U. S. A.

HARVARD ECONOMIC STUDIES
VOLUME LVI

THE STUDIES IN THIS SERIES ARE PUBLISHED BY THE DEPARTMENT OF
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LONDON : HUMPHREY MILFORD
OXFORD UNIVERSITY PRESS

**FEDERAL SUBSIDIES TO THE
PROVINCIAL GOVERNMENTS
IN CANADA**

BY

J. A. MAXWELL

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**CAMBRIDGE
HARVARD UNIVERSITY PRESS**

1937

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PRINTED AT THE HARVARD UNIVERSITY PRESS

CAMBRIDGE, MASS., U. S. A.

To

MY FATHER AND MOTHER

P R E F A C E

MODERN federalism is essentially a compromise. It grows out of an attempt to reconcile the views of those who prefer a unitary government and those who prefer provincial or state independence. Between these two groups stand the trimmers, who frame a scheme which strikes a balance and enables union to take place. Some functions are handed over to the new federal government; some are kept under provincial control. But agreement about the division of functions is not enough, because sources of revenue have also to be divided so as to meet the needs both of the federal government and of the provincial governments as a whole, and so as to satisfy the diverse requirements of the different provincial governments. This is a difficult task. In order to provide the provincial governments with adequate revenues, a further adjustment is often necessary.

The Canadian federation has had to face these problems, and the aim of this monograph is to show how they were handled. The main device used in Canada has been payment of unconditional subsidies by the federal government to the provinces. This device infringes what has been called by Professor Adarkar the "principle of independence and responsibility" — that "the responsibility of raising revenue and the freedom of spending it ought to go hand in hand"; and it has seldom been regarded as more than a necessary compromise. The framers of the Canadian scheme of union were certainly of this opinion, and they therefore attempted to restrict these subsidies within narrow limits. But the constitutional barrier which they set up was broken through almost immediately, and all subsequent attempts to repair it have failed. The unconditional subsidies have been altered on numerous occasions, and quarrels about them have affected almost every phase of federal-provincial relations.

It is, of course, desirable that the terms of a federal union

should have some flexibility, and there has been a growing feeling in Canada that some redistribution of functions and revenues is due. There are many obstacles in the way, but progress might be made by utilizing the system of conditional subsidies which has developed in recent years. This development has been haphazard, and achievement has fallen far short of reasonable expectation. But the system has possibilities for good which have not been utilized, and through it federal-provincial financial relations may yet be readjusted on a satisfactory basis.

Much of the research for this monograph was made possible through the generosity of the Social Science Research Council, which granted me a research fellowship for 1930-31. I am under obligation to numerous people to whom I can make only a general acknowledgment, but a few names should be mentioned. Professor C. J. Bullock as a teacher first stimulated my interest in federal finance. My debt to him I gratefully acknowledge. I benefited greatly from discussions with the Honorable N. McL. Rogers, although he bears no responsibility for the views stated here. I wish also to express my appreciation of the courteous assistance given me by officials of the Library of Parliament, particularly the Honorable Martin Burrell, Mr. F. A. Hardy, and Mr. M. C. MacCormac, and by Dr. J. F. Kenney of the Dominion Archives.

The editors of the *Canadian Bar Review*, the *Canadian Historical Review*, the *Canadian Journal of Economics and Political Science*, the *Dalhousie Review*, the *Journal of Political Economy*, and *Queen's Quarterly* have kindly allowed me to reproduce portions of my articles which have appeared in their pages.

J. A. M.

Worcester, Mass.
July, 1936

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PART I
UNCONDITIONAL SUBSIDIES

INTRODUCTION

HISTORIANS in recent years have made clear that before 1864 many men had toyed in their minds with the idea of federation of British North America.¹ Most of these schemes did not face the difficulties inherent in the proposal. They were inspired sometimes by an acute realization of the ills of the existing situation, and sometimes by the natural desire of statesmen to be nation-builders. Not until the Quebec Conference was a scheme of union formulated which really took account of the complexity of the task. Then a practical plan was drawn up, which, with modifications, was to provide a constitution for the Dominion of Canada.

But a constitution, no matter how carefully it may be devised, is only a framework. No complicated piece of legislation works out exactly according to expectations, and the British North America Act was no exception. It was the task and the test of Canadian statesmen after 1867 to make their new constitution work, to reconcile the divergent elements which had been brought together under a federal government, and to forge organic bonds of union which would supplement and even replace the legal bonds of a man-made statute.

Both in framing a constitution for Canada and still more in making that constitution work, questions of federal-provincial finance were of vital importance. At Quebec in 1864 a dispute over finance almost wrecked the conference. After 1864 the opponents of confederation directed their most telling attack against the financial clauses of the Quebec resolutions; and when in 1866 the delegates from Upper and Lower Canada, Nova Scotia, and New Brunswick met at London, the most important changes made by them in the Quebec resolutions had to do with finance. After the Dominion had been created, the first

¹ W. M. Whitlaw, *The Maritimes and Canada before Confederation* (Toronto, 1934).

serious dispute between a province — Nova Scotia — and the federal government was settled by an adjustment of financial terms. When in 1871 and 1873 British Columbia and Prince Edward Island asked to be admitted to the union, the decision hung upon questions of finance. On numerous later occasions disputes between a province and the federal government have been settled by a financial readjustment. There is nothing surprising about this. A federal union brings together communities which have conflicting interests, and very frequently it is through the touchstone of finance that reconciliation is effected.

The most important aspect of federal-provincial finance in Canada has been the system of unconditional subsidies introduced in 1867 and since greatly extended. This system has not worked well. The need for subsidies at the outset can hardly be disputed, but with the passage of time defects have multiplied. In recent years a set of conditional subsidies has been added, with mixed results. A candid review may serve both to disclose mistakes and to suggest remedies.

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- C.H.R., *Canadian Historical Review*.
- D. of A., Debates of Provincial Assemblies.
- J.H.C., Journals of the Dominion House of Commons.
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