

have any complaint to offer; the members will be elected by bona fide electors, and the members will represent each province in accordance with the franchise of the province.

Mr. POWELL. I do not intend to trouble the House to any considerable extent. I propose to crystallize, as it were, the opinions expressed on this side of the House in the form of an amendment, which I will move before I take my seat. Before doing so, as the matter is under discussion, I may give expression to a few views I entertain concerning this matter. In the first place, there can be no dispute, I think, in this House—and several hon. gentlemen opposite have acceded to the view—that it is very desirable, indeed, that the federal power should have a franchise of its own, and that that franchise should be uniform. This view was dissented from by the right hon. leader of the Government, when he spoke the other evening, and he referred, in proof of the desirability of adopting the view he himself took, to the course of the framers of the American constitution, and adverted to the alleged long discussion that took place in Independence Hall, in Philadelphia, concerning this matter. In respect to that contention, while I agree with the hon. gentleman, that the matter of state representation in Congress and in the Senate formed the subject of a most prolonged discussion before that convention, yet I can scarcely accede to his statement that the question of the desirability of having one uniform federal franchise received any great share of attention at the hands of those illustrious men who formed that convention. It was incidental, but only incidental, to the discussion of the other subject. While I am on that point, I may say that the United States constitution was evolved under peculiar circumstances. The reason that the constitution is as it is with reference to the franchise, was due, not to the fact that any great man who sat around that council board was in favour of state franchises, but it was due to the fact that state jealousies would admit of no other. Under the old federation which existed for five or six years previous to the adoption of the constitution, state differences had become very intense, indeed. To such an extent had state jealousies been carried that war had actually existed between Pennsylvania and New York; war was threatened between Vermont and New York and New Hampshire. To such small matter had these jealousies extended, that in a matter even of a lighthouse site which New York obtained from New Jersey, at the mouth of the Hudson, the state of New Jersey, in return for the practical embargo placed on New Jersey's trade, imposed an annual tax of \$1,800 upon the small piece of ground which New York required for the erection of the lighthouse. In view of those state jealousies,

which were so intense, the convention left the franchise to individual states, for the simple reason that no general franchise could be agreed upon. But while it did so, it reserved to the federal power the right at any time by law to make or alter such regulations as the local powers might adopt, except as to the place for choosing senators; and when the greatest political genius who sat at that council, the greatest political genius this continent has ever had, Alexander Hamilton, wrote his article in the "Federalist," commending the constitution of the state of New York, he approved this feature, this clause, of the American constitution which provided for federal control, and used these words:

I am greatly mistaken, notwithstanding, if there be any article in the whole plan more completely defensible than this.

He was replying to the contention made, that the federal power should exercise no influence over the franchise.

Its propriety rests upon the evidence of this plain proposition, that every government ought to contain in itself the means of its own preservation.

He elaborated that view in the letter which appears as No. 59 in the "Federalist." As to the authorship of that letter there is no question, although it was published anonymously; it is acknowledged to be that of Alexander Hamilton by every person familiar with the "Federalist."

Our constitution adopted at Quebec differs from the constitution of the United States in this way. By mere force of state jealousies in the United States, the Constitutional Convention were bound to allow the fixing of the franchise to rest, in the first instance, with the state authorities, subject to the control and revision of the federal authorities. The fathers of our confederation adopted, however, an entirely different view. Our constitution, so far as this question is concerned, does not recognize—and I need not elaborate this point, because every lawyer is aware of it—any power of provincial autonomy. The provincial franchises had to be followed in the first instance, 'ex necessitate rei,' or the conference would have been obliged to embody in our constitution a complete code of franchise and election law; but the moment this central Parliament repealed those old regulations by the adoption of new measures, then the local franchises became obsolete. The law that governs is section 41 of our constitution:

Until the Parliament of Canada otherwise provides, all laws in force in the several provinces at the union relative to the following matters, or any of them, namely:—The qualifications and disqualifications of persons to be elected or to sit or vote as members of the House of Assembly or Legislative Assembly in the several provinces, the voters at elections of such members, the oaths to be taken by voters, the returning offi-