The Weekly British Colonist.

Wednesday March 16, 1870.

The New Constitution.

In opening the Legislative Council, less than a month ago, His Excellency the Governor intimated that he would increase the popular element in the Executive Council, and 'ask for authority so to reconstitute the Legislative Council as to allow a majority of its members to be formally returned for electoral Districts.' With that promptitude which has characterized his administration, His Excellency has Her Majesty's State-craftsmen at work on the new constitution. What sort of a constitution will it be? The terms employed by the Governor are so general that the people are left very much in doubt-land on the subject. A majority in the Legislative Council may mean a bare preponderance of numbers, or it may mean such an overwhelming majority as would be able to withstand the contageon of Executive influence. But we may, perhaps, be better able to form an opinion about the character of the new constitution by considering it in the light of what it is *not* to be. His Excellency tells the colonists plainly that, in his opinion, the form commonly called Responsible Government would not be found at present suited to the colony. It is perfectly clear, therefore, that, whatever amount of representation in the two branches the people may enjoy under the new constitution, they are not to have that control over their own local affairs which can alone be enjoyed under a constitution making those in power responsible to the people Now we respectfully submit, in the first place, that the people of British Columbia have no faith in Imperial constitution-manufacturers; and, in the second place, no constitution will be acceptable to the people that does not give them real control. Mere count of noses in the Legislative Council will not meet the case. So long as the vital principle of responsibility is absent every effort to paint the system in popular guise will only prove a delusion and a snare. In truth the more attractive it is made to appear the greater will be the danger. The old musty doctrine of the Divine right of kings has been long since exploded. All power must be derived from the people. Power to govern this colony should not come from a Colonial Minister in Downing-street; nor should it come from a Cabinet sitting at Ottawa. Is it not matter of surprise that an attempt should be made at this day to put the people of British Columbia off with anything short of self-government, in so far as their own local affairs are concerned? The case of Red River, however surrounded with the ludicrous and unreasonable, is not without its lessons, and should not be without its moral. But if there was a want of due consideration for the rights and liberties of the inhabitants of that country in organizing a Government, how much more in the case of British Columbia. Red River possesses at present a population which it is not invidious to presume is less fitted for self-government than the population in this colony. They are for the most part people who have never lived under free institutions—having all their lives been accustomed to be governed by the local agents of the Hudson Bay Company. Yet in the instructions given to Mr McDougall we find the following passages: 'That in forming your council the Governor General will see that not only the Hudson Bay Company but the other classes of the residents are fully and fairly represented.' 'That your council will have the power to establish municipal self-government at once, and in such a manner as they may think most beneficial for the country.' 'That the present government is to be considered as merely provisional and temporary; and that the Government of Canada will be prepared to submit a measure to Parliament granting a liberal constitution so soon as you as Governor and your council have had the opportunity of reporting fully on the wants and requirements of the Territory.' Here we see at least a desire and intention to give the people of the Red River Settlement the right to a voice in the management of their local affairs from the first; yet we find these people rejecting the proposed provisional constitution as not being sufficiently liberal. British Columbia, entitled to more, is, for aught we know, asked to accept less. Is the Governor justified in calculating upon the acquiescence of this people? Is it wise to try so dangerous an experiment? The American Eagle is nearer to Victoria than to Fort Garry! Are the people of British Columbia any less likely to know their political rights and demand them than were the 'Winnipeggers'? Why provoke such a dangerous issue? Why mar and render distasteful the great scheme of Confederation by seeking to plant British Columbia in a position which will give it a lower political status and less political power than the sister Provinces? Is the cardinal doctrine of our national creed, that the people know best how to manage their own local affairs, less true on the Pacific than on the Atlantic? Or does distance only serve to increase the ability of the inhabitants of the Atlantic Provinces to manage the *local* as well as the general affairs of British Columbia?

Legislative Council.

WEDNESDAY, March 9th, 1870.

Council met at 1:35 o'clock.

Present—Hon Colonial Secretary in the Chair, and Messrs Crease, DeCosmos, Humphreys, Helmcken, Wood, Drake, Barnard, Hamley, Pemberton, Robson, Carrall, Bushby, Dewdney, O'Reilly, Alston, Sanders, Ball, Trutch, Ring.

PRIVILEGE.

Mr DeCosmos said he was reported in the COLONIST as saying 'this being a Crown Colony such an expense, if not private, should be defrayed from the Crown Revenue.' He had never uttered such words, either in intent or form.

PETITION.

Dr Carrall presented a petition from Peter Eddy, a Cariboo miner, who complained that to satisfy a debt of $152, $10 000 or $12 000 worth of property was sold by the Sheriff, P O'Reilly. The petition also complained of partiality on the part of the Judge. The hon introducer moved that the petition be referred to a committee of legal gentlemen, members of the council.

On motion of Mr Humphreys, the petition was read.

Mr Dewdney said it was necessary that the hon introducer of the petition should certify to the correctness of the petition. One of the allegations he (Mr Dewdney) knew to be false and the petition was disrespectful.

Dr Carrall knew nothing of the facts of the case and was not prepared to endorse them, but he contended that the petition was not disrespectful, and he believed that the council was fully competent to deal with it.

Mr Crease said the council had no power to right the matter.

Mr Robson hoped that no narrow interpretation of the rule of order would be allowed and that the petition would be entertained.

Mr O'Reilly, as one of the parties referred to in the petition, said he courted the fullest investigation.

Mr Wood hoped that the petition would not be received without an endorsement of the truth of the allegations.

Dr Carrall said he did not guarantee the truthfulness of the allegations, but the petitioner was one of his constituents, and he thought the case, as represented, a hard one and one that called for investigation by this council, nor did he find anything contained in it that was disrespectful.

Mr Barnard said the case was indeed a hard one; there was a frightful sacrifice of property at the sale. It was cited as a standing complaint against the Sheriff of the colony and it was entitled to the fullest investigation, if for no other object than to have it set at rest.

The President said that the petition had been already received and read by order of the Council but an objection was made to having it laid on the table, and where it was to lay he did not know.

Mr DeCosmos said the House had received the petition.

Some of the Government members here said they had not heard the motion to receive, but the President said the petition had already been received and that it must be laid on the table.

NOTICES OF MOTION.

Mr Humphreys—That simultaneously with admission into the Dominion, Responsible Institutions and Responsible Government be inaugurated in this colony.

Mr Drake—That all fines and fees levied or collected by any magistrate for violation of Municipal Ordinances of the City of Victoria be paid into the treasury of the said city.

Mr Drake—That the Municipal Tax List of the City of Victoria be deposited in the Registrar General's office.

SUPPLY.

The Supply Bill was read a second time and committed, Mr Saunders in the Chair.

The Bill was passed and reported complete.

The Supplemental Supply Bill was read a second time and committed, Mr Saunders in the Chair. The bill was reported complete.

ASSAY OFFICE.

Mr Drake moved for returns showing the total cost of the establishment and maintenance of the assay office and mint at New Westminster and Cariboo from the commencement down to the present time. Carried.

MEDICAL BILL.

The Medical Bill was read a third time and passed.

CONFEDERATION.

The Attorney Gen. moved that the council resolve itself into Committee of the Whole for the purpose of taking into consideration the Terms of Confederation proposed by His Excellency the Governor. The question was a momentous one and he hoped the honorable members would bend their minds to the task and laying aside personal prejudices would exert all their patriotism and energy in bringing the matter to a successful and propitious issue. The hon gentleman invoked the blessing of Him who holds the world in the hollow of His hand upon the deliberations of the council. The council, in 1867, had passed a resolution requesting His Excellency the Governor to take such steps as would bring about a speedy confederation of this colony with the Dominion east of the mountains. Honorable members then in this council expressed the desirability of Confederation at some future time—the principle was admitted by all. Individual members pressed upon Governor Seymour the advisability of telegraphing the result to the home authorities, which was done. On the 24 h of April, 1868, the specific terms on which Confederation should take place were moved and the council, while standing by the resolution of the previous session, resolved that they were still without information as to the working of Confederation in the Eastern Provinces. In 1869 a resolution was passed urging her Majesty not to take any steps 'at present' towards confederating the colony. The great principle of Confederation has been affirmed by the council always, and he would, therefore, move that the council go into Committee of the Whole on the Terms proposed. By a consolidation of British interests in North America, we should form one homogeneous people stretching from sea to sea. The hon Attorney General said that the position of of himself and his honorable colleagues of the government on this question had been misunderstood at Ottawa and London. It was true there were certain drawbacks to union with Canada, such as want of overland communication; but these would all be arranged in the Terms, which would go to the Dominion Government, and the people, as a last resort, would be called on to ratify them. All our interests—political, geographical and social—pointed to a change of some kind. We were sandwiched between two slices of American territory on the north and south, and the only direction in which we can extend is to the east. If we remained as we are we should be a poor, weak dependency on a country 15,000 miles distant. Our resources of coal, timber, furs, gold, silver, and fisheries—every advantage that the lavish hand of Nature could bestow upon us we had, yet we were not prosperous. Why was this? It was not our form of government. (Yes, yes; no, no) It was because we were too near the United States and because we were isolated from our people. The time had arrived when this isolation must end. Confederation will take off our public debt, extend our credit, develop our manifold resources, give us a balance in the exchequer for public works, it will give us a railroad across the continent attract population which is always tending in a continuous wave towards the far west, it will extend our trade and commerce and our position with Canada would not be unlike that of Scotland with England or the county of Kent with the rest of the kingdom. Events gravitate in the direction of Confederation. Our own inclination and Imperial policy all point in the same direction and we should sooner bring on an era of prosperity by making an effort, under God's blessing, to bring this momentous matter to a successful issue.

Mr Trutch seconded.

Dr Helmcken read passages from the speech of his Excellency with reference to Confederation and said that however much British interests might suffer by our entering into Confederation the interests of the colony must be consulted first. Imperial interests could well afford to wait. Anyone could say that Confederation would do us good; but the truth of the assertion needs to be proved and the people would eventually have to settle the matter. This question was brought into the council at the suggestion of Earl Granville. It was a Government measure and all knew what that meant. These terms were laid before the council and if the council passed them they would go to Canada and then we would have to wait and see what terms the Canadians will accept us upon. The responsibility ultimately rested with the people and it was for the people to say whether they would have Confederation or not. The time was most inopportune for bringing down such a scheme as this. The recent gold discoveries would bring a large population to this colony and the little despondency that now existed would be swept away and we should enter upon an era of prosperity not inferior to that which existed a few years ago. If prosperity comes people will not be so ready to accept union with Canada. He had no doubt that the debt of Canada was greater now than when the last census was taken and we should wait until the next census was taken before we could estimate the difference between the debts reckoned per head. The Red River difficulties might prove most formidable, and a great deal—so far as the colony was concerned—hinged upon the settlement of the intermediate territory. Confederation was an experiment. If we were to wait a little we should know better the working of this new piece of machinery. It would be a mistake to ally ourselves with a people 3000 miles away with no telegraphic system, no communication by roads—in fact we were more distant from Canada to-day than we were from England—we knew so little of Canada that a copy of the Canadian Tariff was almost impossible to be obtained. [No, no, there are plenty]

Hon President—There will be plenty to-morrow—I have ordered 50 to be printed.

Dr Helmcken—I am glad to hear it. This is a rich colony—one of the richest of colonies in everything that goes to make a people prosperous and happy—the waters teem with fish and the 'whales do spout everywhere.' [Hear.] The hon Attorney General asked 'why don't the colony get on.' He would answer:—It was because the government had not paid enough attention to the acquisition of population; and because of our proximity to the U. S. When we looked at the energy, the enterprise there, and the inducements held out to immigrants, how could we wonder that people preferred that country to ours. We do not enjoy the same degree of prosperity as the United States, and Heaven knows that we are too small to be her rival. A larger body of the same character brought into proximity with a smaller body will absorb the smaller body.—[Cries of 'No'—Voice—How about Switzerland?] He would go further. The United States would eventually absorb Canada, just as Canada appears to be about to absorb us. [No, no.] We had suffered for want of an agricultural population; when we got people here we did not keep them, and the abolition of free trade drove many away. He held in his hand the customs returns for last year and it would be found that half a million of dollars went out of the colony every year to buy agricultural products. Another half-million dollars' worth was produced in the colony and we threw away that one million dollars if we adopted the Canadian tariff. That tariff would take away one of the inducements we have for attracting population to this colony. We were told that great public works would be undertaken, but the supplies required would come from the United States and those works would actually do more good to the United States than to us. We want markets for our coal and our lumber—we want our local industries fostered—and all these can be attained by a judicious arrangement of our own tariff. The next thing we have been striving for is an agricultural population. If our farmers were subjected to the Canadian tariff they would be ruined. Injury and loss would be inflicted upon the present population of the colony. He laid down this proposition: 'That anything that deprived the government of this colony of the power of protecting the local industries of the country, and of regulating and fostering trade and commerce cannot be otherwise than dangerous and probably injurious to the country; that Confederation will take away our independence, as it will not only deprive our local industries of the encouragement now enjoyed, but will inflict other burdens upon them and will not free trade and commerce from the shackles now binding it and will not increase the markets for our products; and, further, will deprive the government of this colony now and for all time of the power of regulating and fostering these, upon which the population of the country depends; it cannot be otherwise than injurious, and inimical to the present inhabitants of the colony. There could be no permanent or lasting union with Canada unless Confederation be made to serve the interests of this colony. The people of this colony had very little love for Canada—no one cared for the sentiment about erecting a new Empire, or about a people speaking the same language and all that sort of thing. When the money ceased to be expended in the colony, the people would come to consider whether they were as well off under Confederation as they might be under another government. There was not the slightest need of joining Canada; but the hon Attorney General said we must join because we should be relieved of our debt. Now, our debt, in proportion to our population was very little more than that of Canada. When he said this he meant that the Indians of this colony were very large consumers and were entitled to be included in the population. At the end of 1871 this colony would be better off by $50,000 less expense than it is now. He did not think that Canada could defend this colony, and he had no doubt that in a very short time she would be called on to pay the troops, then the Navy, and lastly, be told to take care of herself. Confederation, he believed, would ruin the brewers, the farmers, and our fisheries. Under the Canadian tariff grain of all kinds was admitted duty free, and if the farmers of this country were again brought into competition with foreign farmers, they must succumb. [Mr DeCosmos—Lower country farmers]. Yes. Under free trade the farmers of this colony did not flourish, now they are prospering. The Canadian tariff would do away with the great inducements for settlement, and we could not recuperate quickly. A brewer in Canada must take out a brewer and a maltster's license, and a duty of one cent per pound is levied on all malt and grain. The amount of grain consumed by brewers in this colony was 1,125 000 lbs, so that the brewers would have to pay upwards of $12,000 malt tax, to say nothing of the licenses. It would require 500 acres of ground to raise the grain consumed by the brewers in this colony, so that the farmers as well as the brewers would suffer injury. According to the Canadian law, no fish could be caught at the mouth of any river while on their way to spawn. Again, whales must not be taken by firearms or bombs. All the whales taken in these waters are taken by firearms, so they may spout and sport after Confederation without interruption. There was an excise duty, too, on tobacco. Then there was an export duty on logs. (Mr Barnard—That protects Canadian mills.) Union will not increase our trade an atom, and after Union everything will centre in Canada and all the outlying provinces will be but tributaries or feeders for her. We were told that the tariff and organic law of Canada must govern us. The Canadian tariff proposes a lower duty on spirits and none on agricultural products. The natural result must be patent to all. Canada may tax us to any extent she pleases and take our money for the purpose of supplying us with intellect, while she leaves us to find the money for our support. The very means by which the roads of other colonies are built are to be taken from us. The bright picture drawn by the hon Attorney General was a bubble—very pretty to look at but very easily burst. The hon gentlemen sat down amid applause.

Mr Drake rose to move an amendment to the Attorney General's resolution—'That this question be postponed for six months.' At the present time he did not believe that Confederation would benefit this colony at all. The time had not arrived for it. There was a struggle by every one in the colony for a change of some kind, and this measure was before the House as the result of that feeling. He had no hope of the amendment being carried—not the slightest, but he regretted that the disadvantages of union had not been discussed as well as the advantages. He was glad that hereafter the question was to be referred to another council—to a council returned by the people. His opposition to union was firmly rooted and he had heard nothing at present to change that opposition. The idea of forming part of a large, wide-stretching country was dazzling, but the change was one from King Log to King Stork. All our rights would be taken away and we would be transferred from the rule of the statesmen of Downing street to the politicians of Ottawa. [Mr DeCosmos—No.] The power would be taken away from us of raising money by taxation except for provincial purposes and any conditions we may ask are subject to the provisions of this Act. The power left to us is the same as that vested in a municipality or vestry. Canada would have the power of raising money on the security of our vast and rich territory, while we should get very little from Ottawa in return. He would rather remain as we are subject to a change in the system of government. We were distant 4000 miles from Halifax and 2000 miles of it was an inhospitable wilderness, while many who made the trip through the Red River country describe it as mostly a desert and unfit for settlement. Canada wants population and capital—just what we want. Upwards of three-fourths of the emigrants who came into Canada last year crossed over into the United States, and upwards of 80,000 native Canadians had followed them. A railroad he considered not likely to be built speedily. The farmers and manufacturers of this colony could not compete with those of the United States: until it had advanced in population and wealth there would be a balance of trade in favor of the United States and he could not see how Confederation would benefit us. Besides, what guarantee have we that any agreement Canada might make would be carried out. When a treaty or agreement was made by a larger power with a smaller one, that treaty or agreement was broken when an emergency arose. Once in the hands of Canada we were there forever and he would consent to no treaty or agreement that was not guaranteed by the Imperial Government. We all should look to our own personal interests. We have nothing to do with Imperial interests or requirements—simply with our own.

Mr Ring seconded the amendment of the hon member for Victoria city. He wanted to have an extended suffrage given so that the people would have an opportunity of expressing their opinion, aye or no, whether they wished for Confederation. The official majority of the council did not express the voice of the people—they merely expressed the voice of the government. The hon member protested against the statement that the people wished for Confederation—the people of Nanaimo did not wish for it—they thought it undesirable at present. Why did not the government give the people an enlarged representation to test this question fairly? The resolutions referred to by the hon Attorney General were not based upon the opinions of the people and the hon gentleman called on the government to submit the question to a popular test.

Mr Humphreys at 4½ o'clock moved that the Council do now adjourn, but subsequently withdrew the motion.

Mr Robson said he had intended reserving any remarks he might offer until the terms submitted by government were under debate in Committee. Words spoken by the hon Dr Helmcken could not, however, be permitted to pass unnoticed. That hon gentleman complained that the measure came down from the Executive, instead of coming before the House as an open question; but the wonderful latitude taken by that gentleman in opposing the measure presented a strange paradox. He felt at some loss to understand how a member of the government and of the Cabinet could oppose a government measure in the House. But he [Mr Robson] had been more than astonished at the allusion to Annexation. When such words fell from a Cabinet Minister the House would naturally desire to be informed whether the government really intended submitting to the people a choice between union with Canada and another union. He had hoped the debate would be carried through without the necessity of making use of the word Annexation; but as the subject had been dragged in by a member of the government, he might be pardoned for comparing the respective advantages as offered by the two courses which the House had been told would be open to the people. Very great objection had been made to Confederation on the ground that everything would be centralized at Ottawa, and this colony, as a Province of the Dominion left uncared for. Would not the same objection lie against Annexation? But we saw in the case of American States and Territories on the Pacific that this fatal result did not follow. In joining Canada we became an integral part of it—and for the central government to neglect or injure this colony would be as foolish and unnatural as it would be for a man to injure or neglect a member of his own body. If one member, even the most humble, suffered, all the members would suffer with it. Community of interest was the guarantee for fair play to every section. The Dominion was made up of provinces; and the prosperity of the whole must necessarily depend upon the prosperity of the various parts. It had been suggested whether Canada could or would fulfil her pledges. He was surprised to see an hon gentleman of so much experience advance such an idea. The government of the Dominion was composed of gentlemen, several of whom had a life-long experience in working out liberal institutions, and most of whom possessed, in a high degree, those qualities which go to make up the Statesman. They had, since grasping the grand idea of Confederation, proved themselves fit to govern an Empire. The scheme was Imperial as much as it was Canadian, and in any pledges that might be given to this colony we might consider that both governments were included. Exception had been taken to the Dominion fishery laws, because they would permit our whales to blow and our salmon to spawn with impunity, but when he heard such objections as these he was forced to suspect the sincerity of the objector. The subject was the most important one ever debated on the British Pacific. Beside it all other questions paled, and it became hon members to deal honestly with the issue. Objection had been made to the Dominion Tariff. And here really lay the only objections worthy of serious consideration. But when Dr Helmcken asserted that that Tariff averaged scarcely less than our own, and that it would destroy the agricultural and industrial interests in this colony, he was wholly astray. The Canadian tariff averaged fully a third less than our own, and although in its present form it would be inadapted to some interests we would wish to protect, it should be remembered that Confederation would bring us either Reciprocity or a revised Tariff which would meet American productions with a protective duty. He was gratified to find that we now have a Government taking up the great question of Confederation; and it would afford him great pleasure to support the Terms which had been submitted. These Terms were highly creditable to the Executive and good as far as they went; but he hoped to see others added in committee. There was one condition without which he could tell the government the people would never be satisfied, and that was a constitution conferring on this colony as full powers of self government as those enjoyed in the other Provinces. Without that British Colombia would virtually hand over the control of its local affairs to the authorities at Ottawa. Canada wished us to have self-government, and we must have it. To accept anything less would be to wrong ourselves and our children: and to introduce into union an element of discord and discontent. Whatever other conditions might be decided upon, that of self-government must be insisted on.

Dr Helmcken rose to explain. The hon gentleman who had last spoken had misunderstood him. He [Dr Helmcken] did not say that there were only two roads open to this colony—Confederation or Annexation—but he said if these terms were rejected by Canada and mean terms substituted, that then it was likely the next question the colony would have to consider was that of Annexation.

Mr Robson—If the hon gentlemen had expressed himself in that way I should not have taken the slightest exception to his remarks.

Council here adjourned till Thursday at 1 o'clock, P M.

FROM NEW WESTMINSTER.—The Enterprise arrived from New Westminster last evening at 5:30 with 26 passengers. She brought no passengrs or mail from the upper country.