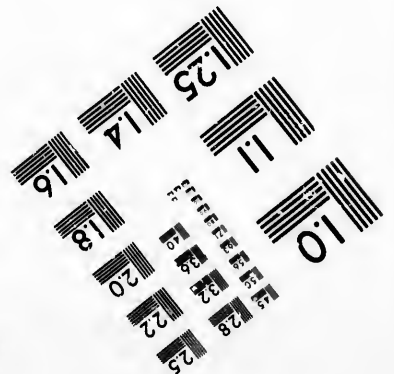
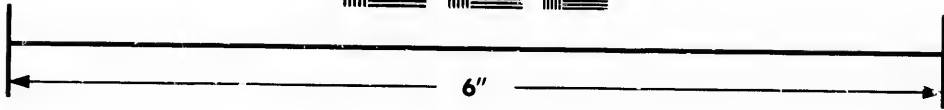
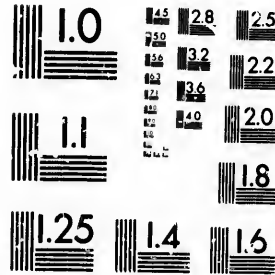


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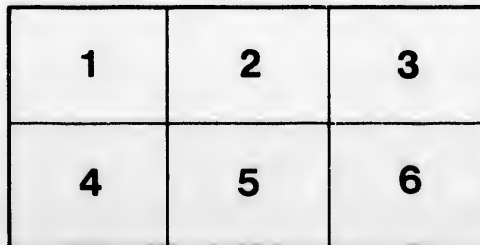
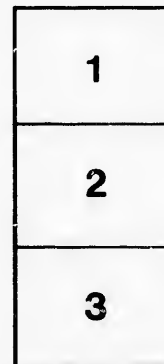
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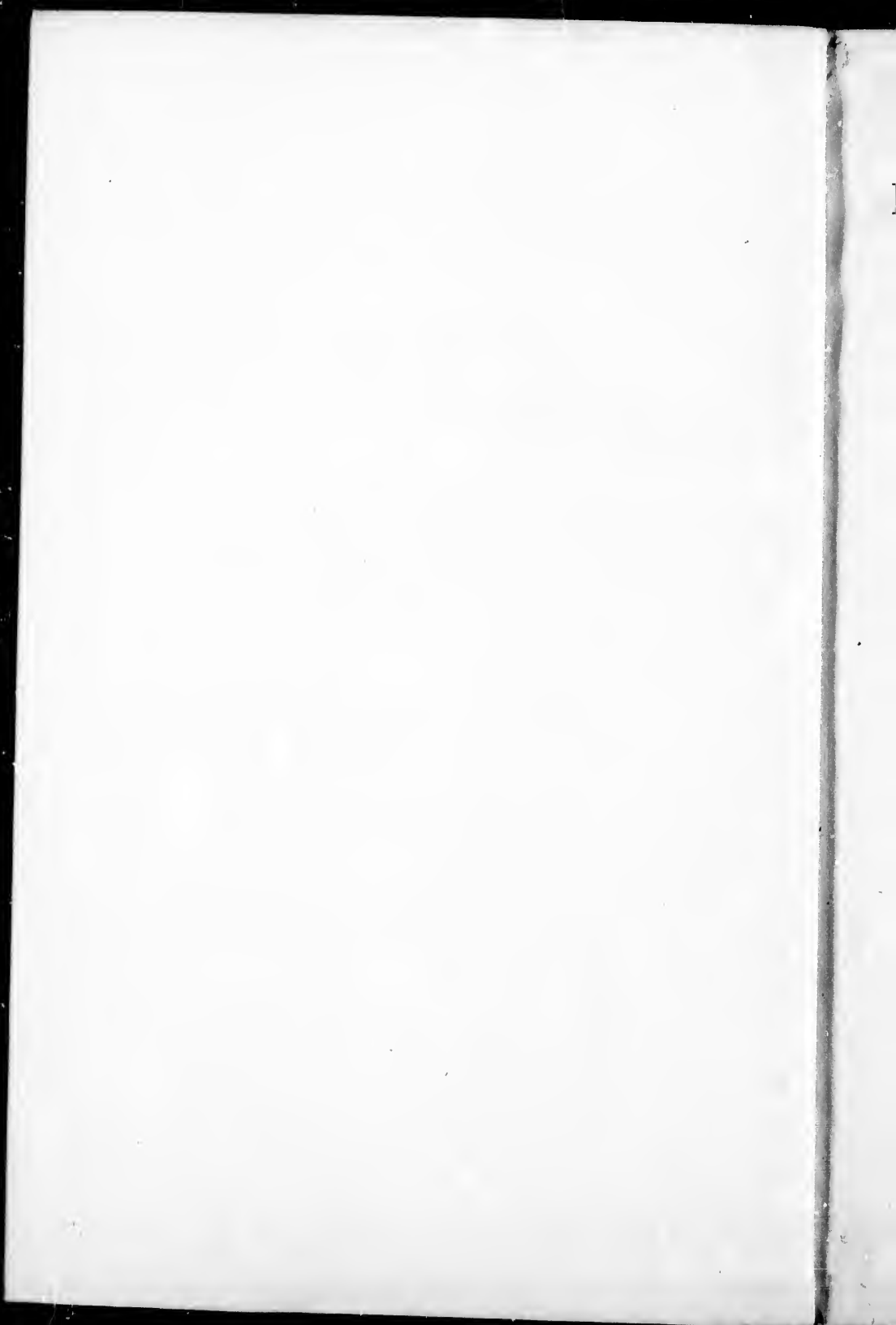
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THE  
PROPOSED B. N. A. CONFEDERATION:

A REPLY

TO

MR. PENNY'S REASONS

WHY IT SHOULD NOT BE IMPOSED UPON THE COLONIES BY  
IMPERIAL LEGISLATION."

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FROM THE

**Montreal "Daily News."**

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*Sydney Bellinghansa.*  
editor.

Montreal:

DAILY NEWS" OFFICE, Nos. 21 AND 23 ST. NICHOLAS STREET.

1867.

THE UNIVERSITY OF CHICAGO PRESS

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# MR. PENNY'S PAMPHLET ON CONFEDERATION.

HIS ARGUMENTS CONSIDERED AND ANALYSED.

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## PRELIMINARY REMARKS.

So much has already been spoken and written on the proposed "Union of the British North American Provinces," that we had concluded to accept the pamphlets and speeches already before the public as sufficient to enable the Parliament and people of Great Britain to form a correct estimate of the merits and demerits of the scheme. It appears, however, that the opponents of Confederation have considered it necessary or advisable, in addition to their famous "Remonstrance" to publish a pamphlet for distribution in England; and Mr. Penny, editor of the "Montreal Herald," has been selected to bear the responsibility of its authorship and publication. It is an elaborate document, written in plain readable English, and will no doubt form a valuable addition to the "Repertoire" of British American politicians. To us however, it lacks one most important feature. We have perused it carefully, and cannot discover a single argument that can claim the merit of novelty. It is simply a pot-pourri of the published anti-Confederation speeches delivered in Parliament, with a strong

spice of the Holton-Dorion Remonstrance. We are puzzled to discover how the partisans of Confederation can feel in the slightest degree alarmed at the circulation of the document in England or elsewhere. On the contrary, we are persuaded that this opposition to the proposed Union, deficient as its organizers are in logic and reason, as exhibited by their publications, will do more to secure its success than reiterated arguments in its favor. The pamphlet, however, is entitled to an analysis by the press, as it refreshes the memory on many points that may fairly be discussed at this particular juncture. Whether that discussion be satisfactory to our confrère of the "Herald" or not, remains to be seen. We shall deal with the work on its merits, avoiding all those unpleasant personalities and allusions to individual antecedents, which we regret to find in the columns of another esteemed contemporary. Unfortunately, these stormy dissensions are of too frequent occurrence, and we shall do our best to avoid engaging in them.

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## HIS INTRODUCTION.

The author starts with the plausible assertion, that the Confederation of the British North American Colonies "is not simply a political measure," because it has been agreed by the delegates from the different Provinces to construct the Intercolonial Railway, and

acquire the North-West Territory from the Hudson's Bay Company. He terms these schemes of a quasi-economic character." It is certainly true that the 63th clause of the Quebec scheme provides for the early completion of a Railway from Rivière du Loup in



Canada to Truro in Nova Scotia, passing through New Brunswick. This condition was one of the leading features on which the scheme was based, as without this connecting link the proposed Union would be simply impracticable. And, moreover, the plan of a Halifax Railway is not of modern origin. Lord Durham, in 1839, distinctly asserted that a road between Halifax and Quebec would encourage communication between the Provinces, the effect of which would be to render a general Union absolutely necessary, and the surveys lately made of the proposed road by Fleming and others, have established the fact that, not only is the route practicable, but the land throughout the line is well adapted to settlement and manufactures. Violent opposition to an Intercolonial Railway has always been part of the policy of the party to which Mr. Penny belongs, and the questionable conduct of the representatives of that party when in England some years ago, previous to the appointment of Mr. Sicotte to a Judgeship, by which the good faith of this country was seriously called in question, has not yet been forgotten.

This railway would inevitably be built whether we are confederated or not, and to condemn the plan, because this so called "quasi-economic scheme" is to be carried out in connection with the Political Union, is, to say the least, a very poor way of denouncing Confederation *ab initio*. But while the Intercolonial Railway forms part of the scheme of the Quebec Conference, we find nothing therein which treats of the acquisition of the North-West Territory. From our reading of Mr. Penny's introductory remarks, the English public may easily be led to conclude that this purchase forms part of the compact. The truth is, on the contrary, that the acquisition of that territory is simply a matter of declared Canadian Ministerial policy, and was never introduced, either directly or indirectly, into the drafted scheme. It will be for the first Confederate Parliament to decide that question; and the assertion that it is tacked on to the scheme of Union, is simply unfounded, and we must say, disingenuously inserted rather to make a point than publish the facts. The author laments in lachrymose tones the unfortunate position in which the opponents of Union are placed. Of course, the experience of history has taught us that small minorities find it exceedingly difficult to

impose their views on large majorities. The scheme of the Quebec Conference was before the Legislature for months. It was discussed with a freedom and liberty rarely, if ever allowed before in this country, and what was its fate? It was passed by an overwhelming majority of the representatives of the people. Is it not, therefore, almost presumptuous for a small rump of a quasi-annexation party in Canada, to insult the intelligence, the honesty, and the matured judgment of the five-sixths of the legislators of the United Provinces? The assertion that the press has been corrupted in order to carry Confederation, has been answered in the columns of the *Montreal Gazette*, and we can only for our part repudiate the accusation as a baseless libel on the profession of which the author of the pamphlet is such a distinguished ornament.

The immense influences possessed by the Confederation party, to which Mr. Penny alludes, furnish abundant evidence of the popularity of the scheme, and would seem to stamp it with the index of favorable public opinion, while he would have the English people believe that a base tyrannical attempt has been made to impose Union upon the people of these Colonies, contrary to their wishes. Such left-handed logic is, in our humble opinion, calculated to injure even a better cause than the senseless opposition of the Anti-Confederates. The Grand Trunk Railway Company also receives its share of that oft repeated abuse to which we have all been accustomed for years. It is the old cry of "Wolf;" with respect to all public enterprises built with the money of British capitalists. In this case, the latter are warned not to perpetrate the injustice of enabling us to construct an Intercolonial road. Although the Public Exchequer of Canada has contributed a very large sum to the railways of the Province, were the alternative put to-morrow to the people, whether they prefer the railway facilities they now possess, or the few millions of Canadian dollars they have given to obtain them, we feel confident that many, even of that extreme political party which Mr. Penny represents, would join in the sensible conclusion that our railways, both by their direct and indirect advantages, are cheaply bought. Still, the occasion is turned to account against Mr. Watkin, Sir Ed. He Lord Monck, Mr. Cardwell, the Barings & Glyn, and in fact against every important person interested, whether officially or other-

wise, in the success and progress of these Provinces! These gentlemen are favorable to Confederation, precisely because they are connected by ties of good feeling with the great material interests and the loyal classes of our population. They feel that Union is the only safeguard to preserve these Provinces from absorption by the United States; and we can easily appreciate, therefore, the *animus* that dictates the author's attacks upon them. We imagine they will survive his efforts to ruin them in public estimation.

Mr. Penny is correct when he forms his estimate of the chances:

"On the other hand, any objections have to be made by persons enjoying no authoritative position to give effect to their representations; and if they desire to employ the most powerful method, that of personal intercourse and explanations, they must do so at the cost of voyages borne by themselves, and at the risk of being regarded as impertinent intruders. It is but too plain, then, that any opinion contrary to that which has such powerful official and personal backing must be heavily overweighted."

The experience of Hon. Jos. Howe and his relative, Mr. Annand, in England, with the treasonable denunciations of the scheme by the Anglin-Smith combination in New Brunswick, furnish a fair sample of what can be expected from this fresh attempt to interfere with the patriotic work of our Delegates. While none are regarded as "impertinent intruders" by the British Government, many of those who have used their talents to destroy Confederation have betrayed every appearance of being "overweighted;" and there is every probability—in the language of the turf—of their "coming to grief." It is a race in which the odds are decidedly in favor of the Confederation horse against Disunion and Annexation.

The members of the British House of Commons are asked to consolidate British power on the northern part of this continent, with the consent of the representatives of the people, not as Mr. Penny asserts, "to take upon themselves arbitrarily the disposition for all time of half a continent already inhabited by more than three millions of human beings."

As to "wielding the power" the author claims to possess, he is, of course, at liberty to use that power and his well recognized ability in any particular cause he may espouse; but we sincerely regret that, in dealing with such a serious question as the future of these

Colonies, he should have approached his subject in a trivial, though at the same time, a threatening vein.

The author of the pamphlet here refers to the circumstances under which the Coalition ministry now in power was formed after the defeat of the Conservative Government in 1864. He maintains that the policy of Confederation was adopted as a consequence of the "constitutional vices" of the proceedings which he pretends were then had; and that the constitution has ever since been "placed in abeyance." He also assigns as a strong reason why the scheme should not be sanctioned by the Imperial Government, these same circumstances of Coalition. He further states that it was "a measure of practical policy."—It undoubtedly was a measure of that nature, and it was so adopted as a solution of the interminable troubles that had agitated Canada for years on the subject of Representation, and to calm or conciliate the many hobbies of the extreme liberal party of both sections, especially of Upper Canada. It was also hoped that by a union of parties, some effect would be given to the deliberations of Mr. Brown's Constitutional Committee. The author will doubtless recollect how persistently he supported Messrs. Howland and McDougall when they were members of the Sandfield Macdonald government. Still, with what show of consistency he can best explain, no sooner had they ceased to be the innocent lambs of the Opposition, white as the driven snow, and had consented to join the Conservative party with the patriotic object of accomplishing a Union of the Provinces, than they were *presto* painted as traitors to their party, and unworthy of public confidence. The "Mr. Wm. McDougall," who is now accused by our author of having bribed the Fourth Estate to carry Confederation, was once the subject of exaggerated adulation and praise in the columns of the Reform press. Hon. Geo. Brown too, the hero of the Montreal Reform Banquet of 1858; Hon. Mr. Howland, the pet Finance minister,—both come in for their share of abuse under the new light that has dawned on the "Herald." The want of confidence motion of 14th June, 1864, has generally been looked upon more as a personal attack on Mr. Galt by his uncompromising opponent in finance, Hon. Mr. Holton, than as a general condemnation of the Ministerial policy of that day. We have

always believed that the readiness with which leading Reformers consented to join the Coalition fully attests the fact that their vote was not of the very serious character attributed to it by Mr. Penny. As for the statement at foot of page 5, that Confederation was "invented" at that time to rally parties round the same flag, it is well known, and the author even admits, that it was broached by Mr. Galt and his colleagues years before, and if it became a matter of joint policy in 1864, we may fairly consider it due, as we stated before, in a great measure to the deliberations of the Brown Constitutional Committee.

It is by no means an established fact that "England hates coalitions." And we can scarcely see why ours should in any case be called an "immoral combination." Statesmen in all countries have, from time to time, coalesced for moral objects, and we fail to observe anything seriously immoral in the preparation of an elaborate form of Federal Union for these Provinces. Ministers have announced and explained their reasons for declining to submit the scheme to a popular vote, and, on the whole, their arguments have convinced us that, had the plan been tested by a popular vote, while it would undoubtedly have been carried, thereby saving much of the present opposition to the scheme; still, the difficulties of settling or amending details at the hustings would have retarded a Union at a critical juncture in our political condition. The dangers of a *plebiscitum* in the preparation of a constitution, were amply, and we think satisfactorily exposed, by Hon. Mr. McGee at the Cartier banquet within a few months.

That the Coalition was "a personal bargain to give some colour of public spirit to Confederation," and that it was "invented" to seal this pretended "personal bargain," we fairly and squarely deny; and the conduct of the Reformers in the Cabinet during last session, and of their large majority of supporters, even under the pressure of Mr. Brown's attacks, furnishes a guarantee that they acted in perfect good faith in carrying out the special object for which the Coalition was originally formed.

As to the casual introduction of the Postal Subsidy question and Sectarian grants to the Churches of Rome and England—we really cannot appreciate their importance in this argument. In all deliberative bodies, when

the ruling party is supported by a powerful majority, different interests must be conciliated; and however much the Reformers of Canada may feel scandalized at the allowance of an equitable postal subsidy to our Railways by His Excellency in Council, or the grant of a few hundred dollars to a deserving University, the present Government have in that respect merely followed the usual custom, or the numerous examples given by their predecessors in office.

The Commissioners appointed in December 1864, to enquire into the payments to be made for postal service by Railway, offer the following opinion in their able report to His Excellency, dated 29th March, 1865.

"That the power reserved to Your Excellency in Council to fix the rates to be paid for Railway Postal Service, is a *quasi-judicial* power, and should be exercised accordingly, is so clear in itself, and has been so explicitly declared by Your Excellency in Council, and by successive Ministers of the Crown, that it does not seem to the Commissioners to be now open to discussion."

This power has thus been exercised by Lord Monck from time to time, and as it is "a *quasi-judicial* power," we fancy that no very grave crime has been committed. In the case alluded to by the author—the matter was, we are informed, thoroughly sifted by a Committee of the Executive Council, and the postal subsidy was re-arranged to meet an equitable demand of the Company. The discussion in Parliament with regard to certain special sectarian grants, resulted, as the author must recollect, in the thorough justification of the Government in placing the amounts in the estimates.

The Buffalo and Lake Huron Amalgamation Bill can surely not be quoted as a party question. The House was very evenly divided on several occasions, and if some few members had been induced by sound reasoning during the recess to change their votes, how can Mr. Penny lay the blame at the door of the Coalition? We cannot believe that he is serious in considering the vote on that Bill as one for which the Government can be accused of wrong-doing. In fact he admits that "the divisions on this Bill were not absolutely identical with the lines of political parties." If so, why in all seriousness include them in his Bill of Indictment? The last reproach of that character, is, that the present Government re-appointed Messrs. Delisle, Brehaut,

and Schiller, who had been dismissed by the Macdonald-Dorion government. It is generally known that these gentlemen were selected as the victims of political vengeance, and were dealt with in a most cruel and unjustifiable manner. We are not called upon here to defend their slandered character, as they have already, and can again, protect themselves; but we are unable to detect in what respect the author can hope to injure Confederation by shewing that Messrs. Howland, McDougall, and Ferguson Blair—on being convinced that the dismissal of those officials had been improperly decided upon—agreed to have them reinstated. He cannot intend to insinuate that Reformers could possibly be guilty of anything but strict justice to injured officials!

After launching several pages of diatribes at the Coalition Government, he concludes that branch of his subject with the following admirable sample of logic:

"These things are not mentioned as facts 'in which the People or Legislature of England ought to have any interest; nor to show that wrong has been done by the action of the Coalition Government; but to point out that the first and necessary consequence of the Confederation policy has been to suspend the Constitution, as the accomplishment of the project in the way now solicited in England will be to destroy it.'"

If the people of England have no interest in these things; if the Coalition has done no wrong, we ask the author of the pamphlet why print pages of THESE THINGS? But now for the reason as he gives it. Because all these heinous crimes have been committed, although "the Coalition have done no wrong by their action," the "Constitution has been suspended;" and if Confederation be confirmed in England, he holds that our Constitution will be utterly destroyed. It will simply be the same Constitution in another and better form.

Instead of a suspension of the Constitution, the business of the country has been carried on with unprecedented vigor under this Government, as shewn by the frequent important meetings of the Executive, and the valuable Reports of the different Public Departments in every branch of the Service. As our Constitution is modelled on that of Great Britain, the Ministry of the day being responsible to Parliament, and as the Coalition possesses the confidence of a crushing majority in both

Houses, we consider that Mr. Penny has signally failed in his proof.

"No sooner, however, was this policy of Confederation introduced as a practical measure, than Mr. Cardwell, without waiting for the expression of the popular will, signified his gracious patronage and support of the newly formed scheme of the Canadian Government. A scheme, like all others in our system, making part of the policy of a party, and not the less so because that party had been made large by means which strike at the foundation of the British system of Parliamentary Government."

This is a text that might form, or furnish, matter for a lengthy dissertation. Confederation was certainly introduced as "a practical measure," and Mr. Cardwell, then Secretary of State for the Colonies, looking upon the fervid expression of opinion offered by the principal Colony (Canada), as a fair justification of his action, proposed to the Maritime Provinces through the Lieut. Governors of those parts of Her Majesty's dominions, the advocacy and adoption of the same sound English principles which had animated the leading Provinces (Upper and Lower Canada) of the proposed Confederation.

That "the reproach of disloyalty was cast" upon those who opposed Confederation, we do not deny as regards New Brunswick. The writer of this article confidently asserts that the first general election alluded to by Mr. Penny, by which Confederation was condemned in New Brunswick, was carried by American influence, through money from the State of Maine, and mainly owing to the Fenian propensities of the Anglin-Smith press of that Province. So soon as a revulsion in public feeling had taken place, the folly of the past gave way to the wisdom of the present, and when Lieut-Governor Gordon discovered that the mass of New Brunswick favored a Union of the Provinces, actuated, no doubt, by the double reason of Imperial sanction and hitherto deceived public opinion, he, very properly, used his official position to hold the Province of New Brunswick as a dependency of the British Government. The vote of the Legislative Council of that Province was, as Mr. Penny naïvely admits, a very great disappointment to the Anti-Confederates. Another election was held, and Confederation, as proposed by Mr. Tilley, sailed triumphant through the struggle.

Mr. Penny may sneer at the small population of New Brunswick, but we cannot forget the "jubilate" of delight with which the first defeat of Confederation was hailed in the columns of that paper of which he is the well recognized and self-avowed editor.

As for the pretension that the proposed expenditure of Imperial capital for the construction of the Intercolonial Railway could, in any manner, have affected the patriotism of the New Brunswickers, we look upon it as another very weak argument added to Mr. Penny's category.

The New Brunswickers never could have "handled £1,000,000 to be expended amongst "a population of 250,000 people." If the much abused Grand Trunk Company were condemned in the first part of the pamphlet for their power of sharing in these so-called spoils, how can it be urged that "this population, which does not exceed a second class English City" could have more interest and more success than that all-powerful Company.

As for the vague assertion that the "fourteen-fifteenths of the taxation would fall on "other people than themselves," we calmly judge it another pointed exaggeration.

The "paucity and poverty" of our provincial population, and the "absence of powerful social rallying points" may possibly "facilitate the execution of well planned *coups d'état*." We acknowledge that the "occurrence" of a legitimate coalition has so far tended towards convincing the sensible majority of these Provinces that Confederation must bring with it true success in spite of the rabid efforts of its sworn opponents.

We now pass to Mr. Penny's examination of the circumstances under which the educational clause in the scheme of the Quebec Conference was inserted. The Confederation Scheme, as clearly laid down by the Quebec Conference, provides with respect to education, as follows :

"*Clause 6.—Education:—*saving the rights "and privileges which the Protestant or Catholic minority in both Canadas may possess as to their Denominational Schools at the time when the Union goes into operation."—43rd Paragraph, 6th Section..

We are not disposed to measure swords on this point with the Protestant population of Lower Canada, because, since the adoption of the scheme of the Quebec Conference by our Legislature, some serious changes have

been made in the composition of the existing coalition ministry. We shall, in justice to Mr. Penny, quote Mr. Galt's remarks on this subject some time previous to his resignation during last session of Parliament.

In a pamphlet on Confederation published in 1865, we find a quotation from Mr. Galt's speech at Sherbrooke :

"He would now endeavor to speak somewhat fully as to one of the most important questions, perhaps the most important, that could be confided to the Legislature—the question of education. This was a question in which, in Lower Canada, they must all feel the greatest interest, and in respect to which more apprehension might be supposed to exist in the minds, at any rate, of the Protestant population, than in regard to any thing else connected with the whole scheme of federation. It must be clear that a measure would not be favorably entertained by the minority of Lower Canada, which would place the education of their children and the provision for their schools wholly in the hands of a majority of a different faith. It was clear that in confiding the general subject of education to the Local Legislatures, it was absolutely necessary it should be accompanied with such restrictions as would prevent injustice, in any respect, from being done to the minority. Now this applied to Lower Canada, but it also applied, with equal force, to Upper Canada and the other provinces; for in Lower Canada there was a Protestant minority, and in the other provinces a Roman Catholic minority. The same privileges belonged to the one of right here as belonged to the other of right elsewhere. There could be no greater injustice to a population than to compel them to have their children educated in a manner contrary to their own religious belief. It had been stipulated that the question was to be made subject to the rights and privileges which the minorities might have as to their separate and denominational schools. There had been grave difficulties surrounding the separate school question in Upper Canada, but they were all settled now\*, and with regard to the separate school system of Lower Canada, he was authorized by his colleagues to say, that it was the determination of the Government to bring down a measure for the amendment of the

\* The Scott Bill.

school laws before the Confederation was allowed to go into force.

It was clear that injustice could not be done to an important class in the country, such as the Protestants of Lower Canada, or the Roman Catholics of Upper Canada, without sowing the seeds of discord in the community, to an extent which would bear fatal fruit in the course of a very few years. The question of education was put in generally, —the clause covering both superior and common school education, although the two were to a certain extent distinct.

And elsewhere he says: "He would take this opportunity of saying, and it was due to his French Canadian colleagues in the Government that he should thus publicly make the statement, that so far as the whole of them were concerned—Sir Etienne Taché, Mr. Cartier, Mr. Chapais and Mr. Langevin—throughout the whole of the negotiations, there was not a single instance where there was evidence on their part of the slightest disposition to withhold from the British of Lower Canada anything that they claimed for their French Canadian countrymen. They acted wisely in taking the course they did, for certainly it encouraged himself and others to stand up for the rights of their French Canadian friends. The opponents of the measure had tried to excite apprehensions in the minds of the British of Lower Canada on the one hand, and in the minds of the French Canadians on the other, by representing to one and to the other that they were to be sacrificed. This, in fact, was the best evidence that the measure had been wisely framed, and that it was not to give power or dominance to one over the other."

As to Mr. Galt's responsibility on this question, there can be no possible doubt, and Mr. Penny has very justly drawn attention to the peculiarity, or we might say the anomaly, of Mr. Galt's position. He made distinct promises to the Protestant minority of Lower Canada, and when he was forced, as it were, into resignation, by the Roman Catholic majority of that section in the Legislature who threatened to defeat the ministry, he abandoned the ship, with the promise however, publicly expressed, that he would aid and assist the plan of Confederation by every means in his power. The policy of confidential letters has not been of rare occurrence. Con-

fidential pledges were made before the days of the present Coalition, and many, made by the several Governments in power during the past five years have not been fulfilled. Are we for this reason to condemn Confederation?

Perhaps we may be saved, in the future, from such failures of good faith by its adoption, as early as possible.

We sincerely regret Hon. Mr. Galt's retirement from the Ministry. He is now however no longer responsible for the general policy of the Government, but still, according to promise, is in London assisting our Delegates in the completion of their work. We await with anxiety the official statement with respect to the settlement of the education clause in the scheme, as the position must be exceedingly embarrassing both to Messrs. Galt and Langevin. Should the latter have succeeded in his plans, thus involving the failure of the former in carrying out his promises to the Protestant minority of Lower Canada, much discontent must be the result. On this point we agree with Mr. Penny.

This clause seems to be the most objectionable part of the details of the scheme, unless accompanied by the promised guarantees against the possible tyranny of majorities.

The examination of Mr. Penny's second chapter will afford us an opportunity of dealing with the peculiar relations that have existed since the Union, between Downing Street and our Ministries that have held office from time to time, according to the views of the Parliamentary majority of the moment in the Lower House of the Canadian Legislature. We, as British subjects, "carry our constitution and liberties wherever we go." It is a happy circumstance that such a doctrine "admits of certain limitations." When the great anti-confederate leader, Hon. Jos. Howe, spoke at the Detroit Convention, he alluded in pathetic terms to the sacrifices made by British colonists to support the North in their bitter struggle. His son had been one of the victims of that peculiar desire, to assimilate British American and Northern Yankee institutions! With tears in his eyes, he appealed to the meeting, urging a continuation of Reciprocity. No sooner had he returned to Nova Scotia from his patriotic mission, than he denounced in no measured terms, the very principles he had advocated at the Detroit Convention. And, as a general rule, this has been the universal

rotchetty policy of our weak-kneed Anti-Confederate brethren of these Colonies.

The "existing Canadian Constitution" has been subjected of late to very severe tests. The "theory of Colonial self-Government," as laid down in the Union Act of 1840, was, according to Mr. Penny, merely "an enabling theory." The framework of the Legislative machinery by which these Provinces have been governed for 27 years, was theoretically formed at that time, but practice has given solidity to the system under which we have lived for those years, and in virtue of which we now possess our liberties under the British Constitution. The "entire disposal of our own destinies" has been confided to us by the most liberal Government in the world, and we have happily known how to appreciate such privileges. The "tie of allegiance" is in a perfect state of preservation, and that "self-government in the broadest sense," to which Mr. Penny alludes, has been successfully practised even with respect to the proposed Confederation of these Provinces. But there is a serious grievance in the shape of a certain line of proceeding adopted by the Home Government; and Mr. Penny lays great stress upon the modification of the "two-thirds vote clause" of the Union Act. This condition was modified to please the Liberal party of Canada, who had continuously, even since the date of the celebrated 92 resolutions, clamored for an Elective Legislative Council with forcible persistency. That beau-ideal of an Elective Council was the result of these endeavors. Has it succeeded as a check upon the hasty legislation of the people? It has been admitted by all political parties that the experiment has resulted in abject failure.

Still we find that the *absurd plan* of voting themselves out of political existence has received the sanction of the large majority of legislative councillors elected under this very modification of the Union Act of 1840. The amendment was sanctioned in order to carry out old reform views. Why then should an old and devoted reformer condemn its operation?

The trip of our ministers to Charlottetown is visited with Mr. Penny's severe censure. Delegates from the Maritime Provinces had assembled in that obscure locality to attempt a Legislative Union of the Maritime Provinces. Our ministers, feeling that an opportunity presented itself for the larger political Union, acting under the informal authority of Her Ma-

esty's representative, repaired thither, and the ultimate consequence was the meeting in Quebec, at which the scheme of the Conference was adopted. Of course it will not be denied, even by Mr. Penny, that the latter meeting was authoritatively summoned by His Excellency Lord Monck, Governor General of the Provinces interested.

These are matters of detail well known to all who have followed Confederation in its several stages. The Conference in Quebec was secret, the leading statesmen of the six Provinces were present, and every point raised was discussed with marked ability. If a Federal Union rather than a Legislative Union was adopted, it was simply because Lower Canada institutions, as represented in the Conference, offered serious objections from a French Canadian national standpoint.

We have already stated the difficulties which surrounded the organization of the "*immoral combination*," as Mr. Penny terms it; we now venture a challenge. Will Mr. Penny or one of his political friends consent to face a Lower Canadian French constituency as an advocate of a *Legislative* instead of a *Federal* Union? He knows quite as well as the writer of these lines feels certain, that he or his friend would be routed "horse, foot and artillery." Why then persist in detracting from the merits of the only practicable solution of a very difficult problem?

As for the suggested "impeachment of the Ministry" for introducing the new Constitution to Parliament, we again hope that the members of that body will not feel alarmed. When a certain number of statesmen are summoned by Imperial authority to meet on a Constitutional errand, when they perform their duty, and stand or fall before the representatives of the people in Parliament on their policy, we claim for them absolution from impeachment. A parliamentary minority may attack them, but if a majority should protect and applaud them—their position is invulnerable. Such is the proud position now held by the Ministry of Canada.

There is no attempt "to make a Kingdom a Republic"—to establish "Imperial Despotism"—to create an "Elective Monarchy"; but a mere quiet, and forcibly expressed desire to consolidate British Rule on this continent, and checkmate the modest moves of that annexation party in these Provinces, the members of which have not the courage openly to avow their opinions.

There are many elaborate, argumentative, and even cynical propositions in Mr. Penny's pamphlet which really do not, under the circumstances, deserve a reply.

One, however, will for a moment claim our attention.

The question of the selection of a permanent seat of Government for the two Canadas, was referred to Her Majesty the Queen by a vote of the Legislature. Ottawa was chosen by our Sovereign, and at that point handsome buildings have been erected. There may at this moment be serious doubts as to the eligibility of the site. Mr. Penny throws the whole responsibility of the choice on the Colonial Office.

Her Majesty cannot in this connection be absolved from responsibility. She may have fixed upon Ottawa by the advice of Her Ministers, but the decision was arrived at in accordance with the loyal address to Her from both branches of the Canadian Legislature. Although intense dissatisfaction has been created by that choice, still, the principle on which Her Majesty desired to put an end to internal jealousies, by selecting a central point between the two Provinces, can scarcely be condemned. It may serve a purpose now to create prejudice in the minds of British Statesmen on this subject, but the ultimate success of Confederation cannot be affected by appeals to past error or indiscretion. If, under a Union of the Provinces, the central seat of Government is to be changed, and the favor be conferred on some other City, the adoption of Confederation will have relieved Mr. Penny's mind as to the injustice perpetrated in 1858, by the choice of Ottawa.

The pith of Mr. Penny's arguments in the concluding part of chapter 2, is to the effect that the people have not really given their consent to the scheme. The Imperial Parliament is "called upon to act" and that action—it is pretended—can only be taken after a deliberate vote of the people at the polls, consenting to the scheme in all its details. As we have already stated, Hon. Mr. McGee has fully laid down the policy of the Government with respect to an appeal to the people.

We are not, as Mr. Penny would insinuate, "like the poor spirited freemen of the middle ages." If the "Parliamentary and Literary ability of the country" has become seriously "enlisted in the cause," it betokens some chance for the scheme. The British Government already possesses "the power of coer-

cion," but does not exercise it, as every liberty has hitherto been granted to us; and we shall probably continue to enjoy in the future the fruit of these concessions to Colonial manners and customs, for which we have to thank our protecting Home Government and the admirable calmness of the majority of our people. The "power of coercion" tempered with discretion, on the part of those possessing that power, is an element of the British Constitution, and may be considered in fact the basis of Liberal Monarchical Governments. We surely cannot complain of the misuse of that power for the past twenty years; still Mr. Penny would have it believed in England that the "power of coercion" is something to which North American Colonists are thoroughly habituated. The "long years of dreary political warfare" between the extreme Liberal party of Canada and Downing street influences, culminated in the temperate and tolerant concession of Responsible Government. If, in the use of those liberal concessions, we have erred, both Conservatives and Reformers are jointly responsible for the errors committed.

Mr. Penny then writes as follows :

"The object of these pages has been to show that there exists no right in the Executive or Legislature of Canada to ask the Imperial Parliament to over-ride our liberty of legislation for ourselves, by enacting the Quebec Constitution; and that the request cannot be complied with without a palpable encroachment on Colonial rights, some of them recognized as inherent by the Mother Country for more than a quarter of a century."

The right of petition has always been looked upon as one of the undeniable privileges of a British subject. Now, we are coolly told by Mr. Penny that "there exists no right in the Executive or Legislature of Canada to ask the Imperial Parliament" to "enact the Quebec Constitution."

Has our system of Parliamentary Government really been "a farce" during the last "quarter of a century"? Mr. Penny knows that in thus assailing the conduct of our legislators during that time, he shows as a knife that is keenly double-edged.

We throw upon him the full responsibility of a scurrilous libel on the Baldwins, Lafontaines, Dorions, Holttons, and others; who have reached the surface of Canadian politics by their own talents and the good sense of the people who placed them in those positions of trust assigned to them by a free people, acting



under the glorious principles of Responsible Government.

Mr. Penny "regards the "American constitution as a remarkable monument "of human wisdom." We shall write but few words on the American *imbroglio*, as it cannot interest us in the discussion in which we are now engaged. That everything American betrays signs of "human wisdom," we cannot doubt; because the Potter-Wood clique have frequently expressed their sympathy with us in our unfortunate alliance with, and love for, our Fatherland. But that Mr. Penny, and those of whose policy he now announces himself the pamphleteer and defender, should, under the guise of fostering that attachment to Great Britain, condemn the only practicable proposal or scheme by which we may be saved from absorption, is, to us, surprising. We refer Mr. Penny to a quotation from an extreme radical newspaper published in England in the year 1838.

The "Spectator" deals with the troubles in Canada at that time, in a style that may now be fairly reproduced; when pamphlets such as Mr. Penny's, are before us, and when an elaborate plea for the Independence of Canada, by Mederic Lanctot, Esq., is about to issue from the press of "L'Union Nationale":

"If it were done, when 'tis done, then 'twere well  
It were done quickly."

"The mode is quite another affair; but let us throw out a suggestion. Send a *man* to Canada, and only one, with *carte blanche*—that is, without instructions. Take the best means, in short, of separating in the best manner. In this way, perhaps, complete separation might be avoided. An envoy who was a man, and who, along with all the responsibility, had unlimited authority to treat, might, by giving to the Colonies complete local self-government, preserve their allegiance for general purposes. For local purposes, give them the ancient charter of Massachusetts which is still the constitution of that Sovereign state: for Federal purposes, let them send members to the British Parliament rather than to the American Congress. But who is the man? and where the Ministry with sense to choose and courage to trust the man? Such a plan might not have revolted Pitt, or Canning, or even Wellington. But with a Lord Glenelg at the head of Colonial affairs, and a Prime Minister without a will of his own, the best plan for an emergency requiring sagacity and vigour, is just the one least likely to be adopted. What to do, is the problem they cannot solve: so the whole matter is handed over to the Horse Guards."

Such was the opinion of the leading organ of Radical opinion in England, in 1838.

In what position do we now stand? The contest of 1837 and 1838 was of short duration; it became very nearly a war of extermination between the two races. Now, a singleness of purpose, with unflinching perseverance in its development, attempred with the real spirit of mutual conciliation, flowing from the consciousness of mutual strength, should soothe, and finally blend harmoniously the irritating dissensions arising from difference of origin and nationality; and the peculiar conditions under which two distinct nationalities have been brought into connexion and sought to be amalgamated, should prove a source of congratulation. There is every chance of amalgamation and union, but the worst enemies of reconciliation are those who favor Disunion, and consequent annexation to the United States, rather than a fair even-tempered understanding on serious matters now submitted to our judgment as Colonists of Great Britain.

The "autonomy of the component Provinces" cannot be disturbed by the proposed Union, as every provision—consistent with relative interests—has been made for their protection. Our idea of a league is—Federal Union with the protection of the British Crown. The definition of the power to be granted—respectively to the General and Local Legislatures—is a problem temporarily solved by the statesmen of these Provinces in Conference assembled, but still to be examined by the English House of Commons. The laws made in the General Parliament are to supersede those prepared by the Local Legislatures, but the power of *veto* will still rest with Her Majesty, through her Representative. This power is possessed under our present system, and will be held by Imperial dictation and with our own consent.

Canada is certainly "saturated with American Literature" just now. It is fortunate that we have "the free elastic old English Constitution to which we are accustomed," through which we may be guarded from the demoralising effects of that same "American Literature."

Might we not fairly accuse some in our midst of assisting in forming or composing a portion of that "American literature of a political kind" with which these Provinces are now flooded?

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new Confederation "will impose an unfair and overwhelming military burden on Canada." It would certainly be absurd to hope that "three millions" of Canadians could hold their own against "thirty millions" of Americans across the frontier. But this is not the proper view to take of the question of defence.

It seems reasonable to suppose that a Union would strengthen the hands of all the Provinces, while the whole powers of the Empire, military and naval, would be placed at our disposal, as promised, should the Americans desire to force us into annexation. But it may be said that we already have that protection. A Union of the Provinces with the organization of our militia on a sound footing, under a system framed for the whole; would most assuredly have the effect of obtaining increased strength, and would promote "*esprit de corps*," while the British Government would feel more interested than now, in assisting us to construct forts and guard our waters. Whether a Union of the Provinces be accomplished or not, the time has come for us to make pecuniary sacrifices for our own protection. We infinitely prefer that the proposed expenditure and liabilities should be made and incurred under a Union with our neighbors of the Maritime Provinces; and such has been the frequently expressed opinion of the leading statesmen of the present British Ministry as well as of their predecessors in office.

"Provincial bankruptcy" has been predicted for years; but in spite of every exertion to decay our credit,—and, the wish being father to the thought—to create a lack of confidence in our progress and prosperity; Canada is now in a position to avoid the misfortune of "bankruptcy." Our public works alone are estimated to be worth our debt, and the indirect advantages accruing from year to year by the expenditure of British capital, and improved trade—with increased confidence under a Union—will enable us to steer the financial ship through any breakers that may be ahead. The Maritime Provinces, as Mr. Penny is no doubt aware, are in a condition of sound material prosperity, and Canada cannot therefore suffer much financially by a Union with them.

As to the prospects of increased trade between the different parts of the Confederacy, Mr. Penny will not allow the probability of any improvement in the future.

No duties are now imposed, it is true, on articles produced in the Provinces sent to the neighboring Provinces, but the want of Railway communication has materially interfered with the development of a mutually profitable trade. Since the withdrawal of Reciprocity with the United States by the expiration of the Treaty, trade has commenced to flow into other channels; and with a thorough fiscal system under Confederation, and an Intercolonial Railway, we have every reason to hope for gradual improvement. Portland is our natural seaport, but as it is not within our territory, we must content ourselves with the fine harbors and seaports of the Lower Provinces.

Mr. Penny fears that "the officers of our armies will be appointed by the Imperial Government;" and that the military policy will be also dictated from the same source. We have never heard a doubt expressed as to the soundness of that principle. If we are to receive the protection of the Empire, we must of course accept and follow out her military policy.

The attacks on Hon. Geo. Brown are of a nature to elicit replies from the Honorable gentleman himself, and we shall therefore decline alluding to them.

The gist of Mr. Penny's "*conclusion*" is an appeal to the Imperial Government against the confirmation of a policy adopted by a large majority of the legislators of the Provinces. We have attempted to shew that, in many respects, his appeal is based on vague theories and surmises rather than on incontrovertible facts and arguments. We trust we have succeeded in convincing our readers that his effort cannot be productive of serious embarrassment to our London Delegates. It cannot be denied, however, that Mr. Penny's labor, if likely to be unrequited or ineffective, bears evidence of much thought and perseverance, that might have been directed to the pleading of a better cause than a violent denunciation of Colonial Union. That the Imperial Parliament will give Mr. Penny and his friends a fair hearing we can have no doubt; and should the question be reopened in this Province by any action of the House of Commons, we shall be prepared, as in the past, to advocate unceasingly the adoption of Confederation as the sole means left us to avoid the undesirable fate of annexation to the United States.

