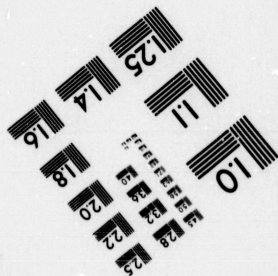
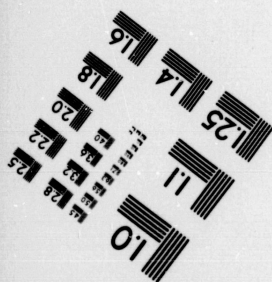
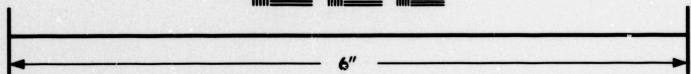
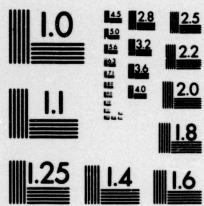


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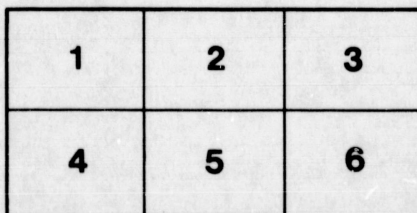
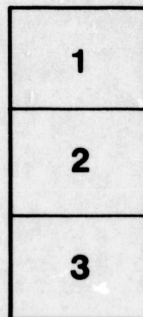
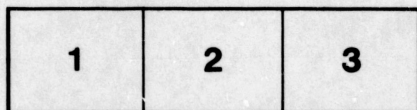
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CONFEDERATION
OF THE
BRITISH NORTH AMERICAN PROVINCES.

BY THE RIGHT HON. THE
EARL OF CARNARVON.

A SPEECH DELIVERED IN THE HOUSE OF LORDS ON MOVING
THE SECOND READING OF THE BILL, 19TH FEB., 1867.

LONDON:
JOHN MURRAY, ALBEMARLE STREET,
1867.

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S P E E C H

ON THE

CONFEDERATION OF THE BRITISH NORTH AMERICAN PROVINCES.

IN laying before your Lordships the details of one of the largest and most important measures which for many years it has been the duty of any Colonial Minister in this country to submit to Parliament, I must unaffectedly ask for the forbearance of the House. I have, however, this advantage in the performance of my task, that the present measure is not a question of political controversy, and that I may count almost as much upon the sympathy of many noble Lords opposite in the purposes of this great undertaking as upon those of my noble friends on this side of the House with whom I am in the habit of acting. And here, in the very outset, I would wish to bear my testimony—whatever it may be worth—to the ability and patience with which my Right Hon. predecessor in the Colonial Office, Mr. Cardwell, laboured to effect the consummation of this work. From the evidences, indeed, which I have seen in that office of the interest that he took in this question, I am confident, although it has fallen to my lot rather than his to submit this measure to Parliament, yet that there is no one in either House who will more sincerely rejoice in its success than the Right Hon. Gentleman.

My Lords, I will not detain your Lordships now by any lengthy recapitulation of the early history of this question. It is enough to say that, in one form or another, it has for many years been before the public mind in the British Provinces of North America. Lord Durham, when he proposed in his most able Report the legislative union of Upper and Lower Canada, distinctly contemplated the incorporation of the Maritime Provinces. But delays and difficulties intervened, and Lord Durham's intentions were never carried out. In 1858, however, Sir E. Head, then Governor-General of Canada, in his speech

from the throne announced the policy of confederation to the Canadian Parliament; and in the autumn of that year, when my noble friend (Lord Derby) was in office, delegates from that province came to this country to consult with Her Majesty's Government upon the subject. But matters were not then ripe, and it was not till 1864 that the first decided step was taken in furtherance of the proposal. In September of that year delegates from all the maritime provinces, including Newfoundland and Prince Edward's Island, were assembled at Charlottetown to discuss the terms of a possible union of those provinces alone; when the Canadian Parliament intervened and gave to the design a grander character by deputing representatives to propose the confederation of all the British North American Colonies. The conference of Charlottetown was adjourned to Quebec, and there, in the month of October, those resolutions were drawn up which have since become famous under the name of the Quebec Resolutions, and which, with some slight changes, form the basis of the measure that I have now the honour to submit to Parliament.

To those resolutions all the British Provinces in North America were, as I have said, consenting parties, and the measure founded upon them must be accepted as a treaty of union. Since then, Newfoundland and Prince Edward's Island have withdrawn from the union; and this Bill embraces only the provinces of Upper and Lower Canada, of Nova Scotia, and New Brunswick. The time, indeed, will come before long, I cannot doubt, when Newfoundland and Prince Edward's Island will gravitate towards the common centre of this confederation. Every consideration of policy and interest will lead them towards this conclusion. The time also is not distant when the broad and fertile districts to the west of Canada, now under the rule of a trading Company, will form part of the confederation—perhaps it is not very far distant when even British Columbia and Vancouver's Island may be incorporated, and one single system of English law and commerce and policy extend from the Atlantic to the Pacific. Meanwhile let no one think lightly of the present proposed union, curtailed though it be of its original proportions. It will in area comprise some 400,000 square miles, or more than four times the size of England and Scotland: it will in population contain about 4,000,000 souls, of whom 650,000 were, at the last census of 1861, men between 20 and 60 years of age,

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capable of bearing arms in defence of their country; and in revenue it possesses some 3,000,000*l*.

The Bill opens by reciting the desire of the several provinces to be federally united. It proceeds to invest the Crown with all executive powers by land and sea, for civil administration, and military defence. It proceeds to provide for the appointment of a Governor-General—an officer charged with the duty of protecting imperial interests, named by and responsible to the Crown. He will constitute the chief, if not the only, direct link by which the united provinces will be connected with this country. His position will be one of dignity and station, equal in all ways to its imperial importance, and a salary of 10,000*l*. is by a clause in this Bill made a permanent third charge upon the general revenues.

It is the desire of the Provinces to retain their separate and individual organization, and they will therefore be severally administered by Lieutenant-Governors. At present these officers are appointed by the Crown; but henceforward they will receive their offices at the hands of the Governor-General, acting under the advice of his Ministers. They will hold office during pleasure, though they will be subject to removal only on cause being shown, and under ordinary circumstances the term of their administration will be limited to five years.

I come now to the Legislature which it is proposed to create under this Bill. It is twofold—a Central Parliament and Local Legislatures in each province. I will deal with the Central Parliament first. It will be composed of two chambers—an upper chamber to be styled the Senate, and a lower chamber, to be termed, in affectionate remembrance of some of the best and noblest traditions of English history, the House of Commons.

Of all problems to be solved in the creation of a Colonial Constitution, none is more difficult than the composition of an Upper House. This House is generally assumed to be the model—it would probably be hard to find a worthier or higher model—and men labour to reproduce the English House of Lords amongst English colonists, animated, it is true, by English instincts and feelings, but placed under social conditions which are wholly different. The materials for such a house are absolutely wanting in the colonies. The hereditary title to legislate, the great wealth, the large territorial property, the immemorial prescription, and the respect which has been for generations

freely accorded to this ancient institution, have no place in the ideas of a young community. To attempt therefore a close and minute imitation of the English House of Lords is, I think, to court failure. There are, in my opinion, two broad principles to be kept in view in the creation of a Colonial Chamber:—first, that it should be strong enough to maintain its own opinion and to resist the sudden gusts of popular feeling; secondly, that it should not be so strong that it should be impenetrable to public sentiment, and therefore out of harmony with the other branch of the legislature. These are conditions difficult under the most favourable circumstances to secure; but they are complicated in this instance by a third, which has been made a fundamental principle of the measure by the several contracting parties, and the object of which is to provide for a permanent representation and protection of sectional interests. I will briefly explain how far these three considerations appear to me to have been met in this bill. The Senate will consist of seventy-two members—the four provinces being for this purpose divided into three sections, of which Upper Canada will be one Lower Canada one, and the Maritime Provinces one. From each of these three sections an equal number of twenty-four members will be returned. They will be nominated by the Governor-General in Council for life. But as it is obvious that the principle of life nomination, combined with a fixed number of members, might render a difference of opinion between the two Houses a question almost insoluble under many years, and might bring about what is popularly known as a legislative dead-lock, a power is conferred upon the Crown—a power I need not say that would only be exercised under exceptional and very grave circumstances—to add six members to the Senate, subject to a restriction that those six members shall be taken equally from the three sections, so as in no way to disturb their relative strength, and that the next vacancies shall not be filled up until the Senate is reduced to its normal number. It may perhaps be said that the addition of six members will be insufficient to obviate the legislative discord against which we desire to provide. I am free to confess that I could have wished that the margin had been broader. At the same time the average vacancies which have of recent years occurred in the nominated portion of the present Legislative Council of Canada, go far to show that even in the ordinary

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course of events the succession of members will be rapid. I have received on this subject a return which will be interesting. In 1856, forty-two members answered to the call of the House, in 1858 there were but thirty-five, and in 1862 only twenty-five. Thus in six years no less than seventeen vacancies had occurred, showing an average of nearly three every year. When therefore a power on the part of the Crown to create six additional members is supplemented by so large and so regular a change in the constitution of the Senate, it may be hoped that enough is done to maintain the legislative harmony of the two Houses.

Your Lordships will observe that by the 25th clause security is given that the first list of Senators shall not be nominated under partisan influences. Their names will be a matter of careful agreement, to be submitted to and confirmed by the Crown, and to form part of the Proclamation of Union. The qualifications which are annexed to the office of Senator are not numerous, but they are important. He is to be of thirty years of age—and probably the average age will considerably exceed this—he must be a subject of Her Majesty—he must have a continuous real property qualification of 4000 dollars over and above all debts and liabilities, and a continuous residence in the province which he represents. On the other hand, he will become subject to disqualification if he fails in his attendance for two consecutive sessions, if he takes an oath of allegiance to any foreign Power, if he is insolvent or convicted of crime, or if he ceases to be qualified in respect either of his property or his residence in his province. There are some further details of procedure which are provided for, but which only need a general mention. The Speaker will be nominated by the Governor-General on the part of the Crown, a quorum of fifteen will be required, and whenever the members present are equally divided, the presumption—in imitation of the rule of this House—will be for the negative.

I now come to the constitution of the House of Commons. The principle upon which the Senate is constructed is, as I have explained, the representation and the protection of sectional interests. The principle upon which the House of Commons is founded is that of a representation in accordance with population. It will not be indeed a representation of mere numbers distributed equally in electoral districts; but whilst population is made the basis of representation, each province will have

its own number of representatives in proportion to their own population, and in proportion also to the population and representatives conjoined of their neighbours. Unlike other popular Assemblies, the Canadian House of Commons will be a variable number; but it will vary by reference to a particular standard. That standard will be given by Lower Canada, which is to retain its present quota of sixty-five members, and will in fact be the proportion which those sixty-five members bear to the population of the province. If Lower Canada, with a population of 1,100,000, has sixty-five members, Upper Canada, with a population of nearly 1,500,000, will have eighty-two members. It may indeed happen that an increase of the total numbers of the House may become necessary. Power is reserved for this contingency; but in such case the increase will be regulated in all the other provinces by reference to the number of members representing Lower Canada, and by the proportion between those members and the population in that province. But as the representation of population will be based upon the census, there will be a decennial readjustment of it. And this leads me to observe that the Parliaments of British North America will be quinquennial. That decision was not, I believe, adopted without some debate. On the one side there was the precedent of the English Constitution: on the other, there was the example of the recent New Zealand Constitution, and the fact that the average duration of British Parliaments can hardly in recent times be said to exceed five years. Of the twenty-one Parliaments from the accession of George I. to that of William IV., comprising a period of 115 years, the average duration was under five years and a half; and of the ten Parliaments from the accession of William IV. to 1865, comprising a period of thirty-five years, the average duration has been three years and a half. Whilst in the last century no less than seven Parliaments attained the term of six years, in the present only two Parliaments have had so protracted an existence.

The Local Legislatures to be established in each province stand next in order; and my task here is easy, for whilst the provisions regulating the constitution of the Central Parliament are in the nature of permanent enactments, those which govern the Local Legislatures will be subject to amendment by those bodies. This portion therefore of the Bill is intended to provide the temporary machinery by which each province will be enabled to enter

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upon its new life and political duties. I ought, however, to observe that in Nova Scotia and New Brunswick no material change will take place. The existing Parliaments in those provinces become the Provincial Legislatures, with their constitutions, their constituencies, and their local machinery unaltered. In Canada, the division of the province has necessitated the creation of two Legislatures; but the clauses that provide for them are little more than a transcript of a vote agreed to by the Canadian Parliament in their last Session, in anticipation of this adjustment. In Lower Canada there will be a Legislative Council, of which the members will be nominated for life, and an Assembly: in Upper Canada there will be but one Chamber for the management of local business.

My Lords, I now pass to that which is perhaps the most delicate and the most important part of this measure—the distribution of powers between the Central Parliament and the local authorities. In this is, I think, comprised the main theory and constitution of Federal Government; on this depends the practical working of the new system. And here we navigate a sea of difficulties. There are rocks on the right hand and on the left. If, on the one hand, the Central Government be too strong, then there is risk that it may absorb the local action and that wholesome self-government by the provincial bodies, which it is a matter both of good faith and political expediency to maintain: if, on the other hand, the Central Government is not strong enough, then arises a conflict of state rights and pretensions, cohesion is destroyed, and the effective vigour of the central authority is encroached upon. The real object which we have in view is to give to the Central Government those high functions and almost sovereign powers by which general principles and uniformity of legislation may be secured in those questions that are of common import to all the provinces; and at the same time to retain for each province so ample a measure of municipal liberty and self-government as will allow and indeed compel them to exercise those local powers which they can exercise with great advantage to the community. In Australia there is at present a tendency towards the disintegration of the vast territories which are called colonies, because those who live at great distances on their extreme borders complain that they cannot obtain from the central Parliaments the attention which they require. In New Zealand, on the other hand, an attempt—and

not without success—has been made to combine considerable local powers with a general Government at the centre.

In this Bill the division of powers has been mainly effected by a distinct classification. That classification is fourfold. 1st, those subjects of legislation which are attributed to the Central Parliament exclusively; 2nd, those which belong to the Provincial Legislatures exclusively; 3rd, those which are subjects of concurrent legislation; and 4th, a particular question which is dealt with exceptionally. To the Central Parliament belong all questions of the public debt or property, all regulations with regard to trade or commerce, customs and excise, loans, the raising of revenue by any mode or system of taxation, all provisions as to currency, coinage, banking, postal arrangements, the regulation of the census, and the issue and collection of statistics. To the Central Parliament will also be assigned the enactment of criminal law. The administration of it indeed is vested in the local authorities; but the power of general legislation is very properly reserved for the Central Parliament. And in this I cannot but note a wise departure from the system pursued in the United States, where each state is competent to deal as it pleases with its criminal code, and where an offence may be visited with one penalty in the State of New York, and with another in the State of Virginia. The system here proposed is, I believe, a better and safer one; and I trust that before very long the criminal law of the four provinces may be assimilated—and assimilated, I will add, upon the basis of English procedure. Lastly, the fisheries, the navigation and shipping, the quarantine regulations, the lighting of the coast, and the general question of naval and military defence, will be placed under the exclusive control of the Central Government.

The principal subjects reserved to the Local Legislatures are the sale and management of the public lands, the control of their hospitals, asylums, charitable and municipal institutions, and the raising of money by means of direct taxation. The several provinces, which are now free to raise a revenue as they may think fit, surrender to the Central Parliament all powers under this head except that of direct taxation. Lastly, and in conformity with all recent colonial legislation, the Provincial Legislatures are empowered to amend their own constitutions.

But there is, as I have said, a concurrent power of legislation

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to be exercised by the Central and the Local Parliaments. It extends over three separate subjects—immigration, agriculture, public works. Of these the two first will in most cases probably be treated by the provincial authorities. They are subjects which in their ordinary character are local; but it is possible that they may have, under the changing circumstances of a young country, a more general bearing, and therefore a discretionary power of interference is wisely reserved to the Central Parliament. Public works fall into two classes: First, those which are purely local, such as roads and bridges, and municipal buildings—and these belong not only as a matter of right, but also as a matter of duty, to the local authorities. Secondly, there are public works which, though possibly situated in a single province, such as telegraphs, and canals, and railways, are yet of common import and value to the entire Confederation, and over these it is clearly right that the Central Government should exercise a controlling authority.

Lastly, in the 93rd clause, which contains the exceptional provisions to which I referred, your Lordships will observe some rather complicated arrangements in reference to education. I need hardly say that that great question gives rise to nearly as much earnestness and division of opinion on that as on this side of the Atlantic. This clause has been framed after long and anxious controversy, in which all parties have been represented, and on conditions to which all have given their consent. It is an understanding which, as it only concerns the local interests affected, is not one that Parliament would be willing to disturb, even if in the opinion of Parliament it were susceptible of amendment; but I am bound to add, as the expression of my own opinion, that the terms of the agreement appear to me to be equitable and judicious. For the object of the clause is to secure to the religious minority of one province the same rights, privileges, and protection, which the religious minority of another province may enjoy. The Roman Catholic minority of Upper Canada, the Protestant minority of Lower Canada, and the Roman Catholic minority of the Maritime Provinces, will thus stand on a footing of entire equality. But in the event of any wrong at the hand of the local majority, the minority have a right of appeal to the Governor-General in Council, and may claim the application of any remedial laws that may be necessary from the Central Parliament of the Confederation.

In closing my observations upon the distribution of powers, I ought to point out that just as the authority of the Central Parliament will prevail whenever it may come into conflict with the Local Legislatures, so the residue of legislation, if any, unprovided for in the specific classification which I have explained, will belong to the central body. It will be seen, under the 91st clause, that the classification is not intended "to restrict the generality" of the powers previously given to the Central Parliament, and that those powers extend to all laws made "for the peace, order, and good government" of the Confederation—terms which, according to all precedent, will, I understand, carry with them an ample measure of legislative authority. I will add, that whilst all general Acts will follow the usual conditions of colonial legislation, and will be confirmed, disallowed, or reserved for Her Majesty's pleasure by the Governor-General, the Acts passed by the Local Legislature will be transmitted only to the Governor-General, and be subject to disallowance by him within the space of one twelvemonth.

Clauses 102-126 regulate the conditions, pecuniary and commercial, upon which the provinces enter into union. They are so entirely matter of local detail and agreement, that I need not weary the House with any minute statement of them. It is enough to say that under them a consolidated fund is created, and that whilst lands and minerals are reserved to the several provinces, the assets, property, debts, and liabilities of each will be transferred to the central body. By this agreement the public creditor who exchanges the security of each separate province for the joint security of the four provinces confederated, will find his position improved rather than deteriorated. As between the provinces, it is proposed that the Local Legislatures should surrender to the Central Parliament all powers of raising revenue except by direct taxation. In return for this concession the Central Government will remit to the Local Legislatures certain fixed sums and a proportionate capitation payment, in order to enable them more conveniently to defray the costs of local administration. The debt of each province has been fixed at a certain sum calculated; but if in the interval between the present time and the proclamation of Union that debt should be increased, the province so exceeding will pay interest on the excess, and that interest will be deducted from the quota which they would otherwise receive from the central authority.

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In the same category must be placed the 145th clause, which makes it the duty of the Central Parliament and Government to provide for the commencement of the Intercolonial Railway within six months of the union. Such an undertaking was part of the compact between the several provinces, and it was an indispensable condition on the part of New Brunswick. Successive Governments at home have entertained the scheme and have pledged themselves to the promise of more or less assistance. Meanwhile I will not now enter upon its details, because very shortly a further measure involving the consideration of pecuniary support must come before Parliament.

There is, indeed, a question of great importance and intimately connected with the future fortunes of the confederated provinces, and I may perhaps be asked why it finds no place in this measure. My Lords, I am fully alive to the urgent importance of coming to some settlement of the Hudson Bay Company's claims. The progress of American colonization on the West, the confederation of the Provinces on the East, render an early decision necessary. But till this union is completed it would be a waste of time to discuss the relations of the Hudson Bay Company's territories to the Provinces. When once this Bill becomes law, it will be the duty of Her Majesty's Government not to lose one day unnecessarily in dealing with this great subject.

Having thus stated the main provisions of this measure, I have only to add the designation of this new State to which we are about to give a distinct life and organisation. It may seem a trifling question; but it has, in truth, been one neither unimportant nor free from difficulties. To the representatives of the Maritime Provinces belongs the credit of waiving local rights and pretensions; and they have felt the advantage of accepting a name not less familiar to the English labourer and artisan than it is distinguished by honourable traditions. Her Majesty has been pleased to express her approval of the name, and henceforth the United Provinces will be known as the "Dominion of Canada"—a designation which is a graceful tribute on the part of colonists to the monarchical principle under which they have lived and prospered, and which they trust to transmit unimpaired to their children's children. Whilst the individual provinces of Nova Scotia and New Brunswick retain their present designa-

tion, Upper Canada will become the province of Ontario, and Lower Canada the province of Quebec.

I have now stated the general principles upon which this measure is founded. But to so large a scheme, as might naturally be expected, objections have been made; and these objections, or some of them, it is my duty to indicate. And first, it has been urged that this Union should have been a legislative rather than a federal one. I admit to a certain extent the validity of the objection. When Upper and Lower Canada were connected in a legislative Union, Lord Durham distinctly contemplated a similar incorporation of the Maritime Provinces. Nor are there wanting to this opinion many of the ablest of Canadian statesmen. But the answer is simply this—that a legislative Union is, under existing circumstances, impracticable. The Maritime Provinces are ill-disposed to surrender their separate life, and to merge their individuality in the political organisation of the general body. It is in their case impossible, even if it were desirable, by a stroke of the pen to bring about a complete assimilation of their institutions to those of their neighbours. Lower Canada, too, is jealous, as she is deservedly proud, of her ancestral customs and traditions; she is wedded to her peculiar institutions, and will enter this Union only upon the distinct understanding that she retains them. The 42nd article of the Treaty of Capitulation in 1760, when Canada was ceded by the Marquis de Vaudreuil to General Amherst, runs thus: “*Les François et Canadiens continueront d’être gouvernés suivant la Coutume de Paris et les loix et usages établis pour ce pays.*” The Coutume de Paris is still the accepted basis of their Civil Code, and their national institutions have been alike respected by their fellow-subjects and cherished by themselves. And it is with these feelings and on these terms that Lower Canada now consents to enter this Confederation.

But it has been objected that this union of provinces will be a kingdom, not a confederation, and that being an embodiment of the monarchical principle, it will constitute a challenge to our powerful republican neighbour across the border. Now I am at a loss to understand how these provinces, when united, can be one whit more or whit less of a kingdom than when separate. There will be, with some few modifications, the same institutions, the same forms of government, and even the same men to give

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on which this might naturally arise objections, and first, it has a legislative rather than a judicial validity of the law, and is connected with the constitution of the Empire. Nor are there any Canadian states-associative Union. The Maritime life, and to the constitution of the Empire if it were complete assimilation. Lower her ancestral institutions distinct under the Treaty of the Marquis de François et Coutume de Coutume, and their fellow-citizens with these consents to

provinces will embody a challenge. Now I united, can be separate. institutions, then to give

life and movement to them. It is but a development of the existing system. But whilst it is attacked by one critic as too monarchical in its character, it is assailed by another as too republican, and we are warned that it must ere long on American soil become a republic, and lead to the dismemberment of the empire. Now I do not see special cause for apprehension from republican any more than from monarchical dangers; but I must submit that at all events the two allegations are fatally inconsistent with each other.

Again, it has been said that this great scheme owes its origin to the lust of territorial dominion on the part of one state, and that it is solely referable to the over-weening ambition of Canada to exercise a supremacy over her sister provinces. For this allegation I cannot see the smallest groundwork of argument; and, looking to the past history and the ordinary probabilities of these colonies, I can conceive nothing more unlikely than a combination of Upper and Lower Canada as against the Maritime Provinces. If, indeed, any one of these provinces has a reasonable ground for apprehension, it is Lower Canada with its distinct race and language and institutions, rather than Nova Scotia and New Brunswick, which are in all essentials so akin to the great and populous province of Upper Canada. But whilst this large scheme of union has been attributed to the desire of political supremacy on the part of Canada, it is in the same breath referred to the irreconcilable differences which are supposed to have divided Upper and Lower Canada. I believe, for my own part, that those differences have been greatly exaggerated; but anyhow it is clear that the two objections cannot both be correct. They destroy each other. And this, indeed, I may observe, is the case with several other objections that have been urged; as when, in England, we are told that the object of this scheme is the imposition of fresh burdens upon the mother-country, and, in America, that its object will be the imposition of pecuniary charges upon the Maritime Provinces.

My Lords, I must not pass over another and a plausible objection to the policy of this measure. It is said that, whilst the commercial policy of Canada has been of a Protectionist, that of the Maritime Provinces has been of a more Liberal character; and it is further argued that, when once the union of these provinces shall be accomplished, the restrictive system of Canada will become uniform, and that we shall find

ourselves excluded from the comparatively free markets which we have hitherto enjoyed. A Canadian would probably reply to this that the high tariff of Canada has been due to the necessities of the revenue rather than to a desire to foster her own industry. Of this we can be no judge; we can only accept the facts as we find them; but on those facts there is, as I think, an answer worthy of the attention of this House. Whatever may have formerly been the case, it is now unfair to draw a strong distinction between the commercial policies of Canada and of the Lower Provinces. Canada is by no means unanimous in her desire for Protectionist measures. On the contrary, the Canadian tariff has recently been brought into far greater harmony with that of this country. I understand that the duties on all manufactured articles—such as cottons, woollens, and leather—have been reduced in some cases from 25, but in all from 20 to 15 per cent. Partially manufactured articles—such as bar-iron, tin, &c., which were formerly charged with a 10 per cent. duty—now come in free; and lastly, all raw materials are exempt from duty. On the other hand, the reductions in the revenue due to these changes have been made good by stamps, by an increase of the excise, and by duties on tea, sugar, and wines. Of these I may mention that the duty on tea is 4½d. per lb., and therefore very close upon that which exists here; that as regards sugar, they have adopted the same duties and the same system; whilst in the case of wines they have followed the same system, with this difference—that their duties are 60 per cent. lower than our own. Such, indeed, has been the reduction effected, that the Canadian tariff, whilst still considerably in excess of the Nova Scotian, is less than that of New Brunswick. And, therefore, we have some right to hope that a Free-trade rather than a Protectionist policy will be the result of the union of Canada with the Lower Provinces. But if even it were otherwise, I could never ask this House to bargain with Canada, and to withhold its consent to a measure on which the hearts of our colonists and fellow-subjects are set, until they had adjusted their tariff to our liking. We must rather trust to time and the prevailing strength of our own commercial principles to induce the Provinces to adopt that view which is most consistent with our policy, and, as I believe, with their interests. I do not doubt what their choice will be; for, apart from other considerations, so long as the United States think it desirable to hem them-

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selves in with the bounties and restrictions of a jealously protective system, so long it will be the obvious interest of British North America to open her ports to the free entrance of commerce.

I have now come to the last, but also the gravest, objection which has been raised. It is an objection which I cannot indeed admit, but to which I will endeavour to do justice. It is represented that this measure, which purports to rest upon the free consent of the various contracting parties, is distasteful to a large portion, if not a majority, of the inhabitants of Nova Scotia. My Lords, it has been the duty of Her Majesty's Government to weigh seriously the value of this objection. I am told that a petition will be presented in the House of Commons; but none has been laid, or, as far as I know, will be laid, on the table of this House. There are, however, petitions against this union, which will be found in the recent papers that have been presented to Parliament. They are often drawn up with considerable ability; but they bear the mark, I think, of a single hand, and, though they profess to emanate from public meetings in the different counties of Nova Scotia, they are—I believe, with one exception—signed by the Chairman alone, and give no evidence of the number or the class of the petitioners. As against this, we have to consider, first, that both Upper and Lower Canada have—I may almost say unanimously—expressed their concurrence in the proposed Confederation; and that New Brunswick has given in her formal adhesion. And what as to Nova Scotia? Why, in 1861, the Assembly of that province agreed to a resolution in favour of Confederation in general terms, and that resolution was transmitted to the Home Government. In 1863 the Nova Scotian Legislature was dissolved, and the Parliament then returned is still in existence. That Parliament, last summer, agreed to a vote in favour of Confederation in most definite and yet comprehensive terms, empowering the delegates now in this country to negotiate with Her Majesty's Government the conditions of Union. My Lords, I do not see how it is possible to look behind that vote, and what better guarantee we can have of the real feelings of the people of Nova Scotia. I cannot, after this, consent to enter upon a discussion of the motives or policy of this or that Colonial Minister. We have not the materials for forming a judgment; we can only accept the deliberate and formal opinion of the Legislature as the ex-

pression of the public feeling. Nor are the delegates, who are now in England, men selected from any one party in the province. They represent both the Colonial Government and the Colonial Opposition. But, then, I may be told that the opposition is not so much to the measure itself as to the time at which it is being passed; and that the opponents desire that its ratification should be deferred until a new Parliament in Nova Scotia shall have expressed its opinion upon the question. But my answer to this must be, that the present Nova Scotian Parliament is fully competent to deal with the subject. Its members are representatives, not delegates, of the constituencies. When, last year, the Legislature of Jamaica voted away the former constitution of the island, Parliament did not hesitate to accept that surrender, and to place the colony under the direct control of the Crown. Neither the people nor the Legislature of Nova Scotia have been taken by surprise. Ever since 1858 the question of a more intimate consolidation of Provincial interests has been before the public mind. The plea for delay is in reality a plea for indefinite postponement, and to this I do not believe that Parliament will lend its ear. This measure has been purchased at the cost of great personal and local interests, and if we now remit it—I care not on what pretence—to the further consideration of the province, we deliberately invite opposition; and we may be sure that many years will pass over before another such proposal for Confederation is submitted to Parliament.

My Lords, these objections come too late, for it is not the question of one, but of four great provinces. If, indeed, we were to wait till every individual in those provinces were agreed, we might wait for ever. To such a scheme as this there must, in the nature of things, be opposition. If ever the union of two countries was of public benefit, it was the union of Scotland and England; and yet when every circumstance of the time called imperatively for that union there were many who hesitated. The calmest and most philosophical of modern historians has said that "the measure was so hazardous an experiment that every lover of his country must have consented to it in trembling, or revolted from it in disgust." That union was, nevertheless, accomplished, and so fraught with blessings has it been, that we now wonder that the two nations could so long have remained separate.

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I have thus stated some of the principal objections which have been urged to this measure, and have briefly indicated the answers to them. Let me now review some of the advantages which may be reasonably anticipated. And first, I hope that this measure may well and effectually compose some of those complaints which from time to time must arise out of such an union as that which at present subsists between Upper and Lower Canada. It has, for instance, been said, that whilst Upper Canada possesses the largest population, she has only an equal voice in the representation of their common interests in the joint Legislature. But this inequality will be redressed by the principle of representation according to population, upon which the House of Commons is to be constituted. Nor will Upper Canada gain unduly by this arrangement; for whilst her interests will be protected by a representation in accordance with population in the Lower House, the interests of Lower Canada will be guarded by an equality of the sectional votes in the Upper House. Again, it has been said that whilst Upper Canada contributes the larger share of taxation, Lower Canada enjoys more than her just portion of the public expenditure. That allegation, whether well or ill founded, also finds its answer in this Bill. Henceforward, apart from the revenue raised for the common purposes of the Confederation, local taxation and expenditure will depend upon the local authorities. Thus, all those complaints which must arise under the circumstances of such an union as that which now exists—complaints of partiality, of neglect, of mismanagement of roads, bridges, and those public works which are the very life of a young community, must cease. All local works will devolve upon local authorities, who in turn will be responsible to the tax-payers. This is, indeed, the principle which we recognise in the management of our own county and borough affairs; and if it should be said that Parliament undertakes a wider control in England than is contemplated by this Bill in the confederated provinces, I reply first, that there is a difference in the management of local affairs by a central body between a country which contains 100,000 square miles, and one which now contains 400,000, and may one day contain 3,400,000 square miles; and, secondly, that the lesson, which the English Parliament affords us in this matter, is a lesson rather of warning than of encouragement.

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tages, let any one look at the map and observe how bountifully Nature has lavished her gifts upon that country. But Nature, true to her constant rule, does not there shower those gifts upon one part to the exclusion of another. In the eastern districts there are not only coasts indented with harbours and fisheries, which, unless man greatly misuse them, may be called inexhaustible, but minerals, gold, and—that which is more precious than gold—rich beds of coal. As the traveller goes westward he finds a country rich in timber, in grain, in iron, lead, and copper, a country well fitted for manufacturing prosperity, and already known for its breed of sheep, and cattle, and horses; and when he passes the westernmost frontier of Canada, he sees before him fertile plains as yet unsettled, stretching along the valley of the Saskatchewan, up to the roots of the Rocky Mountains. Now these districts, which it may almost be said that Nature designed as one, men have divided into many by artificial lines of separation. The Maritime Provinces need the agricultural products and the manufacturing skill of Canada, and Canada needs harbours on the coast and a connexion with the sea. That connexion, indeed, she has during the summer by one of the noblest highways that a nation could desire, the broad stream of the St. Lawrence; but in winter henceforth she will have it by the Intercolonial Railway. At present there is but a scanty interchange of the manufacturing, mining, and agricultural resources of these several provinces. They stand to each other almost in the relation of foreign states. Hostile custom-houses guard the frontiers, and adverse tariffs choke up the channels of intercolonial trade. There is no uniformity of banking, no common system of weights and measures, no identity of postal arrangements. The very currencies differ. In Canada the pound or the dollar are legal tender. In Nova Scotia the Peruvian, Mexican, Columbian dollars are all legal; in New Brunswick, British and American coins are recognised by law, though I believe that the shilling is taken at 24 cents, which is less than its value; in Newfoundland Peruvian, Mexican, Columbian, old Spanish dollars, are all equally legal; whilst in Prince Edward's Island the complexity of currencies and of their relative value is even greater. Such then being the case, I can hardly understand that any one should seriously dispute the advantage of consolidating these different resources, and interests, and incidents of government under one common and manageable system.

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But there is yet another advantage to be gained from that Union, to which I must call the attention of the House. The question of military defence is a somewhat delicate one on which to touch. Military defence supposes war, and war in that part of the world could only be with that great Republic which lies south of our border. Such a war between men of a common race and language, and in many respects of common institutions, would be an unnatural and detestable conflict, which would entail upon each incalculable injuries, and perhaps throw back for years the course of civilisation and human prosperity. It is, however, our duty in dealing with this great question to deal with it fully, and not to evade a consideration so important as that of military defence. We are constantly reminded of the difficulties of defending the long frontier of Canada with a distant base of operations. Every reasonable man will admit those difficulties; nor do I see any object in under-rating them. At the same time, we have high and competent military authority to warrant us in believing that, with proper precautions and with the spirit of courage and loyalty which has animated the Canadian people, the defence of Canada is no insoluble problem. Again, we are told that the proportions of military expenditure are not fairly adjusted between the mother country and Canada. Well, I think that the time has probably come for a reconsideration of those charges; and to that opinion there are many in Canada who will subscribe. I am confident that Canada desires only that which is reasonable, that which she may in honour ask, and in honour accept of this country. There has been a good deal of misunderstanding on this subject, and Canada has been supposed to be backward in defraying the expenses of her own defence. But out of the 425,000 militia who are on paper, 90,000 have six days' drill in the year; and, besides these, there are from 30,000 to 35,000 volunteers, who have undergone considerable training, and have attained much efficiency. There are drill associations in the various towns; there have been camps of instruction, and more than 3000 cadets have within the last two years passed an examination by the military authorities, and have received certificates either of the first or second class. I will only add, that whilst the military expenditure in Canada was in 1864 about 300,000 dollars, it was in 1865 nearly 900,000 dollars, and in 1866 more than 2,000,000 dollars. By the census of 1861, it was computed that the men between

the ages of twenty and sixty, supposed to be capable of bearing arms, were,—

In Upper Canada	308,000
„ Lower Canada	225,000
„ Nova Scotia	67,000
„ New Brunswick	51,000
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					651,000

These are now fixed to their respective provinces, and engaged, as a matter both of duty and sentiment, to the exclusive defence of that province. But, when Confederation is accomplished, these scattered forces will become one army under the command and, in the event of emergency, at the disposal of one single general.

But if the advantages of union are great in a military, a commercial, a material point of view, they are not, I think, less in the moral and political aspect of the question. When once existing restrictions are removed, and the schools, the law courts, the professions, the industries of these great Provinces are thrown open from one end to another, depend upon it a stimulus greater than any that has ever been known before in British North America will be applied to every form of mental or moral energy. Nor will it be the main body of the people that will alone feel this. The tone of Parliament, the standard of the Government, will necessarily rise. Colonial institutions are framed upon the model of England. But English institutions, as we all know, need to be of a certain size. Public opinion is the basis of Parliamentary life; and the first condition of public opinion is that it should move in no contracted circle. It would not be difficult to show that almost in proportion to its narrowness Colonial Governments have been subject to disturbing influences. But now, independently of the fact that in these confederated provinces there will henceforth be a larger material whence an adequate supply of colonial administrations and colonial oppositions can be drawn, it is not, I think, unreasonable to hope that, just as the sphere of action is enlarged, the vestry element will be discarded, large questions will be discussed with the gravity which belongs to them, men will rise to a full sense of their position as members of a great Parliament, and will transmit their own sense of increased

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My Lords, I have now touched upon the main features of this measure. I have only in conclusion to say a few words as to the principle upon which it is founded. I know that objections are sometimes made to the principle of a federative government. It is true that no federation can be as compact as a single homogeneous state, though the compactness will vary with the strength or weakness of the central government. It is true that federation may be comparatively a loose bond, but the alternative is no bond at all. It is not every nation or every stage of the national existence that admits of a federative government. Federation is only possible under certain conditions, when the states to be federated are so far akin that they can be united, and yet so far dissimilar that they cannot be fused into one single body politic. And this I believe to be the present condition of the Provinces of British North America. Again, it is said that federation is a compromise, and, like all compromises, contains the germ of future disunion. It is true that it is a compromise, so far as it is founded upon the consent of the Provinces; it is true that it has been rendered possible by the surrender of certain powers, rights, and pretensions by the several Provinces into the hands of the central authority: but it is also to be remembered that—unlike every other federation that has existed—it derives its political existence from an external authority, from that which is the recognised source of power and right—the British Crown. And I cannot but recognise in this some security against those conflicts of state rights and central authority which in other federations have sometimes proved so disastrous.

There have been but few examples of federative governments. Republics and kingdoms there have been many that have played great parts; but the federative governments in the world's history may be easily counted. There have been but four which can be fairly called famous. Two are no more—two exist. Of these, one—Switzerland—is the smallest amongst the families of modern Europe; the other—the United States—is one of the greatest of the Great Powers of the world. In geographical area this Confederation of the British North American Provinces is even now large—it may become one day second only in extent to the vast territories of Russia—and in population, in revenue, in trade, in shipping, it is superior

to the thirteen Colonies when, not a century ago, in the Declaration of Independence, they became the United States of America. We are laying the foundation of a great State—perhaps one which at a future day may even overshadow this country. But, come what may, we shall rejoice that we have shown neither indifference to their wishes nor jealousy of their aspirations, but that we honestly and sincerely, to the utmost of our power and knowledge, fostered their growth, recognising in it the conditions of our own greatness. We are in this measure setting the crown to the free institutions which more than a quarter of a century ago we gave them, and therein we remove, as I firmly believe, all possibilities of future jealousy or misunderstanding—

"Magna sub ingenti Matris se subicit umbrâ."

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