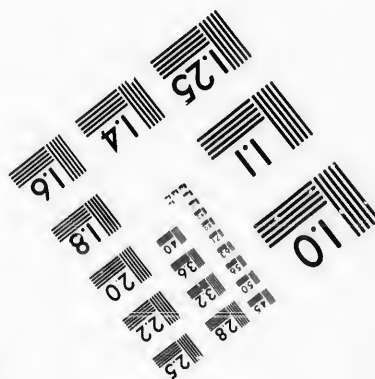
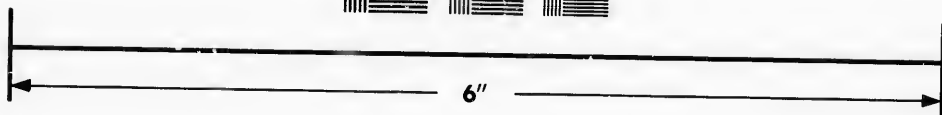
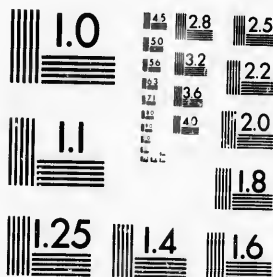


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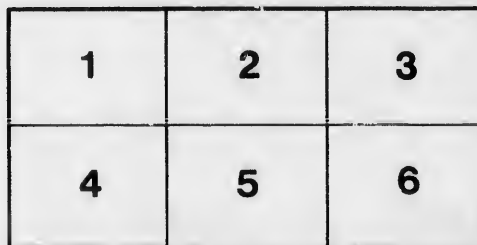
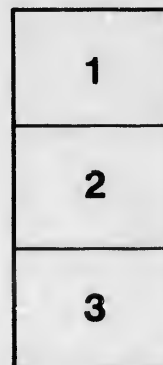
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EXAMINATION  
OF  
THE PROPOSED UNION  
OF  
THE NORTH AMERICAN PROVINCES.

BY  
JUDGE MARSHALL.

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## INTRODUCTION.

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THE proposed Confederation of these North American Provinces, is a subject of such magnitude; and not only affects so vitally, all the secular or material interests of their present populations, but has such an important bearing on future generations, that it is well it is so universally engaging attention and thought, and receiving so much public discussion. None of the Provinces is more deeply interested on both those views of the subject than our own Nova Scotia. As one of its native population, and earnestly desiring its well-founded and advancing prosperity, I cannot feel unconcerned on this confessedly great subject, which has such an extensive relation to the general welfare. I can truly say that it is no small matter of a political nature, which, at my very advanced years, and from other personal circumstances, would induce me to come forward from comparative retirement, as to *secular* public life, and engage in its perplexing, and often annoying discussions. But at this critical period of our history, I feel it to be a patriotic duty, to afford to the people of my native land, any measure of knowledge I possess; and to offer such hints or suggestions, as may be likely to assist in the discussion of the subject, and contribute towards enlarging or elucidating the views under which it should be regarded, and which its vast importance demands. I can, further, sincerely say, — and I think none who know me, and my personal circumstances, can doubt it, — that I neither *have*, or *can have* any motive of an interested description to bias or prejudice my judgment. Neither desires, nor prospects of pecuniary gain, or aspirations after official distinction, or political prominence, have anything to do with my thoughts or writing on the subject. As to any family considerations, I am equally free and unbiassed. But some objector may say, If such be your comparatively retired and unbiassed position, as to political affairs, why should you enter into



this public discussion? Why not leave it altogether to the official, and other acting politicians of the day? I have said already, my motive is to assist,—though it may be only in a humble measure,—in the full elucidation of this proposed union. I may further remark, that *acting* and *active* politicians, as a class, are very far from being the persons, who are the most unbiassed, and regardless of interested considerations and purposes; and actuated solely by *patriotic* views and motives, but, with very rare exceptions, are quite the reverse. There is, therefore, the more need, that on every important subject like the present, those who possess any knowledge concerning it, likely to be useful in its discussion, as regards the population in general, should in some mode or other, offer it for consideration. This is a moral, as well as social duty. But, an objector, or even one honestly desirous of ascertaining as far as possible, the facts and actual truth on this subject, may fairly enquire, how far I—who am not professedly engaged in political affairs,—am qualified to write concerning it, in any intelligent and profitable manner. Well, as an answer to any such supposed enquiry, I will first say, that it was either my privilege or misfortune, in an early part of my life, to be actively engaged in political affairs, in our Provincial Legislature, for many years; and both wrote and spoke, rather at large on those affairs, as they related to our own country, as well as our sister Colonies. Moreover, since my retirement from that sphere of engagements, I have not been an inattentive observer of the political movements and events which have been transpiring among us. Even, further, I may say, that I have repeatedly gone over this Province, and am extensively acquainted with its numerous resources and advantages; and with all classes and descriptions of our population. I have also passed through considerable portions of New Brunswick, Prince Edward Island, and Newfoundland, and have seen more of Canada, than almost any other inhabitant of this Province. In this last-mentioned truly great country, I dwelt nearly two years, during which I travelled from Quebec to London,—a distance of over eight hundred miles,—visited almost all the principal towns, especially in the Upper or Western region—upwards of one hundred places in all—many of them forty, fifty, or more miles from the great lakes, even to some of the more remote settlements; mixed with nearly

all classes of the population ; became even more than generally acquainted with the manners and modes of living of its varieties as to country, and in other important particulars ; also with the chief natural resources and advantages of the country, its principal interests, some of its political affairs, and its social condition in general. These which I have mentioned, are the chief particulars of knowledge, which may well be supposed to qualify me to write on most, if not all, of the chief subjects involved in this proposed confederation.

I now proceed to offer facts, remarks, and arguments concerning the subject, under the following heads :

I. On Confederations of States and Populations, viewed as a general subject.

II. Remarks on the Report of the Nova Scotia Delegates, regarding the proposed Confederation, as exhibited in their speeches in the late public meetings in Halifax, held on the subject.

III. Proposed articles of Confederation ; and herein, of The General Parliament, and General Government, and their exclusive Rights and Powers, on the following subjects :—1, Public Debts, Borrowing Money, &c.—2, Trade and Commerce.—3, Duties, Taxation, &c.—4, Agriculture and Immigration.—5, Railways, Steamers, Navigation, &c.—6, Public Defences, &c.—7, Miscellaneous Subjects.

IV. Of the Rights and Powers of the several Provincial or Local Legislatures, and Governments.

V. Summary and concluding Remarks.

## I.—ON CONFEDERATION, &amp;c.

It has so long been a common saying, and made applicable to every subject, that "Union is Strength," that it has come to be thought by most persons a maxim universally and invariably true. On the contrary, however, in many cases, instead of being a cause of power, it is one of weakness, decay, and ultimate dissolution; and partial or general injuries and unhappiness. This is especially, and, indeed, almost universally true, in instances of a national or political nature, where the elements or chief constituent parts of the Union, are of an incongruous or dissimilar description, as to country, religion, pecuniary, and other interests; and in the habits of life. Strength, or power, however advantageous and available in any political Union, is not, however, as to present security, and really beneficial and final results, as valuable as enduring good will and harmony, proceeding from unity of *secular* views and interests. To the discredit of our common humanity, this kind of Union, is the strongest bond or guarantee, in political combinations of a national description. Experience, both in ancient and modern times has shown, that where Unions have been formed under such differing or discordant circumstances, as have just been mentioned, they have, almost constantly, been agitated by strifes, and been generally unhappy; and sooner or later, been brought to a distressing dissolution, or final ruin of the political freedom; and to serious and lasting injury to the chief interests of the several members of which such Unions were composed. And further, it has in numerous instances been made equally manifest, that where a *weaker* and a *stronger* power, as to numbers, wealth, or other advantages, have been brought into political combination, the stronger power, has almost invariably and in various modes oppressed the weaker. All these, results of such Unions, have proceeded from that *intensity* of selfishness, which is the most pernicious and humbling characteristic of our common humanity; and which actuates states, as well as individuals. As one instance of the kind of oppression just alluded to, may be mentioned, the ancient Grecian States. To some extent, they were united as to

political relations, but yet, they were frequently engaged in distressing and desolating strifes; the stronger oppressing and humbling the weaker; although their language, manners, idolatrous worship, and even material interests, were so nearly identical. In modern times, many instances may be cited, in which similar strifes, and oppressions have occurred, where nationalities and States of different races, languages, and interests; or even, when *identical* on these and other points,—have been under one general government; but most especially have such evils occurred, when a stronger and a weaker power, as to numbers, and all material interests, have been so united. Among the instances first alluded to, of strifes and other evils from such Unions, may be mentioned, that of Holland and Belgium; which had proceeded to open war and bloodshed, when some of the greater powers of Europe interposed, and put an end to the distressing strife, by bringing about a separation, and securing for each, a distinct and separate nationality and government, suited to their respective races, languages, religion, and secular interests; and consequently they can now live, at least in outward harmony. Similar remarks may be made, as to Spain and Portugal, which nations formerly, were united under one government. But, lastly, let us look at the instance which is far the most *opposite* in this discussion,—that of the several States of the American Union. The first principles and articles of that Union, were framed by men, who, as far seeing and skilful, as well as really disinterested, and patriotic statesmen, were scarcely inferior to any of that class, who have existed in any age or country. Yet, still, with the patient exercise of all their wisdom and prudence, to cement that Union into *enduring* harmony, it was found, in the short period of about six years, that the articles which composed and founded it, were, as to *Federal* and *States* rights and powers, and the other interests involved, so defective, and so insufficiently defined, that the several States again appointed certain numbers of their most eminent Statesmen, as delegates in a convention, to frame a more suitable, and as they desired, a more firmly founded framework of Union, which would *enduringly* hold them together, and enable them to go forward in *harmonious action*. After more than a year of deep and earnest attention to the whole subject, those delegates framed a constitution for the Union, which,

with but few alterations, has in *form*, but as to real union and harmony *only in form*, continued to the present day. Those seeds of dissatisfaction and discord, which no human skill, or written articles, or systems, can overcome or remove, still remained. The elements and causes of those discords and political strifes, which from the first were continually carried forward among them, proceeded from *radical diversities* between the northern and southern sections, not merely as to freedom and slavery; but also, as to favouring and restraining regulations; and further, from differences as to certain institutions and occupations; and more especially, regarding their respective secular or material interests. To their great discredit, those discords were in constant and most unbecoming activity, even in their Legislative Halls; and produced occasionally acts of personal outrage. At length those violent contentions, suddenly eventuated in the present most desolating and afflicting war; which as to a *fratricidal, vindictive and sanguinary* character, has scarcely had a parallel in the history of the world.

I have mentioned these instances to show the truth of the position previously announced, that Unions of Nations and States, do not necessarily secure either *durable strength*, or *harmony*, but on the contrary very often,—and especially where different races and sectional and conflicting interests exist,—there arise very speedily, and are increasingly carried forward, discords, strifes, and other social evils, which terminate in open ruptures, or in dissolution; and in each result, with distressing circumstances, in a greater or less degree, to all the members and interests of the Union. Those instances also prove, that where such Unions are composed of a stronger, richer, and more influential state, with a weaker one, the former, almost invariably, treats with injustice, and oppresses the other. The long continued experience of the injurious consequences of such Unions, in general, should serve, among many other reasons, to warn and restrain from *periling* the present rapidly advancing prosperity of this Province, by entering into the projected Confederation, especially on the unequal and humiliating terms proposed. That those terms are of that character, will be shown in a subsequent section.

I shall now, as previously arranged, proceed to remark on the speeches of our Nova Scotia delegates, at the late public meetings,

professing to contain a report of the conclusions of the Convention, and the clauses and articles of the proposed Confederation.

## II. REMARKS ON SPEECHES OF DELEGATES.

Our delegation was formed of four members, two of them members of the Provincial Government, and two, very fairly or very *skilfully* selected, as the leaders of the opposition in the two branches of our Provincial Parliament. It seems it was arranged among them, that Mr. Henry, the Attorney General, should be the first speaker, and he was entrusted with a certain important portion of the general subject; but *unhappily* for Mr. Henry, as to sudden disability from bodily affliction, but *happily* for him, as to some other circumstances, he was unable to attend, and perform his assigned part of the important and delicate duty. In consequence of this disappointment, the Hon. Mr. McCully undertook it, and doubtless performed it to the best of his ability. Here, I think it proper to say, that in offering my remarks, I shall endeavour to fulfil my desire, to treat all the honourable gentlemen, *personally*, with that appropriate and becoming respect, to which they are entitled. But, as to the positions, assumptions, and arguments, and other material parts of their addresses, I shall deal with them, in the most free and even pointed manner. Patriotic duty, the magnitude of the subject, and the vast importance of the interests involved in it, render such a style of remark, not only strictly justifiable, but specially requisite.

Hon. Mr. McCully. This gentleman had in charge, to show, as the conclusion of the convention, that a *Federal* rather than a *Legislative* Union was the preferable one; and therefore ought to be adopted. On this part of the subject, opinions and arguments have been advanced,—though with no improper design,—which are calculated to mislead, and to induce many persons to form very erroneous conclusions. Although the Union proposed is not in strict legal or political phraseology, and to the full extent, a legislative Union, it is, in reality, according to the articles of Confederation proposed, a legislative Union, on almost every material subject and point of parliamentary right and power. Mr. McCully's

explanations and statements if applied to those articles amount to little more, than a *distinction* without a *difference*. In reality, the articles of the proposed plan, show it to be, both a Legislative and a Federal Union; which some have said, is more objectionable, in the form proposed, than either of those modes apart. According to those articles, there is to be a Parliament for the whole Union, holding its annual sessions at Ottawa, in Canada, having powers of legislation over all subjects and interests of a general character, relating to all parts of the Union; which subjects are mentioned in thirty-six separate clauses, or articles, including by special designation, nearly every subject, production, or thing; and concluding with clause *thirty-seven*, applying to all matters of a general description; the whole forming something like the ludicrous provision, or statement, often referred to, of,—“All things whatsoever, and all other things besides.” And further, this General Parliament is to have a supervision and control, and in some cases, an *annulling* power, over the Provincial or Local Legislatures, and their acts and proceedings. If this is not a Legislative Union, it is difficult to find any other suitable term for it. It would, indeed, be one with a vengeance. To show that I am not singular in this opinion, of its being substantially a Legislative Union, I may mention that the Hon. Mr. Fisher, one of the New Brunswick delegates, and as Attorney General, one of its present Government, in his late speech on the whole Federation subject, said—“Although this proposed Union, is called a Federation, it really goes far beyond *that*, and is, in all the essential requisites, a Legislative Union.” Thus, lawyers and political rulers, like Doctors in other professions, differ among themselves; and even when on the same side of such a great subject as the present. This part of the scheme will be more fully commented on, in subsequent pages, under the appropriate section.

Mr. McCully, in an early part of his speech, like persons in general, who have little to advance in favour of that side of a subject on which they are treating, *assumed*, as true, the first and most important point to be *proved*, namely,—the *necessity* for the proposed Confederation. He says,—“From the state of the public mind, and the public press of the Provinces, as far as I have been able to judge, there is but little diversity of sentiment on this point.

No public man who has studied this subject, can deny that these British American Provinces cannot for a very long time, remain in their present condition." I answer, no sooner does he and his brother delegates, publicly announce that necessity, and union of sentiment, than a numerous band,—as well, if not better qualified to judge of that necessity, than the delegates,—rise up and openly oppose them; and in crowded meetings, deny that assumed necessity, and effectually refute their assumptions and sayings on the point; and carry with them, a considerable majority in some, if not all of those meetings. Several opponents of this necessity, are men who have long been well informed in mercantile and financial affairs, and on all the general interests of the Province. Neither is the *press* unanimous on the point, even here in Halifax; and in other parts of the Province it is already declaring its adverse opinion; and giving warning and exhortation against the whole proposed measure. The same is true, as to intelligent and influential persons and the public generally, as well as the press, in New Brunswick. And in Prince Edward Island, the opposition to that assumed necessity, and to the whole scheme, has, it appears, divided and dissolved the government. Where, now, is this asserted necessity and universality of sentiment? They are not found as we see, even among the public men the gentleman has spoken of. But even if these were all agreed they are but a fraction of the population, and often from selfish motives, and for other reasons, are not at all better, if as well qualified, to judge regarding such necessity, or of this proposed union, as others of the intelligent portions of the population. I may here remark that the two other delegates have also assumed this necessity, but none of them, through the whole of their speeches, have been able to show by facts and well founded arguments that it exists with reference to commerce, agriculture, fisheries, public debt, duties, taxation, manufactures, railways, or any other public interest. Mr. McCully says—"The provinces cannot for a very long time, remain in their present condition."—Whatever may be the case in Canada, we of these lower provinces do not think of so remaining. We hope and fully expect still to advance in prosperity, as we have been doing; and surely we ought to desire to remain unconnected with any of the public burdens, the strifes and antagonisms which have long prevailed, and most pro-



bably will ever prevail in the two sections of Canada. Mr. McCully passes on to speak of the relative proportions of representatives from Canada and from these Lower Provinces in the two halls of the General Parliament; and he boasts of the delegates for the latter members of the Union having secured for them a larger number of such representatives than allowed for Canada, in proportion to the respective populations. This may be so, but it is of little or no importance compared with the fact that the Canadian members for the Commons House are 147, and for the other House 48; while for these Lower Provinces there are only 47 in the one, and 24 in the other House. Knowing what sort of people politicians are, and the natural feelings as to country, who does not see from these numbers, that on any subject (and there would be many) where the interests of Canada at large were opposite to those of the Lower Provinces the result would be against us; for there would be 147 to 47 in one House, and 48 to 24 in the other. Or suppose cases,—and there would be such,—where Canadian interests would be contrary to those of Nova Scotia *alone*; there would be at the least, the 147 to 19, and 48 to 10, and who can doubt what would be the results.

Our Hon. Provincial Secretary, who has been more aware and astute on this point than Mr. McCully, and has anticipated the difficulty, proposes to nullify or get over it, by the delegates, in these Provinces, forming a body, like a certain brigade in the British House of Commons; and where circumstances of policy required it, take advantage of the jealousies, divisions and strife between Upper and Lower Canada, which always have existed, and most probably always will, and from time to time, as those sectional questions and controversies arose, throwing our weight on one side or the other as might seem expedient. To show that, here, I am not treating the Hon. gentleman with any injustice, I give the words of his speech. “You will find, therefore, that while these two Sections, are thus divided, the 47 representatives must be insignificant men indeed, if the interests and prosperity of the Maritime Provinces can be jeopardized in a Parliament of 194 men.” I leave it to the judgment of any sensible man, if those expressions do not evidently point to such a course as I have intimated. To say the least, it would be affording a temptation to do *evil*, that

possibly some *good* might in some way, and on some other occasion, be attained. Such a course, would, also, be increasing and enlarging the causes and evils of the discords and strifes which always prevail in political Assemblies. Moreover let it be remembered, that in cases of that kind, there are such things as *retaliations* and *retributions*; and we, of these Lower Provinces, or one or other of them, would inevitably, by adopting such a course, have the retaliation inflicted; and perhaps beyond measure. My own parliamentary experience has informed me, that this has been done; and I may very well presume, that Parliaments, and politicians, are not more *immaculate* now, than they were 50 years back. And now, I must make a few remarks, as to Mr. McCully's statements of the respective numbers of the present populations in the several Provinces. He says, at first,—“We have a population in the maritime Provinces, and the Canadas of nearly *four millions*.” Shortly after, he gave the details of the numbers, as follows—“The population of New Brunswick, Nova Scotia, and Prince Edward Island, is about 600,000 in all, in round numbers; whilst that of Upper Canada alone, is 1,300,000;” and further on, mentioning Lower Canada, he says, “Here were a million of people.” Well, he is correct enough in these details; but on summing them up, we find they amount to 2,900,000; only 1,100,000 short of Mr. McCully's four millions first announced. On these points, Mr. Archibald has not committed himself, as to numbers, but without consulting Dr. Cumming, of London, whether the world will remain until 1866, he has given us the *prophecy*, that in that year “the population will be full 4,000,000.” Well take this, in connection with Mr. McCully's correct number of 2,900,000 there must be an increase of 1,100,000 in two years, chiefly by immigration; 550,000 each year,—which is rather an extravagant supposition. But all this, is only a mortal uninspired prophecy; and should it be fulfilled, it would further increase the overwhelming power and influence of Canada, over these Provinces, as nearly the whole of the immigration would be to the former country. The Provincial Secretary has twice mentioned, in the most positive terms, that the present population of these Provinces is full four millions. Surely these hon. gentlemen should have made their statements regarding this part of the scheme, as to numbers, something more harmonious

and correct. I have thus commented on this point, chiefly to show that such discordant statements concerning it, furnish a good reason for distrust, as to asserted facts and figures, and on other particulars relating to the proposed federation. As to the *necessity* for the contemplated Union, Mr. McCully has in his argument expressly *assumed* it; but neither he, or his colleagues have given real facts or reasons to show any such necessity. Now this is the very first, and all important point to be *proved*, not *assumed*. They have, it is true, dealt very largely, in *suppositions* and *assumptions*, and even called to their aid *visions* of quickly established and future and ever increasing greatness, and also announced various predictions, or prophecies, but all such mere suppositions on any subject, are of little if any importance; and certainly, of none whatever, on any such a deeply momentous and practical subject as the one under notice. We reasonably demand facts, and sound convincing reasons; and no doubt these learned gentlemen have sought and called for them, but they have not been found, because they do not exist. But one fact, has, indeed, been mentioned, by two of the delegates, Messrs. McCully and Tupper,—and exhibited in such a strenuous manner, that it would seem, as though it were the only available one which could be found. It is this, that when this projected Union became known in Great Britain, the debentures on securities of these Provinces, rose in the Stock Market. This may be assumed to be correct. But under all the views that may be taken of the fact, not much importance can be attached to it. Whatever was and is true, as to the previous value of our Nova Scotia securities,—and they were better than those of Canada,—that country, notwithstanding its vast and most valuable resources, and means of various descriptions, was, not very long ago, by its extravagant expenditures, and by other causes, brought almost to the eve or crisis of deep distress, if not bankruptcy, as to financial affairs; and very naturally its public securities in the parent country fell far below par, as low as 23 or 24 per cent., as the Hon. Mr. Dorion, one of the leading statesmen, has very recently declared, in the face of his country in a public and published speech. No doubt the holders of these securities would be rejoiced to hear that these three or four Provinces were going to unite with Canada and form this proposed extensive feder-

ation. This would of course increase their security for the Canada debt. It would be with *them* like the case of a creditor whose debtor was near or threatened with insolvency, and on the former hearing of the latter becoming a partner with persons who were in better circumstances, the creditor would immediately conclude that his prospect of obtaining his debt was much improved, and would rejoice accordingly.

As to the traffic, in securities, or *stock jobbing*, as it is frequently, and not improperly called,—a business not always conducted in the most honest and reputable manner,—it is ever of the most uncertain and *fluctuating* character. The stocks or securities going up to-day, and down to-morrow, in successive *alternations*, afford no certain guarantee for a state of permanent good credit and security, as to any public or other debt, or money transaction. In the case under remark, although in the prospect of Union, the public securities rose in some degree, they might, even very shortly after a Union, fall as low as before; especially as the debt of all the Provinces, at present, erroneously stated at only  $82\frac{1}{2}$  millions, would, directly after federation, by making the intercolonial railway, and by other expenses, be raised to nearly 112 millions, even according to the calculations of Mr. Archibald; and to 125 millions, if the Hon. Mr. Dorion's statements are adopted. He says, "the present debt of Canada, is at least 75 millions; and one would suppose, that he knows this to be the fact, or he would not so boldly state it, in his speech to his country. Here is a difference of only 13 millions. See how little dependence is to be placed on statements of public debts, even at the present time, and as to the future, they are without the slightest value. The same has ever been true, in the history of all countries. In one part of Mr. McCully's speech, he dwelt on his rapturous emotions, on personally viewing some years ago, the prosperous condition of certain portions of the United States. We all know, how deplorably different it has been for a few years past, and, most probably, will continue to be, even for years longer; yet, their Union was formed by wise and patriotic Statesmen, and with most earnest and long continued deliberation. It carried within it, however, the seeds or elements of discords, and dissolution; and so would the one now proposed, though, perhaps, not to the same extent. I am far from agreeing

with Mr. McCully, as to any very important difference between the federation in the United States, and the one now proposed, except as I shall at present, in part, and hereafter more fully show, that theirs was more favourable to the rights, powers, and interests of the respective States, than the one intended for us. *They* had a Congress for the whole Union. *We* are to have a General Parliament, and General Government at Ottawa. They had Local Legislatures, and Executive Governments, and we are to have them also; but with greatly inferior rights and powers. The subjects for Legislation and Executive power by Congress and the Provinces, were for the most part specially defined and mentioned. The same is proposed, as to the General Parliament, and General Executive Government, for these Provinces; and the powers they are to exercise, are first specified in 36 articles; and then an additional and sweeping one, is added over all subjects and things of a general nature, not specifically mentioned. It is true enough, as already intimated, that the specification of the rights and powers of the Legislature, in the several States, in the American federation, were more extensive, than they are in the federation proposed for these Provinces. According to the articles submitted, our Local Legislature could not make any regulations, as to steamboats running between Windsor and St. John,—Annapolis and St. John,—Pictou and Charlottetown,—to Quebec; or from any of our ports, to any place in any of these Provinces; or to other countries, but all such regulations would be made by the General Parliament. The same would be the case regarding our Provincial banks, as to their incorporation, the value and form of their notes, and on all other material points; and also regarding Savings' Banks. The same as to bridges as the boundaries between Provinces,—regarding sailing vessels; and even as to the smaller matters of buoys, beacons, sea-coast and inland fisheries, ferries between Provinces; and on several other local matters. But I forbear to go further here, for all the articles will be set out and fully commented on in the next Section. I cannot, however, forbear to express my surprise, and even displeasure, that these honorable delegates, being natives of the Province, should have thought it *expedient* or *proper* to place their native land under such restrictive and humiliating circumstances. The proposed union will indeed bring our local

Legislature down to a position little, if at all better, than that of a municipal Corporation.

Mr. McCully takes credit for the delegates, that they had among other subjects, reserved for the sole authority, and regulation of the Local Legislature, those of Sea Coast and inland fisheries, and public works, Asylums, and all charities, local works, &c., but he forgot, or omitted to mention, that as to all such fisheries, and public works, the General Parliament has also the same power, as well as regarding Provincial agriculture, and Immigration. He also omitted to mention, the following articles of the scheme,—“That in regard to all subjects, over which jurisdiction belongs to both the General and Local Legislatures, the laws of the General Parliament, shall control and supersede those made by the Local Legislature; and the latter shall be void so far as they are contrary to, or inconsistent with the former.” After this, where is the local exclusive right, or privilege as to all sea and inland fisheries, and public works? Surely, it is no great concession, that we are to be permitted to manage our own asylums, and charities. Of course the General Parliament will not wish to be troubled with the care and regulation of our hospitals, and Penitentiaries,—our Deaf and Dumb Institutions,—Homes for the aged, or orphan asylums, any more than for the appointment and regulation of all County and township officers, Highways, and by-ways, gaols, taverns, &c., &c. I must however do Mr. McCully the justice to commend as candid and liberal, the following sentiments to which he gave utterance:—“Let the question be examined in all its details; Let every man bring his best mind to the consideration of the subject; and if, after due deliberation, the scheme cannot be recommended, let it perish, say I.” And here, for the present, I close my remarks on this Hon'ble Gentleman's Speech.

Adams Archibald, Esq., M.P.P. The first part of this gentleman's briefly reported speech, requiring comment, is that, where he contrasted the taxation per head, between the population of the United Kingdom, and that of this Province; and then went on, to urge the necessity for the people of the Provinces, doing more than they have yet done in the way of defence; and referred to “the feeling that existed in England on the subject.” Does the learned

gentleman by that contrast as to taxation in the United Kingdom, and here—and ours being proportionately so low—think it a most desirable and proper thing that ours should be increased; and does he mean that we, by any neglect as to defences, are charged with blame as to that heavy burden of taxation in the United Kingdom. The tone of his remarks evidently point to such conclusions. Such a style of speech on the subject would be scarcely excusable in a Roebuck, a Cobden, a Bright, and others of their party, as to the Colonies, because it would not be well founded or true, at least as regards this Province. But it was not either suitable or correct in Mr. Archibald, a native inhabitant of this Province, to indulge in any such a style of remark. If we look at the real facts on this subject of imperial taxation, for our benefit, it will be found such as to leave us unblameable. Surely we are not accountable for any different state of the matter in Van Dieman's land and other British possessions in the Australian and Pacific regions, China and other possessions in the east; in Africa or elsewhere. We pay all the charges of our own Civil Establishment, from the Lieutenant Governor down to the lowest official. The few hundreds of pounds, or perhaps a thousand or two, paid by the Imperial Government, for a few ecclesiastical or special civil purposes, do not deserve even to be thought of in relation to this subject. The only *assumed* ground of complaint or charge is the maintenance of the military forces. This may very readily and fairly be answered and put down. The Imperial Government has, for at least a century past, kept up a large standing army, and although for nearly the last fifty years, since the close of the struggle with the great Napoleon, the United Kingdom has enjoyed a state of peace, with the exception of the two raids on China, which required but a comparatively small force, the Crimean war and the Sepoy rebellion, she has all along kept up her military legions to about the same numerical standard, even for the last four or five years, though at peace with all nations. During this period, under the pretence of the dread of an invasion from some power, she has thus acted. Surely she has never been afraid of invasion by Russia, Austria, or Prussia. And as to France, neither is there in reality any more grounds for apprehension, for there is both a political and commercial treaty between the two nations. Yet under the *assumed* apprehension of an inva-

sion from that quarter Great Britain's military and naval forces have not only been fully maintained, but the latter greatly increased; and also other naval defences. In view of these friendly treaties—to speak the plain truth—it was scarcely courteous or civil towards the French Ruler to feel or express any such apprehension. He is indeed chargeable with many and great faults and arbitrary and severe acts, but there is not the slightest good reason to suppose that he ever had any intention or thought of the kind. If his great predecessor of the same name, could not even enter upon it, though long threatening and preparing for the accomplishment, the present ruler might well be restrained from any such attempt, even if he had any desire that way. It was, to use a homely phrase, only a *political bugbear*, to assist towards keeping up the same standard of the national force. Political rulers are always disposed in that direction, and having the state power and means in their hands, they can always find some excuse, or frame and exhibit some vision of danger sufficient to effect their purpose. There are too many supporting placemen, too many offshoots of the nobility and other aristocracy now in commission, and others in expectancy, to be provided for, to admit of any material reduction of the military force. If the whole of it now in the American colonies and in others also, were instantly withdrawn, not a single regiment or company would be reduced. It would not answer to have them all at the Horse Guards at Hyde Park, at Aldershot, at Edinburgh, Dublin, the Curragh of Kildare, and other parts of the United Kingdom. As to national expenses, the troops can on the whole be maintained at a less cost here, where provisions are cheaper, than at those stations or in any other parts of the United Kingdom. The talk, therefore, whether *there* or *here* about our being chargeable with any portion of the burden of taxation on the people of the parent state, is without any real or just foundation. Moreover, the imputations and remarks of Mr. Archibald and others on this point are now quite out of place and time, for they know that within the two years past, and shortly after the Trent affair, the volunteer and militia systems were established, and have been extensively and rapidly going forward in all these Provinces; so much so, indeed, as to include all who are capable and reasonably liable for the service of military defence against foreign aggression.



That style of remark as to our *imputed delinquency* was quite unsuitable, and improper; but it was an addition to other seeming plausible reasons in support of this Confederation scheme as no truly valid or weighty facts or arguments could be found to recommend it. For the reason I have given, it is not at all probable, that in our present circumstances any of the Imperial military force will be withdrawn from us. But I admit that it is possible, that if this Confederation should take place, and it becomes at once such a mighty power,—though the population would actually be the same as now,—the Imperial Government, with some good reason, might say, now that you have, in your own estimation, become such a powerful people, so fully able to protect yourselves against all attempts at aggression, you do not need our assistance, and might accordingly withdraw the whole of her military force. Whatever may be said of our Province generally, from what I know of mankind in general, I cannot imagine that our merchants or tradesmen, and those of other occupations, would be filled with admiration and joy at the change. Now I will neither commend, nor recommend the feeling or sentiment of the man who when told that he should do certain things for the good of posterity said, “What do I care about posterity, what has posterity done for me.” But I will say that it will be neither prudent nor proper for the people of Halifax or the Province generally, to relinquish or peril present security and steadily increasing prosperity for mere suppositions or visions of greatness at some future and uncertain period.

As to Mr. Archibald's figures they are nearly throughout quite unreliable. The very first item—that of the debt of Canada—instead of 62 millions of dollars, as he puts it, is 75 millions, as already shown by the Hon. Mr. Dorion's positive statement—and he is a leading politician of that country. The debt of Nova Scotia and New Brunswick are probably correct or nearly so, but what they may be in two or more years to come, considering all the projected railways, even Mr. Archibald cannot by any prophecies inform us. His calculations as to additional expenses in the event of confederation are altogether *conjectural* and far below what would be the reality. But the calculations as to these will be separately analyzed and exposed in the next section. There are other points in Mr. Archibald's speech, which might be noticed here, but it will

be more appropriate and convenient to remark on them in some subsequent pages.

Hon. Provincial Secretary. In the earlier part of this gentleman's speech, in his usual flowing and energetic style of address, he spoke of the rapidly advancing prosperity of these North American colonies, and of the consequent necessity of "removing the swaddling bands of infancy," and of "obtaining an improved Constitution." He is right as to the fact of great prosperity, but I deny his conclusion that this affords a necessity for a change as to Constitution; but I affirm, that it furnishes a good reason against any change such as this speculation or visionary scheme of Confederation. Political and other changes are generally desired and sought for, when there are some evils and barriers to progress and prosperity existing which ought to be removed. The gentleman has hinted at some "barriers" to such progress, and further mentioned "hostile tariffs," but he has failed to name and verify them. There are no *hostile tariffs*. We can now send our coal and fish, and other articles they want from us as freely as we could under Confederation. His own correctly asserted *facts*, as to the rapidly growing prosperity, as applied to Nova Scotia, shows that there are no such barriers as he merely *hints*, and consequently destroys his own strange inference of a necessity for change of Constitution. If then we have been so freely and extensively advancing in prosperity, there is nothing to prevent our still continuing in the same, or a more rapidly favorable career. We can continue to have as free and increasing commercial and other lucrative and advantageous intercourse with Canada as we could under the proposed Confederation, and at far less cost and with much better security as to the preservation of all our rights and interests. At present the greatness of Canada, as to numbers of acres, population, and in other particulars as compared with our Province, furnishes no reason why we should be united with it, but quite the reverse. Its very greatness, shows it to be perilous for us to enter into any such union, for we should ever be but a small and weak member, always in danger of such encroachments and other injuries as to our rights and interests, as I have shown in various instances of other unions. Instances of the kind would inevitably occur under the proposed

Confederation. Neither the *vision* nor the *reality* of any future greatness of the whole union, in the eyes of the world, would compensate for such a humiliating and dangerous position. Canada would always be the great and the ruling power. It would necessarily be so by the articles agreed upon and proposed by the delegates, for *there* would be the General Government, and the whole of the directing, controlling, and determining power for the whole Confederacy, extending on many points, over the local authorities and interests of the several Provinces. In regard to the progress the Secretary has spoken of, he may be reminded that there is such a thing as retrogression; and from the circumstances stated this is the spectacle this Province would exhibit in the proposed Union, as I feel satisfied of convincing every unprejudiced reader before closing these pages.

He next adverted to the threatening attitude of the American States. This may have a double answer. *First*—That the Provinces are now preparing for their defence quite as effectually as they could or would do, if confederated, as has been shown in the comments on the preceding speech; and next, as regarding those neighbouring and unfriendly powers, by the time they have closed their present wicked desolating struggle, they will both be so prostrated and nearly, if not altogether, bankrupt or insolvent, that they will have more than enough to do, to bring their own affairs into any kind of order, and will not dare to provoke or commence hostilities with Great Britain or any other great power for a generation to come.

As to the Secretary's reference to the feelings and opinions of certain politicians in the parent state regarding our lack of preparations for our defence, the charge has been answered in the remarks on the previous speech.

The gentleman's next reason or argument is of such an extraordinary character that I must give it in full in his own words. He says—"This proposal for Confederation has been forced upon us by the fact that Canada has outgrown her constitution, and that whether the Maritime Colonies will join with her or not she is about to make a constitutional change." Well probably both these assertions are correct, but what strange reasons are these to give in favour of Confederation. How does it concern us that Canada

has outgrown her constitution, any more than that Chili and Norway have outgrown theirs. Canada has passed through several changes already, but we have had nothing to do with them, or been affected by them. We continued to carry on our intercourse with that country as usual, and got our flour and other articles from there, and sent thence what they wanted or would take from us. We have little or no more to do with change of constitution in Canada than with any in Van Dieman's Land, or in Prussia or Belgium. The contentions and the bickerings and changeableness there, are of themselves good reasons why we should avoid any political union with such a people. We have had abundance of political struggles among ourselves, to the injury of our peace and other interests. Why then should we wish to cast additional bushels of the seeds of discord both among ourselves and the rest of the Provinces, especially when it is certain that we, as a weak and subject member, would be the chief sufferers.

The Hon. gentleman has adverted to the political struggle in Canada; and, although as he has told us, "she has advanced with a giant's pace towards her present high position;" yet he directly adds that "at the present the two sections of the Province are in such a state of antagonism as has rendered Government impossible by any public men." But is that any reason why we even by invitation should become involved in their strifes. They are *giants*, and we are but *moderate sized men*, and it would, therefore, be extremely imprudent and dangerous for us to intermeddle with their antagonisms, for we should certainly fall under the displeasure of one or both of them, and suffer more or less of maltreatment. Let the *giants* fight it out among themselves. If they wish our friendly advice we will readily give it to them. There is an inspired proverb, which applies to states as well as to individuals, "He that meddleth with strife belonging not to him is like a man who taketh a dog by the ears."

The Hon. Secretary has admitted, that there is "considerable hostility among public men in the maritime Provinces against union with Canada." It is even so, but surely, that is no reason in favour of it, but forcibly against it. What kind of Union would it be, where there was extensive hostility at the outset; and which, in the event of Confederation, would doubtless continue, and be in-

creased by other causes of hostility which would speedily arise. The gentleman next entered on the great subject of an intercolonial railway and says,—“Without the immediate construction of that railway there is no Confederation. If the Confederation takes place, that railway communication is secured at once.” But see how the gentleman shortly after, in effect, contradicts himself, when he says of Canada, that “she is shut off, for six months, from having any outlet to the ocean, except through a rival state, and therefore you can readily see, why her statesmen offer such terms to the maritime Provinces”; and again he says,—“the seaboard is essential to them.” I deny that union is *essential* to the construction of the railway. It may very well be done now, by just and proper arrangements, and contributions and with the ready assistance of the parent state. Only about two years ago, such arrangements were nearly, or, indeed, quite completed, as it was thought; but it was by the unfaithfulness to promises and engagements on the part of Canadian politicians, that the arrangements were of necessity abandoned. Canada now requires it, far more than we do, and will every year increasingly require it, to afford an *outlet* for all her surplus productions, especially during about half the year, when the navigation of the St. Lawrence is unsafe, or closed. If she is willing to do all that is right in the matter, it may well be accomplished without Confederation, for the means for the purpose, are just as extensive, and available now, as they would be, immediately on the formation of the union, when the Secretary declares, it would certainly be built. He says,—“there is not a public man who sat at that Council Board, who can think otherwise, than that there is no hope for the next twenty years, of the completion of this great enterprise, apart from the proposed union.” The gentleman has *here* very properly guarded his language. He does not say, that they either *thought*, or *said* so, but that they *can* only think so. But this is only the Secretary’s opinion, or *conjecture*, as to their *thoughts*, and certainly affords no ground for a judgment on the point. But, allowing that such are the thoughts of the Canadian delegates and statesmen, it shows, that Canada is in such an embarrassed or insolvent condition, that she is unable to furnish her proportion of the means requisite for accomplishing the work, though she admits it to be so essential to her prosperity. This embarrass-

ment, and inability, consequently affords a perfectly valid reason why we should avoid the proposed union. All must agree, that Nova Scotia alone, cannot perform the work; or be able to bear the taxation, to supply Canada's share of the expenses of it. But, whatever were the Secretary's thoughts, he is quite mistaken as to those of the Canadian delegates and other statesmen for they have declared the contrary fact, as shown by Mr. Annand, that in 1863, the Governor General, said in a dispatch,—“the Canadian Government, is impressed with the importance of the work; and is desirous of taking every measure calculated to lead to its execution.” And only last winter, in another despatch, he said,—“The Canadian Legislature granted \$10,000 for the survey of the inter-Colonial line, and further wrote to the Colonial Minister,—“the Council of Canada has decided to undertake the survey, on its own responsibility, and at its sole expense.” And this was previous to the *thoughts* of the late Convention, for it had not then been arranged or probably thought of. As the railway is such a *necessity* for Canada, as she admits, she will, doubtless, without Confederation be now willing,—if able,—to contribute her fair proportion for the work; and as these lower Provinces are willing to contribute theirs, the work may at once be commenced, as well *without* as *with* the union proposed. In the next section, some additional remarks on this subject, will be submitted.

I now arrive at a part of the Hon. Secretary's speech, which contains some mystifications and concealments which it is proper to reveal and remove. He says,—“not only was Canada weighed down with debt, but, annually, she had to meet a large deficit: whilst Nova Scotia, and New Brunswick, had a surplus in the treasury.” And he further says, that,—“this difficulty is removed and Canada, enters into the Confederacy, on precisely equal terms, in point of debt, with all the other Provinces; and will also enter it with a surplus.” I am pleased to hear that Nova Scotia has a surplus in her *treasury*, but really, there is so much *unfaithfulness* in the figures put forth in support of this scheme, that one might be excused for doubt, even as to this favourable representation of our pecuniary affairs; and might presume, there is some unwitting mistake. Canada, it is said,—“will enter on equal terms;” but how has this part of the scheme been devised and exhibited. Here, I

will not employ any harsher term than to say that as to the public of these Lower Provinces, there has been concealment, or at the least, a deficiency of disclosure of all the facts on the point. In the plan of Confederation, to use our Secretary's language,—“Canada enters with a debt of 62 millions,” but is even that enormous sum, the whole of her debt, as nearly all in these Provinces will naturally conclude. Not at all, for as already mentioned, the Hon. Mr. Dorion, the Canadian Statesman, in his public speech, which I have seen, has asserted, that their debt is, “at the least, 75 millions, only the difference of 13 millions, which would be rather an important item even in Mr. Gladstone's budget. But to harmonize with the other financial parts of this scheme, as concerning these Provinces, it was requisite to bring it down, and make it appear to the public, as only 62 millions. If somewhat similar circumstances had required it, there would have been no more inconsistency in representing it as only 40 millions. But is that a fair representation on the subject? The real burdensome debt of Canada will remain; and even if she *alone* has to answer for that surplus, to her creditors, we are to be joined to her, to increase her credit with those who are now holding and dealing with her debentures, or other securities at 23 and 24 per cent. below par, and with reference to that surplus, as well as the 62 millions, we should in various forms sustain injury, especially by a heavy and oppressive taxation. The Secretary says, “by the arrangements made, Canada will also enter with a surplus” like, as he says of us. There would, indeed, be a surplus as now, but it would be a surplus of liability and debt. Paper articles of Union will not pay or extinguish debts.

The Hon. gentlemen has next told us, that, “all subjects of paramount importance have been reserved for the General Government; and that those which come home to the affections of the people, such as—Education,—the means of sustaining the public communication,—and all such matters are left entirely under the control of the local legislatures.” How the gentleman could make this latter statement, I cannot understand, knowing as he does, that by the *express* articles of the Confederation the following subjects are reserved for the sole authority and regulation of the General Government. All the postal service,—the lines of steam and

other ships,—railway communication, connecting Provinces,—the census,—beacons, bays and light houses,—sea coast and inland fisheries,—navigation and shipping,—banking,—incorporation of banks,—and the issue of paper money,—savings' banks,—marriage and divorce ;—also, in part, the law relating to property, and civil rights,—agriculture,—immigration,—and lastly, “ all matters of a general character, not *especially* and *exclusively* reserved for the local Government and Legislatures.” Surely, all these specified subjects are of a local nature, and “ come home to the affections of the people.” No postal appointment or regulation could be made between any two counties, towns, or villages, in the Province, but according to the regulations of the General Parliament, and with the sanction of the General Government at Ottawa ; nor lines of steam or other ships, as a conveyance between any of our ports—large or small—and those of New Brunswick, Prince Edward Island, or Newfoundland ; or railway communication between Halifax and Truro, or any other place on that line,—nor a river or lake fishery regulation ; nor a ship built, or navigated ;—nor a bank in any place incorporated or its notes issued,—nor marriages celebrated, but according to the laws and regulations of that General Parliament, and that directing and controlling Government. In such a state of things, these Lower Provinces would soon have *ten* times the *annoyance*, *dissatisfaction* and *trouble* that we ever had, with the *magnanimous* parent country. And what are we to have as an equivalent, for all these relinquishments, *sacrifices* and exposures to *humiliations* and *injuries*. The Hon. Secretary has told us, that, in part, it will be to each individual “ the honor of being a member of a great nationality, composing now four millions of souls, instead of a small community, of two or three hundred thousand ; that the *status* of every one of us will be raised ; and that at some future time, which, unlike Mr. Archibald, he does not venture to name, this great Confederacy, will be ranked among the foremost nations of the earth.” Truly these are *very grandiloquent utterances*, but they are descriptive only of *vanity* and *imaginative vision*, and with discreet and sober minded people, of the present generation, will just be of *that value*, and no more. The Hon. gentleman, as to his comparative numbers, has reminded me, of the ecclesiastical dignitary against whose profanity I have lately been



contending, who magnified and diminished members, as suited his purpose. The Hon. gentleman's four millions, lacks only one million one hundred thousand, as already shown, from the statement of a delegation Colleague, and according to the fact; and the depreciating number of 2 or 300,000 for this Province, is now, not very far from 400,000. The Hon. gentleman has spoken briefly, of our becoming by confederation a great manufacturing country, and having a market for four millions of people. Canada neither wants, now, nor will she ever want, any of our manufactures; or, indeed, any of our products, or articles, of any importance, except *coal* and *fish*, which we now send to her, as freely and fully, as we would if in union. As to manufactures she is very far before us, and neither needs, or will ever need from us, articles of *wood*, or *iron* or *leather* or *wool* or *paper*; or, indeed, of any other description. Of course, we should never think of sending grain, bread, or meal, meat, butter, or cheese, or other products of agriculture, to such a magnificent agricultural country as Canada. Butter is now sent here from that Province, and is said, by some, to be better than our own. As to the Canadian Province, I know personally a good deal about it, having travelled from Quebec to London,—nearly 800 miles,—and visited upwards of 100 communities, along the great river, and the Lakes; and through the interior of the upper country, during nearly two years of my sojourn in the land. In nearly every town and village, I visited, among the first objects for my attention, were the factory premises, in active operation. Toward the conclusion of the Hon. gentleman's speech, he revealed a further vision to recommend Confederation, that of its "opening up a field, worthy of the high talent, that this country will produce;" and of "increased objects of ambition for the sons of every Nova Scotian." Another gentleman of the delegation, has held forth similar language, as to the ambitious desires, and aspirations of our young men. But are any such visionary ideas as these, worthy of notice, compared with the extensive relinquishment, and sacrifices we should make, by Confederation, as regards control of our revenue, and regulation of our commerce, our fisheries, our shipping, our property and civil rights; and on every other subject of a general nature; and further, our exposure to the heavy burdens of taxation for the support of *two* Parliaments, and Governments instead of *one*; and those of the

general character, of a most expensive description; also for establishing and maintaining the military and naval defences for our great federal power, and more especially in Canada, as being most exposed; including forts all along the borders of the *thousand miles* of their great river and lakes;—and also for a standing army of more thousands than any one can name; besides a large militia force and a navy for the Canadian lakes, equal to contend with any navy of the powerful neighbouring federal states. And as to the extended field for our ambitious and aspiring young men, I may ask, are there no aspiring young men in Canada, desiring office and distinction? Yes hundreds of them, and of middle aged aspirants also, as there are *with us*; and chiefly among the higher government officials, and other prominent and active politicians, some of them *probably* among those who are urging this confederation scheme. If there are indeed any such *aspirants* among us and they should be exalted to office and emolument in the great government, possibly the loss would not be very ruinous, as it might be repaired by others of the same class. But the Canadians of those classes being in the immediate circle of the General Parliament and Government, would always have the advantage over all those classes with us; and as any office belonging to that Government became vacant, it would be filled, before the vacancy became known here, even by a telegraph message.

Many of our aspiring young men and others, have for years past, and especially of late, been going to the American States, and some to Canada, but very many of them, have also come back, finding that even Nova Scotia is about the best place for them. Here, I may close my remarks on the Hon. Secretary's specious and plausible speech, so largely filled with *predictions, assumptions, and visions*, but so entirely deficient as to material and appropriate facts and convincing reasons and arguments. But he did the best he could, with what that side of the subject furnished him; and probably, as well as any other talented gentleman, like himself could have done. While offering remarks on speeches, I may here submit a few, or some of those made, at the open discussion meeting, on the 30th and 31st of last month. I attended the first of those meetings, and have read carefully, the reports of the speeches made on the following evening. The first speech on Friday evening, was

by the Hon. Mr. McCully; but it was of such a merely personal description, both as to himself, and those opposed to him; so largely relating to an asserted organization, in opposition to the union, and to personal imputations and satires and squibs in certain periodicals; and was so very destitute of facts or arguments, on any of the great points of the subject in discussion, that I feel it not at all suitable, or requisite to make any special or pointed remarks upon it. Doubtless he thought it needful and proper, to give to his speech, the *style* which it bore, as being appropriate to the *tactics* of that side of the discussion with which he is identified; and I have no right, nor inclination to impute to him improper motives of any description. The next speech, was by Mr. Wier, in favour of Confederation; but although, on the whole, delivered in a very fair and liberal spirit, and style, I do not think it requisite, to make any special remarks concerning it, in regard to any reasons or arguments he offered, in recommendation of the measure. Then came Mr. McDonald, in opposition to the union, and I feel satisfied, that every dispassionate and judicious person present, will be of the opinion, that both his first and his second address, were, incomparably, the best arranged, most appropriate and convincing, as to facts and arguments, and most impressive as to *matter* and *manner*, of any which were delivered during the evening. This, it is true, is only my own opinion; and, as I only intend to remark on the speeches of the principal advocates *for* the union, I shall not go into any special review of Mr. McDonald's facts and arguments; nor shall I remark on the speeches of any of the other gentlemen, who contended against the measure.

Adams Archibald, Esq. The chief object of this gentleman's speech, was, to show, that at present, the rate of taxation per head, for duitable articles consumed in Canada, is less than in Nova Scotia. He set out with asserting this; but surely, in effect, he contradicts the assertion, when he says,—“Nobody has heard me say, on this platform, that the tariff in Canada was not *larger* than that of Nova Scotia;” and again, by saying,—“whilst the tariff of Canada is *larger* than that of Nova Scotia, it does not bear as large a proportion, as the gentlemen on the other side have endeavoured to make it appear; and we have not the means, in consequence of

the tables being made in a peculiar way, to settle what would be the particular amount, that would be raised under the Canadian tariff." Here are admissions, which, at once, destroy his first assertion, for every person knows, that if the tariff of duties *there*, is larger than *here*, an individual *there*, pays a higher tax, or rate of duty, than one in this Province. No logic is required, to show this, for it is self-evident. The whole strife in debate, on this point, was as to a few *cents*, one way or the other *per capita*; between the present tariff of Canada, and that of Nova Scotia,—a point of little or no importance, compared with the great subjects involved in the proposed confederation. This Mr. Secretary Tupper admitted, and very truly and properly said, that *neither* of the present tariffs, would be that of the Confederation. Mr. Archibald's midnight speech, therefore, of an hour, on the point was merely a waste of words. But public *political* meetings are of such an *indiscriminating* character, that he got some applause for it. We know, that the importer always adds the duty to the price of the articles; and thus the consumer pays it. The gentleman passed on, to speak of the opening and enlargement of the great canals in Canada, and said,—“look at the document on the subject, and you will find, that the delegates looked upon the measure, as of great public advantage to the confederacy; and so soon as the circumstances of the country will justify it, they will proceed with these works. Are these canals not to be enlarged, in order to enable our ships, to go to the great granary of the west.” Our steamers, if we have any, may possibly go, but it is not probable our sailing vessels will do it, and encounter the *upper rapids* of the St. Lawrence. They will go no further than Montreal, which they can do now, as freely and safely as they would do, under confederation. The General Parliament and Government at Ottawa, may provide for the commencement and carrying forward of the work, *immediately* after confederation, as they are to have the power committed to them. From past experience of the recklessness and extravagance of Canadian politicians, as to public works,—this being a work of great present importance to Canada,—it is quite probable, it will, on confederation, be authorized and commenced; and we must, of course, bear the same rate of taxations as Canada, for the completion of the enormously expensive work. Mr. Archibald next proceeded to an-

swer some assertions, which it would seem had been made that Canada was a poor country. In order to refute this, he says:—"the people of Nova Scotia drink 424,162 gallons of spirituous liquors, but the people of Canada actually drink 5,014,000 gallons, or *two gallons* a head, whilst we only drink *one gallon and a quarter*." Now, in the first place, I will say, that from the nature of the subject, neither Mr. Archibald, nor any other mortal can tell what is drank, per head, in either country.

His next assertion is, that "these paupers with whom we are going to ally ourselves, do not actually drink as much tea and coffee as we do. We consume 213,000 lbs. of coffee, and 1,125,000 lbs of tea; while they consume 1,140,000 lbs. of coffee and 4,976,178 lbs of tea." Here, again, I say, no person can tell with any approach to certainty or correctness, the quantity of any of these articles consumed *there or here*. As to the *tea*, having resided in Canada nearly two years, and mixed much with the population in all the upper sections of the Province, I can confidently say I do not believe that out of China there is a more tea-drinking people in the world, Had I been accustomed to indulge myself in that way, I should have been almost poisoned and ruined in my bodily system by their green or hyson tea, which in every family, is invariably drank *three* times a day. I see that the Hon. Mr. Tilley, of New Brunswick, has made even a more extravagant estimate than Mr. Archibald, on the same *tea* subject, against his own Province. The estimates and statements of both of the gentlemen are of no validity whatever. In order to their being correct the people of these two Provinces, must be supposed to drink tea *six or seven* times a day. It cannot be believed that they are such extravagant and intemperate people. The suppositions and the estimates of those gentlemen are simply incredible.

I have thus commented on these statements, chiefly to show that no reliance whatever can be placed on any such estimates, or indeed, on most, if not all of the calculations and figures which have been put forth in the course of these discussions. Such erroneous and incredible statements may well engender distrust and non-reliance as to other statements and assertions by the same gentleman.

As to Mr. Archibald's assertions regarding the Canadians con-

suming so much more intoxicating liquors than we do, I will only say, that if they are such a drinking and drunken people, as he seems to represent them,—which, however, I do not believe, having lived among them,—it furnishes an excellent reason for us to refrain from any union or companionship with them, lest they should corrupt us, by their wicked example, and make us still worse than we are.

Hon. Provincial Secretary. Some rather extended remarks must here be offered on this gentleman's last speech. It chiefly consists of comments on the speeches of some of the gentlemen opposed to the union; and a reiteration of portions of his own previous addresses, and which have already been reviewed. There is, however, one remarkable part of this last speech, which may here be noticed, to show how an asserted fact may, by the person asserting it, be used as convenient, either for or against a subject in discussion. The Secretary says: "Mr. Stairs is not able to take the tariff of Canada and that of Nova Scotia, and make such a statement as will give a perfectly accurate relative amount of taxation. The materials don't exist, as the tariffs of the two countries are constructed on different principles." Mr. Archibald, however, made the attempt in a speech of about an hour, and drew and gave his own conclusions as to the relative amount; and the Secretary, his co-delegate, in his last address, says of that speech of Mr. Archibald, that it was an "able, luminous, and conclusive argument." It does seem, therefore, notwithstanding the Secretary's previous assertion on the point, that he thinks Mr. Archibald did accomplish it, even without the requisite *materials*. To ordinary minds all this will appear rather contradictory.

The Hon. Provincial Secretary, in remarking as to the expenses of the General and Local Parliaments, says "the expenses as to the latter can be reduced by drawing from it the 19 members for the Commons House of the former, and 10 from the Upper House of the Local to serve in that of the other, and this he says can be done without the slightest shock to the institutions of the country," and leave the electoral privileges of the people the same as they are to-day." Does he mean by this that the number of representatives in our Lower House is to be reduced from 55 to 36? It

would seem so. But if that is done, the Secretary, with all his ingenuity, cannot make out that the electoral privileges will not be reduced. Surely some counties or districts will suffer such a *reduction of privilege*, by having only *one* member instead of *two*; and, on the whole, certainly it is a greater privilege to have 55 to do the parliamentary business than 36.

As to the aged members in our Council, I can scarcely think any of them can be found willing to engage in the laborious and perilous work. Perhaps some of the *aspiring* young men that have been talked of may be found to undertake it. But whoever goes must be well paid.

On the subject of Military, Naval, and other Defences,—under the Confederation articles,—the Secretary says,—“In this document, you will find, that if there is either army or navy contemplated, the constitution provides nobody to command it. The Viceroy or the Governor-General is to be Commander-in-Chief of the Military and Naval Militia. We don't require to have an army and navy.” But few, if any, have ever heard of a *Naval Militia*. It seems a newly-invented term. But let it pass. Names, however, will not alter the nature of things. If there is a *Naval Militia*, there must, of course, be ships or a navy, in which they are to be trained, and serve, and fight too if needful; and all this looks very much like having a *Navy*. In the list of subjects, over which the General Parliament is to have authority, and whereon to legislate, the following are mentioned,—“Militia,—*Military* and *Naval* service and defence.” Here, the Militia and the two other public services are separately specified. It is only evading the true meaning of these words, to say, that they do not convey the idea, or authorize the formation of a standing military and naval force, if the Governor General should think it expedient, or requisite. He may not do it, but every sensible and unbiassed person will say, that under those words, he would have the power to do it; and it is *right* that he should have it; especially as it is intended, or in contemplation, to withdraw the Imperial regular forces from the Provinces. Then, the word “defence,” gives equal power to construct and man forts, and provide other means for the same purpose. As to the objection, by the Secretary, that the constitution of the confederation, provides nobody to command any such

military and naval force, there is nothing in it ; for the Governor General, as Representative of the Crown, and Commander-in-Chief of "the land and naval militia forces" would have the power to appoint all the officers of such forces ; and to keep in constant service and pay, any number of such forces, and still under the name of a militia ; or if any further power on the subject was wanted, the Parliament could, and would, convey it, as would be perfectly proper. Of course, all such standing forces would be under pay ; and a large portion of them would be required for service, in the several fortifications, authorized to be constructed under the term "defences," mentioned in the clause here under notice.

Here, I close my remarks on speeches. Portions of some of them, have probably received more attention than they really merited ; and therefore, some apology may be due, both from the speakers and the reviewer, to the reader, for an intrusion on his time and patience.

### III. ARTICLES OF CONFEDERATION.

There are in all 63 of these Articles ; but as many of them are of little or no importance, as regards this province, only those which materially affect its rights and interests will be here set forth and commented on. These may conveniently be arranged under the following general titles :

- I. Constitution of the General Parliament.
- II. Powers of General Parliament ; and herein :—
  1. Of Public Debts, Borrowing Money, &c.
  2. Trade and Commerce.
  3. Duties, Taxation, &c.
  4. Agriculture and Immigration.
  5. Railways, Steamers, &c.
  6. Public Defences.
  7. Miscellaneous Subjects.



## I. CONSTITUTION OF THE GENERAL PARLIAMENT.

ART. 3. "That there shall be a General Legislature for the Federated Provinces; composed of a Legislative Council and House of Commons." There is an inaccuracy of description here; but it is of no importance. The Legislature is composed of *three* branches or bodies, of which the Crown or its Representative is the *first*, but only the other *two* are here named as forming it.

ART. 4. "That for the purpose of forming the Legislative Council, the Federated Provinces shall be considered as consisting of three divisions. 1st, Upper Canada; 2nd, Lower Canada; 3rd, Nova Scotia, New Brunswick, and Prince Edward Island; each division, with an equal representation in the Legislative Council."

ART. 5. "That Upper Canada be represented in the Legislative Council by 24 members, Lower Canada by 24, and the three Maritime Provinces by 24; of which Nova Scotia shall have ten, New Brunswick ten, and Prince Edward Island four members."

Canada now is only *one* Province, like each of the others; but *here* it is divided into two parts or Provinces, so as to give Canada, as a whole, double the number of members of Council, which are assigned to the three Lower Provinces. Here is an *unfair* inequality at the outset, as regards *these last*. There is no more reason as to rights or interests, for making this distinction in the division, as to Canada, than for making a like one, regarding each of the three other Provinces, for *this* House is not like the other House, formed with reference to respective populations. It is contended by the Delegates that the proposed union in this upper one, is not *legislative* but *federal*. But if so, each Province should be equally represented in the Upper House; as it is in the American union; where Rhode Island and New Hampshire, and other small states have the same number in that House as all the larger ones. In the divisions, therefore, as to Canada, each, part, or Province, should have had only the same number as in each of these other Provinces; and thus there would have been a just equality. But, here Canada, though but one country, having in nearly all respects common interests, has *double* the number of members that are assigned for these three Lower Provinces. The operation and effect

of this unjust inequality will be, that in all questions and measures where Canadian interests are nearly or quite *identical*, and are *opposite* to those of any one or all of these other Provinces, there will not only be in the Commons House 147 against 47, but in the Council 48 against 24; and doubtless the result will be in accordance with these inequalities. But our Honorable Secretary would as I have shown in a previous page, overcome this difficulty by our 47 and 24 taking advantage of discords between the two Canadian Provinces, and throwing those numbers into one of the scales, and so turn the balance. But this, very soon, instead of procuring favor with either, would displease and alienate both, and increase strife and provoke retribution.

#### LEGISLATIVE COUNCIL.

ART. 8. "That the members of the Legislative Council shall be appointed by the Crown, under the Great Seal of the General Government; and shall hold office during life. If any Legislative Councillor shall for two consecutive sessions of the Legislature, fail to give his attendance in the said Council, his seat shall thereby become vacant."

ART. 11. "That the first selection of the members of the Legislative Council shall be made from the Legislative Councils of the various Provinces,—with the exception of Prince Edward Island,—so far as a sufficient number be found qualified, and willing to serve. Such members shall be appointed by the Crown, at the recommendation of the General Executive Government, upon the nomination of the respective Local Governments; and that in such nomination, due regard shall be had to the claims of the Legislative Councillors of the opposition, in each Province; so that all political parties may, as nearly as possible, be fairly represented."

On this last article it may first be remarked that sufficient preference and favour are secured for these gentlemen; at least for those on the local opposition side. But it is one thing to make paper agreements, and another to keep them. What Local Government will honor and favor its enemies? Moreover, after having so long been wrangling at home, will they always cordially agree, and go together in the General Parliament? Here is another field

opened for jealousy and contention ; and for more enlarged strifes among the Provinces. Will this be for the real benefit of any of them? However, as regards the favoured Councillors, themselves, in a pecuniary view, they will doubtless be amply rewarded for all their participation in the political intrigues and strife, by being paid from the public purse, for the whole time, not omitting, of course, and as proper, for the annual 900 miles journey to Ottawa, and back. This item of expense, with the much larger one for the 19 Representatives. will be remarked on, and explained, more fully under the head of Taxation.

It seems, by the Article regarding this Council, and by what is intimated in our Provincial Secretary's speech, that in the composition of it, 10 members are to be selected from our present Legislative Council. But, here arises the question ;—can any ten of the 21 of them, be found willing to undertake and perform the service? With two or three exceptions, they are old or aged men ; and several of them wealthy, and others in independent and comfortable worldly circumstances. Will Mr. Kenny, the respected President of our Council,—a wealthy gentleman, and well advanced in years, consent to leave his business, and the comforts of home, and go off nearly 900 miles to Ottawa, in the winter season, and engage in, or witness, for four or five months, the wranglings and *antagonisms* there? I trow not. Or will my old school-fellow Mr. Cutler, now of 80 years, be able or willing to do it? Or will Mr. Almon leave his home and family, and pleasant and profitable banking operations ; and the aged and rather infirm Mr. Keith, his *palatial* residence ; or Mr. Anderson his more than comfortable dwelling place, as neat and pleasant to the eye, as himself? Or will Mr. Pineo,—not an *aspiring young man*—leave his comfortable home, and business ; or the aged Mr. Fairbanks, his comforts ; or will these aged gentlemen,—Mr. McNab, Mr. Creighton, Mr. McKeen, Mr. Comeau, Mr. Holmes, Mr. Chipman, or even Mr. McHeffy, Mr. Brown, or Mr. Patterson, Mr. Tupper, or Mr. Whitman, none of them, *aspiring young men*, be willing and able for the laborious, responsible, and uncomfortable work ; or will even Mr. Ritchie, be willing to leave his family, his comforts, and business, and endure the same? Now, here are 18, and most probably Mr. Archibald, also, equally unwilling,—making 19 of the 21 ;—none

of whom, it is tolerably certain, will undertake the arduous and unpleasant service. Possibly, Mr. McCully and Mr. Dickey, though not aspiring *young men* may have some laudable, or excusable aspirations, that way, and be willing to undertake it. Where, then, are the 10 to be found? They are *nowhere*, at present. Nothing remains, but to get the 19, to resign their dignity; or by an arbitrary Act of the Imperial Government, dissolve our present Council, and form it anew, of *aspiring young*, or *middle aged* men. But, will the 19 be pleased with any of these arrangements; or the public either? I leave both to ponder it well. The difficulties on these points, will tax to the utmost, our Secretary's political skill and contrivances; and after all, he will not be able to overcome them. While composing these pages, I have heard it said, that the 10 selected Councillors, are to have \$4000 yearly, for their services; but I cannot for a moment suppose, that any of those Hon. gentlemen will consent to receive *that*, or any other sum, to sell the *independence* of their Country, by putting it under the power of a *Canadian Parliament and Government*; for that would be their proper designation. It would also seem, from what fell from the Secretary, in one of his speeches, that after the selection of the 10, the remaining 11, are to form the whole number of the Council for the local Legislature. Surely, this will not be satisfactory, either to that body, or to the country. A like intimation has been given,—in the same speech,—that the 19 members for the House of Commons of the General Parliament, are to be withdrawn from the 55 members of the third branch of our Provincial Legislature; leaving the whole number of such members only 36. These two points will be fully commented on, in the proper place, in a subsequent Section, treating of the Constitution and Powers of the *Local Legislatures*, and Governments.

#### HOUSE OF COMMONS.

ART. 14. "That the basis of representation, in the House of Commons, shall be Population; as determined by the official census every ten years; and that the number of members, at first, shall be 194, distributed as follows;—

Upper Canada,.....	82.
Lower Canada,.....	65.
Nova Scotia,.....	19.
New Brunswick,.....	15.
Newfoundland,.....	8.
and Prince Edward Island,....	5.

That until the Official Census of 1871 has been made up, there shall be no change in the number of representatives from the several sections."

At first view, it may seem fair enough, that the basis should be as here proposed. But the very great inequality of population in the several Provinces, creates the very difficulty as to the weaker Provinces in the Union receiving their due proportion of attention and advantages; and being, at all times, justly dealt with, by the much more powerful members. This point has been partially treated of already, in a previous page. There are, now, and must continue to be, diverse and conflicting interests, between the whole of Canada, and these lower Provinces. And when such cases arise in the Parliament,—as they often will,—knowing what experience has always shown is the character of public bodies, Canada will take care of herself; and, to use a common phrase, secure the "lion's share," of advantages; though our Representatives were as skilful and faithful as possible. In the House of Commons of the United Kingdom, all contentions as to county, or local interests are avoided, by the small counties such as Bucks and Wilts, having as many members as the larger ones; and in some instances, the smaller counties have as many, or more Borough members than the larger Counties. Why could not something like this have been arranged in this proposed Confederation, giving a representation for the *Counties* of the several Provinces? This would have been a far more equitable mode of representation than the one proposed; and would have reduced the number of members, and still there would have been a fully sufficient number, to have transacted the public business, in a reasonable time; and the Parliamentary expenses would have been very materially lessened.

## II. POWERS OF THE GENERAL PARLIAMENT.

ART. 26. "That the General Parliament shall have power to make laws for the peace, welfare and good government of the Federal Provinces (saving the sovereignty of England) and especially laws respecting the following subjects:—1. The public debt and property. 2. The regulation of trade and commerce. 3. The imposition or regulation of duties, of customs on imports and exports, except on exports of timber, logs, masts, spars, deals, and sawn lumber, and of coal and other minerals. 4. The imposition or regulation of excise duties. 5. The raising of money by all or any other modes or system of taxation. 6. The borrowing of money on the public credit. 7. Postal service. 8. Lines of steam or other ships, railways, canals, and other works connecting any two or more of the Provinces together, or extending beyond the limits of any Province. 9. Lines of steamships, between the Federated Provinces and other countries. 10. Telegraphic communication, and the incorporation of telegraphic companies. 11. All such works as shall—although lying wholly within any Province—be specially declared by the Acts authorizing them, to be for the general advantage. 12. The census. 13. Militia. 14. Beacons, buoys, and Light Houses. 15. Navigation and shipping. 16. Quarantine. 17. Sea-coast and inland fisheries. 18. Ferries between any Province and a foreign country; or between any two Provinces. 19. Currency and Coinage. 20. Banking—incorporation of banks, and the issue of paper money. 21. Savings' Banks. 22. Weights and Measures. 23. Bills of Exchange and Promissory Notes. 24. Interest. 25. Legal Tender. 26. Bankruptcy and Insolvency. 27. Patents of Invention and Discovery. 28. Copy-rights. 29. Indians, and Land Reserves for the Indians. 30. Naturalization and aliens. 31. Marriage and Divorce. 32. The Criminal Law, excepting the Constitution of Courts of Criminal Jurisdiction, but including the procedure on criminal matters. 33. Rendering uniform all or any of the laws relative to property and civil rights in Upper Canada, Nova Scotia, New Brunswick, Prince Edward Island, and Newfoundland; and rendering uniform the procedure of all or any of the courts in these Provinces. But any statute for this purpose shall have no place or authority in any

Province until sanctioned by the Legislature thereof. 34. The establishment of a General Court of Appeal for the Federated Provinces. 35. Immigration. 36. Agriculture. 37. And generally respecting all matters of a general character not specially and exclusively reserved for the local governments and legislatures."

Now, *mark*, Nova Scotians, that you are required to surrender to a Parliament in Canada, nearly 1000 miles away, your right and power of making laws and regulations on these important subjects.

ART. 34. "That in regard to all subjects, over which jurisdiction belongs to both the general and local Legislatures, the laws of the General Parliament, shall control and supersede those made by the Local Legislature; and the latter shall be void, so far as they are repugnant to or inconsistent with the former."

According to the intended plan of treating here, concerning the general subject, it is not needful to remark on a number of the particulars contained in the foregoing list, or catalogue, which comparatively are of *minor* interest. Only those of a really important description will pass under review. These will be arranged and commented on, under several appropriate heads. The first which must be mentioned, is,—

#### THE PUBLIC DEBT, &c.

This means and includes the debts of the several Provinces, brought into one sum; and the whole assumed by the Confederation, agreeably to the following articles of the proposed constitution;—"That the General Government shall assume all the debts and liabilities of each Province." "The debt of Canada, not specially assumed by Upper and Lower Canada respectively, shall not exceed at the time of the Union \$62,500,000. Nova Scotia shall enter the Union with a debt not exceeding \$8,000,000; and New Brunswick with a debt not exceeding \$7,000,000."

To these articles there need be no objection, *if* truly made, according to the respective populations, and on the other points which should be taken into consideration, in forming such an amalgamating arrangement. But it has been already shown, that Canada really owes far more than the sum named for her, on entering the Federation. Her debt, instead of 62 millions, is now 75

millions, with almost a certainty of such early additions, as will raise it to 112 millions, or more, as stated by the Hon. Mr. Dorion, one of the leading politicians, and at one time the leader of the Government of that Province. In his late published speech on Confederation are the following passages:—"The public debt of Canada is at least \$75,000,000. Our debentures bearing five per cent. interest are quoted at from 23 to 24 per cent. *below par*, and it is when our finances are in this state that it is proposed to add to the \$75,000,000 which we already owe, the \$15,000,000 due by New Brunswick and Nova Scotia, \$16,000,000 for the construction of the Intercolonial Railway, and about \$5,500,000 representing the annual subsidy which will be paid to Prince Edward Island, and the Island of Newfoundland,—in all \$36,000,000, which will raise the debt to \$111,500,000, with the prospect of adding several millions to it *immediately*, in order to put the country in a state of defence". How far, in the course of things this excess of the present and future debt of Canada, will affect the interests of the several Provinces, and the whole Union, is a very important subject for consideration; and on which skilful and experienced merchants, and other able and financial characters, are most competent to decide.

The power of the Parliament to borrow money for public purposes,—though always belonging to Parliament as indispensable,—is one of vast importance; and knowing the *extravagance* of the Canadian Parliaments and Governments heretofore, this should be one among the many other strong reasons, to restrain these maritime Provinces from entering into the proposed Union. It is already known, that the Canadians want very large sums of money to enlarge and extend their canals and other improvements,—for the great and extensive Inter-colonial Railway;—for Militia, and, doubtless, very soon, for a strong *Military* and *Naval* force of their own; or else, to maintain adequate British Military and Naval forces, to secure and defend themselves against foreign aggressions, on none of these points—except in part for the railway,—are these Lower Provinces under the same circumstances, or required either to borrow money or increase taxation. Under Confederation, if money be borrowed for these *Canadian* purposes, these Provinces must pay proportionate shares of the interest, or if additional and



heavy taxation is imposed, to raise the enormous sums required to accomplish those purposes, Nova Scotia and the other Lower Provinces must bear the *same weight of taxation* as Canada, without deriving any benefit in return, except in part from the Railway. Here, among others, are very potent reasons for our declining Confederation.

#### TRADE AND COMMERCE.

2. "The regulation of Trade and Commerce." This is a most extensive and important subject; and must be understood to concede to the General Parliament the right to prescribe with what countries the several Provinces may have commercial intercourse, and on what terms; and under what regulations they may trade with each other, and with other countries, as to duties and otherwise. It is impossible to foresee, what great difficulties and dangers to the several Provinces, especially to these maritime ones, are involved in this broad and multiform concession. Let our wisest merchants ponder it as they may, they will be unable to grasp and analyze the wide and complicated subject, so as to come to any certain conclusions as to Provincial advantage, or disadvantage. And if *they* are so unable to see and decide, what will be the future results, surely Lawyers and our other political rulers are not qualified to do it. This absolute uncertainty, should, alone, be sufficient to induce, not only merchants, but all others—except the speculative and reckless—to refrain from rushing into this proposed confederation, and thereby incurring such a momentous risk, as to our Provincial prosperity, which is now so rapidly and securely advancing. Under this head may be included, the several subjects of beacons, bnoys, and light-houses, which the General Parliament claims to possess and regulate. Surely, these might have been left to the local Legislature, who, from a regard to their own commerce, and the safety of their own seamen and vessels, are as likely to make all needful and proper regulations as a Parliament at Ottawa.

The subjects of Navigation and shipping, to be also conceded to the General Parliament, fall properly under the present head.

These are, indeed, most important subjects ; and although a uniformity concerning them, in some respects, be advantageous, yet there are on several points such differences, in relation to them, among the several Provinces, that the Parliament may pass such laws as though suitable and advantageous, regarding one or more of the Provinces, may be unsuitable and injurious to the other. The General Parliaments are to have the power of taxing all and every article of "trade and commerce," both imports and exports, with the exception of timber, masts, spars, deals, lumber, coal, and other minerals." They may consequently tax *manufactured* articles and *fish*.

#### DUTIES, TAXATION, &c.

The various subjects included under this title and to be conceded to the General Parliament, are indeed, of the very first importance, and most especially concern all these Lower Provinces. In treating of duties on imported articles the first facts for consideration are the average rates in the several Provinces. In this Province and in New Brunswick, as lately stated by the Hon. Mr. Tilley in a public speech those duties are 10 per cent. But in Canada they are now 20. Under Confederation they are to be equalized, and it is proposed to do it by adding 5 per cent. to the duties here and in New Brunswick, and thus make them 15 per cent. and those of Canada to be the same rate. But here the first question to be asked is this, Can Canada, deeply burthened with debt as she is and as admitted by our Confederate Delegates, afford the proposed reduction? Quite impossible. It is very far more probable they will be raised to 25 or more, and then as there must be equality, ours and New Brunswick's must be raised to 25 also. The Delegates have made calculations as to how much per head of duties is borne and will be borne by the respective populations in the several Provinces, and have framed their equalization scheme accordingly. But there is a misapprehension and a fallacy here, which it is proper to expose. Suppose the duty to be raised 5, 10 or 15 per cent. beyond what they are at the present time, merchants and grocers, or other importers immediately put the amount on the goods imported. This, humanly speaking, is as certain as the rising or the

setting of the sun, or ebb and flow of the tides. They *must* do it. The customer therefore, who goes to the dry goods, or grocer's store, for any article, will find it has advanced in price, just the amount of increased duty, or possibly more; and this will be the result, without the seller or the buyer having any reference or thought as to population or rate per head in one country or another. This increase will not be altogether well, even for the seller. But for the purchaser,—a tradesman, or artizan, or person in any of the laboring classes,—that enhanced price will be injurious; for these, owing to competitions and other causes, will seldom be able to reimburse themselves, by adding to the products or wages of their labour the increased prices thus paid for their purchases. Thus, our importers, in the first instance, will be put to inconvenience, as to the increased rate of duty, and nearly if not all the laboring classes will experience injury by the increased expenses of living. Do these large portions of our population in the city and throughout the Province desire this result as a satisfactory price for a *vision* of individual or provincial honor and greatness, in *name*, in some future ages, which even no delegation prophecy can reach or define. Moreover, here is another, and a proper view to take, of this point of rate of duty, per head, on the whole population. This rate, when so made, may look small, by an addition of 2 or 5 per cent, but it must be remembered, that when it is so estimated, it includes all in poor or destitute circumstances, even every pauper, and begging child throughout the land. Deduct, first, the thousands of all these, who pay nothing of the duty, as they are consumers of very little, if any, of the articles on which the duties are imposed. Then, divide the rest of the population into families, and suppose each of these to be composed of 6 persons—the usual estimate—the husband, wife, and four children, all dependent on the labour of the man. Apply this estimate, to our population, of about 340,000 and it will be seen, that there are about 56,000 families; and according to the admitted estimate of \$2,60 foreach one of our population, the amount of duty on each head of a family, instead of \$2,60, is \$13.00. Then add 5 per cent to the 10 at present, making 15 per cent, and there will be \$6,50 increase, rather an important addition to the expenses of the small farmer, and tradesman, and others of the working classes, whose payment of

duties, instead of \$13, will thus be \$19,50. These are plain estimates and conclusions, founded on *facts*, and which all may comprehend; and which none, by any *sophistries*, or *fallacies*, can controvert, or explain away. And, moreover, as Canada, from its embarrassed circumstances, cannot afford to reduce its taxation to 15 per cent, but must remain at 20, ours must be the same, which would make \$6,50 more, making the whole tax on each head of a family, throughout our population, \$26, or £6 10. But when it is considered, that there will *inevitably* be the increased taxation for the inter-colonial railway—the expenses of the General Parliament and Government at Ottawa—for canal extensions and improvements—all in Canada—also for fortifications, many hundreds of miles along the great rivers and lakes of Canada—for a navy of some respectable, and adequate number, on those lakes; and for a like adequate military force, in each of the Provinces; besides for many miscellaneous and expensive services, the whole taxation on each head of a family—as already given—can scarcely be less than \$40, or £10. It is true, it will be paid, by what is called *indirect* taxation, or increased prices of the articles on which duties are imposed; but the expense to the man is the same. Here is the inequality and injustice of this *indirect* taxation, by which the poor tradesman, and the labourer, pays as much tax for his tea, sugar, coffee, and all other articles of ordinary consumption, as the most wealthy person. If our working classes, and especially the poorest among them, knew, and bore in mind, all these facts and the liabilities which would inevitably and speedily come upon them, if the Confederation takes place, they would not be quite so ready to shout, stamp, and clap their hands in its favour, in Temperance Hall or elsewhere.

We are told by the advocates for Confederation that we should think of our *posterity*, and secure a *heritage* for our children. Well all this is right enough, to a certain extent, and it is also right that the *living*, acting persons of this generation, should look to their present interests. If they neglect *these*, and suffer themselves to be placed at the mercy of extravagant Canadian politicians, who have brought their own country into deep embarrassment, and will bring themselves under heavy and oppressive taxation, they will have but a poor *heritage* for their posterity, even that of the same

or even greater burdens. There is also held forth in support of Confederation, *visions* of what is called "prestige," or a *name* of greatness for the country to which, by that change; we shall be said to belong. But these are but *visions*, and if realized will be but a sorry compensation for that heavy increase of taxation and other evils. Such visions, realized or not, will not answer in the place of *bread* and other necessaries for a family, or avert embarrassments or want. Even this *vision* or *prestige* of greatness, would not be realized, for Nova Scotia would still be lost in the name *Canada*, as is now the case abroad. Who in any of the great nations, knows anything about New Hampshire, New Jersey, or Rhode Island, as parts of the great United States? All hear of these states, by that name; and of New York, Philadelphia, and of other great cities of the Union. But those small states remain in comparative *obscurity*, or oblivion; and but slowly increase in population. There are many mighty and celebrated nations in Europe, having great *prestiges*,—our parent countries the first,—and yet, from all of them, scores, or hundreds of thousands of the populations are annually fleeing; compelled to leave, chiefly through the oppressive burdens of taxation, accumulated upon them, through ages, by reckless and extravagant politicians. Away, then, with those *shadowy* and contemptible reasons to induce such a change of our circumstances and prospects.

The Canadian rulers, for a course of years, instead of increasing general taxation, by duties on importations, and thereby so enlarging their revenue, as to come moderately near meeting their extravagant and often corrupt expenditures; have gone on borrowing money for those purposes, until, in that way, their debt became so enormous as it now is; and almost ruined their credit. But, in the mean time, they kept their population tolerably quiet, as they were not feeling any burdensome weight of taxation,—partly through there being so many imported articles kept free of duty. This is a common expedient, and for a time a successful one, with corrupt or extravagant public rulers. By the proposed confederation, the General Parliament and Government, will have the power to borrow money to any extent, for public purposes; and as they will require very large sums, for the numerous services and objects, already specified, and as their credit will be low, owing to their

present enormous debt, they will, in order to raise funds for these objects, be obliged to resort to greatly increased taxation, *indirect* or *direct*, or both ; and we shall have to bear our part of it, equally with Canada. They are to have, in addition to Customs and Excise duties, the power of "raising money, by all or any other modes, or systems of taxation." They may, therefore, lay it upon the *head*, the *farm*, the *house*, the *shop*, the *mill*, the *stock*, the *trade*, or in any and every other mode.

#### AGRICULTURE AND IMMIGRATION.

The first of these subjects, will require but little parliamentary interference. Of course it is not contemplated, that it will extend to prescribing to farmers, any rules as to the *rotation* of crops, or any similar and small discretionary matters. It must be presumed, that it is merely meant to include improvements as to seeds, and cattle, agricultural exhibitions, and premiums, &c. On this subject, therefore, no special remarks are required, except to say, that it would seem not at all dangerous, but more appropriate, and liberal, to have left it exclusively to each local Legislature, rather than to have committed it to the General Parliament also, with a suspending and abrogating power, over the acts and regulations of the Local Authority. The other subject, that of Immigration, is one of very great importance and interest, to all the Provinces, but most especially to Canada, where there are still such vast regions of good land, ungranted, and in a wilderness state. There are also extensive tracts, in New Brunswick, of the like description ; and even in Nova Scotia, there are, in several sections, many thousands of acres in the same state, affording room for a numerous population from abroad. In all of the Provinces, whether confederated, or apart, it should be one of the chief objects, to encourage a suitable immigration, by all proper and available means ; and in doing so, to expend within reasonable bounds, public money for the purpose. On the subject of emigrants, who are going to Canada, landing here, to be forwarded by a railway, remarks will be offered under that Title in subsequent pages. In framing the articles of Confederation, this subject of Immigration should have been left exclusively, to the power and regulation of the local Legislature of each Province, instead of making it common to both the *General*

and the *Local*, and giving the power to the former, of superseding and annulling the regulations of the latter. It does not seem requisite to offer here, any further remarks on the general subject.

#### RAILWAYS, STEAMERS, &c.

The articles and clauses on these subjects, are as follows:—The General Parliament are to make laws respecting “all lines of steam or other ships—railways—canals, and other works connecting any two or more of the Provinces together; or extending beyond the limits of any Province.” Also, “lines of steamships, between the Federated Provinces, and other countries.” That Parliament, also, is to “receive and possess all railways, and railway stocks, mortgages, and other debts due by railway companies.” Clause 60 provides—“That the General Government, shall secure without delay, the completion of the Inter-colonial railway, from Riviere du Loup, through New Brunswick, to Truro in Nova Scotia.”

Clause 61 declares “that the communications with the North-Western Territory, and the improvements required for the development of the trade of the Great West, with the Seaboard, are regarded by this Conference, as subjects of the highest importance to the Federated Provinces, and shall be prosecuted at the earliest possible period, that the state of the finances will permit the Parliament to do so.”

Here are most deeply important subjects for consideration, involving numerous topics and matters of great public interest.

I shall, here, however, confine my remarks to the two last clauses, regarding the construction of two contemplated lines of railway. As to the first called the *Inter-colonial*, it has already, in the remarks on the speeches of Mr. Archibald and Mr. Tupper, and the public documents of the Canadian government, cited by Mr. Anand, been clearly shown, that Canada has been anxiously desirous of having this railway, and as these Provinces seem to have the same desire, surely by each contributing its fair share of the expense, the work may as well be accomplished *without* the union as *with* it. If it be so, that Canada is in such *embarrassed* or *insolvent* circumstances, that she cannot, either by additional taxation or by borrowing money, or in other way, obtain the funds to pay her share of the cost, certainly that is the most convincing reason

that Nova Scotia should not confederate with a country in such circumstances. Surely we cannot justly be called upon to engage in the reckless *political knight errantry* of rushing forward into certain danger, and probably of ultimate insolvency, and destruction of our advancing prosperity and best interests, with the delusive purpose or prospect of rescuing Canada from her financially embarrassed condition. But even if attempted we could not accomplish it. We have debt enough of our own, and will soon have it so much larger, by the Pictou and Annapolis railway, that the interest will exhaust a *third* or more of our annual revenue. We shall have enough to do to provide for all these and others of our incumbrances, without being involved in those of Canada. If the Canadian creditor abroad think their security will be better by this intended confederation, so far from that being a reason to induce us to enter into it, it is one of the strongest that we should avoid it. If accomplished, those creditors would in no long time awake from their *dream*, and find that in reality, their security was not at all better than before, but even worse. The enormous additional expenses of the General Parliament and Government, and the still continued extravagances of Canadian ruling politicians would awaken them to a sense of that unpleasant fact. And *we* by additional heavy taxation laid on by the 147 and the 48 of the great Parliament at Ottawa, would have to bear all the evils of that condition, without any hope of relief or remedy.

But, now, let us examine what will be the *real benefits* to Nova Scotia, by the Inter-colonial Railway. And first, as to Immigration. This takes place, almost entirely, during the summer and autumn, both by the St. Lawrence, and New York, and other ports of the United States. Those emigrants who are now going to New York, in the winter, are nearly all poor Irish, Germans, and other Europeans, who are necessitated to leave their countries, and under the hope of bettering their circumstances; and some, with the intention of entering into the service of one or other of the Powers now in fierce hostility. Emigrants intending to settle in this Province, do not, of course want the Inter-colonial Railway. As to those, bound for Western Canada, the immigration, as heretofore, will take place altogether during the summer and autumn; and either direct to Quebec, Montreal, Kingston, Toronto, or Hamilton, or to New



York, and other American Ports. All those going by the St. Lawrence, can, by direct water conveyance, be taken with all their heavy baggage, within a journey of a day, or probably less, to the place of their ultimate destination. Or if they go by New York, they can be conveyed there, by Railway, or Canal, in about the same time. Now, I know these to be *facts*, for I have been in the Steamers, with them, and if I recollect rightly, on the railways also. Such being the *facilities* for their conveyance to Western Canada, whither all Immigration to British America flows, no emigrant would think of coming here, either winter or summer, and landing with all his family and baggage, to undergo the trouble, harassing perplexities, and expenses, of being conveyed by railway 630 miles to Quebec, or 1000 or 1200, to some of the far off villages or settlements of Western Canada. So much for the intended Railway, as to the conveyance of emigrants. But it is further urged, that it will be advantageous to us, for the transportation of merchandize to Canada, especially in the winter; and that Halifax will be a depot for the purpose. Well, possibly, and *only possibly*, it may be so, to a small extent; but chiefly or *only* so, in the case of a war with the United States. The Canadian merchants now import their goods, partly by the way of the St. Lawrence, all the time the river is open, and safe for navigation; and partly by New York, during all the year, though only to a comparatively small extent in the winter. All the summer and autumn, when the river was free of ice, they would never import any of their goods by the way of Halifax, and thereby incur the expense of conveyance over the railway for distances from 600 to 1200 miles, paying for storages, agencies, &c., at Halifax, and on the whole transit. Many of the merchants in Upper Canada import large quantities of their European and other goods, all the year I believe, by the way of New York. They find it more convenient to do so, the distances being only from 300 to 400 miles, over which the goods can be conveyed in a day and half, or two days, by railway. Such being the ease, they would never have their goods brought here, to be carried a *thousand* miles, or more, by our railway. I remember spending some days with a gentleman about 30 miles back from Toronto, who kept what we call a shop, or store of various kinds of goods; and on my asking him, as

to *where* and *how* he got his goods, he said he procured them partly from New York, where he occasionally went, either to receive his importations, or make his purchases.

I have good reason to believe that this is the practice and course of trade followed still by large numbers of shopkeepers in *Upper Canada*, as they find it more convenient, and, I presume, cheaper, to get their European goods by that route than by the way of the St. Lawrence and the Lakes. The people of the American States also find that course of business profitable to them, for not only do they dispose of large quantities of their manufactures to the Canadians, but as to the European and other imported goods they have often, or mostly, the freight of them in their own vessels, also the storage or warehousing of them, the profit of agency and of the conveyance of them into Canada by their canals or railways, with other advantages. Many of the merchants of Upper Canada go I believe to New York as regularly for their supplies of goods as our merchants go to Britain for theirs in the spring and autumn. Some few Canadian gentlemen might occasionally chance to come here and take the railway for home, rather than proceed by Steamer to New York, but the only advantage Halifax would receive by such visits, would be a few hours of such persons in an hotel, and the fares to the cabmen for the conveyance of them and their baggage to the railway station. In one of the late discussions on confederation a speech was made by Mr. John Tobin, M.P.P., chiefly on this railway subject, and I thought it the most practically sensible, and most pointed, and likely to make a favorable impression, of any of the speeches on the same side. There were no *figurings*, or *figures of rhetoric* which have been so superabundantly displayed by some other gentlemen, but in his own plain speech and manner he asked, in case of a war with the United States, how are you to get your flour from Canada in the winter? This truly seems a startling question; but it can be satisfactorily answered. We had a war with the States for about two years, in 1813 and 1814. I was in the Legislature at the time and remember matters well. We got our bread, though sometimes *dearly*, and made out to live as well as ever. But, further, I will say that if such another war should occur, and we had no Inter-colonial railway, our coasts and the St. Lawrence would be well protected by the British navy;

and Mr. Tobin and other prudent mercantile men would take care to get, to the full, by water, in summer and autumn, all the needed supplies of flour for the winter. But suppose we had the railway, and there was such a war, bands of backwoods military raiders from Maine, might make an assault on the railway, and speedily destroy miles of it, as some such persons have been doing in their own States, and perhaps intercept and carry off some of Mr. Tobin's flour while in *transitu*, and appropriate it to their own consumption. But still, notwithstanding all these unfavorable circumstances, the railway, of course, would be of some benefit; and if the Province can afford the expenses it may, I repeat, be as readily built, independent of the proposed union as with it. But there is also the railway to be made to the north-western Territory and for the trade to the great west. These are very indefinite terms. They include the nearly 2,000 miles to the extreme settlements of Hudson's Bay and the still greater distance to the Pacific Ocean. We see they are to be prosecuted "at the earliest possible period that the state of the finances will permit the Parliament to do so." Now what interest present or future has these maritime Provinces in these intended railways, to be made "as early as possible." None whatever, or ever will have. Surely we do not want or expect flour, or manufactures of any kind, from Hudson's Bay, or the regions on the Pacific. The few furs we want, we now can and do get readily enough; and any surplus quantities of them entering Canada, would be exported from Montreal, and the other Canadian ports in their own vessels, for Europe or elsewhere, but would never come to any of these lower Provinces. The grand Canadian railway extending to Detroit, on the borders of the United States, has opened immense tracts for settlement in Western Canada. The proofs already given of the reckless extravagances of Canadian rulers, would warn and alarm us, as to the construction of those grand and *incalculable* lines, "at the earliest possible period;"—*works* from which we shall never receive any advantage, but which will bring upon *present* and *future* generations, large additional burdens of taxation. Whatever benefit may ever be derived from such enormous works, will be all *Canadian*. Look at all this, Nova Scotians, among the rest of the items of your proposed *humiliation* and *subjection*, and the *present* and *impending* claims on your *poc-*

kets; and then estimate the fine talk which has been held forth to you, about a *heritage* for your children, and their exalted *prestige* and *status*.

#### PUBLIC DEFENCES.

One of the first clauses in the Confederation Scheme provides "that the Sovereign, or Representative of the Sovereign shall be Commander-in-chief of the land and naval militia forces." And in the long list of subjects, on which the General Parliament is to have power to legislate, are the following:—"Militia,—Military and Naval Service and Defence." And by another clause, it is provided, that "the Confederation (that is the General Government) shall have the right to assume any lands, or public property, required for fortifications, or the defence of the country." And by another clause, "all engagements that may before the Union be entered into with the Imperial Government, for the defence of the country shall be assumed by the General Government." From all these clauses it will be seen, that very large Militia, or rather *Military* and *Naval forces* are contemplated to be formed immediately on the Union being effected. In one of the clauses the word "Military" is employed, in addition and contradistinction to the term "Militia;" and being joined with the words—"Naval Service," they evidently show, that a regular, or permanent Military and Naval force is intended, and also fortifications, for that express term is employed. Now, I will say once for all, that I am very far from underrating or denying the need, or the propriety of each of the Provinces doing all in its power, and as circumstances certainly demand at the present time, to put itself in the very best attitude of defence, by having a well-trained and disciplined Militia force for the purpose, to be called out when needed. Moreover, I do think, that it would be reasonable enough for each Province *now*, and especially if attacked, to pay a fair proportion of the expenses of the British forces stationed among us. But all this, and even more may be done in each Province, without Confederation. None of these Lower Provinces, in case of a war would need any *Navy*, or *Naval Militia*. We would be amply defended, by the hundreds of the floating iron walls of old England. As to fortifications: some are, it is true, required on parts of our coasts

also bear a part, or the whole of the expenses of providing them, without the union; and New Brunswick can do the same, on her coast and frontier. It is Canada, that chiefly needs all these Military and Naval forces and fortifications. on her extended lake frontier; and she, according to Mr. Secretary Tupper's representation, is such a giant, or rather *giuntess*, that surely she can make out to form and maintain them. The expense of all these means of defence for Canada, will certainly be very great, and why should Nova Scotia, who will derive no benefit from them, be bound to bear any part of these expenses, as would be the case under confederation. Moreover a Parliament at Ottawa, with such overwhelming Canadian majorities, would, most unquestionably, take care of their own country first, and probably do nothing in that way, for these Lower Provinces, concluding that we did not need it, being sufficiently prepared and defended already.

In the event of a war with the American Republic, Canada would probably be invaded first; and the Confederate Government would have the power to draw a part, or the whole, of our Militia and that of New Brunswick, to serve *there*; and thus, as to that force, these two Provinces would be left defenceless, though also exposed to the like invasion. In case of such a war, neither Canada nor these Provinces could spare any force, to assist one another, and therefore, confederation would not better the condition of either, as to opposing any such invasion. It would not of course add a man, or any other means of defence, beyond what each now possess. If the Governor-General has not now the power, in case of war, of calling out the militia of any one Province into another, it may by enactments be given to him, and, therefore, as to that point, the confederation is not needed. I am aware that in all I have said I may be charged with merely looking at the interests of Nova Scotia. I admit it; and will only answer, that being my native country, its interests and welfare are those which, in duty, I am bound *first* to consider and to guard.

#### MISCELLANEOUS SUBJECTS.

There are a number of these specified in the Confederation Articles; but only the chief of them, which relate to these Lower Provinces, will here be examined; and only very briefly. The first of

them which may be mentioned is the "Postal Service." This expression excludes so fully everything relating to that service, that no Station or Way Office can be established, a regulation made, or officer or person in any way connected with the department, be appointed, but by the General Parliament and Government. Surely such small matters ought to have been left to the local Legislatures and Government.

Next,—“Ferries between any Province, and a foreign country; and between any two Provinces.” It has been already stated that according to this clause, a steamer or other packet could not run between Windsor and St. John, or between any two places in different Provinces, but according to the provisions and regulations established by the same General Authorities. “Banking—incorporation of banks, and the issue of paper money, and Savings’ Banks,” are also to be under the sole authority of the same General powers. Let the officers of the banks in these Lower Provinces consider how far this article will affect their rights and interests. “Marriage and Divorce,” are, also, to be committed to the same Powers. This will give the right and power to make laws and regulations on these subjects, contrary to those which are now in force in the several Provinces, and such as may encroach on the present rights and privileges of the several religious denominations. The Canadian laws are probably different from ours on these subjects, and in some respects unsuitable to our population; and yet, they may be imposed upon us; for it is to be supposed that like as to duties, taxation, and other matters, there is to be *uniformity* throughout.

Next may be noticed, the clause which commits to the authority and regulations of the General Parliament, “all matters of a general character, not specially and exclusively reserved for the local Government and the Legislatures;” and, further, the clause which declares, “that in regard to all subjects over which jurisdiction belongs to both the General and Local Legislatures the laws of the General Parliament shall control and supersede those made by the Local Legislature; and the latter shall be void, so far as they are repugnant to, or inconsistent with the former.” These clauses afford an immeasurably wide opening to the General Parliament for enactment, taxation, and control, regarding a great variety of subjects which may arise in this Province, and the others, in which

their interests will be deeply involved; but which interests, by the 147 against the 47, and the 48 against the 24, in the Parliament, may be set aside, or sacrificed, to serve *Canadian interests*.

#### IV.—CONSTITUTION AND POWERS OF THE LOCAL LEGISLATURES AND GOVERNMENTS.

Clause 1. "That for each of the Provinces, there shall be an Executive officer, styled the Lieutenant-Governor, who shall be appointed by the Governor-General, in Council, under the Great Seal of the Federated Provinces, during pleasure; such pleasure not to be exercised before the expiration of the first five years, except for cause; such cause to be communicated in writing to the Lieutenant-Governor, immediately after the exercise of the pleasure as aforesaid; and also by message to both Houses of Parliament, within the first week of the first session afterwards."

The next clause provides, that he is to be paid by the General Government.

Now, let us pause a little, and examine as to *who*, and *what kind of person*, this Lieutenant-Governor is likely to be; and under what controlling powers and influences he will be placed. Is it at all probable, that he will be like nearly all the Governors we have heretofore had—a Sherbrooke, a Lord Dalhousie, a Kempt, a pious Maitland, or even a Campbell, men of independence in mind, and pecuniary circumstances; and of high standing and established reputation. It is not at all probable he will be one of such a class. From the prescribed mode of selection and appointment, he must of necessity be the mere creature of the Executive Council of the Government at Ottawa; entirely dependent on their pleasure—some time-serving needy supporter, or possibly even some blazing oppositionist, thus, in effect, corrupted, and bribed to get him out of the way, and sacrifice him afterwards, if needful, for such things have often been done. And as to him, *poor man*, though he may have a competent income for a time, and have the title, "Your Excellency," or "Your Honour" prefixed to his name, he will have

but an anxious and sorry time of it. He will constantly be exposed to be snubbed and thwarted by his own Council, and to be *suspected*, and perhaps *insulted*, as being the servant or creature of his *masters*—the General Council,—to carry their purposes into effect, though opposed to the wishes and interests of the people over whom he presides. He will also have continually impending over him, the rod of the displeasure of that *changeable* and arbitrary Council in Canada. Special messengers will often be required, to ask and obtain directions as to the course he is to follow, regarding his own Council, and the will or wishes of those who appointed him; especially when collisions arise between them, which to a certainty will at times, or rather frequently, occur. Moreover, this Governor, sent to us may be a *Canadian Frenchman*, for according to the proposed constitution, he may be chosen from any of the Provinces.

The following are the clauses relating to the constitution of the Local Government and Legislature of each Province, and the powers of the latter body :

“That the Local Government and Legislature of each Province shall be constructed in such manner as the existing Legislature of such Province shall provide, in the act consenting to the Union.

“That the Local Legislatures shall have power to alter or amend their Constitution from time to time.

“That the local Legislature shall have power to make laws respecting the following subjects :—

“Direct Taxation, and the imposition of duties on the export of Timber, Logs, Spars, Deals, and Sawn Lumber, and of Coal, and other minerals.

“Borrowing Money on the credit of the Province.

“The establishment and tenure of Local Offices and the appointment and payment of Local Officers.

“Agriculture.

“Immigration.

“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.



- “The sale and management of Public Lands, excepting lands belonging to the General Government.
- “Sea Coast and Inland Fisheries.
- “The establishment, maintenance, and management of Penitentiaries, and of Public and Reformatory Prisons.
- “The establishment, maintenance, and management of Hospitals, Asylums, Charities, and eleemosynary Institutions.
- “Municipal Institutions.
- “Shop, Saloon, Tavern, Auctioneer, and other Licenses.
- “Local Works.
- “The Incorporation of private or local Companies, except such as relate to matters assigned to the Federal Legislature ; Property, and Civil Rights, excepting those portions, thereof assigned the General Legislature.”

Now, first as to the power of the Local Government and Legislature to frame and alter their Constitutions ; although it is thus *formally* reserved to them, yet if such alterations should at any time be made, as were displeasing to the General Parliament, this Body would probably have the right to *annul* such alterations, by force of the article which says, “That the General Parliament shall have power to make laws for the peace, welfare, and good government of the Federated Provinces.” This Parliament, therefore, might determine that such alterations were contrary to that welfare, and good government, and accordingly repeal them, and thus render them void. Here, would arise strife between the two bodies, and other injurious consequences.

One of the most important points under this Title, must now be treated of, that, of the Constitution of the Council, and House of Representatives of the Local Legislature. Although by the article already set forth, it is conceded to that Legislature, to frame and alter, when required, its own Constitution, yet from a part of one of the Speeches of Mr. Secretary Tupper,—the leading Spirit of our Executive Government, it is sufficiently apparent, that it is the intention of his Government, to exercise its influence to have the number of the members of our Council reduced from 21 to 11 ; and of our Representatives from 55 to 36. Here are his words on these points, given in his reported speech :—“On the very face of

this scheme, without the slightest shock to the institutions of the country, you can draw, at once, out of the Lower Branch of the Legislature 19 members; and that, too, leaving the electoral privileges of the people the same as they are to-day. And then you go into the Upper Branch, and take the entire half of that body, and remove them to the Council of the Confederation. Therefore you can reduce Mr. Jones' estimate by \$180,000, and yet provide every thing on as extravagant a scale as the people would consider right, or justify."

Now, let us examine these features of "the face" of this visionary being which the Hon. Secretary seems to think are so well proportioned and beautiful, but which there can be little doubt both Councillors and Commons, with very few exceptions, will conclude are extremely distorted and defective. First, as to that feature called the *Council*. This is now composed of 21 members. To say nothing of *patriotism*, surely this number is likely to embody a larger portion of wisdom and skill, and of knowledge of the state and interests of the country, than the number 11. The Secretary does not seem to have faith in the inspired proverb which says,— "In the multitude of counsellors there is safety." The old Council of 12 has frequently been reproached for its acts, doubtless often unjustly; and the 11 just mentioned, neither as to numbers, time or knowledge, being as able to perform the Legislative duty as the present 21, the former and *smaller number* would often be exposed to similar reproaches, for any errors or imperfections with which, whether justly or unjustly, they were charged. Moreover, according to a common saying, that "misery likes company," the Council, we may well conclude would rather have 21 to share any such blame or reproach than the smaller number. Neither would the people of the Province be satisfied that their interests should be in the hands of the *smaller* rather than the *larger* number, though there would thereby be some comparatively small reduction of expense. Under these and other just views which may be taken of the point, it is scarcely probable that our present Council will commit such an act of *self-mutilation* and *humiliating bereavement* as the one proposed.

But as to the other branch,—the *House of the people*,—the intimated *humbling* reduction of 19 calls for still more opposition and

censure. This House is now composed of 55 members, representatives for 24 counties and districts, and 4 townships, in all 28 electoral divisions. It is proposed to withdraw from these the 19 members for the General Parliament, leaving 36 for the Local House. Now I should like to know how the Secretary can effect this plan "without the slightest shock to the institutions of the country and leave the electoral privileges of the people the same as they are to-day." Can he by any plausible argument show that 36 men are as competent to deal with all the general and sectional, or local affairs and interests of the Province as 55? None but a *bias-ed politician* will say so. Will that reduction be no "shock" to Parliamentary "institution"? This is the age in which nearly every where, there is a desire and *claim* for an extension of *popular* representation in Legislative bodies. But our Secretary although speaking so much about *progress* and *greatness* in the *future*, is for going back to some *old and restricted regime*, and that on the most important points of popular right and interest. From what constituency will be drawn the exalted 19? Will he begin his election with the 4 for the townships of Shelburne, Barrington, Yarmouth, and Argyle? Will that bereavement be no *shock* to their interests "in the institutions of the country;" or leave the "electoral privileges," of those townships "the same as they are to-day"? Then, turning to the 24 counties and districts, how will he draw from them, the remaining 15, without the like *shock* and *reduction of privilege*? Suppose he takes *one* from each of the 15 of them, there will be *inequality* and *injustice*, by leaving the 15 constituencies with only *one* representative to attend to their interests, while the remaining 9 have *two*. Truly, all this does look very much like a *shock* and *reduction*. But I am aware that the skilful gentleman will say, all those constituencies will be left to choose the same number of members as before. That may be so, but the *stubborn fact* remains, that at least 15, and probably 19 of the county and district constituencies will only have *one* member to attend to their local interests, while the other is 900 miles off, at Ottawa, involved in all the strifes and antagonisms between Upper and Lower Canada, and the many others in the whole Federal Parliament. Though "power is sweet," it is not likely the *one* member in the local body will be willing to bear all the responsibility, and at times, *all* the

blame as to the public interests of those he represents. Neither is it probable that the people will be satisfied with having all these interests dependent on the judgment and acts of *one* representative instead of *two*. Where is the advantage of having an extensive privilege conceded, when there are only the means of exercising and enjoying the *half* of it?

Besides, there is another, and a great difficulty on the subject,—there has long been, and still is, within our own border, two parties, called *Conservative* and *Liberal*; and therefore, the question arises, from which of these, are the 10 from the Council, and the 19 from the other branch to be drawn. As to the Council, if a just spirit ~~is~~ exercised, the matter may be managed, by selecting 5 of each party, but will this be done by the existing Executive Power? As to the Upper Branch, you cannot divide 19 equally. Possibly, and only *possibly* all difficulty regarding that equality as to parties, may be removed, if the intimation of the Hon. Mr. McCully is correct, that those two parties among us are now become more harmonious;—truly an unexpected and happy change, of which he is just now giving a striking example; and very properly, has expressed his regret at the part he often took in the strifes of the two parties. But, still, the great difficulty remains, how are the 19 members at Ottawa to attend at the same time, to the local interests and affairs of their several Constituentencies and those of the Province generally? If the the Hon. Secretary can find 19 of the 55 possessed with the power of *ubiquity*, or being in *two* places, and transacting business in *each* place at the *same time*, the difficulty may be overcome, but not otherwise. If it remains, as it certainly will, then, contrary to the Secretary's assurance, there will be a "shock to the institutions of the country," and "the electoral privileges of the people" will *not* "remain as they are to-day."

### V.—SUMMARY, AND CONCLUDING REMARKS.

Under this section it may be well in the first place, to refer to some of the circumstances which originated this Federation Scheme.

In one of Mr. Secretary Tupper's late speeches in Halifax—in referring to our parliamentary session of last winter—he says—"I moved on the floor of Parliament, for what Mr. Annand is now an advocate of—a Union of the Maritime Provinces." "As I have told you already, despairing of effecting at that time, the larger Union, I moved a resolution for a Union of these lower Provinces." This resolution, it appears, was adopted, and Mr. Secretary and the Attorney General, as the two chief members of our Executive Council, were appointed to form part of the delegation, doubtless without any reluctance, and it is to be regretted, Mr. McCully and Mr. Archibald, became the other members of it. This delegation, let it be remembered, was in conformity with that resolution for the *sole purpose* of conferring with delegates from the three other Maritime Provinces, as to the union of the whole of them; but no authority was given by our Legislature for any conference with Canadian delegates, as to any union with that Province. At some convenient time in the summer of last year the delegation for these Lower Provinces met at Charlottetown, in Prince Edward Island, to consult and conclude as to their proposed union; and while so employed there, certain gentlemen from Canada, either as delegates or in some other capacity, joined them at Charlottetown; and there the larger Union of all the Provinces was proposed, and deliberations concerning it were entered upon, and the consideration of the other, and lesser union was *abandoned*. Now, here, it may be asked,—by what authority did these latter proceedings take place? Did they originate from any resolution of our own Executive Council? If so, it was an *unauthorized* and *improper act*, as the larger union had been so decidedly *discountenanced* in our Legislature, only last session, that the Government were afraid even to propose it, *despairing* of its meeting with approval. Could they, *with propriety*, suppose that the *same* Representatives of the people, were such *weak-minded* and *vacillating* persons, that they

would change their minds, and be satisfied with a measure which they had so *short a time before*, so entirely *condemned*, that the Government was afraid *publicly* to propose it to them? Or, did the Canadian General Government conclude on desiring the larger union, and send the gentlemen who came to Charlottetown, as delegates to propose the measure to the delegates of these lower Provinces? There is no satisfactory public information on these points, but a seeming concealment. The resolution of last winter, from the circumstances just mentioned, looks like what is, on some occasions, called an *entering wedge* to effect some ultimate purpose, which at the first it would be improper or imprudent to divulge. Our present representatives—by the Secretary's admission—have *disapproved* of this larger union; but it seems it is to be proposed to the Legislature, without any appeal to the people; and, if possible, be *forced* on them, by means of the same Representatives who before rejected it. Surely, all this is not in accordance with responsible government: and the well understood wishes of the people. It is rather an *arbitrary attempt*, to infringe their natural and civil rights, considering that the proposed union is one, which will require a *relinquishment* of nearly all their *chief privileges and interests* into the hands of another Government, and would effect such a thorough change in their civil and local condition. And all this is to be done in the utmost haste, without a just and constitutional appeal to their wishes and judgment on the subject. And for what *cause* and *by whom*, is such a momentous and thorough change required? It is known and declared by all, that our Province is in a *state of rapidly progressing prosperity*;—our commerce is free, and, doubtless, generally lucrative,—our farmers are doing well;—the markets and shops are overflowing not only with the *necessaries* of life, but with nearly all the *luxuries* of the oldest and most favored countries; tradesmen and all the other laboring classes have a fair measure of employment;—our taxation is moderate—or at least such as we can bear,—and, what is better than all these advantages, we are at peace, and free of alarms and danger, as to all foreign quarters. And, further, there has been *no call*, by petition or otherwise, for any such change as the proposed union from *any class of our population*. Merchants, who are of all persons the most attentive to their own interests and forward to complain of any improper

restrictive regulations, have never applied for any such measure. Neither have our *farmers*, or *fishermen*, or *tradesmen*, or *mining classes*, or those engaged in the *timber and lumber business*, *manufacturers*, *educational and literary classes*, or any others, expressed a desire for any such union. If any of these had desired it, they would, doubtless, have made it known in some public manner. But nothing of the kind has proceeded from any of these, and other classes who compose the great body of the population. Hostile tariffs have been merely hinted, but none have been shown and explained. If there were any worthy of notice our merchants would have readily complained, but nothing of the kind has been heard from them, because such tariffs do not exist, or if at all in a very slight degree. There is no real cause for confederation, or call for it from any quarter, except by some *half a dozen* or more of *speculative* or *visionary* and perhaps *aspiring politicians* in each of the Provinces, who have managed to get themselves into this delegation conference, and have manufactured this proposed scheme, which would *bereave* these Lower Provinces of their dearest rights and privileges, and *hand them over*, to what may truly be called, a foreign and powerful country and government, to *rule, tax*, and do with us after their *own will*, and to suit their *own interests*.

*Union* means the same as concord or *agreement*, but what sort of union would the one proposed really be when no sooner is it made publicly known, than in all the Provinces concerned the most decided opposition to it arises, in some of them and probably in all, by a large majority of the populations. This, I am convinced, would fully appear in our Province, if only *time* and the proper opportunity were afforded to the people of making known their wishes on the subject. A confederation, if indeed it could be called such, would lay the foundation of *incessant* and *bitter strifes*, resentments and animosities, as in the American States, between parliaments and parliaments, populations and populations, and in all probability would, as the chief cause, ultimately lead to the whole of the Provinces falling under the power and becoming a part of the neighboring American Republic. Such a result, under any circumstances, none more than the *writer* would deprecate and deplore.

From the style and tone of the speeches of the gentlemen on the delegation from this Province, it seems that they have all had the

same dreams or *bright visions* at about the same *midnight* hour; but we all know, that dreams are not to be relied upon, for their revelations are not consistent with truth and rational daily conduct. It does however seem rather extraordinary, that all these gentlemen should have had the same *visions* at the same time. Perhaps the *Spiritualists* might undertake to account for it. But we plain people, composing the great body of the population, who are accustomed to be actuated in our daily affairs by the *realities of wakefulness*, do not think it at all *sensible* or *prudent* to submit all our rights and interests to be decided on, or regulated, by our *own dreams and visions*, much less according to those of *others*.

As one of the inducements enter into this Confederation, it has been said, that the Imperial Government approves of it. This may at once be accounted for, as a matter of course. All Governments, both *secular* and *ecclesiastical*, desire and delight in, *concentration* and *centralization*. These increase *power*, and afford greater and more effectual facilities for its exercise. The Czar or Emperor of all the *Russias*, has only to say, let such a thing be done, and it is speedily accomplished. Even under our free British Constitution, a Colonial Minister, of course, if only to save himself *time*, *thought*, and *trouble*, will prefer to have communications with *one* Colonial Government, rather than with *five*. But the disposal of the rights and welfare of any one of the five, much less of the whole, are not to depend on the *wish* or *convenience* of any one Minister, or even of the whole of them. I have read the Despatch of the Colonial Minister on the subject, and it does not *require*, or *intimate*, that the opinion of the Imperial Government should influence or determine the decision of the Provinces, as to *adopting* or *rejecting* the proposed measure; but that Government has constitutionally, and very properly, left the decision on the great and deeply interesting subject, to the Legislatures of the several Provinces, as the Representatives and Guardians of the privileges and welfare of the respective populations, who are the parties most deeply interested on the subject.

Let us now take a concentrated view of the *relinquishments and concessions* we are required to make, to the General Parliament and Government, under the articles of this proposed scheme. The most important of them are the following:—"The Public Property;—



Regulation of Trade and Commerce ;—Imposition of duties,” (in other words, exclusive power of *taxation, to any extent, and in any and every mode*)—“Borrowing Money, except for merely local purposes ;—Postal Service ;—Regulation of lines of Steamers and other Ships ;—Railways and Canals ;—Militia,—Military and Naval Service and Defence ;—Navigation and Shipping ;—Regulation of Sea Coast and Inland Fisheries ;—Regulation of Currency ;—Banks, and Banking ;—Bills and Notes ;—Interest ;—Marriage and Divorce :—The Criminal Law ;—Rendering *uniform* the laws relative to Property and Civil Rights ;—Immigration, Agriculture ; and generally respecting all matters of a general character, not specially and exclusively reserved for the Local Governments and Legislatures.”

The power to be conceded, as to “*uniformity of laws relative to property and civil rights,*” will authorize the general Parliament, to make our laws concerning those most important subjects, conformable to those of Upper or Lower Canada.

Seriously ponder all these proposed concessions, *free Nova Scotians*, and especially ye who compose our Parliamentary Rulers and Guardians ; and say, if you can *safely and properly* make them, for all time to come, and both as to yourselves and your posterity.

Let us look, next, at the powers reserved, or rather *conceded*, to the local Legislature. The first is that of direct taxation. Legislatures and Governments have a *special partiality* for this species of power, and seldom fail to exercise it *plentifully*. Now, direct taxation is regarded by most persons as a very *odious thing*. At one period of English History, it very nearly cost the Sovereign his *crown and life*. For my own part, I like it best, as being the most *honest*, for in that way, a man knows *for what* he is paying, and the precise amount, in any given *time*. It is so far a *mercy*, that for certain purposes, we shall be *permitted* to tax ourselves ; but this will not save us from the *additional, and great taxation at Ottawa*. We are, further, to be *allowed* to borrow money on our own credit. Probably, it would have been better if that right had been withheld from us, for like our Canadian brethren, we have already been quite extravagant enough in that way. We are, also, to be permitted to appoint and pay our own officers ; and a partial power in subordination to the great authority at Ottawa, to do *something*, but it is not said *what*, regarding our agriculture.

and concerning immigrants coming among us. The Education of our children is also conceded to us. We are also to have the right of "selling and managing public lands, except what belongs to the General Government;" also to make regulations concerning our "sea coast and inland fisheries," but subject to their being "*superseded and set aside* by the General Parliament." We are also to be favored with the power of "establishing and maintaining our penitentiaries and prisons, hospitals, asylums, charities, municipal institutions," and of granting "shop, saloon, tavern, auctioneer, and other licenses;" and the power regarding "local works, and for the incorporation of private or local companies, except those relating to matters assigned to the Federal Parliament;" also as to our "property, or civil rights, except those portions assigned to the same Parliament;" also the power of "inflicting punishment for the breach of Laws, in relation to any subject within the local jurisdiction;—the administration of justice;" and lastly, of "all matters of a private or local nature, not assigned to the General Government."

Here are, indeed, a considerable number of subjects reserved, but they are all of a merely *local* nature, and most of them of comparatively small importance. But looking at the subjects to be relinquished to the General Parliament and Government, given already in previous pages, it will be seen that they are more than *three* times as many, and vastly more important than the others; including, indeed, all the chief subjects for the exercise of Legislative and Executive power and authority.

Under this correct and plain view of the proposed relinquishments of the power of regulating those enumerated subjects, and others of our principal rights and interests, an *earnest and respectful appeal* may here with propriety be made, to you, gentlemen of the Legislature, who are the constitutional *conservators* of the *rights* of our country, and *guardians* of the public welfare to *lay aside* all local party distinctions of *conservative* and *liberal*, and give your most serious thoughts and best judgment to this great subject, so vitally affecting all the interests of your country, as regards both *present* and *future* generations. I say, with all due respect, suffer not your minds to be biassed or impressed, by any *sophistries*, or *jallacies*, or visions of future greatness, or *prestige* as to *name*, or

by mere suppositions or conjectures as to any future advantages which there is no substantial reason to believe will be attained by the proposed federation; but rather endeavour to direct and apply the sure and abundant means now in our power for still further advancing the sources of the prosperity and welfare of our common country. As you, were, according to the Provincial Secretary's declaration, unwilling in your last Session, to enter into any such union as the one now proposed, it must in fairness be concluded that you are not persons of such *fickle* minds or *fluctuating judgments*, as in so *short* a time to change your former *convictions* on the subject. You will, doubtless, deeply ponder the solemn responsibility of your position as regards the *honor*, the *interests*, and the *peace* of the Province generally, and not incur the risk of being reproached for having assented to a measure so directly humiliating and so *perilous* as to the public prosperity and happiness. By *now* rejecting the proposed measure, time will be afforded until the next usual period for the choice of representatives, for all classes and persons to deliberate fully on the momentous subject. This privilege, it appears, is to be denied by our present Government by their immediately forcing it forward, without that appeal to the population generally, which, according to that free constitutional system of government under which we live, it is so obvious ought to be made on a subject of such a *universal* and politically *important* character.

In coming to a conclusion, I hope I am warranted in saying that I have fulfilled my expressed desire and intention of treating the gentlemen who are advocating this Confederation with all due *personal respect*; but as to their reasons and arguments, I acknowledge I have dealt with them in that plain and strict manner, which the *vast importance* of the numerous interests involved, and the welfare of the millions of persons concerned, so justly required. If offence is taken at what I have said, regarding the scheme, having sprung from dreams and visions, I may justify myself by answering that the gentlemen themselves have furnished me with the language, for one of them has expressly said, that this Confederation has been the "dream of his life," and the orations of the others had certainly more reference to *visions* of the future than to

any facts or circumstances relating to the present time and generation.

There is one very important point, which has just now occurred to me, which should have been mentioned in some previous page. It is this, that as the Act to establish the Union is to be passed by the Imperial Parliament, however prejudicial or offensive the operation of the measure may prove, to any one or more of the Provinces, or even to all of them, no change or relief can be effected by the legislation, or otherwise, of any one or the whole; but only by the Imperial Parliament, which power, it is not at all probable, would ever dissolve the Union, or dis sever any of its members. If done *now*, so hastily as is proposed, it may be said to be done *forever*, whether for *weal* or *woe*, to any or all of the Provinces.

