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CONFIDENTIAL.

**Question of Federation of the British
Provinces in America.**



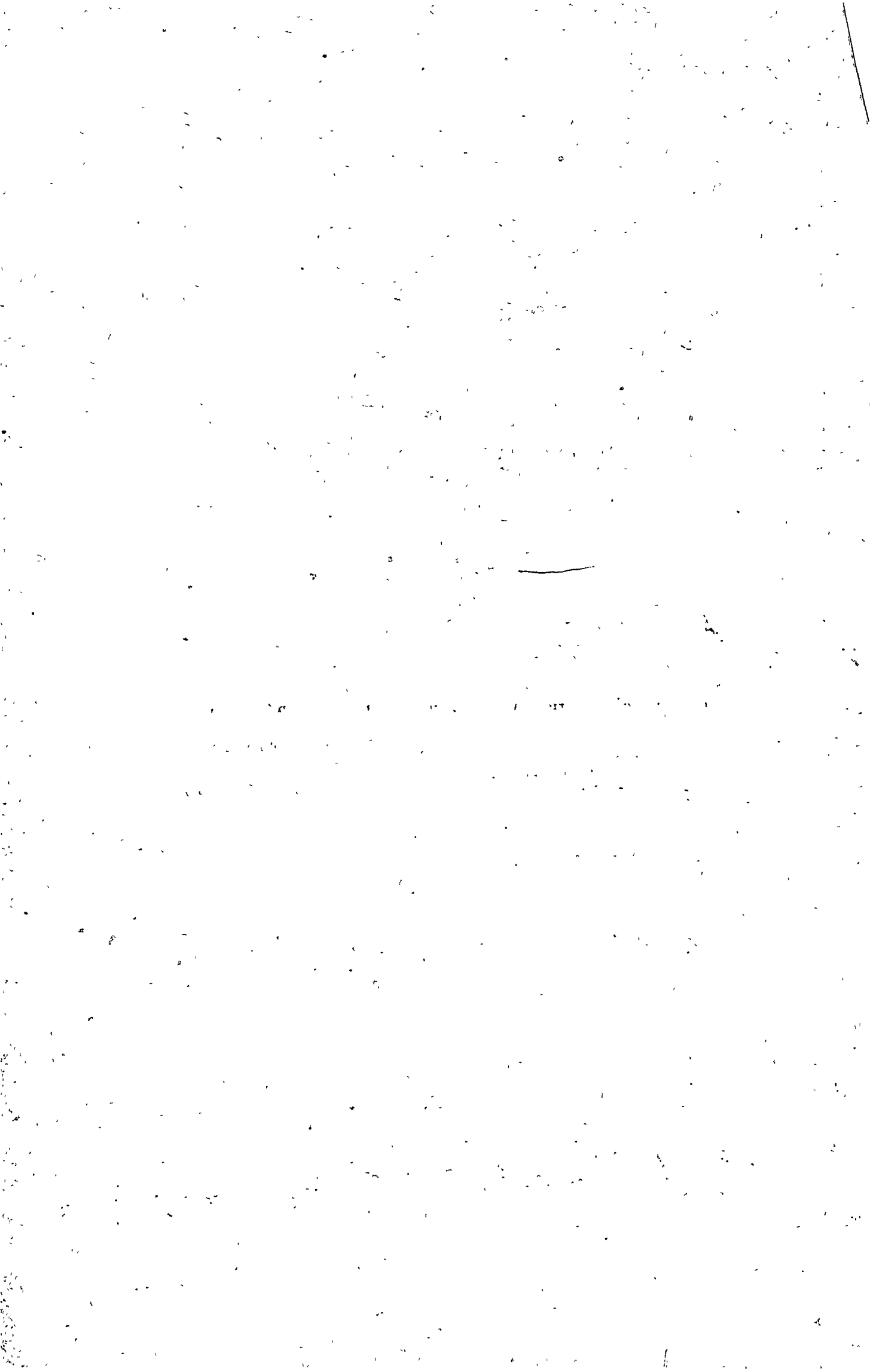
CONFIDENTIAL.

QUESTION OF FEDERATION

OF THE

BRITISH PROVINCES IN AMERICA.

*Colonial Office,
November 1858.*



Question of Federation of the British Provinces in America.

No. 1.

No. 1.

EXTRACT from SIR EDMUND HEAD'S SPEECH on Opening the Legislature.

I PROPOSE, in the course of the recess, to communicate with Her Majesty's Government, and with the Governments of our sister Colonies, on another matter of very great importance. I am desirous of inviting them to discuss with us the principles on which a bond of a Federal character, uniting the Provinces of British North America, may perhaps hereafter be practicable.

No. 2.

No. 2.

EXTRACT of a DESPATCH from SIR E. B. LYTON to Governor
SIR E. HEAD.

(No. 55.)

Downing Street, September 10, 1858.

THE question of the federation of the Colonies is one in which Canada has, no doubt, a very deep interest, and in which any representations proceeding from the Legislature of that Province will be received with the greatest attention; but it is necessarily one of Imperial character, involving the future government of the other North American Colonies, equally bound with Canada by the common tie which unites all the members of that Empire. It is, therefore, one which it properly belongs to the executive authority of the Empire, and not that of any separate province, to initiate. I do not, however, question the importance of the reasons which led you to advert to it, and shall await the farther development of the views of yourself and your advisers on the subject.

I have communicated your speech, and an extract of this part of my despatch, to the Lieutenant-Governors of the other North American Provinces.

No. 3.

No. 3.

COPY of a CIRCULAR addressed by SIR E. B. LYTON to the Governors of New Brunswick, Nova Scotia, Prince Edward's Island, and Newfoundland.

SIR, Downing Street, September 10, 1858.

ON account of the great importance of the subject, I think it my duty to transmit to you herewith, a copy of the speech delivered by the Governor of Canada on closing the late session of the Provincial Parliament, together with an extract of a despatch which I have addressed to Sir E. Head, respecting that portion of the speech which relates to the federation of the North American Colonies.*

I have, &c.
(Signed) E. B. LYTON.

Copy of a LETTER from Sir E. B. LYTTON to Governor Sir E. HEAD.

My dear Sir,

Downing Street, September 24, 1858.

FROM the tone taken by the newspapers respecting recent political occurrences in Canada; there can be little doubt that the attention of Parliament will be drawn to them.

Communication between the Secretary of State and the Governor of Canada has been of late years carried on almost exclusively through private correspondence, and, therefore, they are unavailable for Parliamentary defence, if the conduct or motives of the Governor should be impugned. I am quite aware of the opinion entertained by my predecessors respecting the great delicacy of the political relations between England and Canada, which led to this mode of transacting business. But it is only by public despatches that the Governor of Canada can be judged by the public, or supported in the House of Commons.

I have, for instance, no official justification to give of the step which you took of initiating, by your messages, the question of Federal union between the provinces—a question of Imperial and not simply Canadian character.

Again, I can refer to no public documents as to your conduct during the interval between the resignation of the first Ministry and the formation of the present; during which most of the political responsibility, commonly shared with your Ministers, was unavoidably thrown on yourself: such, for instance, as the terms which you thought it necessary to impose on the Brown Ministry as to the conduct of Parliamentary business, and the alleged contrivance to avoid the inconvenience of vacating seats by members of the Ministry now in office; as to both of which exception has been taken in this country to your own conduct as representing the Crown in Canada. You will not suppose that I concur in these criticisms on points of conduct of which neither the facts nor the reasons are fully before me. I am only anxious to point out the difficulty under which I am placed in rebutting them:

On these subjects (relating, namely, to your own conduct as Governor, and not that of your responsible advisers) I am, probably, not going beyond the bounds of necessary official discretion in asking for an explanation in the way of public dispatch.

But I am inclined to think that, generally speaking, it would be better that the political correspondence between us (when not public) should in future be carried on by confidential despatches rather than by letters, which are, as it seems to me, more subject to accident and misunderstanding; while confidential despatches, in case of strong emergency, can be produced either for Parliamentary or other purposes, and, at all events, would be more sure of preservation in the office, for the guidance of successive Secretaries, than mere letters.

Even with regard to the kind of correspondence now usual, I think it would have been as well if you had communicated with me, or with this Department, since my entrance into office, and not assumed (as I suppose you did) that I concurred with my predecessors upon those points of policy to be decided, on which you had been in correspondence with them.

On these points, however, as well as on all others respecting the direction of the political relations between this country and Canada, I am anxious to take no step without having previously had the advantage of your experience and discretion.

I have, &c.
(Signed) E. B. LYTTON.

Governor Sir E. Head,
&c. &c. &c.

No. 5.

No. 5.

COPY of a DESPATCH from GOVERNOR SIR E. HEAD to SIR E. B. LYTTON.

(No. 118.)

Quebec, September 9, 1858.

SIR,

(Received September 22, 1858.)

I HAVE the honour to inclose a copy of a Minute of a Committee of the Executive Council of Canada, approved by myself this day, on the subject of the union of the British North American Provinces.

In accordance with the views of my Council, I would urge on Her Majesty's Government the consideration of this important matter.

I have, &c.

(Signed) EDMUND HEAD.

The Right Hon. Sir E. B. Lytton,
&c. &c. &c.

Enclosure in No. 5.

Encl. in No. 5.

COPY of a REPORT of a Committee of the Honourable the Executive Council, dated September 4, 1858, approved by his Excellency the Governor-General in Council on September 9, 1858.

THE Committee of Council are respectfully of opinion that it is expedient to bring the subject of the union of the British North American colonies under the notice of Her Majesty's Government with as little delay as possible, and to inform the Government of each such colony that the attention of Her Majesty has been called to the subject by your Excellency;

That your Excellency should submit to the Right Honourable the Secretary of State for the Colonies the propriety of authorizing a meeting of delegates on behalf of each colony, and of Upper and Lower Canada respectively, for the purpose of considering the subject of such Federative union, and reporting on the principles on which the same could properly be based;

That such delegates should be appointed by the Executive Government of each colony, and meet with as little delay as possible;

That the report of such delegates should be addressed to the Secretary of State for the Colonies, and that a copy of it, as soon as it is prepared, should be placed in the hands of the Governor and Lieutenant-Governor of each colony, in order that he may lay the same before the Provincial Parliament with as little delay as possible.

No. 6.

No. 6.

COPY of a DESPATCH from SIR E. B. LYTTON to GOVERNOR SIR E. HEAD.

SIR,

Downing Street, October 26, 1858.

I HAVE to acknowledge the receipt of your despatch No. 118 of the 9th of September, transmitting a copy of a Minute of a Committee of the Executive Committee of Canada, on the subject of the union of the British North American Provinces.

This question will receive the careful consideration of Her Majesty's Government.

I am, &c.

(Signed) E. B. LYTTON.

Governor Sir E. Head,
&c. &c. &c.

No. 7.

No. 7.

COPY of a DESPATCH from Governor Sir E. HEAD to Sir E. B. LYTTON.

(No. 124.)

Government House, Toronto, September 27, 1858.

SIR,

(Received October 11, 1858.)

I HAVE to acknowledge, with many thanks, your despatch of September 10, No. 55.

I rejoice to find that the course pursued by me appears to Her Majesty's Government to have been in accordance with constitutional principles.

With regard to the subject of the federation of the Colonies to which you advert, I feel the full force of what is stated by you, and I trust that the terms of the Minute of Council of the 9th of September, transmitted with my despatch No. 118, will show that I have not overlooked the "Imperial" character of the question.

It is, I conceive, only by the permission and authority of Her Majesty's Government, that the subject can be considered and dealt with. If I may so express it, the starting point of the Union must be in the fact, that all these Colonies are Provinces of the same Empire, and subject to the same Sovereign.

For this reason my Council have recommended that the report of any delegates on this subject should be made to Her Majesty's Secretary of State for the Colonies.

In mentioning the matter to the Canadian Legislature, I merely announced my intention of opening a correspondence with Her Majesty's Government, and with the other Colonies, on the subject, in order to indicate the direction in which we were about to seek escape from some of the difficulties pressing on the Government of Canada.

What that correspondence might lead to, or how far Her Majesty's Government might authorise any practical steps, were questions which I left untouched.

I have, &c.

(Signed) EDMUND HEAD.

The Right Hon. Sir E. B. Lytton,

&c. &c. &c.

No. 8.

No. 8.

EXTRACT of a Confidential DESPATCH from Governor Sir E. HEAD to Sir E. B. LYTTON.

(No. 15.)

October 22, 1858.

I NOW pass on to the third point, that of having assumed the responsibility of mentioning in the speech proroguing Parliament the possibility of an union of the British North American Provinces.

The Minute of Council, forwarded with my despatch of the 9th of September, No. 118, will sufficiently show that I was not blind to the fact that any practical measures with regard to such a proposal must originate, not with the Government of Canada, but with that of the Queen. The substance of this Minute of Council was suggested by myself, with the view of marking this important point. Nor did I, in fact, by my speech, bring the subject under the notice of the Canadian Parliament for the first time. It was before them at that very time. Early in the last session, Mr. Galt, then unconnected with the Ministry, put on the votes* a notice for the consideration of it, which was not yet disposed of.

* Votes and proceedings of the Legislative Assembly, No. 4, Tuesday, March 2, Notices of Motion.

Ditto, No. 82, July 7, 1858.

When Mr. Galt, therefore, came into office, it was natural that the question of an union of the Colonies should at once be discussed. I found him and several of the gentlemen about to assume office deeply impressed with the idea that in some such union alone could be found the ultimate solution of the great question which had been made a ground of agitation by Mr. Brown, and his friends, at the general election, viz., the existing equality of representation of Upper and Lower Canada, and the alleged injustice inflicted on the former by such equality. This question is one, I need not say, which threatened to touch the root of the present union of the two sections of Canada as by law established, and might imperil its existence by reviving all the old antagonism of race and religion.

Mr. Galt and Mr. Cartier, on taking office, were naturally anxious to offer to the Legislative Assembly some indication of the policy by which they hoped to meet this difficulty, more especially as Mr. Galt's opinions on the subject were already known, and had been recorded on the journals of the House.

It will, I think, be seen that my position was a very difficult one. The Legislature was to be prorogued immediately, and it was thus utterly out of my power to consult Her Majesty's Government, in any official shape, as to the propriety of the step which I was about to take. The intimation of the Ministerial policy, to be of any use, had to be made at once, before Parliament separated. I did not think that I could, under these circumstances, refuse to announce to the Legislature that I would correspond with Her Majesty's Government, and with the other Colonies, not with reference to the best mode of effecting such an union, but as to the principles on which it might hereafter be possible.

No. 9.

No. 9.

COPY of a LETTER from MESSRS. CARTIER, ROSI, & GALT to SIR E. B. LYTON.

London, October 25, 1858.

(Received October 27, 1858.)

Sir,

WE have the honour to submit, for the consideration of Her Majesty's Government, that the Governor-General, acting under the advice of his responsible advisers, has been pleased to recommend that the subject of a Federate Union of the Provinces of British North America should form the subject of discussion by Delegates from each Province, to be appointed under the orders of Her Majesty's Government. And we have been instructed to urge the importance of this step, as well upon grounds peculiar to Canada, as from considerations affecting the interests of the other Colonies, and of the whole Empire.

It is our duty to state that very grave difficulties now present themselves in conducting the Government of Canada, in such a manner as to show due regard to the wishes of its numerous population. The union of Lower with Upper Canada was based upon perfect equality being preserved between these Provinces—a condition the more necessary from the differences in their respective language, law, and religion; and although there is now a large English population in Lower Canada, still these differences exist to an extent which prevents any perfect and complete assimilation of the views of the two sections.

At the time of the Union Act, Lower Canada possessed a much larger population than Upper Canada, but this produced no difficulty in the government of the Provinces under that Act. Since that period, however, the progress of population has been more rapid in the western section, and claims are now made on behalf of its inhabitants for giving them representation in the Legislature, in proportion to their numbers; which claims, involving, it is believed, a most serious interference with the principles upon which the Union was based, have been and are strenuously resisted by Lower Canada. The result is shown by an agitation fraught

with great danger to the peaceful and harmonious working of our constitutional system, and consequently detrimental to the progress of the Province.

The necessity of providing a remedy for a state of things that is yearly becoming worse, and of allaying feelings that are daily aggravated by the contention of political parties, has impressed the Advisers of Her Majesty's Representative in Canada with the importance of seeking for such a mode of dealing with these difficulties as may for ever remove them. In this view it has appeared to them advisable to consider how far the Union of Lower with Upper Canada could be rendered essentially Federative in combination with the Provinces of New Brunswick, Nova Scotia, Newfoundland, and Prince Edward's Island, together with such other territories as it may be hereafter desirable to incorporate with such Confederation, from the possessions of the Crown in British North America.

The Undersigned are convinced that Her Majesty's Government will be fully alive to the grave nature of the circumstances referred to, which are stated by them under the full responsibility of their position as advisers of the Crown in Canada. They are satisfied that the time has arrived for a Constitutional discussion of all means whereby the evils of internal dissension may be avoided in such an important dependency of the Empire as Canada. But independent of reasons affecting Canada alone, it is respectfully represented that the interests of the several Colonies, and of the Empire, will be greatly promoted by a more intimate and united government of the entire British North American Possessions. The population, trade, and resources of all these Colonies have so rapidly increased of late years, and the removal of trade-restrictions has made them, in so great a degree, self-sustaining, that it appears to the Government of Canada exceedingly important to bind still more closely the ties of their common allegiance to the British Crown, and to obtain for general purposes, such an identity in legislation as may seem to consolidate their growing power, thus raising, under the protection of the Empire, an important Confederation on the North American Continent.

At present, each Colony is totally distinct in its government, its customs and trade, and its general legislation. To each other no greater facilities are extended than to any foreign State; and the only common tie is that which binds all to the British Crown. This state of things is considered to be neither promotive of the physical prosperity of all, nor of that moral union which ought to be preserved in the presence of the powerful Confederation of the United States.

With a population of 3,500,000, with a foreign commerce exceeding 25,000,000*l.* sterling, and a commercial marine inferior in extent only to those of Great Britain and the United States, it is in the power of the Imperial Government, by sanctioning a confederation of these Provinces, to constitute a dependency of the Empire valuable in time of peace, and powerful in the event of war; for ever removing the fear that these Colonies may ultimately serve to swell the power of another nation.

In the case of the Australian Colonies, the Imperial Government have consented to their discussion of the question of confederation, although the reasons for it, as relates to the Empire, can scarcely be either so urgent, or so important, as those which affect British North America.

The Government of Canada do not desire to represent the feelings of the other Provinces; their application is confined to the request that the Imperial Government will be pleased to authorize a meeting of delegates on behalf of each Colony, and of Upper and Lower Canada respectively, for the purpose of considering the subject of a Federative union, and reporting on the principles upon which the same could be properly based; that such delegates should be appointed by the Executive Government of each Colony, and meet with as little delay as possible; and that the report of such delegates should be addressed to the Secretary of State for the Colonies, and that a copy of it, as soon as it is prepared, should be placed in the hands of the Governor and Lieutenant-Governor of each Colony, in order that he may lay the same before the Provincial Parliaments with as little delay as possible.

Upon the report of such delegates, it will be for Her Majesty's Government to decide whether the interests of the Empire will be promoted by confederation, and to direct the action of the Imperial Parliament thereon, with the concurrence of the Legislatures of the respective Colonies.

We have, &c.

(Signed) G. E. CARTIER.
JNO. ROSS.
A. GALT.

The Right Hon. Sir E. Lytton, Bart.,
&c. &c. &c.

No. 10.

No. 10.

COPY of a LETTER from MESSRS. CARTIER, ROSS, and GALT, to
Sir E. B. LYTTON.

(Private and Confidential.)

SIR,

London, October 25, 1858.

IN the official communication which we have this day the honour to address to you on the confederation of the British North American Provinces, we have felt it improper to offer any opinion upon the details which will form the subject of the proposed discussion by Delegates. It is also our duty not to cause embarrassment by advancing views which may yet have to be greatly modified. We venture, however, in compliance with your desire for a confidential communication on these points, to suggest:—

That the Federal Government should be composed of a Governor-General, or Viceroy, to be appointed by the Queen; of an Upper House, or Senate, elected upon a territorial basis of representation, and of a House of Assembly, elected on the basis of population. The Executive to be composed of Ministers, responsible to the Legislature:

That the powers of the Federal Legislature and Government should comprehend the Customs, Excise, and all trade questions; postal service, militia, banking, currency, weights and measures, and bankruptcy; public works of a national character; harbours and lighthouses; fisheries, and their protection; criminal justice; public lands, public debt, and government of unincorporated and Indian territories.

It will form a subject for mature deliberation whether the powers of the Federal Government should be confined to the points named, or should be extended to all matters not specially entrusted to the Local Legislatures.

The Confederation might include the constitution of a Federal Court of Appeal.

The general revenue, having been first charged with the expense of collection, and of civil government, to be subject to the payment of interest on the public debt of the Confederation to be constituted from the existing obligations of each. The surplus to be divided each year, according to population:

The net revenue from public lands, in each province, to be its exclusive property, except in the case of new territories.

It may be expedient, for a limited time, to provide, from the general revenue, a certain fixed contribution for educational and judicial purposes, until provision is made for the same by each member of the Confederation.

It will be observed that the basis of confederation now proposed differs from that of the United States in several important particulars. It does not profess to be derived from the people, but would be the Constitution provided by the Imperial Parliament; thus affording the means of remedying any defect, which is now practically impossible under the American Constitution.

The Local Legislatures would not be in a position to claim the exercise of the same sovereign powers, which have frequently been the cause of difference between the American States and their General Govern-

ment. To this may be added that, by the proposed distribution of the revenue, each province would have a direct pecuniary interest in the preservation of the authority of the Federal Government. In these respects it is conceived that the proposed Confederation would possess greater inherent strength than that of the United States, and would combine the advantages of the unity for general purposes of a Legislative union, with so much of the Federative principle as would give all the benefits of local government and legislation upon questions of provincial interest.

We have, &c.
(Signed) G. E. CARTIER.
JNO. ROSS.
A. GALT.

The Right Hon. Sir Edward B. Lytton,
&c., &c., &c.

No. 11.

No. 11.

COPY of a DESPATCH from Lieutenant-Governor the Hon. T. MANNERS
SUTTON to Sir E. B. LYTTON.

Government House, Fredericton, New Brunswick,
September 29, 1858.

(No. 50.)

SIR,

(Received October 18, 1858.)

ON the 17th instant I received from the Governor-General the despatch of which a copy is inclosed.

I forthwith laid this despatch and its enclosure before my Council, and I have now the honour to transmit to you the copy of a Memorandum submitted to me by my Council on the important question to which Sir E. Head's despatch refers.

This Memorandum will, I know, receive your attentive consideration, and it only remains for me to state that I entirely concur in the opinions expressed by my Council.

I have, &c.

(Signed) J. H. T. MANNERS SUTTON.

The Right Hon. Sir E. B. Lytton, Bart.
&c. &c. &c.

Encl. 1 in No. 11.

Enclosure 1 in No. 11.

Governor Sir E. HEAD to Lieutenant-Governor the Hon. T. MANNERS
SUTTON:

SIR,

Quebec, September 9, 1858.

I HAVE the honour to transmit, for your Excellency's information, the inclosed copy of a Minute of the Executive Council of Canada, approved by myself, on the subject of a Federative union of the British North American Provinces.

I have, &c.

(Signed) EDMUND HEAD.

The Lieutenant-Governor of New Brunswick,
&c. &c. &c.

Enclosure 2 in No. 11.

Encl. 2 in No. 11.

COPY of a REPORT of a Committee of the Honourable the Executive Council, dated 4th September, 1858, approved by his Excellency the Governor-General.

THE Committee of Council are respectfully of opinion that it is expedient to bring the subject of the union of the British North American Colonies under the notice of Her Majesty's Government with as little delay as possible, and to inform the Government of each such Colony that the attention of Her Majesty has been called to the subject by your Excellency.

That your Excellency should submit to the Right Honourable the Secretary of State for the Colonies the propriety of authorizing a meeting of delegates on behalf of each Colony, and of Upper and Lower Canada respectively, for the purpose of considering the subject of such Federative union, and reporting on the principles on which the same could properly be based.

That such delegates should be appointed by the Executive Government of each Colony, and meet with as little delay as possible.

That the report of such delegates should be addressed to the Secretary of State for the Colonies, and that a copy of it, as soon as it is prepared, should be placed in the hands of the Governor and Lieutenant-Governor of each Colony, in order that they may lay the same before the Provincial Parliament, with as little delay as possible.

Enclosure 3 in No. 11.

Encl. 3 in No. 11.

MEMORANDUM.

To his Excellency the Honourable J. H. T. Manners Sutton, &c.

THE Committee of Council have had under consideration the despatch of the Governor-General, of the 9th instant, containing the report of the Executive Council of Canada on the subject of a Federative union of the British North American Provinces.

The Council are deeply impressed with the importance of the subject, requiring, as it does, the most deliberate and mature consideration.

The British North American Provinces have each attained a great degree of material prosperity under their present constitution; and the increased power of self-government recently conferred upon them, has left them nothing to envy in the political condition of the citizens of the neighbouring Republic.

The Council are of opinion that the interests of this Province, and of all the British North American Provinces, require that when the question of a Federal or Legislative union of the Provinces is formally brought before the people, it should be raised in such a manner, and at such a time, as would afford a reasonable prospect, at least, of arriving at a speedy and satisfactory conclusion.

And without expressing any opinion as to the practicability or effect of such a union as that referred to in the Memorandum of the Council of Canada, the Council would state that, although the subject of a union of the Colonies has to some extent been discussed in the public press here, the attention of the Provincial Legislature has never been directed to this matter, nor has it been a prominent subject of consideration among the constituencies, and in this respect New Brunswick occupies a very different position from Canada.

And it may be remarked that if the recommendation of the Canadian Government be adopted by the Secretary of State, the question of a Legislative union with any or all of the other Provinces must be excluded from consideration by the Commission.

Under these circumstances, the Council would respectfully submit,

that a reasonable time should be allowed for consideration, before the commencement of any such inquiry as that contemplated by the Government of Canada.

(Signed)

CHARLES FISHER.
S. L. TILLEY.
JAMES BROWN.
W. H. STEVENS.
A. J. SMITH.
CHARLES WALTERS.

September 25, 1858.

No. 12.

No. 12.

COPY of a DESPATCH from Lieutenant-Governor the Hon. T. MANNERS
SUTTON to Sir E. B. LYRTON.

(Private and Confidential.)

Government House, Fredericton, New Brunswick,
October 2, 1858.

SIR,

IN my despatch of the 29th ultimo, No. 50, I have officially laid before you a copy of the Memorandum of my Council on the proposal (emanating from the Executive Council of Canada) that the Secretary of State should forthwith authorize the appointment, by the respective Governments of the British North American Provinces, of Commissioners to consider the subject of a Federative union of all the British North American Provinces, and to report thereon to the Secretary of State.

2. I confess, Sir, that I learnt, with some surprise, and my Council were equally unprepared for the announcement, that the Executive Council of Canada had advised the Governor-General to recommend the Secretary of State to authorize the appointment of this Commission, without previously ascertaining the views of the Government of this province (or, so far as I am aware, of the Governments of Nova Scotia or Prince Edward's Island) on the expediency of the proposed inquiry.

3. But, although I do not profess to be conversant with all the details and particulars of the present political condition of Canada, I am sufficiently well informed on the subject to be aware that the exigencies of the present time may form a sufficient justification for the step which has been taken by the Canadian Government, and also afford grounds for inducing Her Majesty's Government to take into consideration, with the hope of allaying excitement in Canada, suggestions which, under other circumstances, they might not be disposed to entertain.

4. It is possible that a Federative union of the British North American Provinces would afford to the Canadian Government the readiest mode of escape from the difficulties and embarrassments which now surround the settlement of the "seat of Government" question, and I presume that I am right in supposing that, although the ostensible object of the proposed inquiry is the union by Federative bonds with Canada of the other British North American Provinces, the Canadian Government have no less in view the severance of the bond which now joins the two Canadas in a Legislative Union, and the substitution for that bond of a more elastic tie of a Federal or a Federative character.

5. Both these questions, viz., the "the seat of Government" question, and the expediency, or non-expediency, of substituting a Federative for the Legislative union between the Canadas, are exclusively Canadian questions. But the proposal of the Canadian Government affects this province equally with Canada, and although I have purposely confined within very narrow limits the remarks contained in my official despatch, it is, I think, my duty to lay before you, confidentially, but frankly, and without reserve, the opinions which I entertain not only with regard to the policy of the proposed inquiry, and the constitution of the proposed Commission, but also with respect to the probable results of a Federal or Federative union of the British North American Provinces.

6. As regards the policy of the proposed inquiry I should observe that, although the Memorandum of my Council is couched in guarded terms, you will have no difficulty in ascertaining from it that they are of opinion, first, that if a union of the British North American Provinces is to be discussed, this discussion should embrace the question of a Legislative, as well as that of a Federal or Federative union, and the expediency of uniting some, as well as that of uniting all the provinces; and, secondly, that the immediate commencement of such an inquiry as that proposed by the Canadian Government, even if that inquiry should embrace the expediency of a Legislative, as well as a Federal, union of some, as well as of all, the British North American Provinces would be, to say the least of it, premature; and in these opinions I entirely concur, not only for the reasons stated in the Memorandum, but also because I believe that the inquiry, if now instituted, would result either in the early completion of a Federal or Federative union of the British North American Provinces (and I should deprecate the establishment of such a union for reasons which I shall attempt fully to explain in a subsequent part of this despatch), or in the dangerous excitement and agitation which, in these provinces, always accompanies a protracted discussion on constitutional questions of importance.

7. And I should here observe that if (as probably will be the case) it should be urged in favour of the recommendation of the Canadian Government, that the authorization by the Secretary of State of the respective Governments of the British North American Provinces to appoint the Commissioners of inquiry will not render it compulsory on any of those Governments to exercise this authority, such an argument, however plausible, would be (so far, at least, as this Government is concerned), entirely fallacious; for, if authority to appoint the Commission of inquiry be granted, the pressure to which my Council would be subjected by Canada would (unless the Government of Nova Scotia should join them in resisting this pressure, of which, as matters now stand, I have no expectation), compel them, although convinced of the impolicy of the step, to advise me to nominate a Commissioner. The arguments, therefore, which my Council have, in their Memorandum, urged against the immediate commencement of the proposed inquiry, are applicable, also, to the immediate authorization by the Secretary of State of the appointment of the Commission. And although it is not expressly stated in the Memorandum, I know that this is the opinion of my Council.

8. I now turn to the proposed constitution of the Commission. It is true that the authority to appoint the Commission would proceed from the Crown, and it is also true that the Commissioners would address their report to the Secretary of State; but the Commissioners would be appointed by the respective Governments of the British North American Provinces (the Canadian Government nominating two out of five), and copies of their report, as soon as it is prepared, would be necessarily transmitted by the Secretary of State to the respective Governors of the Provinces, to be laid before the Legislature of each Province with as little delay as possible.

Now the fact that the appointment of the Commission was authorized by the Secretary of State would give to the report of the Commissioners appointed by the Provincial Governments additional weight and authority, and, although the Secretary of State might, it is true, when transmitting their report to the Governors of the Provinces to be laid before their Legislatures, accompany it with suggestions or instructions, these suggestions or instructions would have far less weight than would attach to them if given before the inquiry commenced; and, if they should be at variance with the wishes of any of the Provincial Legislatures, excitement and discontent might be the result. It appears to me, then, that it would scarcely be possible to constitute a Commission, or to frame an inquiry, in a manner which would give the Canadian Government more power of deciding the question according to their own views, or more completely exclude Her Majesty's Government from exercising any influence, other than that of direct coercion, in its settlement.

9. But the question of uniting by Federative bonds the British North Provinces is confessedly one which not only vitally affects the present condition and future prospects of each of the Provinces, but also involves Imperial interests of immense importance; and, with your permission, I shall now submit to you, as clearly as I can, the reasons which induce me to fear that any such union would be productive of very disastrous consequences.

10. I have, in a former paragraph of this despatch, stated that the purport of the Governor-General's despatch of the 9th of September took me, as well as my Council, by surprise. But the question of a Union, whether Federative or Legislative, of all or of some of the British North American Provinces is not new to me; on the contrary, it forced itself on my consideration at a very early period after my arrival in the Province, not only because I saw symptoms (*vide* my despatch Private, June 12, 1855, to Lord John Russell) which led me to believe that the question would, ere long, be raised, in one shape or another, but also because I very soon traced most of the difficulties which have beset the practical working of the system of "responsible Government" in this Province to causes the character of which necessarily led me to consider whether an union of this Province with some, at least, of the other Provinces, might not be productive of benefit to all.

11. And I should observe that, early in the course of last year (1857), I stated, in compliance with a request to that effect which I received from Sir E. Head, to him, the opinions which I had formed on this subject, and these opinions I have seen no reason to alter. The correspondence which passed between the Governor-General and myself on the occasion referred to was strictly private and unofficial, but I feel no difficulty in thus referring to it, because my letter was written to Sir E. Head (who was then on the eve of visiting England) expressly with the view of its being shown to the then Secretary of State, and I have no reason to doubt that it was laid before the Secretary of State, or, at all events, that its purport was communicated to him.

12. Well then, Sir, I have no hesitation in saying, that in this province (and I believe that the same state of affairs exists to, at least, an equal extent in Prince Edward's Island, and, to some extent, in Nova Scotia), the smallness of the number of seats in the House of Assembly (which gives to one or two members the same power over a Government which in England is exercised by a large party, under the guidance of leaders of acknowledged ability and reputation), the petty nature of the questions commonly discussed in the House of Assembly, and the consequent absence of any motive sufficient to induce the men of the highest standing here to compete for legislative honours, or to accept official appointments, and the limited number and inferior attainments of those from among whom the Representative of the Crown must choose his responsible advisers, have combined to degrade both the Government and the Legislature.

13. For the House of Assembly here now generally consists, with few exceptions, of men to whom the pay of a member (about 80*l.* currency per annum) is of great importance, who have sought seats in the Legislature, not on public grounds, but for personal objects, and who, having obtained these seats, not on account of their political ability or political principles, but by promises of patronage or local benefits to their constituents, neglect no opportunity of making the best bargain they can, for their supporters and themselves, for their votes in the Legislature.

14. For this state of affairs the province does not, within itself, contain any remedy, which must, therefore, be sought for from without the province; and from a very early period of my government, I have regarded the union of New Brunswick with some of the neighbouring provinces as affording the only cure for the evils to which I have referred.

But a Federal or Federative union with the other provinces would, in my humble judgment, only aggravate these evils, and introduce others of a description even more disastrous to the provinces so united, and dangerous to their connection with the mother country.

15. I presume that the word "Federative" has been used in the Memorandum of the Executive Council of Canada to imply that the

union which they contemplate is not to be necessarily of the same character as that which binds together the several States of the neighbouring Republic. But upon whatever basis a Federative union might be formed, it must, I think, be liable to one of two objections, either of which ought, as it appears to me, to be fatal to such a scheme. For if the Local Governments and Local Legislatures are still to continue to exercise the same authority in local legislation and local matters which now appertains to them (and there is comparatively little business of any other description which they are now called upon to discuss), then the result of such a union will be still further to degrade the Local Governments and Legislatures without diminishing their authority, while the Central Government and Central Legislature, nominally endowed with high powers, and proud of their position, but with little or no business of a purely Colonial character to occupy their attention, would, I fear, claim an authority on subjects not purely Colonial, but also of Imperial importance (such as questions of foreign trade, &c.), and shortly be brought into collision with Her Majesty's Government and with the Imperial Parliament. If, on the other hand, the Local Governments and Local Legislatures were shorn of a large portion of their present powers (to which proposal I do not believe that the Lower Provinces would agree), the inhabitants of the Lower Provinces would, in my opinion, very soon, if not immediately, become discontented with an arrangement which would deprive them of the power they now possess over the management of their own affairs, and render New Brunswick, Nova Scotia, and Prince Edward's Island, Provinces of Canada, instead of being, as they now are, Provinces of the British Empire. And in the attempt to regain that which they had lost, they might, and, as I think, probably would look, not, indeed, to the Government at Washington for assistance, but to the Northern States of the Union. Again, the establishment of a Federal or Federative union would, as I believe, be immediately followed by an agitation in favour of the election of the Local Governors, instead of their being nominated by the Crown. And it would be the more difficult to resist this application on account of the purely local or municipal character of the powers with which the Governors would be intrusted; but the compliance with the request would be in my opinion highly dangerous, not only because it would at once be fatal to British influence in the Local Governments and Local Legislatures, but also because it would, I believe, be followed quickly by a similar application from the United Provinces, with regard to the Governor-Generalship, still more difficult to resist from the force with which it would be pressed, but the compliance with which would at once practically sever the connexion between the Crown and British North America.

16. A Legislative union of the British North American Provinces is not liable to all the objections which, as I believe, apply to a Federal or Federative union; but it is liable to the objection that great discontent in the Lower Provinces would follow the centralization in one Government, and in one Legislature, at Quebec or Montreal, of the powers and authority now vested in the Governments and Legislatures of the several provinces; and, moreover, I believe that no single Government or single Legislature could, in present circumstances, satisfactorily govern and legislate for a territory extending over an area so immense, and so sparsely populated as many portions of that territory are.

Such a union, then (however practicable or expedient it may hereafter become), would at present be, in my opinion, impolitic, even if it were practicable; but it is not practicable, for Canada does not desire such a union, and the Lower Provinces would, I believe, reject it.

17. There are, however, no such objections (at least, in my opinion) to a Legislative union between the Lower Provinces, viz., New Brunswick, Nova Scotia, and Prince Edward's Island. On the contrary, I believe that such a union would confer incalculable benefits on all the three Provinces, and that it would form an additional security for the continuance of harmony between Her Majesty's Government and the Provincial Government, and of the existing connection with the mother-country.

The close contiguity of the three Provinces, the identity of their

interests, and the existing facilities of the inter-communication between them, which will be materially increased when the railway from Halifax joins the railway from St. John to Shediac Point to such a union, and the fusion of the three Governments and Legislatures into one would not be regarded by the people of any one of the provinces in the light in which they would regard the transference of the powers now vested in their own Governments and Legislatures to a Government and Legislature stationed at Quebec or Montreal.

Indeed, I believe that the people of this province and of Prince Edward Island might be brought without difficulty to view with favour this union, and, unless the step now taken by the Canadian Government should have altered the views of the people of Nova Scotia, I am inclined to believe that they, too, would approve of it.

18. It would be out of place in this despatch to discuss the details of such a union; but, so far as I am able to judge, there would be no insuperable obstacles to carrying it into effect.

The financial and commercial questions, which would be necessarily raised, might, as it appears to me, be arranged without much trouble; and although it is very possible that, at first, the seat of Government question might present some difficulties, these difficulties might, I think, be overcome. For it is clear that neither Fredericton, nor Halifax, nor St. John could be chosen. Fredericton would have few, if any, supporters; St. John would have none; and Halifax would not have so deep an interest in the matter as would be the case if she were not to continue the head-quarters of the troops stationed in the three provinces, and of the British fleet on the North American station. I am therefore disposed to believe that the three provinces might be brought to concur in the selection of some central spot as the seat of Government for the three provinces. And, at all events, even if it should be found necessary, for a time, to adopt the system of a migratory Government, inconvenient and expensive as this system is, both the inconvenience and expense would be far more than counterbalanced by the political advantages and financial saving which would result from the union.

19. I fear that I have trespassed at too great a length upon your attention in discussing this question; but I should not have felt myself justified in bringing it before you if I had not given to the details connected with it that consideration which enables me to express a hope that, if you should be of opinion that a Legislative union between the Lower Provinces would be desirable; it might be possible to effect that union.

20. But the institution of the inquiry proposed by the Canadian Government would, even if that inquiry should embrace the Legislative as well as Federal union of some, as well as of all, the British North American provinces, certainly place new and most formidable difficulties in the way of attaining this object; and if this inquiry be now instituted, it will, I think, be difficult to prevent a Federative union of all the British North American provinces, not because the people of New Brunswick, or (so far as I am aware) of Nova Scotia and Prince Edward's Island, are in favour of such a scheme, but because Canada will exercise an overpowering influence in the decision of the question.

21. If, on the other hand, you should think fit, either on the ground that the application of the Canadian Government has not been concurred in by the Governments of all the provinces to be affected by the inquiry; or on any other grounds, to defer a compliance with, if not absolutely to reject, that application, then I think that I could (if such a course seemed desirable to you) be enabled, without committing Her Majesty's Government or myself, to raise the question of a Legislative union of the Lower Provinces, in such a manner as would afford to this scheme a fair prospect of success, and, at all events, render more difficult the concurrence of the Lower Provinces in any plan for uniting by Federative bonds all the British North American Provinces.

I have, &c.

(Signed)

J. H. T. MANNERS SUTTON.

The Right Hon. Sir E. B. Lytton,
&c. &c. &c.

COPY of a DESPATCH from Lieutenant-Governor the Hon. T. MANNERS
SUTTON to Sir E. B. LYTTON.

Government House, Fredericton, New Brunswick,
October 11, 1858.

(No. 53.)

SIR,

(Received November 1, 1858.)

I HAVE the honour to acknowledge the receipt by the last mail, which arrived here on the 9th instant, of your despatch of the 10th September, No. 15, inclosing a copy of the speech of the Governor of Canada, on closing the late session of the Provincial Parliament, and also an extract of a despatch which you have addressed to Sir E. Head respecting that portion of the speech which relates to the Federation of the North American Provinces.

I shall immediately communicate the purport of this despatch to my Council, whose Memorandum on the same subject I had the honour to transmit to you on the 4th instant.

I have, &c.

(Signed) J. H. T. MANNERS SUTTON.

The Right Hon. Sir E. B. Lytton, Bart.
&c. &c. &c.

COPY of a DESPATCH from Lieutenant-Governor the Hon. T. MANNERS
SUTTON to Sir E. B. LYTTON.

Government House, Fredericton, New Brunswick,
(Private and Confidential.) October 11, 1858.

SIR,

(Received November 1, 1858.)

I HAVE thought it right in my official despatch of this day's date, No. 53, to call your particular attention to the day on which your despatch of the 10th September, No. 15, reached me, in order that you may be aware that I did not receive this despatch until after I had transmitted to you the Memorandum of my Council, enclosed in my official despatch of the 29th September, No. 50, and my confidential despatch of 2nd instant; for I need scarcely say that if I had been in possession of your despatch of the 10th September at the time when the Memorandum of the Executive Council of Canada (on the subject of a Federative union of the British North American Provinces) was under the consideration of my Council, I should have gladly availed myself, and have urged (probably with success) my Council to avail themselves, of the authoritative announcement contained in your despatch, that the union of the Provinces is a question the initiation in which belongs to the Executive authority of the Empire and not to that of any one of the Provinces.

Hitherto there has been a very general impression here that in raising the question of a Federative union, the Executive Council of Canada has acted with the sanction, if not directly at the instance, of Her Majesty's Government. I have not, you are aware, acted on this impression, in which I did not myself concur, but its prevalence here has created additional difficulties in dealing with the question.

These difficulties are removed by your despatch of 10th September, No. 15, the purport of which I shall immediately communicate to my Council.

I may add, that one of the principal reasons which induced me at this particular time to press upon your attention (in my confidential despatch of the 2nd October) the question of a Legislative union of the Lower Provinces, was the belief that there would be less danger that the people of this Province would, either now or hereafter, yield to Canadian influence, and express themselves in favour of a Federative union, if a Legislative union with Nova Scotia and Prince Edward's Island were presented

to their notice. As the matter now stands, there is not, of course, the same motive for immediate action, but I may be permitted to state, that (for myself) I adhere to the opinions expressed in my confidential despatch with respect to the benefits which might be expected from a Legislative union of the Lower Provinces, no less than to those which I had the honour to submit to you in the same despatch, with respect to the probable results of a Federative union of all or of any of the Provinces.

I beg you, however, to understand that although I have long and anxiously considered the question, I have not in any way committed myself or Her Majesty's Government in the matter.

I have, &c.

(Signed) J. H. T. MANNERS SUTTON.

The Right Hon. Sir E. B. Lytton, Bart.
&c. &c. &c.

No. 15.

No. 15.

COPY of a DESPATCH from GOVERNOR SIR A. BANNERMAN to SIR E. B. LYTTON.

(No. 83.)

Government House, Newfoundland,
October 11, 1858.

Sir,

(Received November 1, 1858.)

I HAVE to acknowledge the receipt of your despatch of the 10th September, No. 17, with enclosures.

2. I have the honour to inform you that I received a letter from the Governor-General of Canada, enclosing copy of a report of a Committee of the Executive Council, dated the 9th of September, on the subject of a Federative union, and their proposal that Delegates should meet from each Colony to discuss the question.

3. The Executive Council of Newfoundland have passed a Minute, which I shall forward to the Governor-General, stating, that when authority is given by the Secretary of State for holding such a meeting, the Executive Council of Newfoundland will not fail to be represented at that meeting.

4. As the Minute of the Council of Canada bears, that the Government of each Colony should be informed of the Report they had made on the 4th of September, which was approved of by his Excellency the Governor-General, I considered it to be my duty to lay his Excellency's despatch before the Council, but explaining to them that the question was an Imperial one, and taking care that their Minute was sufficiently guarded to recognize only the authority of the Secretary of State.

I have, &c.

(Signed) A. BANNERMAN.

P.S.—It is understood on this side of the Atlantic that the proposition of a Federative union originated with the British Government; there could not be a worse tribunal for its discussion than Delegates chosen from the Executive Councils.

A. B.

The Right Hon. Sir E. B. Lytton, Bart.,
&c. &c. &c.

