

lest their institutions should be attacked and prejudiced by that principle in our representation; yet it was felt by every thinking man in the Province that it would be a retrograde step which would throw back the country to nearly the same position as it occupied before the union; that it would lower the credit enjoyed by United Canada; that it would be the breaking up of the connection which had existed for nearly a quarter of a century, and, under which, although it had not been completely successful, and had not allayed altogether the local jealousies that had their root in circumstances which arose before the union, our Province, as a whole, had nevertheless prospered and increased. It was felt that a dissolution of the union would have destroyed all the credit that we had gained by being a united Province, and would have left us two weak and ineffective governments instead of one powerful and united people.

The next mode suggested was the granting of representation by population. Now, we all know the manner in which that question was and is regarded by Lower Canada; that, while in Upper Canada the desire and cry for it was daily augmenting, the resistance to it in Lower Canada was proportionably increasing in strength. Still, if some such means of relieving us from the sectional jealousies which existed between the two Canadas, if some such solution of the difficulties as confederation had not been found, the representation by population must eventually have been carried, no matter though it might have been felt in Lower Canada as being a breach of the treaty of union, no matter how much it might have been felt by the Lower Canadians that it would sacrifice their local interests, it is certain that in the progress of events representation by population would have been carried; and, had it been carried — I speak here my own individual senti-

ments — I do not think it would have been for the interests of Upper Canada. For although Upper Canada would have felt that it had received what it claimed as a right, and had succeeded in establishing its right, yet it would have left the Lower Province with a sullen feeling of injury and injustice. The Lower Canadians would not have worked cheerfully under such a change of system, but would have ceased to be what they are now — a nationality, with representatives in Parliament, governed by general principles, and dividing according to their political opinions, and would have been in great danger of becoming a faction, forgetful of national obligations, and actuated only by a desire to defend their own sectional interests, their own laws, and their own institutions.

The third and only means of solution for our difficulties was the junction of the Provinces either in a federal or a legislative union. Now, as regards the comparative advantages of a legislative and a federal union, I have never hesitated to state my own opinions. I have again and again stated in the House that, if practicable, I thought a legislative union would be preferable. I have always contended that if we could agree to have one government and one Parliament legislating for the whole of these peoples it would be the best, the cheapest, the most vigorous, and the strongest system of government we could adopt.

But on looking at the subject in the conference, and discussing the matter as we did, most unreservedly and with a desire to arrive at a satisfactory conclusion, we found that such a system was impracticable. In the first place it would not meet the assent of the people of Lower Canada, because they felt that in their peculiar position — being in a minority, with a different language, nationality, and religion from the majority — in case of a junction with the other Provinces, their



institutions and their laws might be assailed, and their ancestral associations, on which they prided themselves, attacked and prejudiced; it was found that any proposition which involved the absorption of the individuality of Lower Canada — if I may use the expression — would not be received with favor by her people.

We found, too, that though their people speak the same language and enjoy the same system of law as the people of Upper Canada, a system founded on the common law of England, there was as great a disinclination on the part of the various Maritime Provinces to lose their individuality as separate political organizations as we observed in the case of Lower Canada herself. Therefore we were forced to the conclusion that we must either abandon the idea of union altogether, or devise a system of union in which the separate provincial organizations would be in some degree preserved so that those who were, like myself, in favor of a legislative union, were obliged to modify their views and accept the project of a federal union as the only scheme practicable, even for the Maritime Provinces. Because, although the law of those Provinces is founded on the common law of England, yet every one of them has a large amount of law of its own,— colonial law framed by itself, and affecting every relation of life, such as the laws of property; municipal and assessment laws; laws relating to the liberty of the subject and to all the great interests contemplated in legislation; we found, in short, that the statutory law of the different Provinces was so varied and diversified that it was almost impossible to weld them into a legislative union at once.

Why, sir, if you only consider the innumerable subjects of legislation peculiar to new countries, and that every one of those five colonies had particular laws of its own, to which its

people had been accustomed and are attached, you will see the difficulty of effecting and working a legislative union and bringing about an assimilation of the local as well as general laws of the whole of the Provinces. We in Upper Canada understand, from the nature and operation of our peculiar municipal law, of which we know the value, the difficulty of framing a general system of legislation on local matters which would meet the wishes and fulfil the requirements of the several Provinces. Even the laws considered the least important — respecting private rights in timber, roads, fencing, and innumerable other matters, small in themselves, but in the aggregate of great interest to the agricultural class, who form the great body of the people — are regarded as of great value by the portion of the community affected by them. And when we consider that every one of the colonies is a body of law of this kind, and that it will take years before those laws can be assimilated, it was felt that at first, at all events, any united legislation would be almost impossible. I am happy to state — and indeed it appears on the face of the resolutions themselves — that as regards the Lower Provinces a great desire was evinced for the final assimilation of our laws. One of the resolutions provides that an attempt shall be made to assimilate the laws of the Maritime Provinces and those of Upper Canada, for the purpose of eventually establishing one body of statutory law founded on the common law of England, the parent of the laws of all those Provinces.

One great objection made to a federal union was the expense of an increased number of legislatures. I will not enter at any length into that subject, because my honorable friends, the Finance Minister and the President of the Council, who are infinitely more competent than myself to deal with matters of this kind — matters of account — will, I think, be able to



show that the expenses under a federal union will not be greater than those under the existing system of separate governments and legislatures. Here, where we have a joint legislature for Upper and Lower Canada, which deals not only with subjects of a general interest common to all Canada, but with all matters of private right and of sectional interest, and with that class of measures known as "private bills," we find that one of the greatest sources of expense to the country is the cost of legislation. We find, from the admixture of subjects of a general with those of a private character in legislation, that they mutually interfere with each other; whereas, if the attention of the legislature was confined to measures of one kind or the other alone, the session of Parliament would not be so protracted and therefore not so expensive as at present.

In the proposed constitution all matters of general interest are to be dealt with by the general legislature; while the local legislatures will deal with matters of local interest which do not affect the confederation as a whole, but are of the greatest importance to their particular sections. By such a division of labor the sittings of the general legislature would not be so protracted as even those of Canada alone. And so with the local legislatures: their attention being confined to subjects pertaining to their own sections, their sessions would be shorter and less expensive.

Then, when we consider the enormous saving that will be effected in the administration of affairs by one general government; when we reflect that each of the five colonies has a government of its own with a complete establishment of public departments and all the machinery required for the transaction of the business of the country; that each has a separate executive, judicial, and militia system; that each Province has a separate ministry, including a minister of militia, with a

complete adjutant-general's department; that each has a finance minister, with a full customs and excise staff; that each colony has as large and complete an administrative organization with as many executive officers as the general government will have,— we can well understand the enormous saving that will result from a union of all the colonies, from their having but one head and one central system. We in Canada already know something of the advantages and disadvantages of a federal union.

Although we have nominally a legislative union in Canada; although we sit in one Parliament, supposed constitutionally to represent the people without regard to sections or localities,— yet we know, as a matter of fact, that since the union in 1841 we have had a federal union, that, in matters affecting Upper Canada solely, members from that section claimed and generally exercised the right of exclusive legislation, while members from Lower Canada legislated in matters affecting only their own section. We have had a federal union in fact, though a legislative union in name; and in the hot contests of late years, if on any occasion a measure affecting any one section were interfered with by the members from the other,— if, for instance, a measure locally affecting Upper Canada were carried or defeated, against the wishes of its majority, by one from Lower Canada,—my honorable friend, the President of the Council, and his friends denounced with all their energy and ability such legislation as an infringement of the rights of the Upper Province. Just in the same way, if any act concerning Lower Canada were pressed into law, against the wishes of the majority of her representatives, by those from Upper Canada, the Lower Canadians would rise as one man and protest against such a violation of their peculiar rights.

The relations between England and Scotland are very simi-



lar to that which obtains between the Canadas. The union between them in matters of legislation is of a federal character, because the Act of Union between the two countries provides that the Scottish law cannot be altered except for the manifest advantage of the people of Scotland. This stipulation has been held to be so obligatory on the legislature of Great Britain that no measure affecting the law of Scotland is passed unless it receives the sanction of a majority of the Scottish members in Parliament. No matter how important it may be for the interests of the empire as a whole to alter the laws of Scotland, no matter how much it may interfere with the symmetry of the general law of the United Kingdom, that law is not altered except with the consent of the Scottish people as expressed by their representatives in Parliament. Thus we have in Great Britain to a limited extent, an example of the working and effects of a federal union as we might expect to witness them in our own confederation.

The whole scheme of confederation as propounded by the conference as agreed to and sanctioned by the Canadian government, and as now presented for the consideration of the people and the legislature, bears upon its face the marks of compromise. Of necessity there must have been a great deal of mutual discussion. When we think of the representatives of five colonies, all supposed to have different interests, meeting together, charged with the duty of protecting those interests and of pressing the views of their own localities and sections, it must be admitted that had we not met in a spirit of conciliation and with an anxious desire to promote this union; if we had not been impressed with the idea contained in the words of the resolution,—“that the best interests and present and future prosperity of British North America would be promoted by a federal union under the Crown of Great

Britain,”—all our efforts might have proved to be of no avail. If we had not felt that, after coming to this conclusion, we were bound to set aside our private opinions on matters of detail; if we had not felt ourselves bound to look at what was practicable,—not obstinately rejecting the opinions of others nor adhering to our own; if we had not met, I say, in a spirit of conciliation, and with an anxious, overruling desire to form one people under one government, we never would have succeeded.

With these views we press the question on this House and the country. I say to this House, if you do not believe that the union of the colonies is for the advantage of the country, that the joining of these five peoples into one nation under one sovereign is for the benefit of all, then reject the scheme. Reject if you do not believe it to be for the present advantage and future prosperity of yourselves and your children. But if, after a calm and full consideration of this scheme, it is believed, as a whole, to be for the advantage of this Province,—if the House and country believe this union to be one which will ensure for us British laws, British connection, and British freedom, and increase and develop the social, political, and material prosperity of the country,—then I implore this House and the country to lay aside all prejudices and accept the scheme which we offer. I ask this House to meet the question in the same spirit in which the delegates met it. I ask each member of this House to lay aside his own opinions as to particular details and to accept the scheme as a whole if he think it beneficial as a whole.

As I stated in the preliminary discussion, we must consider this scheme in the light of a treaty. By a happy coincidence of circumstances, just when an administration had been formed in Canada for the purpose of attempting a solution



of the difficulties under which we labored, at the same time the Lower Provinces, actuated by a similar feeling, appointed a conference with a view to a union among themselves, without being cognizant of the position the government was taking in Canada. If it had not been for this fortunate coincidence of events, never, perhaps, for a long series of years would we have been able to bring this scheme to a practical conclusion. But we did succeed. We made the arrangement, agreed upon the scheme, and the deputations from the several governments represented at the Conference went back pledged to lay it before their governments, and to ask the legislatures and people of their respective Provinces to assent to it. I trust the scheme will be assented to as a whole. I am sure this House will not seek to alter it in its unimportant details; and if altered in any important provisions the result must be that the whole will be set aside and we must begin *de novo*. If any important changes are made, every one of the colonies will feel itself absolved from the implied obligation to deal with it as a treaty, each Province will feel itself at liberty to amend it *ad libitum* so as to suit its own views and interests; in fact, the whole of our labors will have been for naught, and we will have to renew our negotiations with all the colonies for the purpose of establishing some new scheme.

I hope the House will not adopt any such course as will postpone, perhaps forever, or at all events for a long period, all chances of union. All the statesmen and public men who have written or spoken on the subject admit the advantages of a union if it were practicable; and now, when it is proved to be practicable, if we do not embrace this opportunity, the present favorable time will pass away, and we may never have it again. Because, just so surely as this scheme is defeated, will be revived the original proposition for a union of the

Maritime Provinces irrespective of Canada; they will not remain as they are now, powerless, scattered, helpless communities; they will form themselves into a power which, though not so strong as if united with Canada, will nevertheless be a powerful and considerable community, and it will be then too late for us to attempt to strengthen ourselves by this scheme, which, in the words of the resolution, "is for the best interests and present and future prosperity of British North America."

If we are not blind to our present position we must see the hazardous situation in which all the great interests of Canada stand in respect to the United States. I am no alarmist, I do not believe in the prospect of immediate war. I believe that the common sense of the two nations will prevent a war; still we cannot trust to probabilities. The government and legislature would be wanting in their duty to the people if they ran any risk. We know that the United States at this moment are engaged in a war of enormous dimensions, that the occasion of a war with Great Britain has again and again arisen and may at any time in the future again arise. We cannot foresee what may be the result; we cannot say but that the two nations may drift into a war as other nations have done before. It would then be too late, when war had commenced, to think of measures for strengthening ourselves or to begin negotiations for a union with the sister Provinces.

At this moment, in consequence of the ill feeling which has arisen between England and the United States,—a feeling of which Canada was not the cause,—in consequence of the irritation which now exists owing to the unhappy state of affairs on this continent, the reciprocity treaty, it seems probable, is about to be brought to an end; our trade is hampered by the passport system, and at any moment we may be de-