



FEBRUARY 2017

# Alexander Tilloch Galt, SPEECH ON THE THE PROPOSED UNION OF THE BRITISH AMERICAN PROVINCES

—November 23, 1864

*Delivered shortly after the Quebec Conference of October 1864, Alexander Galt presents the coalition government's comprehensive official case in favour of Confederation. The honour likely fell to Galt in recognition of his leading role as an advocate for Canadian federalism, having introduced federalist resolutions to the Canadian legislature in 1858, and later that year joining the Cartier-Macdonald government when it adopted federation as official government policy. Galt authored the key federation dispatch of 1858, in which the Canadian government admitted the urgent need for Constitutional change, and in which a proposed division of powers was set out, largely similar to the one adopted in 1867.*

*One striking aspect of Galt's speech is his particular concern for minority rights, as the chief representative of the English-speaking minority of Quebec. Warning that no measure could be approved by Canadians not founded in equal justice, Galt outlines protections to be granted for minority education rights. He appeals to the shared interests of French and English-speaking Canadians in the developments of their common country, arguing that Confederation will benefit all Lower Canada—"not French Lower Canada, or British Lower Canada—but the whole of Lower Canada."*

MR. GALT,

Who, on rising, was received with great applause, addressed the Chairman and said the practice had obtained in England of late years for the leading politicians and those charged with the administration of the Government to meet their constituents and the public during the recess of Parliament, and

discuss with them the questions then occupying the public mind. He believed that great advantage had arisen from the practice of instructing the public with reference to the questions then before it, from the fact that, when Parliament afterwards met, it had the intelligent ideas of the people brought to bear upon its deliberations.

If ever there was an occasion upon which he might wish to address his constituents, it was now, when they had before them a measure calculated not merely to change their present position, but through that change to raise this country to a scale of greatness which we had longed for, but had not hitherto had the prospect of attaining. That measure was one which had created a good deal of feeling in the mind of the people at large; and, knowing that to be the case, he was sure he was in the line of his duty in coming before them that day, and endeavouring to give them some of the reasons why the measure of confederation for the British North American Provinces was now submitted to the consideration of the people of Canada.

He might say that with reference to this particular subject he felt a double responsibility resting upon him. He not only felt the responsibility common to all who represented constituencies in Parliament, but he had also upon him the responsibility of acting as the representative of a class in Canada—of a minority in Lower Canada—and of endeavouring to see, in the measures which were proposed, that justice was done to them in common with all classes of the community. No measure could possibly meet the approval of the people of Canada which contained within it the germs of injustice to any; and if, in the measure which was now before the people of Canada, there was anything which bore on its face injustice, it would operate greatly against the success of the measure itself.

#### DEFECTS OF THE PRESENT UNION

He would ask the permission of the meeting for a few moments before entering on the plan of Confederation, to recur to the events which had rendered it necessary to bring before the people of Canada a measure for the alteration of their constitution. And with that view he might perhaps be allowed to refer briefly to the circumstances under which the union of the two Canadas took place and the political action which had taken place under that union. (Hear hear.)

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The Union of Canada was an act of Imperial policy not sought for by the people of Lower Canada at all events. It was adopted by the Imperial Legislature with the view of remedying difficulties which then existed between the two Provinces. The inherent defect in the Imperial Act for the Union of the two Canadas was this: it attempted to combine the federal principle with unity of action. It endeavoured to give equal representation to the two sections of the Province, while it brought them together for the purpose of dealing as one with all subjects both general and local.

So long as there was no very great difference in the population of the two Canadas—so long as they contributed in somewhat equal proportion in the expenditure—the system worked well, but when the fertile

lands of the West attracted emigration in greater numbers to Upper than to Lower Canada; when the wealth and population of that section increased in a greater ratio than it did below, then the difficulties which were inherent in the Act of Union began to appear; then began to rise the claim that in Upper Canada there was taxation without representation, while the resistance which was made from Lower Canada arose from the feeling that if increased representation was given it would be not simply an interference with the mere representation in Parliament, but would affect the whole principle upon which the Union Act had been based.

Consequently resistance was offered, and had been systematically maintained to the claims of Upper Canada. Those claims were in themselves undoubtedly founded in justice—but at the same time there was great reason in the objections taken to them—they involved an interference with the Federal principle recognized in the Union Act, an interference which amounted to an entire change in the principles on which the Government of the country was to be administered, and could not be received otherwise than with dread by a large class, if not by the whole of the population of Lower Canada. (Hear.)

He need not detain them by any reference to the political struggles that had marked the last few years. It was within their knowledge that the claims made by Upper Canada, and the intense feeling evinced in Upper Canada with reference to these claims, were of such a character that they to a great extent debarred public man from joining the government of the country, because they were not able to pledge themselves to grant the demands of the Western section. For that reason, many whose services would have been useful to the country had been rejected by the constituencies of Western Canada, and the Province had been deprived of the services of men who under other circumstances would have been valuable members of its Executive and ornaments to its legislative halls.

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“*They had seen the machine of government almost brought to a deadlock, the claims of Upper Canada represented on the one hand by a very large majority and the resistance offered by Lower Canada represented ... by an equally large majority.*”

Events, as they were aware, had ripened rapidly during the last two or three years, and within the present year they had seen the machine of government almost brought to a deadlock, the claims of Upper Canada represented on the one hand by a very large majority and the resistance offered by Lower Canada represented on the other hand by an equally large majority from that Province—these two great contending parties being so equally matched that the work of useful legislation for the country came very near being absolutely stopped.

Under these circumstances some remedy had to be found either by way of concession on the one side or the other, or by striking out a new course which might preserve the benefits we had enjoyed under the Union Act, at the same time that it removed the apprehensions felt both East and West, that injustice might be done to one section or the other.

#### THE REMEDIES FOR EXISTING EVILS CONSIDERED

He might for a moment refer to the remedies which had offered themselves for consideration and in the first place that which would naturally occur to their minds would be that there should have been a conces-

sion to Upper Canada, of additional members in proportion to its population, but that concession would, as he had already remarked, have been an invasion of the Federal principle, contained in the Union Act, and would unquestionably have been resented to the uttermost by a large proportion if not by the whole of Lower Canada.

While on this subject, he might say that the interests of the British population of Lower Canada were identical with those of the French Canadians; these peculiar interests being that the trade and commerce of the Western country should continue to flow through Lower Canada. (Hear, hear.)

He was therefore of opinion that the concession to Upper Canada of representation by population would have been attended with an agitation most disastrous to the whole country. Instead of being in any way conducive to peace and contentment, it would have been resisted in a way that would have imperilled the best interests of the Province, and with such a warning as we now had to the south of us, it could only have been taken when all other remedies for the existing evils had failed. (Hear.)

We could, however, try to retain the blessings of the Union, and, indeed, extend them in such a way as to promote the peace, contentment, and prosperity of the people, at the same time preserving; in the new constitution those rights they were afraid would be subjected to injustice.

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“*Instead of being in any way conducive to peace and contentment, it [representation by population] would have been resisted in a way that would have imperilled the best interests of the Province.*”

While referring to Representation by Population as one of the remedies, he might also say that another, and probably one that would have immediately followed it, would have been the dissolution of the Union between Upper and Lower Canada; for the struggle would have assumed such an alarming aspect, that it would have resulted in an attempt to compass that.

Now he did not think any measure ever adopted in any country, had brought greater blessings in its train than the Union thus threatened with destruction. When they reflected for a moment on what had passed during the twenty-two or twenty-three years since the Union took effect, they would with difficulty find a measure fraught with such benefits to the people who had lived under it. We had seen the population of the country more than doubled; we had seen it traversed by railways; its educational system improved; feudal tenure in Lower Canada abolished; the great Clergy Reserve question had been settled—it would take more time than he could venture to occupy even simply to go *seriatim* through all the great benefits that had resulted from the Union—a measure be it remembered which had not been sought for by the people, and which had therefore not come into proper play until several years after its enactment. (Hear.)

No one, considering all this, would say we ought lightly to risk these benefits, but everyone would at once agree that, while the great interests of the whole country should be preserved as they now were, the sectional interests—if he might use that term, which he was very reluctant to do—should be assured and guaranteed to each part of it, so as not to do injustice to any. (Cheers.)



## GOVERNMENTAL DIFFICULTIES OF LAST SESSION

The circumstances under which the Government found itself last session of Parliament were these; One Government had resigned from inability to obtain Parliamentary support enough to govern the country. Another, of which he (Mr. Galt) was a member, had been defeated by a majority of two; and it did not appear possible to form any Government under which any material difference in this respect could have been produced.

Under these circumstances it was the duty of those administering the public affairs to make sacrifices of their interests and of their personal position, and to unite to seek a remedy for the evils that existed; and he was happy to say that men were found willing to undertake this responsibility. He desired in this connection to allude more particularly to his friend and colleague the Hon. George Brown, who, feeling that the period had arrived when extreme views should no longer be pressed, in the most patriotic and straightforward manner approached the Government of the day when they were considering what course to take, and suggested that some basis should be found on which a common platform could be raised. (Hear hear.)

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“ *A measure that would partake of a federal character as far as necessary with respect to local measures, while it would preserve the existing union in respect to measures common to all.*”

This consideration resulted in an under-taking on the part of the Government, into which the Hon. Mr. Brown and two other gentlemen representing the Liberal party of Upper Canada had entered, to address themselves to the preparation of a measure that would partake of a federal character as far as necessary with respect to local measures, while it would preserve the existing union in respect to measures common to all; that they would endeavour, if necessary, to strike out a federal union for Canada alone, but that at the same time they would attempt, in considering a change in the Constitution of this country, to bring the Lower Provinces in under the same bond, as they were already under the same Sovereign.

It was highly proper that, before touching the edifice of Government that had been raised in Canada they should address the statesmen of the Lower Provinces, and try to induce them to form a common system. If it were found impossible to have a legislative union of all the British American Provinces, then they could reserve to the local governments of the several Provinces the control of such subjects as concerned them, while the rest should be committed to the care of the General Government. (Hear hear.)

## THE GEOGRAPHICAL POSITION OF CANADA

He might here remark that one reason why the Government had felt it desirable to approach the Maritime Provinces with propositions of this nature arose from a consideration of the geographical position of Canada. Canada it must be considered was for several months of the year entirely dependent on a foreign country for access to the ocean—for access to her own mother country. To approach the seas in winter we must pass through the United States. He trusted that the good-will existing between that nation and ourselves would never be disturbed. (Cheers.) He believed, moreover, that as long as the eyes of the people of both countries were turned upon the great matters of common interest that good will never would be broken. (Hear.)

But it was possible it might be, and as we were looking forward at a day which was certainly distant to the national existence to which we were growing up, it was necessary to provide that we should not be then at the mercy of any foreign state. The business men of Canada and her farming population too were now entirely dependent on a state of law in the United States, which might not continue forever. (Hear.) If it were possible then to combine with a change in the constitution of Canada such an extension of our territorial limits as to give us access to the sea, we ought not to neglect the opportunity of attaining those means of reaching at all times the mother country and other European countries, which the Maritime Provinces now possessed. (Cheers.)

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#### THE CHARLOTTETOWN CONFERENCE

The advantages which we had ourselves derived from the union of the two Provinces would thus be still more widely extended; we would find other interests of which we now scarcely knew anything, connected with our own to the greatly increased advantage of the whole; we should have the assistance of the active, intelligent, and wealthy populations in the Lower Provinces to aid us in all things necessary to constitute the prosperity and greatness of a nation.

The time when the Government felt it to be their duty to approach the Maritime Provinces on the subject of union happened at a very favorable period. This year the legislatures of the Lower Provinces—Nova Scotia, New Brunswick and Prince Edward Island had passed resolutions pointing to a legislative union of those three Provinces, and also appointed delegates for the purpose of meeting to consider the terms upon which such a union of the three Provinces could be brought about.

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“The time had arrived when the public mind in the Lower Provinces was in a better state of preparation for the consideration of a union with Canada than ever before.”

Consequently when we were obliged to consider the question of altering the terms of the union of Upper and Lower Canada, we had before us the fact that the Lower Provinces were themselves considering the possibility of uniting their destinies together, and of constituting themselves into one large Province. Therefore it was felt that the time had arrived when the public mind in the Lower Provinces was in a better state of preparation for the consideration of a union with Canada than ever before.

And besides, this was not a new subject; it had been before the public in one form or another for a great number of years—from the time of Lord Durham to the present day; but it appeared not to have been realized by the public as a practical question or as one which was deserving of very serious attention.

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He had no doubt that events now transpiring in the United States had had a great effect in ripening public opinion in regard to the question of British Colonial Union. He believed there had been an impression created by those events, in the public mind of all those Provinces—that there had been created a feeling of insecurity which satisfied them that it was better their interests should be united together: that they should not in future be obliged to face singly any difficulties that might arise, nor the contingency of being at any period of trial disunited and separate; but that, uniting all their energies and making common cause together, they would be in a much better position for meeting anything that might unfortunately transpire hereafter.

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“ *It was better their interests should be united together: that they should not in future be obliged to face singly any difficulties that might arise, nor the contingency of being at any period of trial disunited and separate.* ”

For those reasons it was thought the most appropriate time to bring before the Lower Provinces the subject of Colonial Union was the occasion when they had under consideration the scheme of union among themselves; and an invitation addressed to them to permit Canada to send a deputation to the Conference which they were about to hold, was received in the most friendly and cordial spirit. This Conference, however, was informal merely, and for the purpose of enabling the leading men of the several Provinces to consider whether, while a union of the Provinces might be in general terms considered desirable, such difficulties existed in regard to the details of the measure as to forbid the attempt to undertake effecting that union.

They went to Charlottetown, P.E.I., where a meeting of the Colonial delegates was held; and while not desiring to occupy the time of this meeting with the details then considered, he would merely state that the Conference, which was unanimous in the conclusion arrived at, was of opinion that the common interests of all were of such great importance that the difficulties which might be experienced in regard to the details of the scheme ought to be overcome. It was felt that though the details did in many respects offer difficulties, from which at the moment they did not see a mode of escape, still there was such a general opinion in reference to the advantages to be derived from a Union, that those difficulties were regarded as subordinate to the general interest, and the determination was formed that an attempt to consider the question of union in a more formal way should be made in Quebec.

#### THE QUEBEC CONFERENCE.

This Conference took place last month, when for 16 days the representatives of the several Provinces were engaged in the discussion of the details of the scheme, and they arrived at a basis upon which they could go back to their several Provinces and recommend their adhesion to a common union.

The meeting was aware of the general outline of what took place at the Quebec Conference, as the press had published the essence of all that had transpired. But he might perhaps be allowed, in addressing his constituents, to go into those matters discussed in conference more fully than had been done at any previous meeting in reference to this subject, and to state the motives and reasons which brought about certain results, and to do so in a more formal and complete way than had been attempted elsewhere. He was sure he would have their indulgence in now undertaking this task.

It was by no means an easy matter to attempt to go over at that time all the details which had occupied upwards of thirty gentlemen, the first men in the land, for weeks together. He trusted that while endeavouring, in the short time at his disposal, to give them the results, in a general way, of the deliberations at Quebec, he would receive their kind indulgence, feeling as he did that at the risk of inflicting upon them a perhaps tedious speech, the importance of the results in question and of the scheme contemplated would justify his entering into the subject somewhat fully. (Applause.)

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“ *The first question ... was whether a union of the British North American Provinces was in itself desirable or not.* ”

Naturally, the first question which suggested itself for the consideration of the Conference was whether a union of the British North American Provinces was in itself desirable or not. Upon this point he was happy to say there was the most complete and perfect unanimity. Of the thirty three gentlemen assembled from Halifax in the East to Sandwich in the West, representing as they did all classes, all races, all creeds in the country, not one hesitated to give an affirmative answer to the question that a union of the British North American Provinces should be effected provided it could be done on just principles to all. And he thought that all who heard him would agree that the opinion which was then unanimously adopted was one which the circumstances fully justified. (Loud cheers.)

If they looked at the great interests of all sections of the country, at the largeness of the population of the Provinces east and west, at the importance of the maritime element in any confederation, they would certainly find that, as inhabitants of British North America, united together under a common bond of interest, having a common legislative interest, a unity of all interests, they would be better able to do their duty as subjects of the British Crown than if each province remained separate.

#### THE TERRITORY OF THE UNION

In point of population, the Provinces of British North America would form, if united, a very respectable power in the world. Many countries which boasted of kings and emperors were not as strong or as great either in population or territory, in trade and commerce, in industry or in the intelligence of their inhabitants, as the united Provinces of British North America would be, when united under one Confederation.

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“ *Our children would rejoice to see, and feel that a power was being established on the northern part of this continent which would be able to make itself respected.* ”

With a population numbering now nearly four millions of people, with a territory extending from the Atlantic to the Pacific, with a longer coast line than that of the United States, with a river, commercially speaking, the greatest and most important in the world, passing through the centre of our country, connecting the East with the West, and bearing on its bosom the trade and commerce of the whole interior of this great



continent—with all these advantages we might look forward to a future for this country, which, whether we lived to see it or not, our children would rejoice to see, and feel that a power was being established on the northern part of this continent which would be able to make itself respected, and which, he trusted, would furnish hereafter happy and prosperous homes to many millions of the industrial classes from Europe, now struggling for existence. (Cheers.)

#### THE TRADE AND TONNAGE OF THE COLONIES

Let him advert for a moment to the trade and tonnage of these Provinces; because in exhibiting the amount of that trade, he would be able to bring before them, in a very pointed manner, the most important results which must flow from a union of all our resources.

The imports of Canada last year amounted to \$45,964,000; the exports to \$41,831,000; together, \$87,795,000. The imports of New Brunswick to \$7,764,824; the exports to \$8,964,784; together \$16,729,608. The imports of Nova Scotia to \$10,201,391; the exports (including \$1,874,480, the value of shipping built in the Province,) to \$8,420,968; together \$18,622,359. The imports of Prince Edward Island amounted to \$1,428,028; the exports (including £124,955 sterling, the value of the shipping built) to \$1,627,540; together \$3,055,568. The imports of Newfoundland to \$5,242,720; the exports to \$6,002,312; together \$11,245,032.

Consequently, the trade of these Colonies, separated as they were by hostile tariffs, preventing proper commercial intercourse between them—with all the disadvantages of being separated, disunited, and having necessarily smaller Legislatures, and smaller views on the part of their public men—amounted last year to no less a total than one hundred and thirty-seven and a-half millions—in precise figures, \$137,447,567—a volume of trade surpassing that of almost any European country. (Cheers.)

Referring again to the tonnage employed in carrying on that trade, we would find, in the case of Canada, a sea-going tonnage (both ways) of 2,133,000. In the case of Nova Scotia—inwards, 712,939; outwards, 719,915; together 1,432,954. New Brunswick—outwards, 727,727; inwards 659,258; together 1,386,980. Not including Prince Edward Island and Newfoundland, for which he had not the official returns, the tonnage employed in the seagoing business of Canada, Nova Scotia and New Brunswick amounted to no less than five millions of tons, besides nearly seven millions (6,907,000) of tonnage employed on the great inland lakes in the Canadian trade. (Cheers.)

Now, these figures were so great, so vast, that the mind required some little time before it could take them in. They represented a trade which was probably the third in the world—exceeded only by the trade of Great Britain and that of the United States, and perhaps the trade of France, which last, however, did not much, if at all exceed the figures he had just given. With these two or perhaps three exceptions no other country in the world employed the same amount of tonnage of sea-going craft as was employed last year by the British North American Provinces in carrying on their intercourse with the World and with each other.

He considered therefore that, possessing as these Provinces did a large and increasing population, a vast territory, and a trade and commerce which, united, would vie with those of almost any other country in the world, it must be admitted there were material interests which would be greatly promoted if we could agree on a measure of such a nature as to induce the several Provinces to entrust the management of their general affairs to a common government and legislature. (Hear.)

#### THE CHARACTER OF THE PROPOSED UNION

In considering the mode in which such a union could be carried out, it became necessary to determine whether it should be a Federal or a Legislative Union. A Legislative Union, as they were all aware, had cer-

tain advantages over one based on the Federal system. It was a more complete union, and implied a more direct action and control of the government over the interests of the people at large. And, where a people were homogeneous, and their interests of such a character as to admit of uniformity of action with regard to them, it could not be doubted that a government on the principle of a Legislative Union was the one which probably operated most beneficially for all.

But in the case of the people of these Provinces, brought up as they had been under separate legislatures, having unfortunately for our common interests comparatively little intercourse with each other, the difficulty was felt that, if we attempted to make a Legislative Union of these Provinces in the first instance, the dread, in the case of the Lower Provinces and probably of many among ourselves that peculiar interests might be swamped and certain feelings and prejudices outraged and trampled upon, was so great that such a measure could not be entertained and we were compelled to look for what was sought in a form of government that would commit all subjects of general interest to a general Government and Legislature, reserving for local Legislatures and Governments such subjects as from their nature required to be trusted to those bodies. (Cheers.)

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“ *It must not be supposed ... that in the Union now proposed to be established it was intended to imitate the Federal Union which we had seen existing in the United States.* ”

The term Federation was used with reference to the proposed Union, because it was that with which the public mind was most familiar. But it must not be supposed, on account of the use of that term, that in the Union now proposed to be established it was intended to imitate the Federal Union which we had seen existing in the United States. In the United States, the general Government exercised only such powers as were delegated to it by the State Governments at the time the Union was formed. Each State was regarded as a sovereign power, and it chose for the common interest to delegate to the general Government the right of deciding upon certain questions, which were expressly stated. All the undefined powers, all the sovereign rights, remained with the Governments of the several States.

And he believed that nearly all the writers and statesmen who had given much thought to the subject of the difficulties now convulsing the United States were of the opinion—and he shared that opinion himself—that the reservation of what were popularly known as State rights had been to a great extent the cause of the difficulties which were now agitating that great country. He thought, when we had before us the lamentable results which we now witnessed, when we saw the evils which had arisen there, and perceived that there was apparently no remedy for them within the limits of the constitution, we might well hesitate to adopt any system that would be similar in its character. If we did so we should be lacking in that wisdom learned from the experience of others which was so peculiarly valuable. (Hear, hear.)

Therefore, in laying a basis for the union of these Provinces, it was not proposed that the General Government should have merely a delegation of powers from the Local Governments, but it was proposed to go back to the fountain head, from which all our legislative powers were derived—the Imperial Parliament—and seek at their hands a measure which should designate as far as possible the general powers to be exercised by the General Legislature, and also those to be exercised by the Local Legislatures, reserving to the General Legislature all subjects not directly committed to the control of the Local bodies. By this means it was believed we should escape the rock on which the United States had split and we should not have a

sectional agitation springing up in one section of the country or the other, because each Legislature, and especially each Local Legislature—acting within the bounds prescribed by the Imperial Parliament and kept within these bounds by the Courts of Law if necessity should arise for their interference—would find in the working of the plan of Federation a check sufficient to prevent it from transcending its legitimate authority. (Hear, hear.)

It was therefore proposed, that in the Federation of the British North American Provinces the system of government best adapted under existing circumstances to protect the diversified interests of the several Provinces and secure efficiency, harmony and permanency in the working of the Union, would be a General Government charged with matters of common interest to the whole country, and Local Governments for each of the Canadas and for the Provinces of Nova Scotia, New Brunswick and Prince Edward Island, charged with the control of local matters in their respective sections, provision being made for the admission into the Union on equitable terms of Newfoundland, the North-west Territory, British Columbia, and Vancouver.

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““ *A General Government charged with matters of common interest to the whole country, and Local Governments ... charged with the control of local matters in their respective sections.*”

#### THE MINISTRY TO BE RESPONSIBLE TO PARLIAMENT

Now the next point, having decided that the Federative plan, as he had briefly endeavoured to explain it, was the one which ought to be adopted, was whether they ought to adopt the mode of government which they now saw in use in the United States, or whether they should endeavour to incorporate in the Union the principles under which the British Constitution had been for so many years happily administered; and upon this point no difference of opinion arose in the Conference. They all preferred that system which they had enjoyed for the last eighteen years, by which the Crown was allowed to choose its own advisers; but those advisers must be in harmony with the well understood wishes of the country as expressed by its representatives in Parliament. (Cheers.)

They were unanimously of the opinion that this system was more likely to operate for the benefit of the people than any attempt to introduce the American system of Government. They certainly believed that they enjoyed more practical freedom under the British Sovereign than they could under a dictator who was chosen for only four years. He believed that the administration of the country could be carried on with more advantage to the people and more in harmony with their wishes if that administration was obliged constantly to retain the confidence of the people; and if the moment the people ceased to have confidence in those in power, they must give place to others who would be able to govern the country more in harmony with their wishes.

The secret of the freedom of the British nation from revolution and disturbance was that the people had at any time the power of making the Government harmonize with their wishes—it was, in fact, the greatest safeguard the British Constitution gave. No government in Canada could venture to set public opinion at defiance. No government could exist, except for a few short months, unless they had the people at their back; for although parliamentary majorities could be preserved for a short time against the wishes of the majority of the people still it was impossible to deny that public opinion was, in a complete sense, represented by the opinion or the members of the Legislature. They all knew perfectly well that their representatives

were chosen from amongst themselves, and he trusted that we should never in this country lose that control which had been so happily exercised by the people over the government of the day.

It was, therefore, concluded that in forming an Union of these Provinces it was desirable, in the interest of the people at large, that the system of responsible government now in force should be maintained. (Hear.)

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“ *In forming an Union of these Provinces it was desirable, in the interest of the people at large, that the system of responsible government now in force should be maintained.* ”

The question then arose as to the form of government which should be adopted for the administration of the general affairs of the whole union, and that form was copied almost literally from the system existing in the several Provinces. It was proposed to have a Governor General, who should be appointed by our Gracious Sovereign. (Hear.)

#### THE COMPOSITION OF THE UPPER HOUSE

It was proposed to have a Legislative Council and a Legislative Assembly. In the constitution of the Legislative Council it would be observed that the principle which now obtained in Canada, of electing the members of that branch, was proposed to be done away with and that we would again revert to nomination by the Crown. Perhaps he might be permitted to say a few words in regard to that point. He did not think that in Canada they had any cause to regret the change which had been made from the nominative to the elective plan. The circumstances under which that change took place were probably familiar to most of them. The Legislative Council had, from one cause or another, under the nominative system, fallen into public discredit. The elective Legislative Council, up to this time, had given them a number of very excellent men indeed. He doubted for instance whether, under any system, they could have had a better representative than the gentleman who now represented this district. (Hear.)

Therefore, as far as Canada was concerned, he was not aware that they could say that the principle of an elective Legislative Council had proved in any degree a failure. There was no doubt that, in some respects, the elective principle was attended with difficulties and objections. It had been found that complaint was made that the expense connected with the elections in many districts was such as to debar many able men from attempting to come forward as candidates. There was no doubt that to canvass a district composed of three constituencies, each sending a member to the Lower House, was a most formidable undertaking, and one from which many excellent and worthy men naturally shrank. An election for one was bad enough, but to have an election for three constituencies, certainly must be three times as bad.

He did not think however, that in Canada there was anything in the elective principle, as regarded the Legislative Council, which would have induced us to desire a change. Of course some would desire it, others might not. In the case of the Lower Provinces however, they had maintained the nominative plan except in Prince Edward Island, and the gentlemen who came from those Provinces—both the members of the Governments and the leaders of the Opposition who accompanied them—were perfectly unanimous in the declaration that the opinion of the people in the Lower Provinces was against the elective principle. Under these circumstances it was believed that the nominative plan in some respects offered

greater advantages than the elective principle, and it was decided that we should again revert to nomination by the crown.

It then became necessary to settle the number of members to the Upper House, and the more so because the Upper House was intended to be the means whereby certain local interests and local rights would be protected in the General Legislature. For this reason it was contended that while the principle of Representation by Population might be properly enough extended to the Lower House, equality of territorial representation should be preserved in the Upper House; and it was proposed in its formation, that the Confederation should be divided into three large districts, Upper Canada being one, Lower Canada another, and the Maritime Provinces the third. Newfoundland not having joined the preliminary Conference, arrangements were made for its coming in with the additional number of four members.

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“*While the principle of Representation by Population might be properly enough extended to the Lower House, equality of territorial representation should be preserved in the Upper House.*”

With regard to the operation of the nominative plan for the Legislative Council for the purposes of protection, he might say that in his own view he would have been satisfied under the elective plan. He thought that so far as the interests were affected which he personally represented, they would have been able to return their fair share of representatives under the elective principle. But it would not become them to object to the nominative plan, because the members for the Upper House would be nominated by the Crown on the recommendation of the General Government. He might say it here, because it was said by everybody outside, that in the event of anything like injustice being attempted towards the British population of Lower Canada by their French Canadian fellow-subjects,—they would most unquestionably look for remedy and redress at the hands of the General Government, who would have the power of causing their interests to be represented in the Upper House of the General Legislature.

So far as regarded the interests of the French Canadian population on the other hand, he thought there could be no question whatever that they might safely enough trust to their representatives in the Upper House being taken from amongst their best men, and in fair proportion to their numbers also. It was proposed that, in the case of Lower Canada, the selection should be made from the electoral limits which now existed. And he thought wisely so, because certain sections of the province were more particularly inhabited by French Canadians and others by those of British origin. Consequently there was a greater certainty that fairness would be meted out to both parties, if the representatives in the Upper House were to be chosen from the electoral limits which now existed.

It was intended that the first selection of Legislative Councillors should be made from the present Legislative Councils of the several Provinces, and without referring to the reasons which actuated gentlemen from the Lower Provinces in regard to this matter, he thought it might be sufficient to point out that in Canada, where we had forty-eight gentlemen sitting in the Upper House by the right of election, it would have been doing a wrong, not merely to them individually, but to their constituents too, if they had from any cause been attempted to be overlooked. It was quite evident even if no such clause had been inserted, that no attempt would have been made to pass over those gentlemen who had been selected by the people themselves as the most fit and proper persons to represent them in the Legislative Council.



However, the arrangement was that they should be chosen, regard being held in that selection to the relative position of political parties. If the power of nomination were entrusted to the Government without restriction they might be inclined to appoint their own political friends to the exclusion of the others. But it was intended that the nomination should be so made that not only the members composing the Government but also the Opposition to the Government should be fairly represented in the Legislative Council.

So far as Canada was concerned, there was no likelihood of difficulty arising on this point, because the coalition which was formed between the Liberal and Conservative parties would preclude any attempt calculated to injure the interests of either. (Hear, hear, and cheers.) In the case of the Lower Provinces the same reasons did not exist. Their governments were still party governments, and though they had associated with them, in the Conference which had taken place, the leaders of the Opposition, still the action to be taken would necessarily be the action of the governments of the Lower Provinces. It was therefore proposed that there should be a guarantee given that all political parties should be as nearly as possible fully represented.

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“*Passing now to the composition of the Lower House, the important change was to be made of basing representation therein upon Population. Now unless this were done... Upper Canada would not ... have consented to be a party to the Union.*”

#### THE COMPOSITION OF THE LOWER HOUSE

Passing now to the composition of the Lower House, the important change was to be made of basing representation therein upon Population. Now unless this were done, it was plain that Upper Canada would not, under any circumstances, have consented to be a party to the Union, since for many years it had been claiming additional representation as a matter of right, and would certainly not have entered a Confederation, unless a due share of control were given it over the expenditure and taxation to which it so largely contributed.

The Lower Provinces at once acquiesced in this. Population was made the basis, and to prevent any undue augmentation in the numbers of the Lower House as population increased, it was settled that there should be a fixed standard on which the numbers of the House should be calculated, and Lower Canada was selected as affording the proper basis. Although Lower Canada had not the largest, still it had a very large population, which was more equable in its increase than any of the others, not increasing on the one hand so fast as Upper Canada, or on the other hand so slowly as the Lower Provinces, and the numbers of the House of Commons (for that was the name selected) would not be subject to such irregular variations as if the population of any of the other Provinces were taken as the basis.

The House would never have less than 194 members, but it would increase at a very slow rate, as it would only be the greater increase of any Province over that of Lower Canada which would entitle it to additional representation, while, if the agricultural resources of Lower Canada became developed, and its mineral wealth explored, so that it increased faster than Upper Canada, then the number of representatives for Upper Canada would be diminished, not those for Lower Canada increased.

Of course, to provide for the settlement of the remote portions of the country which might be brought in from time to time, power was reserved to increase the number of members; but such members could only

be increased preserving the relative proportions. One advantage which would flow from this was that while 194 or 200 members were certainly sufficient to carry on the business of the country, we should be spared the enormous expense which would be entailed upon us if the representatives were rapidly to grow up to 300 or perhaps 400 members. (Hear.)

#### THE DURATION OF THE GENERAL PARLIAMENT

It was also proposed that the duration of Parliament should be extended from four to five years. The reason for adopting this course was that under our present system Parliaments seldom lasted longer than three years. In England where their legal duration was seven years, it was found, on an examination of the records of the last sixty or seventy years, that the average length of each Parliament was only a trifle over four years. Now repeated elections were not in themselves very desirable.

What was desired was that elections and dissolutions of Parliament should take place with sufficient frequency to ensure that the representatives should truly represent the people. It was when doubt arose, either through a vote in Parliament or some other cause, that the representatives did not truly represent the people, that a dissolution was really necessary, and it was thought in Conference that no injury would arise from extending the duration of the General Parliaments from four to five years. Some change would have to be made in the duration of the Parliaments of the local systems, and it was thought desirable that the term of existence of the General Legislature should be longer than any that could possibly be adopted for the local bodies.

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“No local legislature should by its separate action be able to put any such restrictions on the free interchange of commodities as to prevent the manufactures of the rest from finding a market in any one province.”

#### THE POWERS OF THE GENERAL GOVERNMENT

He now came to the consideration of the powers proposed to be given to the general Government, and amongst these would be found all that could in any way be considered of a public and general character.

In the first place, it would have to deal with the public debt and all the means of sustaining the public credit. It would have the regulation of all the trade and commerce of the country, for besides that these were subjects in reference to which no local interest could exist, it was desirable that they should be dealt with throughout the Confederation on the same principles. The regulation of duties of customs on imports and exports might perhaps be considered so intimately connected with the subject of trade and commerce as to require no separate mention in this place; he would however allude to it because one of the chief benefits expected to flow from the Confederation was the free interchange of the products of the labor of each Province, without being subjected to any fiscal burden whatever; and another was the assimilation of the tariffs. It was most important to see that no local legislature should by its separate action be able to put any such restrictions on the free interchange of commodities as to prevent the manufactures of the rest from finding a market in any one province, and thus from sharing in the advantages of the extended Union (Hear.)

## THE NEW BRUNSWICK EXPORT DUTY ON TIMBER

He might remark that in the published statement it was said the General Government should not have the right of imposing duties on exports of lumber, coal and other minerals, but the understanding was that the clause should be limited in the case of timber to the Province of New Brunswick, and in the case of coal and other minerals to the Province of Nova Scotia. The reasons for this prohibition were that the duty on the export of timber in New Brunswick was in reality only the mode in which they collected stumpage. They had found in former years their method of collecting stumpage dues was such that their woods and forests gave them very little net revenue, if any, and they resolved to substitute for it a duty on lumber when vessels carried it away.

Now inasmuch as the territorial possessions of each Province were reserved as a means of producing local revenue for the respective Provinces, it was evident that if the Province of New Brunswick were deprived of this privilege of imposing an export duty it would be obliged to revert to the old expensive process of levying stumpage dues, against which its representatives in Conference very strongly protested. The correct interpretation of the clause would, however, leave to the General Government the power of levying a duty on exports of lumber in all the Provinces except New Brunswick, which alone would possess the right to impose duties on the export of timber. (Hear.)

## THE NOVA SCOTIA EXPORT DUTY ON COAL, ETC

Now in Nova Scotia a large revenue was derived from a royalty on coal mines, and its representatives at the Conference urged that if the General Government should put an export duty on coal, one of their most important resources would be interfered with, and Nova Scotia was therefore permitted to deal with the export duty on coal and other minerals, just as New Brunswick was with regard to timber. (Hear.)

## EXCISE DUTIES

The General Government would also have the power of regulating excise duties. The imposition of these duties was a necessary corollary to the imposition of the duties of Customs; and the power to impose the one must be given to the same authority that exercised the power to impose the other. Excise duties were placed upon spirits made in the country in order to place the consumer thereof on the same footing he would be on if he consumed spirits imported from abroad. He might remark that in the Lower Provinces they had no excise duties; he believed they did not manufacture whiskey to any extent, but in introducing a system of excise duties they would have to be subjected to the same regulations that were followed in Canada.

In general terms he would add that the Central Government would have the power of raising money by all the other modes and systems of taxation—the power of taxation had been confided to the General Legislature—and there was only one method left to the Local Governments, if their own resources became exhausted, and this was direct taxation.

## THE PROSPECT OF UNION ALREADY IMPROVING OUR CREDIT

One of the advantages to which we certainly had a right to look forward under the Union was that the credit of the whole country would be greater than that of any of its parts, and that the General Government would be able to obtain money on easier terms than any Province could on its own responsibility alone.

Events were already beginning to show the truth of this statement, as would be seen if we looked at the marked advance in the price of our securities that had taken place within the last three or four weeks. Ac-

ording to official advices from England, since intelligence had reached that country of the probability of Union being effected here, our securities, which had been greatly depressed, had risen no less than 15 per cent, our 5 per cents being now quoted at 90 to 92. (Applause.) That might be received as an indication of what the moneyed world conceived to be the greater security Canada would enjoy under a Union, and we might well accept it as an evidence of the propriety of the course we were now taking, when that which was the most sensitive of all interests—the public credit—was beneficially affected even by the intelligence of the meeting of the Colonial delegates. (Hear.)

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“*The credit of the whole country would be greater than that of any of its parts, and that the General Government would be able to obtain money on easier terms than any Province.*”

#### POSTAL SERVICE AND PUBLIC WORKS

He might now refer generally to the subject of the Postal Service. If there was one branch of the public service which, more than another, should be under the control of the general government it was the Postal Service; and it had been agreed to leave it entirely in the hands of the General Government. Lines of steam or other ships, railways, as well as canals and other works connecting any two or more of the Provinces together, or extending beyond the limits of any Province, would be under the control of the General Government.

It was, however, certainly desirable that all the works of a merely local character should be in the hands of the authorities of the Province within which they were situated. But in the case of such works as the Welland Canal, which though situated in Upper Canada was, as regards the commerce of the country, equally pertaining to Lower Canada, they would not be regarded as local, and must be under the control of the General Government, while if any enlargement or improvement of such works had to be undertaken it should not be at the charge of Upper Canada or the other Provinces so concerned, but at that of the whole country as the whole was benefited thereby.

In fact he might say that lines of telegraph, railways, etc., and all works of an essentially general character, as distinguished from those merely local, were intended to be under the control of the General Government who would administer them for the common interest. They would be put beyond the power of any local government to obstruct or interfere with, they being a means by which the trade and industry of the country at large would benefit. It would not be found possible in any part of the united territory to offer objection to that which was in the common interest, simply on account of its being situated in any particular locality.

#### THE MILITIA

The control of the Militia was certainly a subject which they must all feel ought to be in the hands of one central power. If there was one thing more than another which required to be directed by one mind, governed by one influence and one policy, it was that which concerned the defence of the country. (Cheers.) It might be that Canada would be attacked at some time, or it might be Nova Scotia, but it was desirable that, on whatever part of the Confederacy the hostile foot was placed, the blow should be felt at every extremity of the country. (Cheers.) Every man in the United Provinces should feel that his own home

was in danger though the attack were made a thousand miles away, and that every assistance should be rendered to the General Government in enabling it to resist aggression, from whatever quarter it might come. (Renewed cheers.)

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“*Every man in the United Provinces should feel that his own home was in danger though the attack were made a thousand miles away, and that every assistance should be rendered.*”

Therefore he thought they would all cordially agree with him that putting the defence of the country under the control of the General Government was a wise measure, and should, under any circumstances, receive approval. It must be remembered that, in coming into this Confederation, their means of defence would be greatly augmented. In Canada there was a large population available for the inland defence of the country; while in the Maritime Provinces there was a large sea-faring population, who, though not perhaps required for their own defence would be available to strike a blow which might have the effect of withdrawing or weakening the hostile attack on Upper or Lower Canada. By a union with the Maritime Provinces we should be able to strike a blow on sea, and, like the glorious old Mother Country, carry our flag in triumph over the waters of the great ocean. (Enthusiastic cheers.)

In addition to the military and naval service and defence, the General Government would legislate regarding beacons, buoys and light-houses, navigation and shipping, quarantine, sea-coast and inland fisheries and all those subjects connected with the navigation of the country.

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“*By a union with the Maritime Provinces we should be able to strike a blow on sea, and, like the glorious old Mother Country, carry our flag in triumph over the waters of the great ocean.*”

#### CURRENCY AND COMMERCIAL QUESTIONS

Coming to another important class of questions, he would speak of the currency and coinage of the country. He thought it would be admitted by all that it was most desirable the currency of all the Provinces should be one. They had always been proud of the way in which Canadian currency had maintained its par value under circumstances of great difficulty. He hoped it would always continue to do so. He was glad also to be able to say as to the other Provinces, there had never been a blot or stigma cast upon their commercial honour.

It was desirable the General Government should have the control of the medium through which the trade and commerce of the country was carried on, and that in the establishment of banks, the issue of paper money and in offering to the public the paper representative of their labor, in whatever part of the country, there should be the same legislative security for the people in every section. He therefore believed that,



in giving to the General Government control of banking, currency, coinage, and the issue of paper money, and the regulation of Savings Banks, representing the savings and accumulated industry of the poorest portion of the people—which ought to be made as safe as possible—the Conference had done wisely, and he was sure their conclusion was one that would receive the sanction and approval of the people of all parties in the British North American Provinces. (Cheers.)

The question of the rate of interest on money was one which had caused a great deal of discussion in this country; it was one in which all had an interest, and was so intimately connected with the subjects just named that it naturally fell within the scope of the general authority. The settlement of the subject of bankruptcy and insolvency, the adjustment of claims between debtor and creditor were matters in which all had a common interest, and the administration in regard to them could be better entrusted to the General Legislature than to any local body whatever. (Cheers.)

#### THE NATURALIZATION LAWS

The protection of the Indians, and the naturalization of aliens were matters which necessarily fell to the general Government. There ought clearly to be the same law enabling foreigners as well as citizens to enjoy property and devise it to their children. With regard to aliens, it was clear our object in future must be to attract hither population from foreign countries. We had and he hoped would continue to possess, a very liberal alien law by which strangers coming into this country might feel they were placed on the same footing as the subjects of Her Majesty as early as possible; and in framing a union of these Provinces it was desirable that whatever might be the inducement that brought foreigners hither, whether a desire to embark in the Fisheries of Newfoundland, in the Lumbering of New Brunswick, or in the agricultural and manufacturing industries of Upper or Lower Canada, we should hold out to them the utmost facilities for becoming subjects of the British Crown here. (Cheers.)

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“*Whatever might be the inducement that brought foreigners hither ... we should hold out to them the utmost facilities for becoming subjects of the British Crown here.*”

#### CRIMINAL LAWS AND COURTS OF APPEAL

The subject of the criminal law essentially belonged to the General Legislature. Crime should meet with the same punishment no matter in what part of the Country committed. The right hand of justice should be as sure of grasping the criminal and punishing him for his offence in one part as in another. There should be no distinction anywhere in regard to the amount of punishment inflicted for offences. (Cheers.) He believed they would agree with him that, inasmuch as they enjoyed the blessings of the English Criminal Law, with such modifications as had been introduced to suit the country, it should be a subject for the General Government, to administer through its officers and though each Province might be obliged to use the Courts established locally, still the administration of that law would be under the control of the General Government and administered by Judges appointed by them and receiving their status and position in the country through the General Legislature.

It was thought proper to give to the General Government the right to establish a general Court of Appeal for the federated Provinces. He thought that while there was no express provision for the establishment of such a court, many who had studied the question would agree that it was desirable the General Legislature should have the power of constituting such a court, if it saw fit to do so. At present appeal lay from our courts ultimately to the Queen in Privy Council, and it was not intended to deprive the subject of recourse to this ultimate court; but at the same time it was well, in assimilating the present systems of law, for the benefit of all the Provinces, that they should have the assembled wisdom of the Bench brought together in a general court of appeal to decide ultimate causes, which would before long doubtless supersede the necessity of going to the enormous expense of carrying appeals to England. It was proposed to ask the Imperial Government to confer upon the General Government the power of constituting such a court, not, however, with the desire to abolish the present right of appeal to England.

It was also proposed that the Judges of the Superior Courts in each Province, and of the County Courts of Upper Canada, should be appointed by the General Government and paid by it. He was glad this power had been conferred, believing that if there was one thing more than another which they should seek to do in this country, it was to elevate the character of the Bench. He felt that to the gentlemen who had so worthily filled for so many years the positions of our Judges, was due in a great measure the prosperity of the country, the happiness of the people, and the security to life and property we enjoyed. He thought that the higher their position was made and the more respect paid them, the better it would be for the general interest, and were the appointment and payment of the judges put into the hands of the local legislatures it would be a diminution of the importance the former were entitled to expect at our hands; he thought there was no one in the country, with the exception of the Governor General himself, whom we should so desire to see upheld in the public estimation as those men who administered justice in the Courts. (Loud cheers.)

He might remark, with reference to the appointment of Judges by the general Government, that they were to be selected from the Bars of the several Provinces, and the idea was thrown out at the Conference that there was such a similarity in the laws of Upper Canada, Nova Scotia, New Brunswick, Newfoundland, and Prince Edward Island—all of them possessing the English law—that the probability was that they would be able to consolidate their laws, and that of course, if that were done, there would be a larger scope for the selection of the Bench—and in other respects also he believed that great advantages would result from it. But, in the case of Lower Canada, where we had a different system of law altogether, it was plain that the Judges could be selected only from among gentlemen conversant with that law, and therefore it was provided that the Judges should be selected from the Bars of the respective Provinces in which they were to act, but in the case of the consolidation of the laws of the several Maritime Provinces and of Upper Canada, the choice would extend to the Bars of all those Provinces. (Hear.)

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“*The communication between all the several Provinces and the Imperial Government should be restricted to the General Government.*”

## CONSTITUTION OF LOCAL GOVERNMENTS

He would now proceed to refer to the mode in which it was proposed that the Local Governments should be constituted, to the powers to be committed to them, and the exercise of those powers. It was proposed that in the meantime they should be constituted as at present, that is to say, consisting of a Lieutenant Governor, a Legislative Council, and a Legislative Assembly. And the first change he had to draw their

attention to was with reference to the appointment of the Lieutenant Governor who it was proposed should be appointed by the General Government.

The reason why this was preferred to the appointment taking place as heretofore by the Crown was that it was intended that the communication between all the several Provinces and the Imperial Government should be restricted to the General Government. Inasmuch as the affairs the Local Governments had to administer were purely of a local character, not at all Imperial in their nature, it was felt there was no necessity whatever for there being in communication with the Imperial Government, but that on the contrary very great mischief might arise, if they were permitted to hold that communication.

It was also thought that, in keeping the appointment of the Lieutenant Governors in the hands of the General Government, this further advantage would be gained; the appointments would be conferred on men in our own country. (Hear, hear.) There would be a selection from the public men of intelligence and standing in the respective Provinces, and they would go to the discharge of the duties imposed upon them with experience gained in public life in the colonies whose local affairs they were called on to administer, so that they would carry to the administration of public affairs in the respective Provinces that valuable acquaintance with the feelings and habits of thought of the people which they had gained during their public life. Besides, this arrangement would preserve—what was of no little importance—something of the nature of an object of ambition for our public men. It was well that there should be those objects of ambition. At present the Bar and the Bench might be said to possess almost the only prizes the country offered to its public men.

It was desirable, he thought, that we should have within our reach the opportunity of rewarding merit by appointing from among ourselves in the several Provinces those who should be the heads of the Local Governments and who should form the links of connection between the Local Governments and the General Government, holding to that General Government the same relations as were now held by the heads of the Provincial Governments to the Imperial Government, and discharging the duties of their offices under the same local advice as that which the Governors now acted on. For, while they would be selected from among ourselves, they would be required to administer the Governments of their respective Provinces, not according to their own will and pleasure but according to the advice of officers who possessed the confidence of the Local Legislatures of those Provinces.

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“*We should always have the means of bringing about harmony, if any difficulty arose between any of the local bodies and the General Government, through the Lieutenant Governor.*”

Consequently we should always have the means of bringing about harmony, if any difficulty arose between any of the local bodies and the General Government, through the Lieutenant Governor, and we should have a system under which, all action beginning with the people and proceeding through the Local Legislature, would, before it became law, come under the revision of the Lieutenant Governor, who would be responsible for his action, and be obliged to make his report to the superior authority. (Hear.)

With regard to the Local Governments and Legislatures there was a good deal of difficulty about the question whether an attempt should be made to settle their constitution at present. It was felt that, while it would be exceedingly desirable that there should be uniformity in the mode in which the Local Legislatures should be constituted, still perhaps there was no absolute necessity for it, and it might happen that some

of the Provinces might prefer to have one chamber rather than two, and either from motives of economy or otherwise, might wish to make other changes in the present system. It was not felt that any change they might make in this respect would affect the interests of the community at large, and it was considered therefore that it might be safely left to the Local Legislatures themselves, either to maintain the system which now existed or to make such changes as might appear to them consonant with the interests of the particular Province which they represented.

But, with respect to the powers they were to exercise, these were limited to objects which might be considered purely local, and he should now refer to some of them. “The establishment and tenure of local offices, and the appointment of local officers,”—these were functions which plainly belonged to the Local Legislatures. Then there were the subjects of Agriculture and Immigration. He had omitted referring to these, when he was reading the list of subjects confided to the General Legislature, in which they were also included—because he was aware they would come up again, in going over the subjects to be dealt with by the Local Legislatures. These two matters of Agriculture and Immigration must certainly be considered as common in a great measure to all, but at the same time legislation with regard to them might be affected by certain measures which might have only a local bearing. Consequently it was provided that there should be concurrent jurisdiction on these two questions.

But, with this concurrent jurisdiction, in the event of any clashing taking place between the action of the General Government and the action of the Local Governments, it was provided that the general policy, the policy of the General Government, that which had been adopted for the good of the country at large, should supersede and override any adverse action which the Local Legislature might have taken with a view to purely local purposes. The design was to harmonize the system of Immigration and Agriculture over the whole of British North America, while locally it might be subjected to such regulations and stipulations as the Local Legislatures might determine from any cause to apply to it. (Hear, hear.)

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“*In confiding the general subject of education to the Local Legislatures ... it should be accompanied with such restrictions as would prevent injustice in any respect from being done to the minority.*”

#### THE SCHOOL LAWS IN LOWER CANADA

He would now endeavour to speak somewhat fully as to one of the most important questions, perhaps the most important—that could be confided to the Legislature—the question of Education. This was a question in which, in Lower Canada, they must all feel the greatest interest, and in respect to which more apprehension might be supposed to exist in the minds at any rate of the Protestant population, than in regard to anything else connected with the whole scheme of federation. It must be clear that a measure would not be favorably entertained by the minority of Lower Canada which would place the education of their children and the provision for their schools wholly in the hands of a majority of a different faith. It was clear that in confiding the general subject of education to the Local Legislatures it was absolutely necessary it should be accompanied with such restrictions as would prevent injustice in any respect from being done to the minority. (Hear, hear.)

Now this applied to Lower Canada, but it also applied, and with equal force, to Upper Canada and the other Provinces; for in Lower Canada there was a Protestant minority, and in the other Provinces a Roman

Catholic minority. The same privileges belonged to the one of right here, as belonged to the other of right elsewhere. There could be no greater injustice to a population than to compel them to have their children educated in a manner contrary to their own religious belief. It had been stipulated that the question was to be made subject to the rights and privileges which the minorities might have as to their separate and denominational schools. There had been grave difficulties surrounding the separate school question in Upper Canada, but they were all settled now, and with regard to the separate school system of Lower Canada he was authorised by his colleagues to say that it was the determination of the Government to bring down a measure for the amendment of the school laws before the Confederation was allowed to go into force. (Loud cheers.)

He made this statement because, as the clause was worded in the printed resolutions, it would appear that the school law, as it at present existed, was to be continued. Attention had however been drawn in Conference to the fact that the school law, as it existed in Lower Canada, required amendment, but no action was taken there as to its alteration, because he hardly felt himself competent to draw up the amendments required; and it was far better that the mind of the British population of Lower Canada should be brought to bear on the subject, and that the Government might hear what they had to say, so that all the amendments required in the law might be made in a bill to be submitted to Parliament; and he would add that the Government would be very glad to have amendments suggested by those, who, from their intelligence or position, were best able to propose them. (Hear.)

It was clear that injustice could not be done to an important class in the country, such as the Protestants of Lower Canada or the Roman Catholics of Upper Canada, without sowing the seeds of discord in the community, to an extent which would bear fatal fruit in the course of a very few years. (Hear.) The question of Education was put in generally,—the clause covering both superior and common school education, although the two were to a certain extent distinct. This was not the place, nor had he the time or ability to enlarge upon the subject; but he might observe that common school education was that which we were called upon to give to the whole of the people, but that superior education was different; in that, we aimed at something higher; we took the finest minds of the country, the best talent that was growing up around us, and endeavored to enable our youth, educated at our Universities, to hold their own position and be an honor to their country in any part of the world; to fill up our Bench, to supply our Bar, to be the ornaments of our church, to be distinguished in the medical profession.

He hoped and believed when the question came up in Parliament for disposal, the Legislature would rescue the Lower Canadian institutions for Superior Education from the difficulties in which they now stood; and this remark applied both to Roman Catholic and Protestant institutions. (Hear.)

#### HOSPITALS, PRISONS AND CHARITIES

The management of all the Penitentiaries and Prisons naturally fell under the scope of the local authorities; also that of Hospitals, Asylums, Charities, and Eleemosynary institutions. With regard to these, he would merely say that there might be some which could hardly be considered local in their nature; such, for example, was the Marine Hospital at Quebec, a seaport where there was an enormous trade, and where thousands of seamen were annually coming in. A hospital where the sick among these sailors were taken in must necessarily be almost national in its character—certainly more national than local; but all would agree that most of the other hospitals and asylums of various kinds should more properly be supported by local than by general resources.

Indeed, he hoped the day would come when these institutions would find support from the individual liberality of the people, rather than from the votes of Parliament. Of this they had a magnificent example in Great Britain, where the most useful charities were supported by the free gifts of a liberal people, and he



trusted that Canadians would prove themselves in this respect not unworthy scions of the race from which they sprang. (Cheers.)

## MUNICIPAL INSTITUTIONS

The Municipal institutions of the country must necessarily come under the care of the local Legislatures, and in fact the local Legislatures were themselves municipalities of a larger growth. They were charged with the administration of local affairs, and must be allowed to delegate such powers as they thought might be safely entrusted to the smaller divisions of the country as laid out into townships and parishes.

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“Municipal institutions of the country must necessarily come under the care of the local Legislatures, and in fact the local Legislatures were themselves municipalities of a larger growth.”

In this section of the country he thought they had nothing to apprehend from any action the Legislature of Lower Canada might take on this question, when separated. They had always been rather in advance of the rest of Lower Canada with respect to municipal institutions. What they would like would be to have additional powers conferred upon them, rather than to have existing ones contracted. Perhaps the system now everywhere in use in Upper Canada would be beneficial in the Townships. The county municipalities there were the most important bodies. Here the county municipalities had not exercised that influence which was proportionate to their relative importance, and the township and parish municipalities had been more directly charged with local interests than had been the case in Upper Canada.

But whatever amendment might be made in the law, the municipal system must bear equally upon all persons living under it. He thought it very likely that important amendments would be made to the municipal laws of Lower Canada, but he had no fear that under any circumstances the power entrusted to the local Legislature under this head would place any class of the community in any particular danger. Local works naturally fell within the scope of local governments, and would undoubtedly be under the immediate influence of the municipal councils, but all the works of a really public character would be under the General Legislature; such, he meant, as were connected with the general policy of the whole country.

## INCORPORATION OF PRIVATE COMPANIES

The incorporation of private or local companies, except such as related to matters assigned to the General Parliament, would be reserved to the local Governments, being matters of a local character. Even the present law permitted the incorporation of companies under a very simple system, which would probably be continued.

## THE CONTROL OF CIVIL LAW CONFIDED TO THE LOCAL LEGISLATURES

The control of property and civil rights, the administration of justice, including the constitution, maintenance, and organization of the courts of civil jurisdiction, and the procedure in civil matters, were also left to the local legislatures. From the peculiar position of Lower Canada it was felt impossible to confide the matter of civil law to the General Legislature.

The principles upon which the civil law of Lower Canada were founded differed entirely from those of the English law. Under it property was secured, and civil rights of every kind maintained, and the people had no particular wish to see it changed, especially at this moment, when the work of codifying and simplifying it was about completed, and when they knew that within the next three or four months they would have it put into their hands in one volume. He thought it was undesirable to do away with that law, which had been beneficial to the country and under which it had prospered.

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“From the peculiar position of Lower Canada it was felt impossible to confide the matter of civil law to the General Legislature.”

It was necessary to have it left to the local Legislature, because all in Lower Canada were unwilling to have substituted another law with which they were unacquainted. He thought they should rejoice that at the moment when they were obliged to confide to the local Legislatures the administration of this law there should have been put before them, at the start, a volume which would contain in a succinct, beautiful and simple manner the whole civil law of Lower Canada, in codifying which Judge Day, now present, had borne such an honorable part. (Cheers.)

Generally, matters of a local character would be assigned, as had been said, to the local Legislatures. It might be that, in framing the Act of Parliament legalizing the scheme of Confederation, some changes might be made in the arrangement of the programme he had explained; but he considered that, for the purpose of public discussion, it was well the matters he had referred to should have been enumerated. The question would otherwise have arisen, How were such and such questions to be dealt with? And therefore it was thought that, taking the fifty-five subjects enumerated almost every important point which could come under the consideration of either the local or general legislatures, would have been touched upon. (Hear.)

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“For the million of people in Lower Canada, not supposed to be familiar with English, the laws should be printed in French, and for those unfamiliar with that language they should be struck off in English.”

#### THE RIGHTS OF BOTH RACES WITH RESPECT TO LANGUAGE

The rights of both the French and English minorities in the General and Local Legislatures as respects language had been provided for. It was felt that for the million of people in Lower Canada, not supposed to be familiar with English, the laws should be printed in French, and for those unfamiliar with that language they should be struck off in English. It was nothing more than right that parties who were expected to know and obey the law, should have it placed before them in an intelligible form.

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## THE VETO

He now came to the control which was to exist over the actions both of the General Parliament and local legislatures. And first, as to the former, it was proposed to apply to its acts the same check as now existed over the acts of the several legislatures of the Provinces—that is to say, bills having passed the legislatures might either be reserved for Her Majesty's assent, or having received the assent of Her representative, might be disallowed by the Queen within two years. With regard to the acts of the local legislatures, it was proposed they should, in like manner, either be reserved by the Lieutenant Governor, or should, if assented to by him, be liable to disallowance by the general government within one year.

It was felt that more advantage would arise by making the reference from the local to the general legislature direct than to have it go through the Colonial Office. It was plain the Queen, or Sovereign authority, must have the right of exercising the power of controlling legislation in the way which had existed for so many years in every part of the British dominions. There would be no object in sending over mere local bills to the Colonial Office or to the Queen for sanction. It was felt that points on which differences might arise on local bills would be better understood by ourselves in this country than by the Imperial authorities. If reserved, they would have to be referred back to the General Government for its advice as to their disposal; and if this advice were given, the parties concerned would be ignorant of the advisers, who could not be held responsible.

The principle upon which our Government was administered was, that no act was done without some one being responsible. It was desirable therefore that such advice should be tendered by parties who could be brought to account for it by the representatives from the section of the country concerned, in the General Parliament. (Cheers.)

## THE FINANCIAL POSITION OF THE PROVINCES

He had now, somewhat too briefly, perhaps, endeavored to go over the machinery and the powers with which the General and the Local Governments were expected to work, and it became necessary that he should say a few words as to the extent of the liabilities and assets of the partnership into which they were about to enter. In that respect there had not as yet been very much information given to the public, and he proposed now to submit a statement of the liabilities of the several Provinces, of their income and expenditure, and generally of the resources which would be at the disposal of the Confederation, should it be brought about.

First, he would refer to the respective debts of the provinces and as a great deal of dispute had arisen occasionally with reference to the amount of our public debt, he would take this opportunity of giving a statement of the liabilities of Canada, as made up by the Auditor General, with a view to this question of Confederation. This unquestionable and reliable document, he might say, contained a statement not merely of the Debenture Debt of Canada, that due to the public creditor abroad and covered by bonds and other securities, but all other engagements, such as that for the Seigniorial Tenure, which was one of the largest. Though we were not obliged to pay the capital of that debt, still we were obliged to pay the interest, and for the purpose of considering our position in the Confederation, it was necessary to capitalize it, or to consider it as capitalized.

The Debenture Debt of Canada, direct and indirect, on the 1st January last, amounted to \$65,238,649; miscellaneous liabilities, \$64,426; Indian Fund, \$1,577,802; Banking accounts exclusive of Crown Lands, \$3,396,982; Seigniorial Tenure—capital to Seignors, \$2,899,711; chargeable on Municipalities Fund, \$196,719; on account of Jesuits' Estates, \$140,271; indemnity to Townships, \$891,500; total Seigniorial Tenure, \$4,118,202. The aggregate of these amounts was \$74,396,063. On the other hand we had a Sinking Fund, \$4,883,177; and cash and bank account, exclusive of Crown Lands, \$2,248,891: together, \$7,132,068.

Making the net liabilities of the Province, on the 1st January last, \$67,263,994. Besides that, we had as the property of Upper and Lower Canada, what was known as the Common School Fund, representing a balance of \$1,181,958, which could not be properly considered a liability of the Province, and might be done away with to-morrow if the Legislature thought proper. The Act setting apart that Fund was, indeed, so singularly worded, that it could not become useful for the purpose of supporting education for the next hundred years. For the Fund to be made in any way useful, the Act would have to be altered. But, as he had stated, the net liabilities of Canada were \$67,263,994.

The liabilities of Nova Scotia, deducting cash in hand, were on the 1st January last, \$4,858,547. Those of New Brunswick, \$5,702,991. Those of Newfoundland, \$946,000. And those of Prince Edward Island, \$240,673. The aggregate debts of the whole Provinces on the 1st January last—and they had not increased since. but had rather diminished—were \$79,012,205.

Now in the scheme of Confederation, it was proposed that there should be a certain fixed rate at which each Province should have the right of charging its debt against the Confederation, and for that purpose the debt of Canada was placed at \$62,500,000, which was something like five millions less than the nominal amount of the net debt. The mode in which that reduction was made was this. There were certain liabilities of Canada contracted for local purposes, and certain assets connected with those liabilities. He referred more particularly to the Municipal Loan Fund, and some similar matters, which were more local than general. It had not been thought desirable that a transference of those securities should be made to the General Government. It was better that each Province should assume that portion of its debt which was particularly local, and take with it those securities which it held for its redemption. And in that way there was established for the debt of Canada an amount equal per head to the amounts contributed or about to be contributed by the two Provinces of Nova Scotia and New Brunswick.

If any of these Provinces had been in debt to an amount largely exceeding that of the others per head, the matter would have been in a different position. But it was found on examination, that, while the debt of Canada might be reduced by the mode he had stated to \$62,500,000—as nearly as possible \$25 per head—Nova Scotia, in addition to her debt, had incurred certain liabilities for the completion of the railway system within that Province, for which she had undertaken engagements amounting to three millions of dollars, which would bring up her debt to eight millions or \$25 per head also—while New Brunswick, for the construction of her railways, had engagements incurred and liabilities maturing, which amounted to \$1,300,000, bringing up her debt to seven millions—a fraction per head slightly above that of Nova Scotia and Canada. Thus, by assuming the local liabilities and assets, we were enabled to put the debt of Canada at the same rate per head as those of Nova Scotia and New Brunswick, and therefore, as regarded the three larger Provinces, the assumption of their debts by the General Government did not offer any difficulty whatever.

In the case of Newfoundland and Prince Edward Island it was different. Those Provinces, from their insular position, had not been required to incur the same large obligations for public works. They possessed, fortunately for themselves, easy access to all their settlements by water, or by very short distances of land carriage, and consequently had not been called on to construct canals, or to introduce a railway system. Accordingly, the debts of Newfoundland and Prince Edward Island were found to be much less, in proportion to their population, than those of the others. To place them on a par with Canada, Nova Scotia, and New Brunswick, it therefore became necessary to give them an indemnity for the amount of debt which they had not incurred; because, in assuming their revenues, we called upon them to contribute to the payment of the interest on the debt which we had incurred, and we could not fairly expect them to do so, unless they were in some measure indemnified for it. And it was found that in taking this course, we were enabled to get over one great difficulty which had met us, which was that those particular Provinces possessed no local revenues, and that, in charging them with the administration of their local Governments, and taking

from them the Revenue from Customs and Excise, we should leave the Governments of Newfoundland and Prince Edward Island without any means whatever of discharging their liabilities.

With regard to Newfoundland, he might remark that the people in that colony being, in regard to agriculture, altogether consumers, and not producers, because they were a fishing and maritime population, the amount of dutiable goods they consumed was about double per head what it was here. They would, therefore, in the shape of Customs duties, be contributing to the Confederation a larger proportion than properly belonged to them, and accordingly it was arranged that for the amount of debt which they had not incurred, up to \$25 per head, they should be allowed interest, for the purpose of meeting their local payments and providing for their local wants.

#### THE INTERCOLONIAL RAILWAY QUESTION

He might remark, while upon this point, that in addition to the liabilities to which he had referred, there was the question of the Intercolonial Railway. This was one which must unquestionably be considered as most intimately associated with the carrying out of the plan of Confederation, and it was indeed plain that no political union could take place between the Provinces unless they had means of communicating with each other. Although the construction of this railway might, perhaps, be more advantageous, as to its local effects, to New Brunswick and Nova Scotia than even to Lower Canada—without question more advantageous than to Upper Canada—yet as a means by which the union was to be accomplished, and by which alone it could be brought about, there was an interest belonging to it which could not be attached to it so long as the Provinces remained separate.

In the case of the Lower Provinces, the completion of the Intercolonial Railway by the General Government would be less burdensome than if it were done by them alone. They would have been entering upon a large and expensive undertaking with but a small population, and it would undoubtedly have borne more heavily upon their resources; but, as he would in a few moments have occasion to show, the effect of their union with Canada would be to increase the duties to which they were subject, so that but for the larger share of the railway expenditure, to be borne by Canada, they would have had a larger portion of the burden than if they had undertaken the railway without at the same time going into the Union and subjecting themselves to increased duties of Customs and Excise. We therefore obtained the Intercolonial Railway on terms equitable alike to Canada and the Lower Provinces. (Hear.)

In referring to the Intercolonial Railway, he would take occasion to remark that the public debts of Nova Scotia and New Brunswick had been almost entirely incurred for the construction of railways. There were in operation in those two Provinces upwards of two hundred miles of railway belonging to the Governments, for the policy they had pursued had not been to construct railways by means of encouragement to private companies, but to build them as Public Works. He thought indeed they were beginning to regret this policy and see that it would have been better if they had procured the requisite capital by other means. But in assuming the debts of these Provinces, the Confederation would of course become at the same time the possessor of their railways, and out of the 200 miles of railroad there were over 100 miles, he might even say there were nearly 200 miles, that would become available in connection with the Intercolonial Road.

#### EXPENDITURES AND REVENUES OF THE PROVINCES

He would now proceed to state to the meeting some matters connected with the expenditures and revenues of the Provinces last year, 1863, and to give an idea founded on the information he had received from the members of the Conference of what they were likely to be in 1864, for the near approach of the end of this year rendered it possible to state without the risk of serious error what the figures would be. First, as to



1863; in that year we found the Revenues and Expenditures to be as follows:

NOVA SCOTIA

Revenue \$1,185,629

Expenditure \$1,072,274

Showing a balance in its favour.

NEW BRUNSWICK

Revenue \$899,991

Expenditure \$884,613

Also showing a balance in its favour.

NEWFOUNDLAND

Revenue \$480,000

Expenditure \$479,420

The gentlemen coming from Newfoundland had not brought the latest returns with them, so that the Conference had to take the figures of a previous year.

PRINCE EDWARD ISLAND

Revenue \$197,384

Expenditure \$171,718

So that for the whole of the Maritime Provinces we had an aggregate

Income \$2,763,004

Outlay \$2,608,025

Showing a surplus of no less than \$154,979. It was therefore apparent that we were not going into a partnership with Colonies which required our support in a financial point of view. They had always been able to pay their own way, and they were well able to pay their own way now. They even brought into the public exchequer an amount per head greater than we should contribute ourselves, and this because they were a more consuming people than we.

In Canada, he was sorry to say, that in 1863, instead of a surplus, there was a deficiency—a deficiency of \$982,491, nearly a million of dollars. It was indeed true the deficiency had been made up and more than made up in 1864, and he was happy to have this opportunity of stating that the revenue of Canada for the present year would be considerably in excess of the outlay, even without taking into consideration the additional taxation the Legislature imposed at its last session. (Hear.) The Customs revenue alone would show an increase over last year of nearly a million and a half—a fact which would fortunately place us in the position of not being obliged to go into the Confederation with a deficiency, while our sister Provinces were going in with a surplus. (Cheers.)

The revenues of the other Provinces had largely increased in 1864, and their united surplus would be considerably greater. Without looking at the new Canadian taxes, which were only now beginning to be productive, we found the following to be the increase of revenue in 1864 as over 1863:

Canada \$1,500,000

New Brunswick \$100,000

Nova Scotia \$100,000

\$1,700,000

The Totals of the Provinces for 1864 would be

Total Revenues (about) \$14,223,000

Outlay \$13,350,800

Thus there would be a surplus of nearly a million of dollars above the expenditure of all descriptions. (Loud cheers.)

#### LOCAL REVENUES AND EXPENDITURES

Now it was necessary to provide by some means for maintaining certain local expenditures of the various Provinces. There were the public works to be kept in order, the educational institutions to be maintained, the systems of civil law to be administered, and there were a variety of other claims to be attended to, which would naturally suggest themselves at once to any one who reflected on the subject. For this purpose it was found necessary to assign them certain local revenues, of which the territorial revenues formed the bulk. These local revenues amounted in 1863, in the Maritime Provinces, to the following sums:

Nova Scotia	\$107,000
New Brunswick	\$89,000
Prince Edward Island	\$32,000
Newfoundland	<u>\$5,000</u>
Total	\$233,000

These were the revenues that would not be transferred to the General Government but would be disposed of by the Local Governments for local purposes. In the case of Upper and Lower Canada together—and he preferred taking them together since it was for the Legislature and not for him to indicate what the several liabilities of Upper and Lower Canada respectively were—in the case of Upper and Lower Canada unitedly, these local revenues amounted to \$1,297,043.

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“Now one objection to Confederation was made on the ground of expense, and in order to meet this, every effort had been made to reduce the cost of the local Governments.”

Now one objection to Confederation was made on the ground of expense, and in order to meet this, every effort had been made to reduce the cost of the local Governments, so that the local machinery should be as little costly as possible, for it would not do to affront the intelligence of the people, and tell them we had devised an expensive kind of machinery to do a very insignificant amount of work. The gentlemen from the Lower Provinces had been asked what reductions they could make in the Government of the several colonies, and the figures he was about to give would be most satisfactory as showing the disposition of those gentlemen, who had reduced their requirements to the lowest sum.

In her estimate of outlay for 1864 for objects of local character the Province of Nova Scotia had provided for an expenditure of no less than \$667,000, but had undertaken to perform the same service in future under a confederation at \$371,000, or a reduction of 40 per cent. The expenditure of New Brunswick in 1864 for the same objects was estimated at \$404,000. From causes explained at the time and shown to be satisfactory, she proposed to reduce the expenditure to \$353,000, and at the same time undertook within ten years to make a further reduction of \$63,000, making a total reduction to \$290,000. Prince Edward Island would reduce her expenditure from \$170,000 to \$124,000, and Newfoundland from \$479,000 to \$350,000. In regard to Upper and Lower Canada he would not undertake to say what reduction would be made; but he could show that under the scheme proposed they would have the means of limiting the present outlay

which was, taking the average of the last four years, \$2,021,979. Besides that there would be an additional item brought against them for the interest on the excess of their debt over that of the other Provinces, making their full local charge \$2,260,149, which was the present outlay of Canada for works which would not become a charge under a confederation.

The outlay of all the provinces being however greater than their local revenues it became necessary to make provision out of the General Fund for the purpose of enabling their Local Legislatures to carry on the machinery of Government. It was proposed to take away from them every source of revenue they possessed except minor local revenues, and then to give them from the public chest a sufficient subsidy to enable the machinery to work. The estimate was formed on the wants of Nova Scotia. It was at first proposed to form it on the wants of New Brunswick, but these were found greater than those of the former, which had consequently been taken as the basis. The estimate was that 80 cents a head on the population of Nova Scotia would be sufficient to enable her to work her local system. She would want \$264,000. In the case of Upper Canada, 80 cents a head was considerably more than she wanted at the present day, and in the case of Lower Canada was at least adequate with the present local funds that would become available to her.

But it was felt that in giving a subsidy from the public chest it was impossible to draw a distinction between one part of the country and another. But it was not intended to hold out any inducement to future extravagance, to local Governments, but it was hoped that by the operation of natural causes such a check would be put upon expenditures as would bring them down to the lowest point, or at least prevent them from becoming lavish. Therefore the subsidy proposed to be given to local legislatures was fixed, not at an increasing rate according to population, but at the rate which existed at the census of 1861. By this means, as the population increased, the subsidy would not increase with it. Upper and Lower Canada would thus get within a fraction of two million dollars, and when their population increased to five millions instead of two and a half, would get no more. If they increased their expenses in proportion to the growth of population they would be obliged to resort to direct taxation; and he thought they might trust the people themselves to keep a sharp watch over the local Governments lest they should resort to direct taxation. He thought no surer check could be put upon them than thus fixing the grants they were respectively to receive. (Hear, and cheers.)

To put the position of the several Provinces into one view, taking the basis of 1864, and assuming that as the basis of the Confederation, were it to take place to-day or on the 1st of January next, the several Provinces united would possess a revenue of \$14,230,000; from which they would have to disburse \$1,530,043; and would also have to give as a subsidy to the Provinces \$3,056,849. Therefore, there would remain available for the purposes of the Confederation \$9,643,108. The expenditure of all these Provinces amounted, in 1864, to \$12,507,591, of which for local outlay there were no less than \$3,954,212 which would be assumed in consideration of receiving the subsidy and local revenues. Thus the expenditure would be reduced as charged upon the general revenue to \$8,553,379, or \$1,100,000 less than the amount that would in 1864 be available for the purposes of the Confederation.

He thought this statement was one which would be received as satisfactory in regard to the proposed co-partnership they were about to enter into. In the present state of affairs we found that by uniting all our means, and taking out all wanted for local purposes, there would be left for the General Government upwards of a million and a quarter dollars, over and above our present expenditure. Considering this they might hope that in bringing the General Administration of the country under one Government, there would be a certain amount of economy effected, and an additional efficiency imparted to the Government.

It might be true they would be obliged to incur some expenditure in keeping up Local Legislatures, and he was not prepared to deny that; but at the same time they might reasonably hope that when there was taken from them a large share of the subjects previously legislated upon, and putting under one head what was now done under five or six different heads, an economy would be effected; but without making any allowance for what would be achieved in this way they would have means to meet all the demands for 1864 and have a respectable surplus over.

## THE TARIFF QUESTION

That brought him to a very important point, as to whether confederation would produce increased taxation, of which apprehensions were entertained. In the first place the existing taxation in all the Provinces would have provided more than one million dollars over and above the public demand; but at the same time it was quite true that in a confederation they would have to incur certain liabilities such as for the Intercolonial Railway, and for the completion of works now in progress in the Lower Provinces. It must be plain that as the revenue raised by the Colonies under present tariffs was more than sufficient, if we were to raise the tariffs of all the Provinces to that of Canada we should have much more revenue than we required. In the case of the Lower Provinces the average tariff was about 12½ per cent and where they now collected duties to about 2½ million dollars, under a higher tariff like that of Canada at least three million dollars would be raised. Therefore to make adequate provision for all the wants of the country, they need not bring up their tariffs, but we might reduce ours; and in the raising of duties it would be practicable to find a medium of taxation between the averages of 10 and 20 per cent which would be sufficient to meet the wants of the country. (Cheers.)

## THE POSITION OF BRITISH LOWER CANADIANS

He must apologize to the meeting for having detained them so long, but would only keep them a few minutes longer while closing the remarks to which he had invited them to listen. He had gone over the principal points which were arranged by the Conference at Quebec, and what he now felt called upon to advert to was the mode in which those proceedings were likely to affect our respective populations.

It was quite plain that, to secure the support of the community at large to any scheme of this kind, it was necessary they should be satisfied that no injustice would be done by the mode in which it was to be worked out. It was perhaps impossible to argue against or to meet mere vague apprehensions. But at the same time we must feel that there were certain subjects, the dealing with which either by the General or the Local Governments might be supposed to bring some danger to the institutions which we individually and locally might feel most interested in. He referred of course generally to the position, first, of our French Canadian friends in Lower Canada, and then of the British population of Lower Canada.

For, in reality, the difficulty of dealing with this question was to be found in the fears and apprehensions of these two populations.—And it was a fortunate thing, as we were obliged to meet a difficulty of that kind, that we had for so many years got on with so much harmony together—that, if apprehensions existed they could not be shown to be founded on acts of hostility by one part of our community against another part—that, if there was an apprehension, it was an apprehension of wrong in the future, not a bitter recollection of wrong in the past. For over twenty-five years harmony had reigned in Lower Canada, and the British and French Canadian populations had felt they could go hand in hand in promoting the common interests of the country.

What was wanted now was to maintain that feeling of confidence, to show that no wrong was thought of by one or the other. The truth was that while the French Canadian population must look to our support in the General Legislature for the protection of their rights—while they must look to us as Lower Canadians, to stand shoulder by shoulder with them for the protection of their rights in the General Legislature—we in the Local Legislature should demand that no wrong should be attempted against us. If it should be otherwise, the result would be most disastrous to those who attempted it. A minority so large as the French minority would be in the General Legislature could not be affronted without danger, and such a minority as the British minority of Lower Canada, conspicuous for its wealth and intelligence, though not so much for its numbers, could not be outraged without important results following that would bring their own remedy with them.

He therefore felt that, in taking his position in the Conference, he was charged, not altogether with the simple duty of a representative of the British portion of the population of Lower Canada, but he felt that he equally represented his French Canadian friends; and his conviction was that, instead of there being any clashing and division of interests, they would be found in the future more closely bound together than ever before. It would be found that the effect of the combination of all the Provinces would be to benefit Lower Canada,—not French Lower Canada, or British Lower Canada—but the whole of Lower Canada—by giving it the position of being the commercial heart of the country—that that position we should share together, and that anything which tended to damage that position would be fatal to the interests both of the one and of the other. (Hear, hear.) He thought our material interests would have to govern us in this respect.

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“*The effect of the combination of all the Provinces would be to benefit Lower Canada,—not French Lower Canada, or British Lower Canada—but the whole of Lower Canada—by giving it the position of being the commercial heart of the country.*”

He felt that those interests respecting which apprehensions existed on the part of his countrymen, could not be assailed by the French Canadian population, if they should be so unwise as to think of such a thing, without retribution falling upon them in consequence of the action taken by the outraged population on other matters in the General Legislature or even in the local Legislatures. It could not be. Their interests could not be severed. They would live together, as they now did in this town of Sherbrooke, happily and well. They had done so, and he hoped they would continue to do so, by taking special care that they should not outrage each other's feelings. In this way he hoped we should overcome any apprehensions which might exist.

But at the same time it was well that, so far as might be, we should make provision against the possibility of wrong. If security were taken that wrong could not be done on the one side or the other, then there was less chance of its being attempted. Instead of having to remedy an injury, we should prevent it. And to speak more particularly with regard to the British population of Lower Canada, he would remark that, in the General Government they could have nothing to fear. Their race would of course be the dominant race in the General Parliament, and, consequently, he might say, in the General Government. Their interests would be safe there—The interests of trade and commerce, those in which they felt more particularly concerned, which concerned the merchants of Montreal and Quebec, would be in the hands of a body where they could have no fear that any adverse race or creed could affect them. All those subjects would be taken out of the category of local questions, would be taken away from the control of those who might be under the influence of sectional feelings animated either by race or religion, and would be placed in the hands of a body where, if the interests of any class could be expected to be secure, surely it would be those of the British population of Lower Canada. (Hear, hear.)

## EMIGRATION AND LANDS

With regard to the position they would occupy in the local Legislature there were two or three questions in which they must feel very great interest, and in which they might fear that hostile action might be taken toward them, if such an unwise course should be attempted by their French Canadian fellow subjects.



He would refer first to the question of Emigration and Lands. No doubt here in the Eastern Townships it had been felt by many that possibly, in leaving the lands in the hands of the local governments, some rules might be made which would restrict the occupation of those lands to their French Canadian friends solely. So far as his experience went, we had always been delighted to see our wild lands settled by French Canadians. They had gone in like the rest of the people and bought the lands they occupied. With regard to the public domain it was clear that no distinction could be drawn by the local Legislatures. It was possible they might adopt the unwise policy of putting on a price which would prevent any from buying, but, if the land was exposed to sale, it must be as open to one race as the other.

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“*If the interests of any class could be expected to be secure, surely it would be those of the British population of Lower Canada.*”

In some respects, he might have preferred not in the interests of Lower Canada, but in the interests of the whole country, to have seen them at the disposal of the General Government. But circumstances prevented that—not the position of Lower Canada, but the great importance attached to the public domain by the Upper Canadians, and in the case also of Nova Scotia and New Brunswick by their respective Governments and people, who were determined to have control of their own lands. Though he thought the general interest might have been promoted, if we could have gone to Europe and put one comprehensive scheme of colonization and emigration before the world at large, that was prevented now, and all we could hope for was that such wise measures might be adopted by the Local Legislatures as would have the same results.

While it was necessary to leave in the hands of the Local Parliaments and Governments the power of determining the rates or terms on which lands might be obtained by emigrants when they reached us, or when the natural increase of our own population required our young men to take up lands in the back country, he did not think it should be apprehended that the Local Governments would adopt any policy which would check that which was manifestly for the interest of the community at large.

Whatever policy were adopted, whether a wise or a foolish one, must be a policy applying equally to all. No distinction could be drawn, with reference to nationality or creed, among those who went upon the Crown domain to buy lands. He did hope and trust that Lower Canada would set an example of liberality, in regard to the disposal of her lands which he was satisfied was her true policy—and especially in regard to her mineral lands, which were now exciting so much attention, and he hoped it would be the case that Lower Canada, in seeking to dispose of her lands, would look rather to the advantage of having an industrious population settled upon them, than to the direct pecuniary benefit she might get from their sale.

#### THE EDUCATIONAL QUESTION AGAIN

He would now again briefly allude to the question of education. He believed he had said enough on that, to remove any apprehensions that might have been felt. He did hope that what he had said today with reference to the measure to be introduced by the Government would reach the eyes or the ears of those who were more immediately connected with the question of education, and that the result would be that they would put in some succinct and intelligible form the changes which it might be desirable to make in the present law; and he would take this opportunity of saying—and it was due to his French Canadian col-

leagues in the Government that he should thus publicly make the statement, that so far as the whole of them were concerned,—Sir Etienne Taché, Mr. Cartier, Mr. Chapais and Mr. Langevin,—throughout the whole of the negotiations, there was not a single instance when there was evidence on their part of the slightest disposition to withhold from the British of Lower Canada anything that they claimed from their French Canadian countrymen. (Cheers.)

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“ Sir Etienne Taché, Mr. Cartier, Mr. Chapais and Mr. Langevin ... there was not a single instance when there was evidence on their part of the slightest disposition to withhold from the British of Lower Canada anything that they claimed from their French Canadian countrymen.”

They acted wisely in taking the course they did, for certainly it encouraged himself and others to stand up for the rights of their French Canadian friends. (Hear, hear.)

The opponents of the measure had tried to excite apprehensions in the minds of the British of Lower Canada on the one hand, and in the minds of the French Canadians on the other, by representing to one and to the other that they were to be sacrificed. This in fact was the best evidence that the measure had been wisely framed and that it was not to give power or dominance to one over the other. If this were to be its effect, it must fail from its manifest injustice. The only way in which they could expect it to be carried out, was by its being found on examination that no just cause of apprehension existed on the part of any considerable class of the community. (Hear.)

#### THE QUESTION OF ELECTORAL LIMITS

He would refer also to the question of the settlement of the electoral limits in Lower Canada. It was proposed that the electoral limits, both for the Local and the General Governments, should be arranged by the Local Legislatures.

He was aware that a doubt had been suggested that in assigning the division of electoral limits to the local legislature, the dominant party—to speak plainly the French Canadian party—would so carve and cut up those limits as practically to deprive the British element of Representation. But looking at the position fairly, he did not think there would be any reason to apprehend such a result, for, even supposing the French Canadian majority to desire it, it would not be very easy for them to effect such a purpose.

The British population of Lower Canada was nearly one quarter of the whole population of the Country, and in some important districts it constituted the majority, so that he did not well see how a population so large could, by any system of the kind, be deprived of its just representation, but with reference to these electoral limits, it would be absolutely necessary that they should be in the first place determined by the Legislature of all Canada as now constituted, for there would be no local legislation for Lower Canada until after the confederation had gone into effect. It was the legislature of Canada which must define where the seventeen additional members for Upper Canada should be elected, and also whether there should be any change in the electoral limit of Lower Canada.

He would further say, in pursuance of the same point, that in the case of Nova Scotia and New Brunswick, a reduction was to be made in the number of their representatives, and unless their local legislature arranged how this was to be effected they could not be represented in the General Legislature. Lower Canada alone remained as it was, and this was because Lower Canada was taken as in a manner the pivot in which the representation of the others turned. (Hear.)

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“Lower Canada alone remained as it was, and this was because Lower Canada was taken as in a manner the pivot in which the representation of the others turned.”

In the first Parliament under the new system, there would reside the power of making such alterations as they saw fit in the electoral laws. As they now existed in the several Provinces, they were all different; the very franchise was different; and it must remain so until the General Legislature had made alterations in the law; in no other way could the system be brought into operation at all, and the same law that applied to the electoral law also applied to electoral limits—they must from the necessity of the case be adjusted by the local legislatures preparatory to the meeting of the Federal Parliament.

There might perhaps be little changes made in Lower Canada—some modifications made that might be useful to us—there were cases where English townships were so mixed up with those where the French Canadians prevailed that it was difficult to say where the majority lay—but the subject had not been lost sight of in Conference, and, although he had no authority for any statement on the subject, he might say that perhaps some modification of the electoral limits might be made before the next session terminated. (Cheers.)

#### INCORPORATION OF RELIGIOUS BODIES

There was another point on which he might make some remarks, although he would not detain them long. It was the right of the local Legislatures to incorporate bodies such as ecclesiastical corporations. Now, he thought there was no necessity for his hearers to distress themselves much about this; he, for his part, had no objection to let each religious body deal with its own affairs in the way it liked best—to give it the greatest possible degree of freedom. But he believed the same degree of intelligence that had been displayed in France and in England in reference to the incorporation of religious associations would always be displayed in Canada too. The Roman Catholic mind in Lower Canada was quite as well awakened as that of the Protestant part of the community to the evils of tying up lands in mortmain, and thus placing the population of the country in a less independent position than they at present occupied. The intelligent Roman Catholic community quite kept pace with Protestant society in this respect, and there was no reason to fear that any step in the wrong direction would be taken by them in this respect. (Hear.)

#### ADVANTAGES OF THE UNION TO LOWER CANADA

No part of British North America would derive so great benefits from the Confederation as Lower Canada, and no portion of the population would derive such benefits as the British element. He thought it was plain that Lower Canada was going to be the great commercial centre for the whole of the Provinces, and even when we extended the boundaries of our Empire to the countries bordering on the Saskatchewan and

the Rocky Mountains, the whole wealth of that great country must pour down the St. Lawrence and stimulate the industry of the cities of Lower Canada. (Hear, hear.)

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“ Lower Canada was going to be the great commercial centre ... and even when we extended the boundaries of our Empire to the countries bordering on the Saskatchewan and the Rocky Mountains, the whole wealth of that great country must pour down the St. Lawrence.”

Now if there was any part of the population or Lower Canada which particularly devoted itself to the cultivation of commerce and manufactures, it was the British population. Montreal stood pre-eminent in this respect, and Quebec too was full of merchants of energy and enterprise, principally of the British race, although it was true that our French Canadian friends vied cordially with them in shipbuilding and other branches of commerce, but the greater development to be given to the trade of the St. Lawrence, and the increased commercial facilities which would be afforded to the manufacturers of the Province, would wonderfully add to the advantages enjoyed by the British or rather the English speaking population.

And therefore he did not hesitate to say that it would be found in the future that the increased Power and influence given to the Confederation—given it by the union of all their forces and the extension of their commerce both east and west—was going to be immensely beneficial to Lower Canada, and that while all the provinces would improve, we especially should find our position improving and not becoming worse. As he said before, there would be a proper feeling of emulation between the two races in Lower Canada; and both, possessing qualities of a high though different character would unite in forming here a society, a community, which would have within itself more of the elements of greatness and strength than any other community in the Confederation.

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“ The two races in Lower Canada ... possessing qualities of a high though different character would unite in forming here a society, a community, which would have within itself more of the elements of greatness and strength than any other community in the Confederation.”

But it must not be expected that this could be attained if they evinced a want of confidence and entertained a mutual distrust. They ought to come together for the protection of their common interests, and not with the desire to obtain any mean advantage over one another, but to preserve their interests, defend their rights, and do what lay in their power to make Lower Canada attractive to foreigners, and the whole country so to the wealth and industry of other lands. They might see their water powers made useful for manufacturing purposes, their wharfs and canals crowded with the vessels both of the provinces and other countries, and the manufacturing skill of the people developed so as by that means to overcome the difficulties to which our soil and our climate exposed us, and be able to maintain our place in the front rank of progress in British North America, thus holding no mean place in the new Confederation. (Loud cheers.)

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## CONCLUSION

In conclusion, he would remark that the political necessities of Canada seemed to render a measure of union of all the provinces of British North America necessary in itself. He thought that those who examined the subject would find that the federative plan must be adopted. He thought also that it contained within itself the truest protection of all our interests; and that looking at the scheme merely from a material point of view, the co-partnership was one that was fair to all parties and interests.

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“*Political necessities of Canada seemed to render a measure of union of all the provinces of British North America necessary in itself.*”

Now, believing this to be the case, he would say that while they believed they had framed a new system of confederation that would meet fully the wants and necessities of our people, they had certainly tried to devise such a system as would contain within itself the germ of unity and not of disunion; they had, he trusted, avoided the evils and errors in the constitution of their Government which were now proving the wreck of the United States; so that in the future they would find the system they were trying to inaugurate a basis of unity among the people, unity of government making the people more and more homogeneous till at length they might at no distant day be enabled to do away with those artificial boundaries which separated one province from another, and come together as one united people. (Loud cheers.)

It was very probable we might not live to see that day, because it would take a long time to outgrow prejudices and sectionalism and those trammels which had grown up, leading to mistaken judgments and estimates of our fellow men; but still he believed that the principle laid down that the administration of the affairs of all should be based upon the principles of common justice would in the end produce a perfect union of all.

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“*Resting with our back to the icy regions of the North—with the finest river in the world passing through the centre of our land, who could predict our future power and greatness?*”

He was convinced that under such a system the people of the different provinces would become one in every respect, instead of being now merely the inhabitants of different sections—instead of being Nova Scotians, Canadians, etc.—they would all be the subjects of one great nation. (Loud cheers.) He could not help for a moment adverting to the great future before us. Resting with our back to the icy regions of the North—with the finest river in the world passing through the centre of our land, who could predict our future power and greatness? (Renewed cheers.)

True we should have a foreign frontier, but the movement now taking place appeared to be bringing forth more friendly sentiments on the part of our friends to the South, who were discussing the subject in a favorable spirit. And he believed that anything which had a tendency to promote that friendly feeling ought to meet their hearty support and concurrence. (Cheers.) They had seen a degree of mistrust growing up on the part of their American friends which they must try and remove if they could. They were bound to show them in all relations every justice, but at the same time they were also bound by the higher duty to them-



selves to regard with jealous care their own rights and interests, and should their soil ever be desecrated by a foreign foe to hurl back the enemy and defend their constitution and laws with every energy at their command. (Loud cheers.)

Let us come together as one people and be united in one firm front to work in conjunction with the great empire to which we belonged, to labour for the general good. (Applause.) Let it not be said longer that Canada was unable or unwilling to do more in her own self-defence—let us fling back that reproach, and in dealing with that subject let it be known that we did our whole duty with the determination to discharge the liabilities of a nation devolving upon us. (Cheers.) Let it be our pride to do so; let it not be said that we were so selfish or mean-spirited that, while willing to enjoy the benefits and privileges of our favoured situation, we were unwilling to pay their cost or fight for them. (Cheers.)

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“*Let us come together as one people and be united in one firm front to work in conjunction with the great empire to which we belonged, to labour for the general good.*”

In coming forward as we were obliged to do from the necessities of the case, to consider a remedy for our own evils, it was hoped the public mind of Canada would approve the remedy now proposed. We had tried and found, he believed, a remedy for our own difficulties—not in disunion, not in severing the tie between Upper and Lower Canada, but by including in one bond all the British North American Provinces, which had all a common allegiance and a common interest.

And instead of remaining separate as we had done for the last 24 years, let us go forward with a million more fellow-colonists standing at our side in the struggle for national existence; and whatever might betide, he trusted the people of Canada, as well as those of the other British North American Colonies, would be worthy of the great interests confided to them, and never be found backward in defending them, no matter from what quarter danger might arise.

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“*Let us go forward with a million more fellow-colonists standing at our side in the struggle for national existence; and whatever might betide, he trusted the people of Canada ... would be worthy of the great interests confided to them.*”

The Honourable gentleman resumed his seat after a speech of three hours and ten minutes, amid prolonged cheers.

On motion of Mr. HENEKER a vote of thanks was passed to Mr. Galt for the interesting and lucid statement he had placed before his constituents.

The thanks of the meeting were also voted to the Chairman, on the motion of Mr. GALT; and cheers having been given for the Queen and for the Finance Minister, the proceedings terminated.





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