

represent one of the twenty-four Electoral Divisions mentioned in Schedule A of chapter first of the Consolidated Statutes of Canada, and such Councilor shall reside or possess his qualification in the Division he is appointed to represent.

This paragraph was proposed by the Lower Canadians, because there they have electoral districts for the Upper Branch, and their law requires that they should possess property and be residents of their several districts. I am quite sure that the delegates will see that the Scheme is amended so that the representatives in the Upper Branch will be required to live and have their property qualification in the Province, although I do not think the evil would be so great as the late Attorney General has represented it. He says they would go to Ottawa to reside, and thus become representatives for Canada, and we may look for the same result here as has been produced in Ireland, in consequence of the Irish going to London. Do they go from Maine, Massachusetts or Rhode Island and settle in Washington because it is the seat of Government? He (Mr. Smith) having himself gone for Union should not point this out as an objection. He objects to representation by population. I was surprised to hear him take exception to that, for he was prepared even to go for that during the last session of this House. (Mr. Smith.—It is no such thing.) He admitted that no Union could be had if two principles were not affirmed, they were representation by population and a Federal Government, and his language conveyed no other idea but that he would go for Union, provided there were sufficient checks.

MR. SMITH.—I stated distinctly that I never would go for the principle of representation by population unless neutralized by some checks in the scheme.

HON. MR. WILMOT.—I understood him to say that he would not go for it unless there were some checks in the Legislative Council.

MR. SMITH.—I did not say that.

HON. MR. TILLEY.—I should like to know how he is going to neutralize it except by checks in the Upper House. He says the revenues collected in the different Provinces should be for the benefit of each Province when collected, except a certain amount to be given for the support of the General Government. That objection might emanate from a gentleman who had just come into political life, but any person who knows anything would know that it never could be acted upon. If New Brunswick and Nova Scotia are to be the frontage of a great back country they will collect all the import duties, and

Canada would never consent that we should take all the duties on imports collected on articles consumed in Canada, therefore not one check can be had except in the Legislative Council, and we thought that was secured. No arrangement can be made except upon the principle of representation by population. Have we heard any objection to representation by population on the floors of this House. The members for King's asked for an increase of representation because the population of their county is greater than the population of some other Counties, but you never saw the members for Queen's rising and saying, because Westmorland had four members Queen's should have four Governments generally try to do justice to all parties in order to hold on to their power, for they know that members will come out in opposition if they do not. In this Union let any injustice be perceived and no Government that permits it will be able to stand, for a very few members going into the Opposition can generally overthrow a Government, and in this lies our safety. It has been said that all the Provinces should have equal representation in the Upper House. (Mr. Smith.—How is it in the United States.)

The Senate in the States is an Executive power, and is altogether different from ours. They are in a position to exercise executive functions, therefore in their executive position it is necessary for each State to have an equal representation. There is no appointment, even to a subordinate in the army, but has to go to the Senate and be ratified by them. We now come to another objection, and considering the long time the hon. member had to consider the scheme: the time he has devoted to it, and the number of addresses he has delivered upon the subject, and we admit that he has great ability, but his ability lies in taking to pieces rather than constructing; he is an admirable member of the Opposition, but as a member of the Government he is not so successful. After fifteen months study of the subject, he has come to the House and presented his objections to the Scheme, and they amount to very little. The mountain has brought forth but a mouse. He objects to the General Government and the local Legislatures each having power to legislate on the same subjects, for instance, on the seacoast and inland fisheries, immigration and agriculture. And he says the same power being given to each Government there would be no right of appeal at all. It was desirable that the seacoast fisheries should be under the direction of the General Government, because the cost of protecting them

should be borne by the General Government, but the local Governments should have the power to make laws for the fisheries in the rivers of their respective Provinces. It, however, any one of the local Governments do not make laws sufficient to protect the fisheries in the rivers, where all this wealth originates, it was considered expedient that the General Government should have power to enact laws to protect them. Again: it was thought necessary that there should be an Agricultural Bureau for the General Government, and the local Governments should control and regulate their own Agricultural Societies. Then it was thought necessary for the General Government to have the control of immigration, while, at the same time, it was desirable that the local Governments should have the power of arranging the locality of the immigrants, therefore this power was given to both. The forty-fifth paragraph says:

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

This was prepared for the purpose of protecting the Province, so that if the laws were not sufficient to secure the origin of the great wealth of the country, the General Government could enact laws for that purpose. The next objection is to this paragraph.

All such works as shall, although lying wholly within any Province, be specially declared by the Acts authorizing them to be for the general advantage.

This produced considerable discussion at the Conference, and a decision was arrived at different from this, but the subject was reconsidered upon the motion of the present Attorney General because we found that New Brunswick would get more benefit from it as it is, then if it was put in a different way. Then in regard to beacons, buoys and lighthouses, we now collect this money and expend it among ourselves, and it is charged upon the shipping. In the Union you do not suppose the General Parliament will charge the shipping with anything more than is necessary for this purpose; if they brought forward a measure for that purpose Lower Canada would go against it as well as the Maritime Provinces. There might be a law passed by our combined influence to place this expense upon the General Government, as it is in the United States. He (Mr. Smith) also takes exception to the 37th section.

"And generally respecting all matters