

of a general character, not specially and exclusively reserved for the local governments and legislatures."

There can be no reasonable objection taken to this. We had the experience of the United States before us, and had seen the working of their constitution. We had seen the difficulties that had arisen and the clashing of interests that had taken place between Congress and the State Governments. The people had delegated a portion of their power to the State Legislature, another portion to Congress, and certain powers remained to the people themselves; the States claiming certain rights which they did not possess in the Constitution, and this led to the United States war. The hon. gentleman (Mr Smith) has expressed himself in favour of a Legislative instead of a Federal Union. Then how can he object to this power being given to the General Government, for much more power would be given them under a Legislative Union. He has spoken of this Legislature becoming a mere corporation, with but limited powers, but under a Legislative Union all these towns and counties would be municipalities, but they would have powers given them which would be clearly defined. St. John has certain corporate powers given to it, but there is no clashing with ours. He says that when Acts are passed by each Government which conflict there is no power to appeal to. Does not the Scheme say that, the laws of the General Parliament shall control and supersede those made by the Local Legislature. Suppose they attempted to interfere with the rights and privileges of the Local Legislature, the Local Government would at once appeal to the Imperial Government, and say, the General Parliament have exceeded their powers and ask them to interfere. This is the protection in this matter. Then he says we have to send the Bills we pass here to a political body for their approval. Do we not send them to the British Government, and no difficulties occur. Can it be supposed that more difficulties will arise in getting the assent of the General Parliament to our Bill, when we have representatives there who will make and unmake Governments, than will arise in the Imperial Government where we have no direct voice in the matter. He takes exception to this:

34. Until the consolidation of the laws of Upper Canada, New Brunswick, Nova Scotia, Newfoundland, and Prince Edward Island, the judges of these Provinces appointed by the general Government shall be selected from their respective bars.

35. The Judges of the Court of Lower Canada shall be selected from the Bar of Lower Canada.

He says this implies that Judges might be selected from other Bars in any of the other Provinces. I ask legal men if they do not consider it an advantage for gentlemen to be taken from the Bar of New Brunswick to be made Judges in Nova Scotia, and vice versa. Cases have occurred here where there was only one Judge on the Bench who was not interested in the matter. It was put down as one of the most desirable propositions that could be made, for it secures Judges who have no local interests or political bias in the Province to which they are appointed. Is it to be said that the members of the profession in New Brunswick are to be confined simply to New Brunswick. If you can put them in a better position they have a right to it. But this cannot take place unless our laws are assimilated. If our laws are different from those of Canada and Nova Scotia there would be a difficulty in having Judges appointed from other parts to decide upon laws they are not conversant with. The Judges of Lower Canada have to be selected from the bar of Lower Canada, for they are under a code of Laws secured to them at the time of the Union and they will not change it. The French language being used there it was the wish of the Lower Canadians that they should be selected from Lower Canada. He then objects to the way in which the basis of representation by population was arranged. The basis made was that Lower Canada was to have sixty-five members upon which there should be no increase. That was to prevent the number of representatives increasing in the General Parliament. There is to be one representative for every 17,000 of the population. If the population of Lower Canada increases so that she will have but one representative for every 20,000 of her population, none of the other Provinces can get any increase unless they have 20,000 in addition to her average of 20,000.

Mr. SMITH—Suppose you increase the representation thirty per cent., does not that give Canada a larger majority? There is a provision that the number of members may at any time be increased by the General Parliament.

Hon. Mr. TILLEY—If that would be for the benefit of Upper Canada alone the representatives for Lower Canada and the Maritime Provinces would not support it, and it could not be carried. Then again, Railway stock shall be the property of the General Government. Our Railway yields but three-fourths per cent., while the Railways of Canada, combined with the Canals, yields them one and a quarter per cent. The hon. member says that there is no protection that the different Provinces will receive this eighty cents per head which is to be

secured to them by an annual grant of the General Parliament, for he says they may incur liabilities, and this eighty cents per head might not be left for the Local Governments. This might be made a first charge upon the revenues of the country. Do you imagine that a Parliament representing the Provinces, the population of which are to get this eighty cents a head, would vote away the money that was to be appropriated for that purpose. Again, all engagements that may before the Union be entered into with the Imperial Government for the defence of the country, shall be assumed by the General Government. We will have to pay some \$105,000 for the defence of New Brunswick during the late danger of a Fenian raid. In regard to the opening up of the North West Territory, there have been no arrangements made. The Hudson Bay Company have bought that territory, and have \$300,000 worth of property there, and those people will contribute not to the revenue of Canada, but to the revenue of the Union. He says that after communicating with Mr. Galt, he was satisfied that there could be little or no change made in the Quebec Scheme. I entertain a different view. I would have been willing to go into Union upon the terms named, but a large number of the people of New Brunswick think we should have a better scheme, and I am willing and anxious that we should get the best terms we can. He says that after a conversation he had with Mr. Galt and Mr. Howland at Washington, he came to the conclusion that no changes could be made. Then I claim him an advocate for the Quebec Scheme. How was it that after he came back he had a conference with His Excellency and agreed to go into Union.

Mr. SMITH—I told His Excellency that I was opposed to the Quebec Scheme. The correspondence explains how far I was in favour of Union, and I never committed myself to any Scheme.

Hon. Mr. TILLEY—I will read from the Debates:

We also discussed the question as to whether it had better be a joint committee of both Houses or separate committees of each. He told me at one of our interviews that he thought he would go to Canada. When I saw him again, I think the next day, I asked him if he had determined to go to Canada; he replied that he had, and asked me what objections I had to the Quebec Scheme, and said that he would try and ascertain when there what modifications they would make. He rose and took the Journals of 1865, containing the Scheme, and I proceeded to enumerate the following as some of the objections, viz:

1. Representation by Population,
2. That each Province should have an equal number of Legislative Councillors.
3. That the Lower Provinces should be exempt from taxation for the Canals of