

the best interests of this country. There is to be also a Court of Appeal, and there is nobody, Mr. Speaker, that I should like to see at the head of that body better than yourself. History shows us that great difficulties always arise from the dividing of the people into distinctive classes, and this has been clearly illustrated in Upper and Lower Canada. These distinctions of race and language are, I see, to be perpetuated. Now, in this House the other day, a Bill came up which was local in its nature, affecting no existing law, but merely asking that the French population of a certain parish should assess themselves for the support of their own poor, and be relieved from the regular parish poor rates, and that Bill was thrown out on the ground of class legislation. Yet here, in this Scheme, they have determined to perpetuate the very thing they so much oppose amongst ourselves. And not only is the difference of race to be perpetuated, but they provide also for the continuance of two languages in the Federal Government and Federal Courts. I believe they should have decided that the language of the country should be either one or the other, and when you, sir, as one of the Judges of the Court of Appeal, shall be called on to decide on some difficulties which may arise, say between the Government and some of the contractors on the Inter-Colonial line, you will be addressed by some of the lawyers in the polite language of France, whilst others will quote authorities in English. You, sir, may be qualified for such a position, but there are very few in these Provinces that are. Instead of these differences of race and language being abolished or confined to the places where they have previously existed, we find that this class distinction is to be propagated and engrafted upon Provinces where it has never been before. This has been the cause of the trouble between Upper and Lower Canada, and serious difficulties must arise from it here. There is another point. Some hon. members have admitted that we cannot have a Union without the Inter-Colonial Railway. Great anxiety has been expressed on this subject, and we have a message from His Excellency showing that despatches have passed on the question; although it is put in the Scheme, there seems to have been a doubt about it. Now, say some, it will be made secure by being put in as a clause in the Imperial Act. But what of that? Is it not a question for the Federal Government to decide? And if they don't choose where is our remedy? I believe the only way to secure it is to have a provision in the

Scheme, that if the railway is not built, the Union shall cease. But even then it will be too late, for we shall have given up to Canada everything we possess, and all will be chaos; and besides I do not think it will be a power that England would permit. The delegates may agree to put it in the Act, but, after all, it will amount to nothing. In the debate in Canada it was said we should have the power to make treaties and to alter the Constitution, but there is no provision for that in the Scheme. The interests of Upper Canada are not favorable to the Inter-Colonial Railroad. They have a road now running down to Portland, and if the Federal Government find they have not the funds, the road will not be built, and then to whom can we appeal? To England? She will refer it back for the decision of the General Government. What does the Governor say in a despatch in writing to Mr. Cardwell on the 27th of February, 1865:

The Lieutenant Governor to the Secretary of State for the Colonies.

FREDERICTON, 27th February, 1865.

SIR.—A discussion has lately taken place in this Province with respect to one of the conditions of the Federal Union of British North America, which has excited much interest, and with respect to which it appears to me desirable that I should be placed in possession of the views of the Government.

The Resolutions agreed to at Quebec, and which are to form the basis of the proposed Federal Union of the British American Provinces, have reference to a great variety of subjects of very different degrees of importance. With some of these matters the Local Legislatures are already fully competent to deal, whilst others are of a character which removes them beyond their cognizance.

It was my belief that the aid of the Imperial Parliament would be sought only to give effect to those general provisions of a constitutional nature which could not be brought into operation by the existing Local Assemblies; that it would be called upon to enact the Federal Union, and to define the limits of the authority of the Central and Local Governments and Legislatures, but that the arrangement of matters of purely or mainly local interest would be left to the Federal Legislature, or to those of the separate Provinces; as it may fairly be presumed that these bodies would faithfully carry into execution the conditions upon which their Union had itself been based.

I find, however, that a very general impression prevails that the construction of the Intercolonial Railroad from Rivière du Loup to Toronto, is to be provided for by a clause in the Imperial Act giving effect to the proposed Federal Union.

I do not myself consider it probable that Her Majesty's Government will make such a suggestion to the Imperial Parliament, for I cannot but conceive that such a proposal would appear to Her Majesty's Government to be either unnecessary or unjust; unnecessary if, as we must conclude will be the case should no

unforeseen and insuperable obstacles arise), the new Federal Legislature votes the construction of a work, the immediate commencement of which forms one of the conditions of the agreement to which they owe their existence; unjust, if it were to have the effect of forcing on the people of British America the execution of a work which their Representatives in Parliament may consider it inexpedient to undertake.

Nor does it appear to me very likely that the British Parliament would enact a law involving a very large expenditure of money not collected under its own authority, a law moreover which it would be impossible to enforce, as no penalty could be inflicted after the passage of the Act, in the event of the subsequent neglect of its provisions by the Federal Government and Legislature.

Neither do I imagine that the question being one which primarily concerns the people of British North America, the British Parliament would consent to fetter the discretion of their representatives in dealing with it as they may consider most conducive to the advantage of the United Provinces, more especially when it is remembered that the subject is one which the local Legislatures are already, even under the existing state of things, fully competent to consider.

Still less do I think it probable, even were a clause of a general character, enacting the completion of this great work, to be incorporated in an Act of the Imperial Parliament, that Her Majesty's Government would consent to introduce into the Bill, or that Parliament would consent to sanction, all those details which would be required to render such a clause effective; for, unless the route, the mode of construction, the minimum sum to be annually devoted to the work, and the time at which it is to be completed, are all prescribed, the scheme may be subject to ultimate defeat by the rejection of one of these points by the Federal Parliament; whilst the assumption of those who believe that a clause concerning the Railway will form part of the Imperial Act is that the completion of the work is to be so secured as to remove all liability of its being affected by any subsequent action on the part of the Federal or Local Governments and Assemblies.

I confess, therefore, that I am unable altogether to share the confident belief of my Council, that this work—(of the importance of which I need not say I am very fully sensible)—will be undertaken under the direct authority of the Imperial Parliament.

At the same time it is possible that I may be mistaken as to the views and intentions of the Government, and I therefore respectfully request to be instructed as to the course which I am to pursue, in the event of my being urged to state in my Speech from the Throne on the opening of the Provincial Legislature, that such a provision will undoubtedly form part of the Act of Union, or be embodied by the Imperial Parliament in a separate Act.

Such a declaration, if it were afterwards proved by facts to be erroneous, would, I need not say, excite very general and not ill-founded irritation.

Mr. J. A. Macdonald, a leading member of the Canadian Government, is reported to have lately used, what appears to me very sensible language in connection with