

"**Militia—Military and Naval Service and Defence.**" I have always been afraid of this section, knowing, as I do, that the people of England understand by this provision that the expenses for military services in times of peace will be removed from their shoulders and be borne by this country. The next provision is for "Beacons, buoys and lighthouses;" these become the property of the Confederation. In the United States these belong to the General Government, but there they have no dues on shipping for the purpose of keeping them up. Here there is a power to raise money for lighthouses and tax ships for it. Now this is a matter of great moment to these Maritime Provinces, and should be looked into very carefully. Another power given to this Parliament is to legislate on

"The criminal law, excepting the constitution of Courts of Criminal Jurisdiction, but including the procedure in criminal matters."

I don't know what that means, so I shall pass on. The next power is to render uniform the laws of all the Provinces except Lower Canada. So it is in reality a provision that the laws of the United Provinces shall not become uniform at any future time. This also is unlike the case in the United States where the laws relating to property and civil rights are the same in every State. The next section provides for a Court of Appeal, and, Mr. Speaker, I did at one time intimate that you, sir, would doubtless secure a seat on the bench in that Court. And it is possible they may appoint the Attorney General as one of the Judges as well.

HON. MR. FISHER—I am sure I hope so.

MR. SMITH—I have not the slightest doubt but that he tells the truth. The last section of the specified powers which I have already mentioned just reverses the principle of the Constitution of the United States.

"All Courts, Judges and Officers of the several Provinces shall aid, assist and obey the General Government in the exercise of its rights and powers, and for such purposes, shall be held to be Courts, Judges, and Officers of the General Government."

There is another obliquity about this that I can't understand. It does not say what officers are meant. It seems to me that any officer of the local governments will become an officer of the General Government, and it is this is not the meaning, I shall be obliged to the Attorney General to explain it.

"The General Government shall appoint and pay the Judges of the Superior Courts in each Province."

But a favor is granted to Upper Canada, for there the Judges of the County Courts are provided for, whilst here they are appointed and paid by the local government.

"The Judges of the Courts of Lower Canada should be selected from the Bar of Lower Canada."

But here, after the consolidation of the laws, they may not be selected. Why, I ask, is this? We all know the feeling of dissatisfaction that was raised in this Country when Chief Justice Carter was brought from England, and put over our heads, but here Judges may come from any part of the United Provinces, to the exclusion of members of our own Bar.

The first section under the local governments is the appointment of a Lieutenant Governor. Now I believe that when Confederation is consummated our local government will be nothing but a burlesque and farce. Why even George Brown believes the same thing, for he admits that Upper Canada may not retain the machinery of a Responsible Government, but become merely a municipality. Here however, will be all the machinery of government, responsible heads of Departments, except, I suppose, the Postmaster General; they'll have to give that up I suppose, although the interests involved will be of less importance than those of the Corporation of the City of Saint John. Well the Governor is to be paid out of the funds of the General Government, so that ensures that all his sympathies will go with them. Now here are the powers vested in the Local Legislatures; first, Direct Taxation, and this is a power I am afraid they will very soon need to use. Let us look at the question of Western Extension. There are a majority perhaps who would make it a Government work. But if the amount provided by the Subsidy Act won't pay the cost, and a company can't go on with it, how is the road to be built under Confederation. It cannot be done unless direct taxation be resorted to. Then in Nova Scotia they have a power granted them to legislate on their coals and other minerals, and I would ask the Attorney General, if we are to be excluded from such legislation, and if the Attorney General won't reply, then I appeal to the Solicitor General. We come now to the Sea and Inland fisheries, and on this subject, the Local and General Governments come in conflict, for they both have the power to legislate upon them. The 17th section of the 29th resolution gives it to the General Government, whilst the 8th section of the 43rd resolution gives it to the local government. Now how are differences and controversies on this subject to be settled? Have they a Superior Court to which the matter can be carried as in the United States, where differences between States and the Gene-

ral Government can be carried and settled? No, there is, nothing of the kind provided. Is it not important that there should be some tribunal where disputes of this nature may be settled; and I ask the Attorney General to look into the matter and provide for some means of appeal. But even then there is the other power they possess of vetoing any action of the Local Legislatures. Should we submit that Canada should have the power to abrogate and nullify all or any of our legislation, with no power to which to appeal? They have also let us the power of managing our own private or local affairs, but the question may be raised what is private and local, and then who is to determine? We may also administer Justice "both of civil and criminal jurisdiction, and including also the procedure in civil matters." There is something here again I can't understand. I must again assert that this House has a right to deliberate on the different objections I have stated. They may not appear to have much weight to minds of hon. members, but to my mind they have much force. I should like to take the judgment of this House upon them, but I suppose I shall not get it. If however this Resolution passes, every man on the floors of this House yields up his right of judgment to those who have already approved of a Scheme not sanctioned by this people. If the Government will assure us that no Scheme will be carried unless it is submitted to the people for their approval or condemnation, then I shall be satisfied, but if not, I shall move before I sit down a resolution to that effect. This may be the last time my voice may be heard in this House, and whilst I have breath I will protest against our judgment being clogged, and I will to the last raise my voice against the delegation of such power to two or three men. I say it is only right and fair that any measure decided on in England should be sent back to this House. It is provided by this Scheme that Bills passed by this House may be referred for the consideration of the General Government, but I do not think that it is necessary to do this as the General Government will have a veto power over any Bill we may pass without the power of appeal. It has been the pride and glory of our country that politics has been kept clean of the sacred precincts of our Courts of Law. We have been able to boast that our Judges have kept themselves free from the turmoil of political strife. But shall we be able to say the same under this Union? I fear not.

It is provided under the head of property and liabilities that "All Stocks, Cash, Bankers' Balances and Securities for money belonging to each Province at the time of the Union, except as hereinafter mentioned, shall belong to