

No. 6.

Despatch and Enclosure from the Right Hon. Edward Cardwell, upon Colonial Confederation.*Newfoundland.*

No. 21.

DOWNING STREET,
8th December, 1864. }

SIR,—

I have the honor to transmit to you, for your information, the enclosed copy of a Despatch which I have addressed to the Governor of Canada, upon the resolutions adopted by the Representatives of the several Provinces, who assembled at Quebec to consider the subject of Federation.

This Despatch so fully communicates the views of Her Majesty's Government on this important subject, that I need do no more than request you to take the necessary steps for giving effect to them in the Province under your Government.

I have the honor to be,

Sir,

Your most obedient,

Humble Servant,

EDWARD CARDWELL.

GOVERNOR MUSGRAVE,
&c., &c., &c.(COPY.)
Canada,
No. 93.DOWNING STREET,
3rd December, 1864. }

MY LORD,—

Her Majesty's Government have received with the most cordial satisfaction your Lordship's Despatch of the 7th ultimo, transmit-

ting, for their consideration, the Resolutions adopted by the Representatives of the several Provinces of British North America, which were assembled at Quebec.

With the sanction of the Crown, and upon the invitation of the Governor General, men of every Province, chosen by the respective Lieutenant Governors, without distinction of party, assembled to consider questions of the utmost interest to every subject of the Queen, of whatever race or faith, resident in those Provinces, and have arrived at a conclusion destined to exercise a most important influence upon the future welfare of the whole community.

Animated by the warmest sentiments of loyalty and devotion to their Sovereign,—earnestly desirous to secure for their posterity, throughout all future time, the advantages which they enjoy as subjects of the British Crown,—steadfastly attached to the institutions under which they live—they have conducted their deliberations with patient sagacity, and have arrived at unanimous conclusions on questions involving many difficulties, and calculated, under less favourable auspices, to have given rise to many differences of opinion.

Such an event is in the highest degree honorable to those who have taken part in these deliberations. It must inspire confidence in the men by whose judgment and temper this result has been attained, and will ever remain on record as an evidence of the salutary influence exercised by the Institutions under which these qualities have been so signally developed.

Her Majesty's Government have given to your Despatch, and to the Resolutions of the Conference, their most deliberate consideration. They have regarded them, as a whole, and as having been designed by those who have framed them, to establish as complete and perfect an Union of the whole into one Government, as the circumstances of the case, and a due consideration of existing interests, would admit. They accept them, therefore, as being, in the deliberate judgment of those best qualified to decide upon the subject—the best framework of a measure to be passed by the Imperial Parliament, for attaining that most desirable result.

The point of principal importance to the practical well-working of the scheme, is the accurate determination of the limits between

the authority of the Central and that of the Local Legislatures, in their relation to each other. It has not been possible to exclude from the Resolutions some provisions which appear to be less consistent than might, perhaps, have been desired, with the simplicity and unity of the system. But, upon the whole, it appears to Her Majesty's Government that precautions have been taken, which are obviously intended to secure to the Central Government the means of effective action throughout the several Provinces, and to guard against those evils which must inevitably arise if any doubt were permitted to exist as to the respective limits of Central and Local authority.

They are glad to observe that although large powers of legislation are intended to be vested in Local bodies, yet the principle of Central control has been steadily kept in view. The importance of this principle cannot be overrated. Its maintenance is essential to the practical efficiency of the system, and to its harmonious operation both in the General Administration and in the Governments of the several Provinces. A very important part of this subject is the expense which may attend the working of the Central and Local Governments. Her Majesty's Government cannot but express the earnest hope that the arrangements which may be adopted in this respect may not be of such a nature as to increase, at least in any considerable degree, the whole expenditure, or to make any material addition to the taxation, and thereby retard the internal industry, or tend to impose new burdens on the commerce of the country.

Her Majesty's Government are anxious to lose no time in conveying to you their general approval of the proceedings of the Conference. There are, however, two provisions of great importance which seem to require revision. The first of these is the provision contained in the 44th Resolution, with respect to the exercise of the prerogative of pardon. It appears to Her Majesty's Government that this duty belongs to the Representative of the Sovereign, and could not with propriety be devolved upon the Lieutenant-Governors, who will, under the present scheme, be appointed not directly by the Crown, but by the Central Government of the United Provinces.

The second point which Her Majesty's Government desire should

be reconsidered, is the Constitution of the Legislative Council. They appreciate the considerations which have influenced the Conference in determining the mode in which this Body, so important to the Constitution of the Legislature, should be composed. But it appears to them to require further consideration, whether, if the members be appointed for life, and their number be fixed, there will be any sufficient means of restoring harmony between the Legislative Council and the popular Assembly, if it shall ever unfortunately happen that a decided difference of opinion shall arise between them.

These two points, relating to the Prerogative of the Crown and to the Constitution of the Upper Chamber, have appeared to require distinct and separate notice. Questions of minor consequence, and matters of detailed arrangement, may properly be reserved for a future time, when the provisions of the Bill intended to be submitted to the Imperial Parliament shall come under consideration. Her Majesty's Government anticipate no serious difficulty in this part of the case, since the Resolutions will generally be found sufficiently explicit to guide those who will be intrusted with the preparation of the Bill. It appears to them, therefore, that you should now take immediate measures, in concert with the Lieutenant Governors of the several Provinces, for submitting to the respective Legislatures this project of the Conference: and if, as I hope, you are able to report that these Legislatures sanction and adopt the scheme, Her Majesty's Government will render you all the assistance in their power for carrying it into effect.

It will probably be found to be the most convenient course that, in concert with Lieutenant Governors, you should select a deputation of the persons best qualified to proceed to this country, that they may be present during the preparation of the Bill, and give to Her Majesty's Government the benefit of their counsel upon any questions which may arise during the passage of the measure through the two Houses of Parliament.

I have, &c.,

(Signed)

E. CARDWELL.

Governor Viscount MONCK,
&c., &c., &c.