
Compilation of primary documents to assist
in interpreting the phrase **“a Constitution similar in
principle to that of the United Kingdom”** as found in
the Preamble of the *Constitution Act, 1867*

Preliminary Report



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¹ Future iterations of this report will contain the concept of a “federal union” (which is also covered in some of the debates in this preliminary edition since it touches on the concept of the British constitution), debates from the Maritime colonies leading up to Confederation, imperial correspondence, British parliamentary debates, and newspaper editorials.

PART 1:

The Preamble in Successive Drafts, from the Quebec Resolutions, 1864 to the *Constitution Act, 1867*

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[The Quebec Resolutions \(1864\)](#)²

October 26, 1864: First Working Draft

That the best interests and present and future prosperity of British North America will be promoted by a Federal Union under the Crown of Great Britain, provided such Union can be effected on principles just to the several Provinces.

That in the Federation of the British North American Provinces the System of Government best adapted under existing circumstances to protect the diversified interests of the several Provinces and secure efficiency, harmony and permanency in the working of the Union, — would be a general Government charged with matters of common interest to the whole Country, and Local Governments for each of the Canadas and for the Provinces of Nova Scotia, New Brunswick and Prince Edward Island, charged with the control of local matters in their respective sections,— Provision being made for the admission into the Union on equitable terms of Newfoundland, the North-West Territory, British Columbia and Vancouver.

That in framing a Constitution for the General Government, the Conference, with a view to the perpetuation of our connection with the Mother Country, and to the promotion of the best interests of the people of these Provinces, desire to follow the model of the British Constitution, so far as our circumstances will permit.

[...]

That the Executive Authority of Government shall be vested in the Sovereign of the United Kingdom of Great Britain and Ireland, and be administered according to the well understood principles of the British Constitution by the Sovereign personally or by Representative duly

² All transcriptions from the Quebec Resolutions are from [Charles Dumais, *The Quebec Resolutions: Including Several Never-Published Preliminary Drafts by George Brown and John A. Macdonald, and a Collection of all Previously-Published Primary Documents Relating to the Conference, October 10, 1864-October 29th, 1*](#) For discussions on this, please see Secretary Hewitt Bernard’s “Minutes of the Proceedings” at Quebec, Oct. 10th 1864, at page 127; Oct. 11th 1864, at page 128, Oct. 13th 1864, at page 131, October 25th 1864, at page 150; Secretary Hewitt Bernard’s Report of Discussions at Quebec, Oct. 11th 1864, at page 158; Hon . Edward Whelan’s (PEI) Informal Record at Quebec Oct. 10th 1864, at page 199-201; Galt’s “Sherbrooke speech” at page 273; and especially in the “Edinburgh Review” at page 334.

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| authorized.

(Source: John A. Macdonald, Drafts of the Quebec Resolutions, First Working Draft, October 26th, 1864, MG 26 A, Vol. 46, pp. 18164-18168. Click [HERE](#).)

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October 26-27, 1864: Second Working Draft³

^[1] That the best interests and present and future prosperity of British North America will be promoted by a Federal Union under the Crown of Great Britain, provided such Union can be effected on principles just to the several Provinces.

^[2] That in the Federation of the British North American Provinces the System of Government best adapted under existing circumstances to protect the diversified interests of the several Provinces and secure efficiency, harmony and permanency in the working of the Union, – would be a general Government charged with matters of common interest to the whole Country, and Local Governments for each of the Canadas and for the Provinces of Nova Scotia, New Brunswick and Prince Edward Island, charged with the control of local matters in their respective sections, – Provision being made for the admission into the Union on equitable terms of Newfoundland, the North-West Territory, British Columbia and Vancouver.

^[3] That in framing a Constitution for the General Government, the Conference, with a view to the perpetuation of our connection with the Mother Country, and to the promotion of the best interests of the people of these Provinces, desire to follow the model of the British Constitution, so far as our circumstances will permit.

^[4] That the Executive Authority or Government shall be vested in the Sovereign of the United Kingdom of Great Britain and Ireland, and be administered according to the well understood principles of the British Constitution by the Sovereign personally or by Representative duly authorized.

(Source: John A. Macdonald, Drafts of the Quebec Resolutions, Second Working Draft, October 26th-27th, 1864, MG 26 A, Vol. 46, pp. 18142-18155. Click [HERE](#).)

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October 27, 1864: Third Working Draft⁴

~~That~~ the best interests and present and future prosperity of British North America will be promoted by a Federal Union under the Crown of Great Britain, provided such Union can be effected on principles just to the several Provinces.

~~That~~ in the Federation of the British North American Provinces the System of Government best

³ The differences between drafts no. 1 and 2 is the re-ordering of what would become the 4th recital (numbered here “[4]”).

⁴ There are no differences between nos. 2 and 3 when it comes to the preamble recitals, with the exception of the removal of “that” for each resolution.

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adapted under existing circumstances to protect the diversified interests of the several Provinces and secure efficiency, harmony and permanency in the working of the Union, — would be a general Government charged with matters of common interest to the whole Country, and Local Governments for each of the Canadas and for the Provinces of Nova Scotia, New Brunswick and Prince Edward Island, charged with the control of local matters in their respective sections, — Provision being made for the admission into the Union on equitable terms of Newfoundland, the North-West Territory, British Columbia and Vancouver.

~~That~~ in framing a Constitution for the General Government, the Conference, with a view to the perpetuation of our connection with the Mother Country, and to the promotion of the best interests of the people of these Provinces, desire to follow the model of the British Constitution, so far as our circumstances will permit.

~~That~~ the Executive Authority or Government shall be vested in the Sovereign of the United Kingdom of Great Britain and Ireland, and be administered according to the well understood principles of the British Constitution by the Sovereign personally or by Representative duly authorized.

(Source: John A. Macdonald, Drafts of the Quebec Resolutions, Third Working Draft, October 27th, 1864, MG 26 A, Vol. 46, pp. 18156-18158. Click [HERE](#).)

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October 27, 1864: Fourth Working Draft

^[1.] ~~That~~ the best interests and present and future prosperity of British North America will be promoted by a Federal Union under the Crown of Great Britain, provided such Union can be effected on principles just to the several Provinces.

^[2.] ~~That~~ in the Federation of the British North American Provinces the System of Government best adapted under existing circumstances to protect the diversified interests of the several Provinces and secure efficiency, harmony and permanency in the working of the Union, — would be a general Government charged with matters of common interest to the whole Country, and Local Governments for each of the Canadas and for the Provinces of Nova Scotia, New Brunswick and Prince Edward Island, charged with the control of local matters in their respective sections, — Provision being made for the admission into the Union on equitable terms of Newfoundland, the North-West Territory, British Columbia and Vancouver.

^[3.] ~~That~~ in framing a Constitution for the General Government, the Conference, with a view to the perpetuation of our connection with the Mother Country, and to the promotion of the best interests of the people of these Provinces, desire to follow the model of the British Constitution, so far as our circumstances will permit.

^[4.] ~~That~~ the Executive Authority or Government shall be vested in the Sovereign of the United Kingdom of Great Britain and Ireland, and be administered according to the well understood principles of the British Constitution by the Sovereign personally or by the Representative of the

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| Sovereign⁵ duly authorized.

(Source: John A. Macdonald, Drafts of the Quebec Resolutions, Fourth Working Draft, October 27th, 1864, MG 26 A, Vol. 46, pp. 18136-18138. Click [HERE](#).)

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March 14, 1865: Quebec Resolutions as adopted in the Legislature of the Province of Canada

1. The best interests and present and future prosperity of British North America will be promoted by a Federal Union under the Crown of Great Britain, provided such Union can be effected on principles just to the several Provinces.
2. In the Federation of the British North American Provinces, the system of Government best adapted under existing circumstances to protect the diversified interest of the several Provinces, and secure efficiency, harmony and permanency in the working of the Union, would be a general Government, charged with matters of common interest to the whole country; and Local Governments for each of the Canadas, and for the Provinces of Nova Scotia, New Brunswick and Prince Edward Island, charged with the control of local matters in their respective sections. Provision being made for the admission into the Union, on equitable terms, of Newfoundland, the North-West Territory, British Columbia and Vancouver.
3. In framing a Constitution for the General Government, the Conference, with a view to the perpetuation of our connection with the Mother Country, and to the promotion of the best interests of the people of these Provinces, desire to follow the model of the British Constitution, so far as our circumstances will permit.
4. The Executive Authority or Government shall be vested in the Sovereign of the United Kingdom of Great Britain and Ireland, and be administered according to the well-understood principles of the British Constitution, by the Sovereign personally, or by the Representative of the Sovereign duly authorized.

(Source: John A. Macdonald, The Quebec Resolutions, 1864 as Adopted in the Legislature of the Province of Canada, Vol. 46, pp. 18210-18216. Click [HERE](#).)

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[The London Resolutions \(1866\)](#)

December 4, 1866: Base Text Version No. 1, Copy 1⁶

- | 1. The best interests and present and future prosperity of British North America will be promoted

⁵ This is the only difference between draft nos. 3 and 4. There are no discussions clarifying this qualification. It appears simply intended to clarify the text when the resolutions were read.

⁶ This draft is essentially a copy of final Quebec Resolutions, 1864, with one word different. See below in recital no. 3.

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by a Federal Union under the Crown of Great Britain, provided such Union can be effected on principles just to the several Provinces.

2. In the Federation of the British North American Provinces the System of Government best adapted under existing circumstances to protect the diversified interest of the several Provinces and secure efficiency, harmony, and permanency in the working of the Union,— would be a general Government charged with matters of common interest to the whole country, and local governments for each of the Canadas and for the Provinces of Nova Scotia, New Brunswick and Prince Edward Island, charged with the control of local matters in their respective sections,— Provision being made for the admission into the Union on equitable terms of Newfoundland, the North-West Territory, British Colombia and Vancouver.

3. In framing of⁷ a Constitution for the General Government, the Conference, with a view to the perpetuation of our connection with the Mother Country, and to the promotion of the best interests of the people of these Provinces, desire to follow the model of the British Constitution, so far as our circumstances will permit.

4. The Executive Authority or Government shall be vested in the Sovereign of the United Kingdom of Great Britain and Ireland, and be administered according to the well understood principles of the British Constitution by the Sovereign personally or by the Representative of the Sovereign duly authorized.

(Source: John A. Macdonald Fonds, Drafts of the London Resolutions – Version No. 1, Copy 1, December 4th, 1866 (MG 26 A, Vol. 46, pp. 18184-18190). Click [HERE](#).)

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December 4-6, 1866: Base Text Version No. 1, Copy 2

^[✓] 1. The best interests and present and future prosperity of British North America will be promoted by a [Federal] Union]⁸ under the Crown of Great Britain, provided such Union can be effected on principles just to the several Provinces.

^[✓] 2. In the Federation of the British North American Provinces the System of Government best adapted under existing circumstances to protect the diversified interest of the several Provinces and secure efficiency, harmony, and permanency in the working of the Union,— would be a general Government charged with matters of common interest to the whole country, and local governments for each of the Canadas and for the Provinces of Nova Scotia, ^[and] New Brunswick and ~~Prince Edward Island~~, charged with the control of local matters in their respective sections,— Provision being made for the admission into the Union on equitable terms of Newfoundland, ^[P. E. Island] the North-West Territory, ^[and] British Colombia ~~and Vancouver~~.⁹

^[✓] 3. In framing of a Constitution for the General Government, the Conference, with a view to the perpetuation of our connection with the Mother Country, and to the promotion of the best interests

⁷ The word “of” is not found in final text of the Quebec Resolutions, 1864.

⁸ These brackets are new when compared with the previous version 1 copy 1.

⁹ These strikeouts and additions are new and not found on the base text shared with version 1, copy 1.

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of the people of these Provinces, desire to follow the model of the British Constitution, so far as our circumstances will permit.

^(✓) 4. The Executive Authority or Government shall be vested in the Sovereign of the United Kingdom of Great Britain and Ireland, and be administered according to the well understood principles of the British Constitution by the Sovereign personally or by the Representative of the Sovereign duly authorized.

(Source: John A. Macdonald Fonds, Drafts of the London Resolutions – Version No. 1, Copy 2, December 4-6th, 1866 (MG 26 A, Vol. 46, pp. 18169-18174). Click [HERE](#).)

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December 13-14, 1866: Base Text Version No. 2, Copy 1

1. The best interests and present and future prosperity of British North America will be promoted by a Federal Union under the Crown of Great Britain, provided such Union can be effected on principles just to the several Provinces.

2. In the Federation of the British North American Provinces, the system of Government best adapted, under existing circumstances, to protect the diversified interests of the several Provinces, and secure efficiency, harmony, and permanency in the working of the Union, would be a General Government charged with matters of common interest to the whole Country, and Local Governments for each of the Canadas and for the Provinces of Nova Scotia, New Brunswick, ~~and~~ (Prince ^[x] Edward Island), charged with the control of local matters in their respective sections, — provision being made of the admission into the Union, on equitable terms, of Newfoundland, ^[x] the North-West Territory, British Columbia, ~~and Vancouver~~.

3. In framing a¹⁰ Constitution for the General Government, the Conference, with a view to the perpetuation of our connection with the Mother Country, and to the promotion of the best interests of the people of these Provinces, desire to follow the model of the British Constitution, so far as our circumstances will permit.

4. The Executive Authority or Government shall be vested in the Sovereign of the United Kingdom of Great Britain and Ireland, and be administered according to the well understood principles of the British Constitution, by the Sovereign personally, or by the Representative of the Sovereign, duly authorized.

(Source: John A. Macdonald Fonds, Drafts of the London Resolutions – Version No. 2, Copy 1, December 13-14th (MG 26 A, Vol. 46, pp.18176-18183). Click [HERE](#).)

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December 13-14, 1866: Base text Version No. 2, Copy 2

¹⁰ Other parts of this draft suggest this document was drafted on either December 13-14th at the London Conference, 1866. The text featured here however is different only where the word “of” is no longer here in this version.

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1. The best interests and present and future prosperity of British North America will be promoted by a Federal Union under the Crown of Great Britain, provided such Union can be effected on principles just to the several Provinces. ^[Carried without dissent]

2. In the ^[illegible] Federation of the British North American Provinces, the system of Government best adapted, under existing circumstances, to protect the diversified interests of the several Provinces, and secure efficiency, harmony, and permanency in the working of the Union, ~~would be~~ ^{[is]¹¹} a General Government charged with matters of common interest to the whole Country, and Local Governments for each of the Canadas and for the Provinces of Nova Scotia, ^[and] New Brunswick, ~~and Prince Edward Island~~, charged with the control of local matters in their respective sections,—provision being made of the admission into the Union, on equitable terms, of Newfoundland, ^[P.E. Island] the North-West Territory, ^[and] British Columbia, ~~and Vancouver~~.

^[✓] 3. In framing a Constitution for the General Government, the Conference, with a view to the perpetuation of our connection with the Mother Country, and to the promotion of the best interests of the people of these Provinces, desire to follow the model of the British Constitution, so far as our circumstances will permit.

^[✓] 4. The Executive Authority or Government shall be vested in the Sovereign of the United Kingdom of Great Britain and Ireland, and be administered according to the well understood principles of the British Constitution, by the Sovereign personally, or by the Representative of the Sovereign, duly authorized.

(Source: John A. Macdonald Fonds, Drafts of the London Resolutions – Version No. 2, Copy 2, December 13-14th, 1866 (MG 26 A, Vol. 46, pp. 18191-18196). Click [HERE](#).)

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December 14, 1866: Base Text Version No. 3, Copy 1

1. The best interests and present and future prosperity of British North America will be promoted by a Federal Union under the Crown of Great Britain, provided such Union can be effected on principles just to the several Provinces. ^{[Passed][illegible]}

2. In the ^[con] Federation¹² of the British North American Provinces, the system of Government best adapted, under existing circumstances, to protect the diversified interests of the several Provinces, and secure efficiency, harmony, and permanency in the working of the Union, ~~would be~~ ^[is] a General Government charged with matters of common interest to the whole Country, and Local Governments for each of the Canadas and for the Provinces of Nova Scotia, ^[+] New Brunswick, ~~and Prince Edward Island~~, charged with the control of local matters in their respective sections,—provision being made of the admission into the Union ^{[Confederation]¹³}, on equitable terms, of Newfoundland, ^[P.E. Island] the North-West Territory, British Columbia, and Vancouver. ^[Passed]

¹¹ The only difference between this draft and the previous text, both sharing the same base text, is this strikeout and insertion of “is”.

¹² A difference between this new draft and the previous ones is the change made to the base text here.

¹³ Here is a difference between this new draft and the previous ones is the change made to the base text here.

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3. In framing a Constitution for the General Government, the Conference, with a view to the perpetuation of ~~our~~^[the14] connection with the Mother Country, and ~~to~~¹⁵ the promotion of the best interests of the people of these Provinces, desire to follow the model of the British Constitution, so far as ~~our~~¹⁶ circumstances will permit. *[Passed]*

4. The Executive Authority or Government shall be vested in the Sovereign of the United Kingdom of Great Britain and Ireland, and be administered according to the well understood principles of the British Constitution, by the Sovereign personally, or by the Representative of the Sovereign, duly authorized. *[Passed]*

(Source: John A. Macdonald Fonds, Drafts of the London Resolutions – Version No. 3, Copy 1, December 14th, 1866 (MG 26 A, Vol. 46, pp. 18197-18209). Click [HERE](#).)

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n.d.: Base Text Version No. 4, Copy 1

1. The best interests and present and future prosperity of British North America will be promoted by a Federal Union under the Crown of Great Britain, provided such Union can be effected on principles just to the several Provinces.

2. In the Confederation¹⁷ of the British North American Provinces, the system of government best adapted under existing circumstances to protect the diversified interests of the several Provinces, and secure efficiency, harmony, and permanency in the working of the Union, is a General Government charged with matters of common interest to the whole country, and Local Governments for each of the Canadas, and for the Provinces of Nova Scotia and New Brunswick, charged with the control of local matters in their respective sections, provision being made for the admission into the Confederation, on equitable terms, of Newfoundland, the North West Territory, British Columbia and Prince Edward Island.¹⁸

3. In framing a Constitution for the General Government, the Conference, with a view to the perpetuation of our¹⁹ connection with the mother country, and the promotion of the best interests of the people of these Provinces, desire to follow the model of the British Constitution, so far as ~~our~~ circumstances will permit.

4. The Executive Authority or Government shall be vested in the Sovereign of the United Kingdom of Great Britain and Ireland, and be administered according to the well-understood principles of the British Constitution, by the Sovereign personally, or by the representative of the Sovereign duly authorized.

(Source: John A. Macdonald Fonds, Drafts of the London Resolutions – Version 4, December 1866 (MG 26 A, Vol. 47, pp. 18439-18494). Click [HERE](#).)

¹⁴ Here as well.

¹⁵ Here as well.

¹⁶ And finally, here as well.

¹⁷ The word “Confederation” has been incorporated.

¹⁸ This portion of text now incorporates in the printed text the former hand inscriptions from the previous version 3

¹⁹ It appears the delegates forgot or decided not to make a change here hand inscribed on version 3.

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n.d.: Penultimate Draft

1. The best interests and present and future prosperity of British North America will be promoted by a Federal Union under the Crown of Great Britain, provided such Union can be effected on principles just to the several Provinces.
2. In the Confederation of the British North American Provinces, the system of government best adapted under existing circumstances to protect the diversified interests of the several Provinces, and secure efficiency, harmony, and permanency in the working of the Union, is a General Government charged with matters of common interest to the whole country, and Local Governments for each of the Canadas, and for the Provinces of Nova Scotia and New Brunswick, charged with the control of local matters in their respective sections, provision being made for the admission into the Confederation, on equitable terms, of Newfoundland, ^[Prince Edward Island,] the North West Territory, ^[and] British Columbia and ~~Prince Edward Island~~.²⁰
3. In framing a Constitution for the General Government, the Conference, with a view to the perpetuation of ~~our~~ ^[the] connection with the mother country, and the promotion of the best interests of the people of these Provinces, desire to follow the model of the British Constitution, so far as circumstances will permit.
4. The Executive Authority or Government shall be vested in the Sovereign of the United Kingdom of Great Britain and Ireland, and be administered according to the well-understood principles of the British Constitution, by the Sovereign personally, or by the representative of the Sovereign duly authorized.

(Source: John A. Macdonald Fonds, Drafts of the London Resolutions – Penultimate Draft, December 1866 (MG 26 A, Vol. 47/2, pp. 18495-18513). Click [HERE](#).)

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December 28, 1866: Final Version²¹

1. The best interests and present and future prosperity of British North America will be promoted by a Federal Union under the Crown of Great Britain, provided such Union can be effected on principles just to the several Provinces.²²
2. In the Confederation²³ of the British North American Provinces, the system of government best

²⁰ It appears the delegates toyed with the order or made a mistake in printing here and hand annotations were needed to make the corrections once again.

²¹ There are additional copies of the final London Resolutions 1866 with inscriptions approving the resolutions, entitled “Post-Conference Drafts” perhaps in the earliest drafting the 1867 Act. Readers may find these additional copies by [using the following link](#). We also hope in a future iteration of this report to add the minutes from the London Conference.

²² This first recital is the same as that of the Quebec Resolutions, 1864.

²³ In the Quebec Resolutions, 1864, the word here was “federation”.

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adapted under existing circumstances to protect the diversified interests of the several Provinces, and secure efficiency, harmony, and permanency in the working of the Union, is a General Government charged with matters of common interest to the whole country, and Local Governments for each of the Canadas, and for the Provinces of Nova Scotia and New Brunswick, charged with the control of local matters in their respective sections, provision being made for the admission into the Confederation,²⁴ on equitable terms, of Newfoundland, Prince Edward Island,²⁵ the North West Territory, and British Columbia.²⁶

3. In framing a Constitution for the General Government, the Conference, with a view to the perpetuation of the connection with the mother country, and the promotion of the best interests of the people of these Provinces, desire to follow the model of the British Constitution, so far as²⁷ circumstances will permit.

4. The Executive Authority or Government shall be vested in the Sovereign of the United Kingdom of Great Britain and Ireland, and be administered according to the well-understood principles of the British Constitution, by the Sovereign personally, or by the representative of the Sovereign duly authorized.²⁸

(Source: London Resolutions as found in Joseph Pope (ed), *Confederation: Being a Series of Hitherto Unpublished Documents Bearing on the British North America Act* (Toronto: Carswell Co. Ltd., 1895) at 98-110. Click [HERE](#).)

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[Constitution Act, 1867](#)

n.d. (probably early January, 1867): Rough Draft

Be it enacted by THE QUEEN’S MOST EXCELLENT MAJESTY, by and with the advice and consent of the Lord Spiritual and Temporal and Commons in this present Parliament assembled, and by the authority of the same, as follows:—

1. It shall be lawful for Her Majesty, with the advice of her Privy Council, to declare, or to authorise the Governor-General to declare by proclamation, that the Provinces of Canada, Nova Scotia, and New Brunswick, upon, from, and after a certain day in such proclamation to be appointed, which day shall be within [blank] calendar months next after the passing of this Act, shall, for the purpose hereof, form and be one Province of Confederation, under the name of [blank] and thenceforth the said several Provinces shall constitute and be one Province or Confederation, under the name aforesaid, upon, from, and after the day so appointed, as aforesaid.

GENERAL GOVERNMENT.

²⁴ In the Quebec Resolutions 1864, the word used here was “union”

²⁵ Prince Edward Island is moved here to reflect that province not joining confederation.

²⁶ We find in the Quebec Resolutions 1864 “and Vancouver” and it is cut out here at London

²⁷ The word “our” is found in the Quebec Resolutions 1864.

²⁸ The fourth recital is the same as that of the Quebec Resolutions, 1864.

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2. The Executive Authority or Government, so far as may be necessary for the purposes of this Act, shall be and continue to be vested in the Queen of the United Kingdom of Great Britain and Ireland, to be administered either personally or by representatives upon the principles of the British Constitution.²⁹

(Source: John A. Macdonald Fonds, Drafts of the British North America Act, 1867 – Rough Draft, n.d. (MG 26, A, Vol. 48, pp. 18768-18793). Click [HERE](#).)

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n.d.: Rough Draft, John A. MacDonald’s Copy

Be it enacted by THE QUEEN’S MOST EXCELLENT MAJESTY, by and with the advice and consent of the Lord Spiritual and Temporal and Commons in this present Parliament assembled, and by the authority of the same, as follows:—

1. It shall be lawful for Her Majesty, with the advice of her Privy Council, to declare, ^[square bracket]or to authorise the Governor-General to declare ^[square bracket]by proclamation, that the Provinces of Canada, Nova Scotia, and New Brunswick, upon, from, and after a certain day in such proclamation to be appointed, which day shall be within ^[blank] calendar months next after the passing of this Act, shall, for the purpose hereof, form and be one Province of Confederation, under the name of ^[blank] and thenceforth the said several Provinces shall constitute and be one Province or Confederation, under the name aforesaid, ^[square bracket]upon, from, and after the day so appointed, as aforesaid. ^[square bracket]

GENERAL GOVERNMENT.

2. The Executive Authority or Government, so far as may be necessary for the purposes of this Act, shall be and continue to be vested in the Queen ^[Sovereign] of the United Kingdom of Great Britain and Ireland, to be administered either personally or by ^[a] representatives upon the princip^[l]es of the British Constitution.

(Source: John A. Macdonald Fonds, Drafts of the British North America Act, 1867 – Rough Draft, John A. Macdonald’s Copy, n.d. (MG 26, A, Vol. 48, pp. 18845-18870). Click [HERE](#).)

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January 23, 1867: 23rd January Draft, J.W. Ritchie’s Copy³⁰

WHEREAS the Union of the British North American Colonies for Purposes of Government and Legislation would be attended with great Benefits to the Colonies and be conducive to the Interests of the United Kingdom:

Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent

²⁹ This provision, which forms a part of the preamble in the Quebec Resolutions, 1864 and London Resolutions, 1866, is separated into a separate clause in this early draft of the British North America Act, 1867.

³⁰ This draft may emanate from the Colonial Office. More study is required.

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of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

(Source: John A. Macdonald Fonds, Drafts of the British North America Act, 1867 – 23rd January Draft, J.W. Ritchie’s Copy, January 23rd, 1867 (MG 26, A, Vol. 48, pp. 18971-18988). Click [HERE](#).)

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January 30, 1867: 1st Draft, Copy 1

WHEREAS the Provinces of CANADA, NOVA SCOTIA, and NEW BRUNSWICK have expressed their desire to form a Federal Union under the British Crown, for the purposes of Government and Legislation, based upon the principles of the British Constitution.

BE IT THEREFORE ENACTED BY THE QUEEN’S MOST EXCELLENT MAJESTY, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the authority of the same, as follows:—

(Source: John A. Macdonald Fonds, Drafts of the British North America Act, 1867 – 1st Draft, January 30th, 1867 (MG 26, A, Vol. 48, pp. 19017-19021). Click [HERE](#).)

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January 31, 1867: 2nd Draft, Copy 1

WHEREAS the Provinces of CANADA, NOVA SCOTIA, and NEW BRUNSWICK have expressed their desire to form a Federal Union under the British Crown, for the purposes of Government and Legislation, based upon the principles of the British Constitution.

BE IT THEREFORE ENACTED BY THE QUEEN’S MOST EXCELLENT MAJESTY, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the authority of the same, as follows:—

(Source: John A. Macdonald Fonds, Drafts of the British North America Act, 1867 – 2nd Draft, January 31st, 1867 (MG 26, A, Vol. 48, pp. 19022-19039). Click [HERE](#).)

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n.d.: 3rd Draft, Early Copy

WHEREAS the Provinces of CANADA, NOVA SCOTIA, and NEW BRUNSWICK have expressed their desire to form a Federal Union under the British Crown, for the purposes of Government and Legislation, based upon the principles of the British Constitution.

BE IT THEREFORE ENACTED BY THE QUEEN’S MOST EXCELLENT MAJESTY, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons in this present Parliament

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assembled, and by the authority of the same, as follows:—

(Source: John A. Macdonald Fonds, Drafts of the British North America Act, 1867 – 3rd Draft, Early Copy, n.d. (MG 26, A, Vol. 48, pp. 19101-19124). Click [HERE](#).)

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n.d.: 3rd Draft, Revised Copy

[Checkmark] WHEREAS the Provinces of CANADA, NOVA SCOTIA, and NEW BRUNSWICK have expressed their desire to form a Federal Union under the British Crown, for the purposes of Government and Legislation, based upon the principles of the British Constitution.

BE IT THEREFORE ENACTED BY THE QUEEN’S MOST EXCELLENT MAJESTY, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the authority of the same, as follows:—

(Source: John A. Macdonald Fonds, Drafts of the British North America Act, 1867 – 3rd Draft, Revised, February 2nd, 1867 (MG 26, A, Vol. 48, pp. 19125-19148). Click [HERE](#).)

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n.d. (1867): 4th Draft, Early Version

WHEREAS the Provinces of CANADA, NOVA SCOTIA, and NEW BRUNSWICK have expressed their desire to form a Federal Union under the British Crown, for the purposes of Government and Legislation, based upon the principles of the British Constitution.

BE IT THEREFORE ENACTED BY THE QUEEN’S MOST EXCELLENT MAJESTY, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the authority of the same, as follows:—

(Source: John A. Macdonald Fonds, Drafts of the British North America Act, 1867 – 4th Draft, Early Version, n.d. (MG 26, A, Vol. 49/1, pp. 19150-19181). Click [HERE](#).)

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n.d. (1867): 4th Draft, Later Version

WHEREAS the Provinces of CANADA, NOVA SCOTIA, and NEW BRUNSWICK have expressed their desire to form a Federal Union under the British Crown, for the purposes of Government and Legislation, based upon the principles of the British Constitution.

BE IT THEREFORE ENACTED BY THE QUEEN’S MOST EXCELLENT MAJESTY, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the authority of the same, as follows:—

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(Source: John A. Macdonald Fonds, Drafts of the British North America Act, 1867 – 4th Draft, Later Version, n.d. (MG 26, A, Vol. 49/1, pp. 19337-19367). Click [HERE](#).)

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n.d. (1867): 4th Draft, Later Version, Revised Copy

WHEREAS the Provinces of CANADA, NOVA SCOTIA, and NEW BRUNSWICK have expressed their desire to form a Federal Union under the British Crown, for the purposes of Government and Legislation, based upon the principles of the British Constitution.

BE IT THEREFORE ENACTED BY THE QUEEN’S MOST EXCELLENT MAJESTY, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the authority of the same, as follows:—

(Source: John A. Macdonald Fonds, Drafts of the British North America Act, 1867 – 4th Draft, Later Version, Revised Copy, n.d. (MG 26, A, Vol. 49/1, pp. 19399-19450). Click [HERE](#).)

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n.d. (1867): 4th Draft, Final Version

WHEREAS the Provinces of CANADA, NOVA SCOTIA, and NEW BRUNSWICK have expressed their desire to form a Federal Union under the British Crown, for the purposes of Government and Legislation, based upon the principles of the British Constitution.

BE IT THEREFORE ENACTED BY THE QUEEN’S MOST EXCELLENT MAJESTY, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the authority of the same, as follows:—

(Source: John A. Macdonald Fonds, Drafts of the British North America Act, 1867 – 4th Draft, Final Version, n.d. (MG 26, A, Vol. 49/2, pp. 19614-19664). Click [HERE](#).)

n.d.: H.L. Bill (Floor) [n.d.]³¹

WHEREAS the Provinces of Canada, Nova Scotia, and New Brunswick have expressed their Desire to be federally united into One Dominion under the Crown of the United Kingdom of Great Britain and Ireland, with a Constitution similar in Principle to that of the United Kingdom:

And whereas such a Union would conduce to the Welfare of the Provinces and promote the Interests of the British Empire:

And whereas on the Establishment of the Union by Authority of Parliament it is expedient, not only that the Constitution of the Legislative Authority in the Dominion be provided for, but also

³¹ Same wording as BNA Act.

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that the Nature of the Executive Government therein be declared:

And whereas it is expedient that Provision be made for the eventual Admission into the union of other Parts of British North America:

Be it therefore enacted and declared by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

(Source: John A. Macdonald Fonds, Drafts of the British North America Act, 1867 – H.L. Bill (Floor), n.d. (MG 26, A, Vol. 49/2, pp. 19665-19711). Click [HERE](#).)

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PART 2:

The Preamble in the Confederation Debates in the Province of Canada (1865-1866)

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February 3, 1865: Étienne Pascal Taché, Province of Canada, Legislative Council, p. 10.
(click [HERE](#))

Étienne Pascal Taché [Canada East, appointed 1848, Premier, Minister of Militia, and Receiver General]—Could any greater proof of a tolerant and liberal feeling be exhibited? These examples should show, as he thought, that the Protestants of Lower Canada were sure to meet with not justice simply, but with the largest toleration. It might perhaps be said that Mr. Price who had been elected for the division of which he spoke, being a large merchant doing business in Chicoutimi, had used the influence which his position gave him over many electors who were in his debt to obtain success; but whatever might be said of Chicoutimi, it could not be said of the county of Charlevoix, where he had no such business relations, and yet he obtained a majority there too. The fact was, the result might be considered not only as a mark of confidence in Mr. Price, the son elected, but as a token of respect and gratitude to Mr. Price, senior, who had by his energy and enterprise opened up the Saguenay country, and who, in a certain sense, might be said to be the father of that region. Much had been said on the war of races, but that war was extinguished on the day the British Government granted Canada Responsible Government, by which all its inhabitants, without distinction of race or creed, were placed on a footing of equality.

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February 6, 1865: John A. Macdonald, Province of Canada, Legislative Assembly, pp. 32-42. (click [HERE](#))

John A. Macdonald [Kingston, Attorney-General West]—

[...]

The Conference having come to the conclusion that a legislative union, pure and simple, was impracticable, our next attempt was to form a government upon federal principles, which would give to the General Government the strength of a legislative and administrative union, while at the same time it preserved that liberty of action for the different sections which is allowed by a Federal Union. And I am strong in the belief—that we have hit upon the happy medium in those resolutions, and that we have formed a scheme of government which unites the advantages of both, giving us the strength of a legislative union and the sectional freedom of a federal union, with

protection to local interests. In doing so we had the advantage of the experience of the United States. It is the fashion now to enlarge on the defects of the Constitution of the United States, but I am not one of those who look upon it as a failure.

[p. 33]

[...]

By adhering to the monarchical principle, we avoid one defect inherent in the Constitution of the United States. By the election of the President by a majority and for a short period, he never is the sovereign and chief of the nation. He is never looked up to by the whole people as the head and front of the nation. He is at best but the successful leader of a party. This defect is all the greater on account of the practice of re-election. During his first term of office, he is employed in taking steps to secure his own re-election, and for his party a continuance of power. We avoid this by adhering to the monarchical principle—the Sovereign whom you respect and love. I believe that it is of the utmost importance to have that principle recognized, so that we shall have a Sovereign who is placed above the region of party—to whom all parties look up—who is not elevated by the action of one party nor depressed by the action of another, who is the common head and sovereign of all.

Some Hon. Members—Hear, hear, *and cheers*.

John A. Macdonald [Kingston, Attorney-General West]—In the Constitution we propose to continue the system of Responsible Government, which has existed in this province since 1841, and which has long obtained in the Mother Country. This is a feature of our Constitution as we have it now, and as we shall have it in the Federation, in which, I think, we avoid one of the great defects in the Constitution of the United States. There the President, during his term of office, is in a great measure a despot, a one-man power, with the command of the naval and military forces—with an immense amount of patronage as head of the Executive, and with the veto power as a branch of the legislature, perfectly uncontrolled by responsible advisers, his cabinet being departmental officers merely, whom he is not obliged by the Constitution to consult with, unless he chooses to do so.

With us the Sovereign, or in this country the Representative of the Sovereign, can act only on the advice of his ministers, those ministers being responsible to the people through Parliament. Prior to the formation of the American Union, as we all know, the different states which entered into it were separate colonies. They had no connection with each other further than that of having a common sovereign, just as with us at present. Their constitutions and their laws were different. They might and did legislate against each other, and when they revolted against the Mother Country they acted as separate sovereignties, and carried on the war by a kind of treaty of alliance against the common enemy.

Ever since the union was formed the difficulty of what is called “State Rights” has existed, and this had much to do in bringing on the present unhappy war in the United States. They commenced, in fact, at the wrong end. They declared by their Constitution that each state was a sovereignty in itself, and that all the powers incident to a sovereignty belonged to each state, except those powers which, by the Constitution, were conferred upon the General Government and Congress. Here we have adopted a different system. We have strengthened the General Government.

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We have given the General Legislature all the great subjects of legislation. We have conferred on them, not only specifically and in detail, all the powers which are incident to sovereignty, but we have expressly declared that all subjects of general interest not distinctly and exclusively conferred upon the local governments and local legislatures, shall be conferred upon the General Government legislature.—We, have thus avoided that great source of weakness which has been the cause of the disruption of the United States.

We have avoided all conflict of jurisdiction and authority, and if this Constitution is carried out, as it will be in full detail in the Imperial Act to be passed if the colonies adopt the scheme, we will have in fact, as I said before, all the advantages of a legislative union under one administration, with, at the same time the guarantees for local institutions and for local laws, which are insisted upon by so many in the provinces now, I hope, to be united. I think it is well that, in framing our Constitution—although my honorable friend the member for Hochelaga (Hon. Mr. Dorion) sneered at it the other day, in the discussion on the Address in reply to the speech from the Throne—our first act should have been to recognize the sovereignty of Her Majesty.

Some Hon. Members—Hear, hear.

John A. Macdonald [Kingston, Attorney-General West]—I believe that, while England has no desire to lose her colonies, but wishes to retain them, while I am satisfied that the public mind of England would deeply regret the loss of these provinces—yet, if the people of British North America after full deliberation had stated that they considered it was for their interest, for the advantage of the future of British North America to sever the tie, such is the generosity of the people of England, that, whatever their desire to keep these colonies, they would not seek to compel us to remain unwilling subjects of the British Crown. If therefore, at the Conference, we had arrived at the conclusion, that it was for the interest of these provinces that a severance should take place, I am sure that Her Majesty and the Imperial Parliament would have sanctioned that severance.

We accordingly felt that there was a propriety in giving a distinct declaration of opinion on that point, and that, in framing the Constitution, its first sentence should declare, that “The Executive authority or government shall be vested in the Sovereign of the United Kingdom of Great Britain and Ireland, and be administered according to the well understood principles of the British Constitution, by the Sovereign personally, or by the Representative of the Sovereign duly authorised.”

That resolution met with the unanimous assent of the Conference. The desire to remain connected with Great Britain and to retain our allegiance to Her Majesty was unanimous. Not a single suggestion was made, that it could, by any possibility, be for the interest of the colonies, or of any section or portion of them, that there should be a severance of our connection.

Although we knew it to be possible that Canada, from her position, might be exposed to all the horrors of war, by reason of causes of hostility arising between Great Britain and the United States—causes over which we had no control, and which we had no hand in bringing about—yet there was a unanimous feeling of willingness to run all the hazards of war, if war must come, rather than lose the connection between the Mother Country and these colonies.

Some Hon. Members—*Cheers.*

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John A. Macdonald [Kingston, Attorney-General West]— We provide that “the Executive authority shall be administered by the Sovereign personally, or by the Representative of the Sovereign duly authorized.” It is too much to expect that the Queen should vouchsafe us her personal governance or presence, except to pay us, as the heir apparent of the Throne, our future Sovereign has already paid us, the graceful compliment of a visit.

The Executive authority must therefore be administered by Her Majesty’s Representative. We place no restriction on Her Majesty’s prerogative in the selection of her representative. As it is now, so it will be if this Constitution is adopted. The Sovereign has unrestricted freedom of choice. Whether in making her selection she may send us one of her own family, a Royal Prince, as a Viceroy to rule over us, or one of the great statesmen of England to represent her, we know not. We leave that to Her Majesty in all confidence. But we may be permitted to hope, that when the union takes place, and we become the great country which British North America is certain to be, it will be an object worthy the ambition of the statesmen of England to be charged with presiding over our destinies.

Some Hon. Members—Hear, hear.

John A. Macdonald [Kingston, Attorney-General West]—Let me now invite the attention of the House to the provisions in the Constitution respecting the legislative power. The sixth resolution says, “There shall be a general legislature or parliament for the federated provinces, composed of a Legislative Council and a House of Commons.”

This resolution has been cavilled at in the English press as if it excluded the Sovereign as a portion of the legislature. In one sense, that stricture was just—because in strict constitutional language, the legislature of England consists of King, Lords and Commons. But, on the other hand, in ordinary parlance we speak of “the King and his Parliament,” or “the King summoning his Parliament,” the three estates—Lords spiritual, temporal Lords, and the House of Commons, and I observe that such a writer as Hallam occasionally uses the word Parliament in that restricted sense. At best it is merely a verbal criticism.

The legislature of British North America will be composed of King, Lords, and Commons. The Legislative Council will stand in the same relation to the Lower House, as the House of Lords to the House of Commons in England, having the same power of initiating all matters of legislation, except the granting of money. As regards the Lower House, it may not appear to matter much, whether it is called the House of Commons or House of Assembly. It will bear whatever name the Parliament of England may choose to give it, but “The House of Commons” is the name we should prefer, as showing that it represents the Commons of Canada, in the same way that the English House of Commons represents the Commons of England, with the same privileges, the same parliamentary usage, and the same parliamentary authority.

In settling the constitution of the Lower House, that which peculiarly represents the people, it was agreed that the principle of representation based on population should be adopted, and the mode of applying that principle is fully developed in these resolutions. When I speak of representation by population, the House will of course understand, that universal suffrage is not in any way sanctioned, or admitted by these resolutions, as the basis on which the constitution of the popular branch should rest. In order to protect local interests, and to prevent sectional jealousies, it was found requisite that the three great divisions into which British North America is separated, should

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be represented in the Upper House on the principle of equality. There are three great sections, having different interests, in this proposed Confederation.

We have Western Canada, an agricultural country far away from the sea, and having the largest population who have agricultural interests principally to guard. We have Lower Canada, with other and separate interests, and especially with institutions and laws which she jealously guards against absorption by any larger, more numerous, or stronger power. And we have the Maritime Provinces, having also different sectional interests of their own, having, from their position, classes and interests which we do not know in Western Canada. Accordingly, in the Upper House,—the controlling and regulating, but not the initiating, branch (for we know that here as in England, to the Lower House will practically belong the initiation of matters of great public interest), in the House which has the sober second-thought in legislation—it is provided that each of those great sections shall be represented equally by 24 members.

The only exception to that condition of equality is in the case of Newfoundland, which has an interest of its own, lying, as it does, at the mouth of the great river St. Lawrence, and more connected, perhaps, with Canada than with the Lower Provinces. It has, comparatively speaking, no common interest with the other Maritime Provinces, but has sectional interests and sectional claims of its own to be protected. It, therefore has been dealt with separately, and is to have a separate representation in the Upper House, thus varying from the equality established between the other sections.—

As may be well conceived, great difference of opinion at first existed as to the constitution of the Legislative Council. In Canada the elective principle prevailed; in the Lower Provinces, with the exemption of Prince Edward Island, the nominative principle was the rule. We found a general disinclination, on the part of the Lower Provinces to adopt the elective principle; indeed, I do not think there was a dissenting voice in the Conference against the adoption of the nominative principle, except from Prince Edward Island. The delegates from New Brunswick, Nova Scotia and Newfoundland, as one man, were in favor of nomination by the Crown. And nomination by the Crown is of course the system which is most in accordance with the British Constitution.

We resolved then, that the constitution of the Upper House should be in accordance with the British system as nearly as circumstances would allow. An hereditary Upper House is impracticable in this young country. Here we have none of the elements for the formation of a landlord aristocracy—no men of large territorial positions—no class separated from the mass of the people. An hereditary body is altogether unsuited to our state of society, and would soon dwindle into nothing. The only mode of adapting the English system to the Upper House, is by conferring the power of appointment on the Crown (as the English peers are appointed), but that the appointments should be for life. The arguments for an elective Council are numerous and strong; and I ought to say so, as one of the Administration responsible for introducing the elective principle into Canada.

Some Hon. Members—Hear, hear.

John A. Macdonald [Kingston, Attorney-General West]—I hold that this principle has not been a failure in Canada; but there were causes—which we did not take into consideration at the time—why it did not so fully succeed in Canada as we had expected.

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One great cause was the enormous extent of the constituencies and the immense labor which consequently devolved on those who sought the suffrages of the people for election to the Council. For the same reason the expense—

Some Hon. Members—*Laughter.*

John A. Macdonald [Kingston, Attorney-General West]—the legitimate expense was so enormous that men of standing in the country, eminently fitted for such a position, were prevented from coming forward. At first, I admit, men of the first standing did come forward, but we have seen that in every succeeding election in both Canadas there has been an increasing disinclination, on the part of men of standing and political experience and weight in the country, to become candidates; while, on the other hand, all the young men, the active politicians, those who have resolved to embrace the life of a statesman, have sought entrance to the House of Assembly. The nominative system in this country, was to a great extent successful, before the introduction of responsible government.

Then the Canadas were to a great extent Crown colonies, and the upper branch of the legislature consisted of gentlemen chosen from among the chief judicial and ecclesiastical dignitaries, the heads of departments, and other men of the first position in the country. Those bodies commanded great respect from the character, standing, and weight of the individuals composing them, but they had little sympathy with the people or their representatives, and collisions with the Lower House frequently occurred, especially in Lower Canada. When responsible government was introduced, it became necessary for the Governor of the day to have a body of advisers who had the confidence of the House of Assembly which could make or unmake ministers as it chose.

The Lower House in effect pointed out who should be nominated to the Upper House; for the ministry, being dependent altogether on the lower branch of the legislature for support, selected members for the Upper House from among their political friends at the dictation of the House of Assembly. The Council was becoming less and less a substantial check on the legislation of the Assembly; but under the system now proposed, such will not be the case. No ministry can in future do what they have done in Canada before,—they cannot, with the view of carrying any measure, or of strengthening the party, attempt to overrule the independent opinion of the Upper House, by filling it with a number of its partisans and political supporters. The provision in the Constitution, that the Legislative Council shall consist of a limited number of members—that each of the great sections shall appoint twenty-four members and no more, will prevent the Upper House from being swamped from time to time by the ministry of the day, for the purpose of carrying out their own schemes or pleasing their partisans.

The fact of the government being prevented from exceeding a limited number will preserve the independence of the Upper House, and make it, in reality, a separate and distinct chamber, having a legitimate and controlling influence in the legislation of the country. The objection has been taken that in consequence of the Crown being deprived of the right of unlimited appointment, there is a chance of a dead lock arising between the two branches of the legislature; a chance that the Upper House being altogether independent of the Sovereign, of the Lower House, and of the advisers of the Crown, may act independently, and so independently as to produce a dead lock. I do not anticipate any such result.

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In the first place we know that in England it does not arise. There would be no use of an Upper House, if it did not exercise, when it thought proper, the right of opposing or amending or postponing the legislation of the Lower House. It would be of no value whatever were it a mere chamber for registering the decrees of the Lower House. It must be an independent House, having a free action of its own, for it is only valuable as being a regulating body, calmly considering the legislation initiated by the popular branch, and preventing any hasty or ill considered legislation which may come from that body, but it will never set itself in opposition against the deliberate and understood wishes of the people.

Even the House of Lords, which as an hereditary body, is far more independent than one appointed for life can be, whenever it ascertains what is the calm, deliberate will of the people of England, it yields, and never in modern times has there been, in fact or act, any attempt to overrule the decisions of that House by the appointment of new peers, excepting, perhaps, once in the reign of Queen Anne.

It is true that in 1832 such an increase was threatened in consequence of the reiterated refusal of the House of Peers to pass the Reform Bill. I have no doubt the threat would have been carried into effect, if necessary; but every one, even the Ministry who advised that step, admitted that it would be a revolutionary act, a breach of the Constitution to do so, and it was because of the necessity of preventing the bloody revolution which hung over the land, if the Reform Bill had been longer refused to the people of England, that they consented to the bloodless revolution of overriding the independent opinion of the House of Lords on that question.

Some Hon. Members—Hear, hear.

John A. Macdonald [Kingston, Attorney-General West]—Since that time it has never been attempted, and I am satisfied it will never be attempted again. Only a year or two ago the House of Lords rejected the Paper Duties Bill, and they acted quite constitutionally, according to the letter and as many think, according to the spirit of the Constitution in doing so. Yet when they found they had interfered with a subject which the people’s house claimed as belonging of right to themselves, the very next session they abandoned their position, not because they were convinced they had done wrong, but because they had ascertained what was the deliberate voice of the representatives of the people on the subject.

In this country, we must remember, that the gentlemen who will be selected for the Legislative Council stand on a very different footing from the peers of England. They have not like them any ancestral associations or position derived from history. They have not that direct influence on the people themselves, or on the popular branch of the legislature, which the peers of England exercise, from their great wealth, their vast territorial possessions, their numerous tenantry, and that prestige with which the exalted position of their class for centuries has invested them.

Some Hon. Members—Hear, hear.

John A. Macdonald [Kingston, Attorney-General West]—The members of our Upper House will be like those of the Lower, men of the people, and from the people. The man put into the Upper House is as much a man of the people the day after, as the day before his elevation. Springing from the people, and one of them, he takes his seat in the Council with all the sympathies and feelings of a man of the people, and when he returns home, at the end of the session, he mingles with them

on equal terms, and is influenced by the same feelings and associations, and events, as those which affect the mass around him. And is it, then, to be supposed that the members of the upper branch of the legislature will set themselves deliberately at work to oppose what they know to be the settled opinions and wishes of the people of the country? They will not do it. There is no fear of a dead lock between the two houses. There is an infinitely greater chance of a dead lock between the two branches of the legislature, should the elective principle be adopted, than with a nominated chamber—chosen by the Crown, and having no mission from the people.

The members of the Upper Chamber would then come from the people as well as those of the Lower House, and should any difference ever arise between both branches, the former could say to the members of the popular branch—“We as much represent the feelings of the people as you do, and even more so; we are not elected from small localities and for a short period; you as a body were elected at a particular time, when the public mind was running in a particular channel: you were returned to Parliament, not so much representing the general views of the country, on general questions, as upon the particular subjects which happened to engage the minds of the people when they went to the polls. We have as much right, or a better right, than you to be considered as representing the deliberate will of the people on general questions, and therefore we will not give way.”

Some Hon. Members—Hear, hear.

John A. Macdonald [Kingston, Attorney-General West]—There is, I repeat, a greater danger of an irreconcilable difference of opinion between the two branches of the legislature, if the upper be elective, than if it holds its commission from the Crown. Besides, it must be remembered that an Upper House, the members of which are to be appointed for life, would not have the same quality of permanence as the House of Lords; our members would die; strangers would succeed them, whereas son succeeded father in the House of Lords.

Thus the changes in the membership and state of opinion in our Upper House would always be more rapid than in the House of Lords. To show how speedily changes have occurred in the Upper House, as regards life members, I will call the attention of the House to the following facts:—At the call of the House, in February, 1856, forty-two life members responded; two years afterwards, in 1858, only thirty-five answered to their names; in 1862 there were only twenty-five life members left, and in 1864, but twenty-one.

Some Hon. Members—Hear, hear.

John A. Macdonald [Kingston, Attorney-General West]—This shows how speedily changes take place in the life membership. But remarkable as this change has been, it is not so great as that in regard to the elected members. Though the elective principle only came into force in 1856, and although only twelve men were elected that year, and twelve more every two years since, twenty-four changes have already taken place by the decease of members, by the acceptance of office, and by resignation. So it is quite clear that, should there be on any question a difference of opinion between the Upper and Lower Houses, the government of the day being obliged to have the confidence of the majority in the popular branch—would, for the purpose of bringing the former into accord and sympathy with the latter, fill up any vacancies that might occur, with men of the same political feelings and sympathies with the Government, and consequently with those of the majority in the popular branch; and all the appointments of the Administration would be made with the object of maintaining the sympathy and harmony between the two houses.

Some Hon. Members—Hear, hear.

John A. Macdonald [Kingston, Attorney-General West]—There is this additional advantage to be expected from the limitation. To the Upper House is to be confided the protection of sectional interests; therefore is it that the three great divisions are there equally represented, for the purpose of defending such interests against the combinations of majorities in the Assembly. It will, therefore, become the interest of each section to be represented by its very best men, and the members of the Administration who belong to each section will see that such men are chosen, in case of a vacancy in their section. For the same reason each state of the American Union sends its two best men to represent its interests in the Senate.

Some Hon. Members—Hear, hear.

John A. Macdonald [Kingston, Attorney-General West]—It is provided in the Constitution that in the first selections for the Council, regard shall be had to those who now hold similar positions in the different colonies. This, it appears to me, is a wise provision. In all the provinces, except Prince Edward, there are gentlemen who hold commissions for the Upper House for life. In Canada, there are a number who hold under that commission; but the majority of them hold by a commission, not, perhaps, from a monarchical point of view so honorable, because the Queen is the fountain of honor,—but still, as holding their appointment from the people, they may be considered as standing on a par with those who have Her Majesty’s commission.

There can be no reason suggested why those who have had experience in legislation, whether they hold their positions by the election of the people or have received preferment from the Crown—there is no valid reason why those men should be passed over, and new men sought for to form the Legislative Council of the Confederation. It is, therefore, provided that the selection shall be made from those gentlemen who are now members of the upper branch of the Legislature in each of the colonies, for seats in the Legislative Council of the General Legislature.

The arrangement in this respect is somewhat similar to that by which Representative Peers are chosen from the Peers of Scotland and Ireland, to sit in the Parliament of the United Kingdom. In like manner, the members of the Legislative Council of the proposed Confederation will be first selected from the existing Legislative Councils of the various provinces. In the formation of the House of Commons, the principle of representation by population has been provided for in a manner equally ingenious and simple. The introduction of this principle presented at first the apparent difficulty of a constantly increasing body until, with the increasing population, it would become inconveniently and expensively large.

[...]

While the principle of representation by population is adopted with respect to the popular branch of the legislature, not a single member of the Conference, as I stated before, not a single one of the representatives of the government or of the opposition of any one of the Lower Provinces was in favor of universal suffrage. Every one felt that in this respect the principle of the British Constitution should be carried out, and that classes and property should be represented as well as numbers. Insuperable difficulties would have presented themselves if we had attempted to settle now the qualification for the elective franchise.

[...]

John A. Macdonald [Kingston, Attorney-General West]—The criminal law too—the determination of what is a crime and what is not and how crime shall be punished—is left to the General Government. This is a matter almost of necessity. It is of great importance that we should have the same criminal law throughout these provinces—that what is a crime in one part of British America, should be a crime in every part—that there should be the same protection of life and property as in another. It is one of the defects in the United States system, that each separate state has or may have a criminal code of its own,—that what may be a capital offence in one state, may be a venial offence, punishable slightly, in another.

But under our Constitution we shall have one body of criminal law, based on the criminal law of England, and operating equally throughout British America, so that a British American, belonging to what province he may, or going to any other part of the Confederation, knows what his rights are in that respect, and what his punishment will be if an offender against the criminal laws of the land. I think this is one of the most marked instances in which we take advantage of the experience derived from our observations of the defects in the Constitution of the neighboring Republic.

[...]

John A. Macdonald [Kingston, Attorney-General West]—I shall not go over the other powers that are conferred on the General Parliament. Most of them refer to matters of financial and commercial interest, and I leave those subjects in other and better hands. Besides all the powers that are specifically given in the 37th and last item of this portion of the Constitution, confers on the General Legislature the general mass of sovereign legislation, the power to legislate on “all matters of a general character, not specially and exclusively reserved for the local governments and legislatures.” This is precisely the provision which is wanting in the Constitution of the United States. It is here that we find the weakness of the American system—the point where the American Constitution breaks down.

Some Hon. Members—Hear, hear.

John A. Macdonald [Kingston, Attorney-General West]—It is in itself a wise and necessary provision. We thereby strengthen the Central Parliament, and make the Confederation one people and one government, instead of five peoples and five governments, with merely a point of authority connecting us to a limited and insufficient extent. With respect to the local governments, it is provided that each shall be governed by a chief executive officer, who shall be nominated by the General Government. As this is to be one united province, with the local governments and legislatures subordinate to the General Government and Legislature, it is obvious that the chief executive officer in each of the provinces must be subordinate as well. The General Government assumes towards the local governments precisely the same position as the Imperial Government holds with respect to each of the colonies now; so that as the Lieutenant Governor of each of the different provinces is now appointed directly by the Queen, and is directly responsible, and reports directly to Her, so will the executives of the local governments hereafter be subordinate to the Representative of the Queen, and be responsible and report to him. Objection has been taken that there is an infringement of the Royal prerogative in giving the pardoning power to the local

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governors, who are not appointed directly by the Crown, but only indirectly by the Chief Executive of the Confederation, who is appointed by the Crown.

This provision was inserted in the Constitution on account of the practical difficulty which must arise if the power is confined to the Governor General. For example, if a question arose about the discharge of a prisoner convicted of a minor offence, say in Newfoundland, who might be in imminent danger of losing his life if he remained in confinement, the exercise of the pardoning power might come too late if it were necessary to wait for the action of the Governor General. It must be remembered that the pardoning power not only extends to capital cases, but to every case of conviction and sentence, no matter how trifling—even to the case of a fine in the nature of a sentence on a criminal conviction.

It extends to innumerable cases, where, if the responsibility for its exercise were thrown on the General Executive, it could not be so satisfactorily discharged. Of course there must be, in each province, a legal adviser of the Executive, occupying the position of our Attorney General, as there is in every state of the American Union. This officer will be an officer of the Local Government; but, if the pardoning power is reserved for the Chief Executive, there must, in every case where the exercise of the pardoning power is sought, be a direct communication and report from the local law officer to the Governor General.

The practical inconvenience of this was felt to be so great, that it was thought well to propose the arrangement we did, without any desire to infringe upon the prerogatives of the Crown, for our whole action shows that the Conference, in every step they took, were actuated by a desire to guard jealously these prerogatives.

Some Hon. Members—Hear, hear.

[...]

John A. Macdonald [Kingston, Attorney-General West]—We have introduced also all those provisions which are necessary in order to the full working out of the British Constitution in these provinces. We provide that there shall be no money votes, unless those votes are introduced in the popular branch of the Legislature on the authority of the responsible advisers of the Crown—those with whom the responsibility rests of equalizing revenue and expenditure—that there can be no expenditure or authorization of expenditure by Address or in any other way unless initiated by the Crown on the advice of its responsible advisers.

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February 7, 1865: James Currie, Province of Canada, Legislative Council, pp. 50-51.
(click [HERE](#))

James Currie [Niagara, elected 1862]—Why not give a guarantee for their enlargement? He found that the desirable improvement would entail an expense of \$12,000,000. As to the local subsidy, he regarded it as a farce, or as honey spread out to catch flies. As to the argument that the rejection of the scheme would injure our credit, he would ask whether the bondholders would not much prefer our present financial condition to one of fifteen millions of increased indebtedness, with nothing

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of value to show for it. If the people of England knew that Confederation and the Intercolonial Railway meant an increase of fifty per cent, on our tariff, they would not be so anxious for it.

As to the representation in the Confederated Legislative Council, it was proposed to give Upper Canada and Lower Canada twenty-four members each, and to the Lower Provinces twenty-eight. That is, the 780,000 souls in the Lower Provinces would have four members more than Upper Canada with its million and a half. This proved that though Canada had talented men in the Conference, they either forgot our interests or sat there powerless.

When the Legislative Council of Canada was made elective, his honourable friend near him (Hon. Mr. Christie) had stood up for the right of Upper Canada, as the Delegates should have done in the Conference. On the second reading of the bill to change the constitution of the Legislative Council, on the 14th March, 1856,—

Mr. Brown moved, seconded by Mr. Foley, That it be an instruction to the Committee to amend the bill, by providing that the members of the Legislative Council shall be elected for four years, one-half retiring every second year.

Mr. Gould moved, seconded by Mr. Wright, That it be an instruction to the Committee to amend the bill by providing that the constituencies shall be arranged according to population, without regard to the division line between Upper and Lower Canada.

This amendment was supported by the Hon. Messrs. Atkins, Brown, Cameron, Christie, Foley, Freeman, Wilson, and many leading reformers in Upper Canada. And on the third reading of the bill on the 27th March,—

Mr. Hartman moved, seconded by Mr. Christie, That the bill be recommitted to a Committee of the whole House, with a view to arrange the electoral divisions so as to embrace within each, as nearly as practicable, an equal population, and without regard to a division line between Upper and Lower Canada.

This amendment, although supported by Messrs. Brown, Christie, and twenty other Upper Canada members, was not carried. If representation by population were right in 1856, was it not equally right in 1865?

But it might be said that the union was to be a federal one, whereas it was no such thing. It was neither federal nor legislative, but a mongrel between both. If the representation had been properly arranged, there would have been no necessity for honourable members vacating their seats. In that case, Upper Canada would have had 30, Lower Canada 24, and the Lower Provinces 18.

Yesterday the Honourable Commissioner of Crown Lands [Alexander Campbell] had given reasons for abolishing the elective principle as applied to this House; but not over a year ago he had lauded the system, and he (Hon. Mr. Currie) had not heard the life members say a word in opposition. The system had got a fair trial of eight years, and had proved satisfactory, and would a few self-constituted delegates, with a dash of the pen, destroy that which had received the sanction of the country? He was never sent to this House to vote away its constitution—

Some Hon. Members—Hear, hear.

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James Currie [Niagara, elected 1862]—and before endorsing any such proposition he would wish to go to his constituents, and if they said yes, he would not oppose—

Some Hon. Members—Hear, hear.

James Currie [Niagara, elected 1862]—but without that permission, he was not going to give a vote which might have the effect of giving him his seat for life.

Some Hon. Members—Hear, hear.

James Currie [Niagara, elected 1862]—He had heard of Lower Canada domination, but if this was the first taste of eastern domination, he wished no more of it.

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February 7, 1865: George-Étienne Cartier, Province of Canada, Legislative Assembly, p. 57. (click [HERE](#))

George-Étienne Cartier [Montreal East, Attorney-General East]—We wished, however, that the British Canadian public should know the result of our labours when concluded, and that result the Parliament and people of Canada had before their consideration, and it was for them to discuss its merits.

We, on this side of the House—the members of the Government and their supporters—had come to the conclusion that Federation was desirable and necessary; and we were ready to hear the honourable gentlemen on the other side who necessarily, from their standing, were supposed to have devoted their attention to it and appreciated their position, stating what in their opinion would be sufficient in order to maintain ourselves as a British colony on this side of the Atlantic, and to increase in wealth and power.

He was aware that some members of the House, and a number of people in Upper Canada, in Lower Canada and in the Lower Provinces, were of the opinion that a Legislative Union ought to have taken place instead of a Federal Union. He would say, however, at the outset, that it was impossible to have one Government to deal with all the private and local interests of the several sections of the several provinces forming the combined whole.

Some Hon. Members—Hear, hear.

George-Étienne Cartier, p. 62

George-Étienne Cartier [Montreal East, Attorney-General East]—We had, on the other hand, all the moderate men, all that was respectable and intelligent, including the clergy, favourable to Federation.

Some Hon. Members—Hear, hear, *and* oh, oh.

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George-Étienne Cartier [Montreal East, Attorney-General East]—He did not, of course, mean to say that there were not respectable opponents to the project—what he did mean, however, was that it met general approval from the classes referred to. He was opposed, he might as well state most distinctly, to the democratic system obtained in the United States. In this country of British North America we should have a distinct form of government, the characteristic of which would be to possess the monarchical element. When we had Confederation secured, there was not the least doubt but that our Government would be more respectable—that it would have more prestige, and command more respect from our neighbours.

Some Hon. Members—Hear, hear.

George-Étienne Cartier [Montreal East, Attorney-General East]—The great want under the American form—the point which they all admitted formed the great defect—was the absence of some respectable executive element. How was the head of the United States Government chosen? Candidates came forward, and of course each one was abused and vilified as corrupt, ignorant, incapable and unworthy by the opposite party. One of them attained the presidential chair; but even while in that position he was not respected by those who had opposed his election, and who tried to make him appeal the most corrupt and contemptible being in creation. Such a system could not produce an executive head who would command respect. Under the British system, ministers might be abused and assailed; but that abuse never reached the Sovereign. Whether we were made a kingdom or a viceroyalty—whatever name or grade was assigned to us—we would undoubtedly have additional prestige.

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February 8, 1865: John Ross, Province of Canada, Legislative Council, pp. 74-75. ([click HERE](#))

John Ross [Canada West, appointed 1848]—I will now come more closely to the subject under debate, the proposed Confederation of Canada and the other British North American colonies, and in doing so I feel I am dealing with a matter in which is bound up the happiness and prosperity of the country, not for the present only, but for a long course of years to come. I only wish the honorable member for the Niagara Division [James Currie] had read the debates which preceded the establishment of the American Constitution after the United States had gained their independence. I especially advert to the debates in the Councils of Virginia, which at that time, by reason of its wealth and population, bore a similar relation to the other colonies to that which Canada now bears to the Lower Provinces.

If he had read the speeches of the Madisons, the Marshalls, the Randolphs, the Henrys, the Lees and others, he would have found no passage in keeping with the sentiments he uttered yesterday. Those great patriots evidently met under a deep sense of the responsibilities of their work, and instead of bringing into the debates the small village feelings and animosities tending to embarrass and to destroy harmony, they acted like great men, true and noble men as they were, and applied themselves to their task with the purpose of bringing it to a successful issue.

The confederation which they first established, in the year 1781, did not work well. It remained poor, without respect abroad, or prosperity at home, and so in 1789 they abandoned that condition

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of existence and adopted the Constitution which lasted until the commencement of the present unfortunate war, and now governs the North.

In speaking of the Constitution prepared by our delegates, the honorable member for Niagara [James Currie] said it was neither one thing nor another, it was neither legislative nor federative, but a mongrel nondescript scheme between the two; a Constitution for which there was no precedent in all the world's history. Such, at least, was the effect of the words he used. It happens, however, to be a fact, that in opposition to the profound and enlightened opinion of the honorable member, the work of the delegates has received the approbation of some of the most eminent statesmen of England, as well as that of the most distinguished and able writers for the press of that country, which is at any rate some small consolation. I will say that if the delegates who met at Quebec and prepared that instrument were incompetent for the task, I do not know where others can be found to do it better; and, after all, I think that, notwithstanding the remarks of the honorable member, the disinterested testimonies to the value of the work done, coming from the quarters I have indicated, will be considered in Canada as having some weight.

Some Hon. Members—Hear, hear.

John Ross [Canada West, appointed 1848]—But since the honorable member regards this as a mongrel constitution, unworthy of acceptance, ought he not to have been ready to suggest something better? Should he not as a patriot have given the country the benefit of his superior wisdom? It is of no use to look for a better form to the constitution of the ancient republics which have passed away, their having ceased to exist being of itself proof enough of their not being adapted to our wants.

The honorable member might perhaps have cited the Swiss and Dutch republics, or the constitutions of the United States of 1781 and 1789, and if he had, the House would perhaps have been able to compare them with that now proposed, and arrive at some definite conclusion which might after all have been that ours, as now proposed, is that which promises best to secure freedom to those who are to live under it, and stability for the political condition of our country.

With respect to the Swiss Confederation, however well it may be considered to have worked, it is a fact that within our own time a civil war has existed among the cantons, and that republic has been upon the brink of destruction. As regards the Dutch republic, it is a matter of history how it fell. During the whole of its struggle against Philip II, the provinces comprising it never had that centralized power which is necessary to the stability of a government, especially one assailed by enemies from without, for two provinces, Guelderland and Overijssel, contributed nothing all that contest through, each standing upon its state rights, while among the remaining five, by far the largest proportion was contributed by the one Province of Holland.

The natural result was that the republic fell, and became a monarchy. The same evil lay at the root of the American Constitution of 1781, and after it had been adopted, so ill concerted and disunited were the efforts of the thirteen states, that the arrangement would not work at all, so that General Washington was obliged to ask for and actually obtained dictatorial powers, to enable him to carry on the contest against Great Britain. The difficulties between the North and the South which now prevail, arose wholly upon the question of state rights, and had provisions existed, in the Constitution of the American Union, similar to those which, it is proposed to introduce into ours, the probability is the States would have remained united.

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Some Hon. Members—Hear, hear.

John Ross [Canada West, appointed 1848]—But the hon. member said further that the scheme has taken the country by surprise. Now, I really beg to ask whether there is any foundation for such a statement? I most deliberately say that there is not. It must be well known to hon. members that the late Chief Justice Sewell, who enjoyed the friendship of the Duke of Kent, the father of Her Majesty the Queen, so far back as 1814, addressed a letter to the noble Duke, recommending an union, for this fact is adverted to in Lord Durham’s report on the affairs of the British North American Province.

[...]

John Ross [Canada West, appointed 1848]—I will honestly say, as many others have said before me, that if it could have been attained, I would have preferred a Legislative Union, but it is well understood that Lower Canada would never have agreed to it.

John Ross, p. 79.

John Ross [Canada West, appointed 1848]—The honorable member next attacked the proposed constitution of the Legislative Council, and insisted not only that it should have remained elective, but that the principle of representation according to population should also have prevailed. But who ever heard that in a Federal Constitution the Upper House should be arranged on that principle?

If that view be the sound one, the better way would be to have but one House, for the only effect of having two Houses, both elected on the basis of population, would be that one would constantly be combating the other, and the wheels of government would unavoidably be brought to a standstill. In such a case the more powerful members of the Confederacy would be wholly unrestrained, and would completely overwhelm the weaker.

This was fully considered on the adoption of a Constitution for the United States, according to which it is well known that the smaller States are represented in the Senate by the same number of senators as the larger ones—there being two members for each. The same principle has been adopted in arranging the terms of this proposed union, and for the same reason; viz., to protect the weaker parties to the compact.

Some Hon. Members—Hear.

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February 9, 1865: John Sanborn, Province of Canada, Legislative Council, pp. 118-119.
(click [HERE](#))

John Sanborn [Wellington, elected 1863]—

[...]
[p. 119]

It was not in accordance with the analogy of things or with the lessons taught us by the history of the world, that a few gentlemen, however wise and well-intentioned, but self-elected, should meet together to form a constitution and erect a new nationality. If we looked to the United States (the history of whose Constitution he would presently allude to, and whose Constitution had been more closely followed in that now under consideration than the British Constitution) we would see how patiently they had proceeded to construct it.

John Sanborn, pp. 121-122.

John Sanborn [Wellington, elected 1863]—

[...]
[p. 122]

We were told again that the Constitution emanating from the Conference was desirable because it was modelled on the British Constitution. The British Constitution was unmatched in the world, and was not susceptible of imitation. It had grown by the accretions of ages, by the independence of the people, and by their undying love of justice and fair play.

Some Hon. Members—Hear, hear.

John Sanborn [Wellington, elected 1863]—It had been produced by the strictest inductive method, and stood unrivalled as a monument of the greatest human wisdom. Except in remote future times, it could not be imitated—

Some Hon. Members—Hear.

John Sanborn [Wellington, elected 1863]—and he did not urge this difference as a demerit, for it was in the nature of things that it should exist. It had reference to different kinds of people—to people of different genius, and to people of new countries and altered circumstances; but though an able theoretical composition, it might fail to produce the anticipated results. It was not a copy of that horror of our Constitution-makers—the Constitution of the United States—but he would show that the delegates had borrowed more largely from that Constitution than from any other, though to be sure, in some aspects, it differed very much from it, as in the provision which gives to members of the Upper House their seats for life.

The resolutions provided that an equal representation should be given to the three sections of the Confederation as having separate interests, while in the Lower House the representation was to be according to population. Both these provisions were copied from the American Constitution. The life membership was supposed to be in conformity with the British Constitution, but the limitation of the number of members was a violation of it. The limitation of the power of the federal, and the power of the local governments, was the old story of federal and state rights—in fact, the bone of contention which had led to the present unhappy war; an apple of discord which our posterity might gather in fruits of the most bitter character.

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February 9, 1865: Thomas D’Arcy McGee, Province of Canada, Legislative Assembly, p. 145. (click [HERE](#))

Thomas D’Arcy McGee [Montreal West, Minister of Agriculture and Statistics]—It has been said that the Federal Constitution of the United States has failed. I, sir, have never said it. The Attorney General West [John A. Macdonald] told you the other night that he did not consider it a failure; and I remember that in 1861, when in this House I remarked the same thing, the only man who then applauded the statement was the Attorney General West [John A. Macdonald]—so that it is pretty plain he did not simply borrow the argument for use the other night, when he was advocating a Federal union among ourselves.

Some Hon. Members—Hear, hear.

Thomas D’Arcy McGee [Montreal West, Minister of Agriculture and Statistics]—It may be a failure for us, paradoxical as this may seem, and yet not a failure for them. They have had eighty years’ use of it, and having discovered its defects, may apply a remedy and go on with it eighty years longer. But we also are lookers on, who saw its defects as the machine worked, and who have prepared contrivances by which it can be improved and kept in more perfect order when applied to ourselves, And one of the foremost statesmen in England, distinguished alike in politics and literature, has declared, as the President of the Council [George Brown] informed us, that we have combined the best parts of the British and the American systems of government, and this opinion was deliberately formed at a distance, without prejudice, and expressed without interested motives of any description.

Some Hon. Members—Hear, hear.

Thomas D’Arcy McGee [Montreal West, Minister of Agriculture and Statistics]—We have, in relation to the head of the Government, in relation to the judiciary, in relation to the second chamber of the Legislature, in relation to the financial responsibility of the General Government, and in relation to the public officials whose tenure of office is during good behaviour, instead of at the caprice of a party—in all these respects we have adopted the British system; in other respects we have learned something from the American system, and I trust and believe we have made a very tolerable combination of both.

Some Hon. Members—Hear, hear.

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February 13, 1865: Louis Olivier, Province of Canada, Legislative Council, pp. 177-180. (click [HERE](#))

[p. 177]

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Louis Olivier [De Lanaudière, elected 1863]—

[...]

Another point upon which we require explanations, and respecting which we have none, is that relating to the constitution of the local governments.

Now, for instance, some journals which usually express the views and opinions of the present Government, have stated that in all the local governments the system of responsibility of the ministers to the people or their representatives would not exist, but that an irresponsible system would be substituted for it. I ask which of you would accept such a system, and what part of the people would approve of such an alteration in our political institutions? You are told “vote for the plan submitted to you, and the details will be explained to you at a later period.” But at a later period neither Upper nor Lower Canada will be master of the position, and able to obtain the system of government which may suit them, should that imposed upon them not meet their views.

[...]

The Prime Minister [Étienne Pascal Taché] stated that the object of Confederation was to strengthen the monarchical principle in this country. I do not see that it is necessary to confer upon the Crown greater privileges than it already possesses in England itself.

In England the members of the House of Lords are not appointed by the Crown; succession in the peerage goes down hereditary from father to son; but here it is proposed that the members of the Legislative Council, which body corresponds to the House of Lords, should be selected by the Crown. Why should this be? Why go beyond what is done in England itself? Is it that the Crown complains that it has not sufficient power here?

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February 14, 1865: Narcisse F. Belleau, Province of Canada, Legislative Council, pp. 180-182. (click [HERE](#))

Narcisse F. Belleau [Canada East, appointed 1852] said—Hon. gentlemen, the discussion on the scheme of Confederation has already been protracted, and little really remains to be said, for all the objections to the scheme have been made by the one side and replied to by the other. I may, however, be permitted to offer a few remarks on one or two of the objections which were urged again yesterday.

For the last three years the country has witnessed a state of things which by many persons has been designated governmental anarchy. Government after government in rapid succession have grasped the helm of state. A state of conflict existed between political parties which was hourly on the increase; a conflict which threatened to arrest the progress of public business, and which drew the minds of our statesmen to consider whether any means could be adopted to remedy this state of things.

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The men of influence throughout the country at length decided to unite, and have come to the conclusion that a remedy was to be found in a Confederation of the British American Provinces. It is not to be wondered at that this plan should have attracted the attention of the present Administration, for it was not a new one, and the question had already been brought before the country on several occasions. In the Confederation of these provinces are to be found elements which give promise, nay, contain the germ of a power which will one day take its place among the nations of the world.

And in considering this Confederation of the British North American Provinces, I am reminded of the fable of the bundle of sticks, which I learned in my childhood, and which so exactly applies to the present circumstances. This fable tells us that the sticks when bound together were strong enough to resist all the efforts made to break them, but that when separated they were broken one by one with but little effort. It seems to me that the lesson afforded by this fable may be well applied to the question of Confederation—separated we are weak, united we shall be strong. Commerce, population, manufactures, progress, in a word, all the elements requisite to constitute a powerful nation are contained in the united colonies; but these become of little consequence if allowed to be utilized by each separate colony. And not only would the union of these elements constitute the Confederation a great power amongst the other nations of the world, but there would be found amongst its population a number of sturdy arms, sufficient, with the aid of Great Britain, to repel foreign aggression.

I do not belong to that school which pretends that in case of invasion on the part of the United States, the best thing we could do would be to remain passive with folded arms. That is not my idea. Such notions may flatter the opinions and desires of those who have republican leanings, of annexationists and of anti-Canadians, who are nothing less than enemies of the monarchical system in this country. I have no sympathy with those who place themselves at the head of the republican and annexationist school, for I see in them none of those national aspirations of which every man is always proud. With these few remarks to show the necessity of Confederation, and that its first result will be the production of a new and powerful people, I propose to consider the terms and conditions of the scheme, and whether Lower Canada will find in them the protection its interests demand.

The first point to which I directed my attention was to ascertain what guarantees Lower Canada would find in Confederation for its laws, its religion and its autonomy. I find the guarantee of all these things in that article of the scheme which gives to Lower Canada the local government of its affairs, and the control of all matters relating to its institutions, to its laws, to its religion, its manufactures and its autonomy.

Are you not all prepared, hon. gentlemen, and you especially members from Lower Canada, to make some few sacrifices in order to have the control of all those things to which I have just referred, and which are all to be within the jurisdiction of the local governments. Are you not ready to make some few sacrifices to see an end put to those struggles which have been constantly recurring during the last few years, to the imminent peril of Lower Canada and of its institutions—dangers which still exist and which might even now become only too apparent were the friends who have sustained the combat to grow weary, or to give way and leave the field to their adversaries?

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If we persist in striving to obtain too much, if we are unwilling to make any sacrifice, we may lose the whole result of these struggles and the advantages now offered for our acceptance. For my part the consideration that we shall have the control of our local affairs in Lower Canada, under the Confederation, is a sufficient inducement to vote in favor of the scheme now submitted to us, even although it offered us no other advantage. But, without entering into the details, I now propose to reply to certain objections which have been urged, and prove that it is for our interest to adopt this plan.

One of the very first objections raised has been offered by the honorable member for the Wellington Division (Hon. Mr. Sanborn). He has stated that he could not vote for Confederation because he had not received the sanction of his constituents to change the Constitution of his country. Whilst, however, he makes this statement, the same honorable gentleman proposes, nevertheless, to change the Constitution which he declares his electors have not given him authority to change in any particular. This is the resolution which he proposes in amendment:

Upper Canada to be represented in the Legislative Council by twenty-four elective members, and Lower Canada by twenty-four elective members, and the Maritime Provinces by twenty-four members, corresponding with the twenty-four elective members in each section of Canada, of which Nova Scotia shall have ten, New Brunswick ten, and Prince Edward Island shall have four, and the present members of the Legislative Council of Canada, as well life members as elective members, shall be members of the first Legislative Council of the Federal Parliament, the appointed members to remain for life, and the elective members for eight years from the date of their election, unless removed by death or other cause; their successors to be elected by the same divisions and electors as have elected them.

Well, honorable gentlemen, if the honorable member from Wellington [John Sanborn] has not received authority to change the Constitution of this country, certainly he has not the right to make the amendment which he proposes, an amendment which is full of contradiction. The honorable gentleman says that he has no objection to vote for Confederation after having consulted his electors. Well, although he may not have much faith in the maxim *Vox populi, vox Dei*, the honorable member has declared that the rule of his conduct has always been, *Salus populi suprema lex*. I have no doubt, however, that he would say, *Salus meus suprema lex est*, if he were appointed a life member, and that he would have no scruple as regards amending the Constitution. The game argument has been urged by the honorable member for Lanaudière (Hon. Mr. Olivier).

Well, I think that that honorable gentleman will not, without difficulty, extricate himself from the dilemma in which I am about to place him. He has also stated that he had received no authority from his constituents to alter the Constitution. If he has not received this authority, he ought to vote against the amendment which is now proposed, the object of which is to alter the Constitution. If this objection were a serious one, why do not members who are desirous of consulting their electors resign their seats, and seek re-election on this question, instead of setting the whole country in a blaze by a dissolution?

But no, they fold their arms and say that a dissolution does not affect them, the Council would not be affected by it. They are not, then, serious in asking for an appeal to the people. The hon. member for Grandville (Hon. Mr. Letellier de St. Just) has also read something to the same purpose. I call upon him, then, to resign his seat and to consult his constituents; but as he has already tried the experiment lately in two important places in his division, he knows that the ground trembles under

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his feet. I do not think he would care to make the trial, as the result might be very far from gratifying.

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February 15, 1865: Benjamin Seymour, Province of Canada, Legislative Council, p. 199.
(click [HERE](#))

Benjamin Seymour [Canada West, appointed 1854]—My honorable friend the Commissioner of Crown Lands [Alexander Campbell], alluded the other day to the conservative feature of the Senate in the United States, in allowing the same representation to small states as to the larger states. But this does not at all affect the general arrangement, because the large majority are large states. But while my honorable friend approves of this portion, he should have expressed an opinion on the whole system. In the United States, no change of Constitution can be effected without the consent of two-thirds of both branches of the Legislature, and that must afterwards be sanctioned by three fourths of the state governments. This is a conservative feature also.

Benjamin Seymour, John Ross, pp. 205, 206.

Benjamin Seymour [Canada West, appointed 1854]—Now, honorable gentlemen, I have shown that this scheme has no precedent, even on the other side of the line. Among all the wild republican theories of our neighbors, they have never proposed to change the Constitution in this manner — never changed it, at all events, without the consent of the people, obtained in some form or other. Reference has been made, I think, by my honorable friend in front (Hon. Mr. Ross) to the union of England and Ireland. Well, every honorable member knows the means employed to bring about that union. May, in his *Constitutional History*, states that £1,500,000 sterling were spent in carrying it. But how was the representation dealt with in that case? Did England, being the richer country, possessing the largest share of wealth and capital, give a preponderance of the representation to Ireland, as we propose to give to the Lower Provinces?

John Ross [Canada West, appointed 1848]—That was a legislative union, while in this the representation will be based on population.

Benjamin Seymour [Canada West, appointed 1854]—That does not affect the case. After the Irish union was effected, what was the representation of Ireland in the House of Commons? It was 100 members in a total number of 656; and in the House of Lords 28 Peers, in a House of 450 members. And although it was considered by England an absolute necessity that the union should be brought about, she did not give a preponderance, and scarcely a fair share, of the representation to the sister kingdom.

John Ross [Canada West, appointed 1848]—That is because in the English Parliament they do not recognize the principle of representation by population.

Benjamin Seymour [Canada West, appointed 1854]—My hon. friends will say that this proposed change is neither American nor English.

Several Hon. Members—It is Canadian.

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Some Hon. Members—Hear, hear.

Benjamin Seymour [Canada West, appointed 1854]—No, it is neither one nor the other; it is a mongrel Constitution.

Some Hon. Members—*Laughter.*

Benjamin Seymour [Canada West, appointed 1854]—In England no important change in the laws is ever carried without being discussed in Parliament, session after session, followed by an appeal to the people upon it. Even so unimportant a change—or what would, in comparison with this scheme, be here regarded as so unimportant a change—as the extension of the franchise, has been discussed in Parliament for years, and submitted to the people before passing into law. Now, I would like to enquire of honorable gentlemen, what are the legitimate functions of the Legislature of this country. Do we not assemble here for the purpose of enacting good and wholesome laws for the people?

Some Hon. Members—Hear, hear.

Benjamin Seymour [Canada West, appointed 1854]—Those laws may be repealed, if they chance not to meet public approval; but here you propose to change the Constitution—to change the whole fabric of society—in fact to revolutionize society, without asking the consent of the people, and without the possibility—at any rate, the reasonable possibility—of this important change ever being reconsidered. Does not this important subject affect every freeholder in the country as much as it affects us, and are there not thousands of people in the country who have as great an interest in it as the members of the Executive Council of Canada?

And yet, forsooth, these gentlemen prepare a scheme, bring it down to this House, and tell the representatives of the people that they are not at liberty to ascertain the wishes of the people respecting it, nor to alter it in any manner, but that they must take it as it is. Still we are told, notwithstanding all this, that this is freedom, and that we are a free people.

Alexander Campbell [Cataraqui, elected 1858, Commissioner of Crown Lands]—You are at liberty either to accept or reject it.

Some Hon. Members—Hear, hear.

Benjamin Seymour [Canada West, appointed 1854]—Well, that is all very well, but we are told we must accept the scheme as it is; and all the influence that the Government can use—which I fear will be successfully used—

Some Hon. Members—Hear, hear.

Benjamin Seymour [Canada West, appointed 1854]—will be employed to carry it through without the people having an opportunity of saying yea or nay upon it. We are told it is not British to permit this—even to pass a short act allowing the people to vote upon it; but if this is not British, neither is the proposition itself.

Some Hon. Members—Hear, hear.

James Currie, Étienne Pascal Taché, David Christie, pp. 210-212.

James Currie [Niagara, elected 1862]—I feel that there is something extraordinary in the fourteenth of these resolutions before the House, and I would like to hear the Government give a full explanation as to the manner in which that resolution was arrived at in the Conference. Bear in mind, honorable gentlemen, that the eleventh resolution declares that “the members of the Legislative Council shall be appointed by the Crown under the great seal of the General Government, and shall hold office during life.”

Thus the House will see that by this resolution the Crown has the right for all future time to select the legislative councillors in Upper Canada from any part of the country which the Crown sees fit; but in Lower Canada there is this difference that, according to the sixteenth resolution, “each of the legislative councillors representing Lower Canada in the Legislative Council of the General Legislature, shall be appointed to represent one of the twenty-four electoral divisions mentioned in schedule A, of chapter 1st of the Consolidated Statutes of Canada, and such councillor shall reside or possess his qualification in the division he is appointed to represent.” Then the fourteenth resolution declares that “the first selection of the members of the Legislative Council shall be made, except as regards Prince Edward Island, from the legislative councils of the various provinces, so far as a sufficient number be found qualified and willing to serve.”

Now, honorable gentlemen, I have always understood—my reading of books on constitutional law has given me to understand—that the greatest of England’s statesmen who have spoken on the question of the Royal prerogative, have always broadly laid it down as a rule that the prerogative should never and could never be limited. How is it then that these thirty-three individuals, talented, able and gifted, as no doubt they were, who met in the room behind me and sat with closed doors, saw fit to hamper and cripple the operation of that good rule?

Some Hon. Members—Hear, hear.

James Currie [Niagara, elected 1862]—Should the prerogative of the Crown in the selection of members of this House be limited? It may be true that, residing in many of the divisions in Lower Canada represented in this House, there may be good men, competent men, well qualified men; but it is equally true that there may be just as good, able and talented men, outside of them as in it. Why, then, should the doors of this House be closed against these men? Why is it, I would like to know, that the prerogative of the Crown is to be restricted so as to prevent the choice of these men?

Étienne Pascal Taché [Canada East, appointed 1848, Premier, Minister of Militia, and Receiver General]—I can give explanations to the honorable gentleman. He must be aware that Lower Canada is in a different position from Upper Canada, and that there are two nationalities in it occupying certain portions of the country. Well, these divisions have been made so as to secure to both nationalities their respective rights, and these, in our opinion, are good reasons for the provision that has been made.

James Currie [Niagara, elected 1862]—I do not think my honorable and gallant friend [Étienne Pascal Taché] sees the point of my remarks. I would ask why in the first selection the choice of the

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Crown is restricted to the members of this Chamber, when probably others out of it could be found whose presence here would be of more advantage to the public?

Étienne Pascal Taché [Canada East, appointed 1848, Premier, Minister of Militia, and Receiver General]—I do not know what advantage would be derived if the Crown had the right of making selections from all over the country. If that had been proposed, I think many honorable gentlemen would have found fault with it.

Some Hon. Members—Hear, hear.

Étienne Pascal Taché [Canada East, appointed 1848, Premier, Minister of Militia, and Receiver General]—It was due to courtesy that the members of this House should not be overlooked, and not only that, but there were acquired rights which had to be respected. My honorable friend appears to dissent from this statement. Well, the last choice of the people are now in this House, and by the fact of their election they have acquired a right to a seat; and I think those gentlemen who have been appointed for life have gained rights which should not be overlooked.

Some Hon. Members—Hear, hear.

James Currie [Niagara, elected 1862]—The honorable and gallant gentleman [Étienne Pascal Taché] says we have an acquired right. I admit we have a right to sit here during the term for which we have been elected; but what right have we to seat ourselves here for the remainder of our lives? The people did not send us here to make this change in the composition of this House.

Some Hon. Members—Hear, hear.

James Currie [Niagara, elected 1862]—And what right even have the appointed members of this House to seats here during their lifetime? I have a despatch here, written by the late Duke of Newcastle, who will be considered pretty good authority upon the point, to the Lieutenant-Governor of Prince Edward Island, on this very question. I need not read the words of the despatch, but the sense of it is, that legislative councillors have no right of property in their position, but simply a naked trust which the Legislature may at any time call upon them to surrender to other hands, if, in their opinion, the public interest shall require such transfer.

[...]
[p. 212]

David Christie [Erie, elected 1858]—All those who have preceded us in the work of constitution making, have left, on the structures which they have erected, the impress of that attribute which pervades humanity—imperfection. We brave a very lamentable instance of this in the case of our neighbors on the southern side of the line. As was well said, by a prominent member of the Government in another place, the Constitution of the United States “was one of the most wonderful works of the human intellect—one of the most marvellous efforts of skill and organization that ever governed a free people. But to say that it was perfect would be wrong.”

The wonder is that men with the limited amount of experience which its authors possessed, should have framed such an instrument. It has stood many rude tests, and but for the existence in the social compact of our American friends, of an element in direct antagonism to the whole genius of

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their system—negro slavery—the Constitution of the United States would have continued to withstand—yes, and after the extinction of that element, will continue to withstand—all the artillery which their own or foreign despotism can array against it. Their institutions have the same features with our own.

There are some points of variance; but the same great principle is the basis of both—that life, liberty and the pursuit of happiness are the unalienable rights of man, and that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed. This is the secret of the strength of the British Constitution, and without a free and full recognition of it, no government can be strong or permanent. I am free to admit that the scheme before us has some defects, which, in my judgment, will mar its well-working; but, at the same time, I am confident that, if it should become law, those defects can and will be remedied.

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February 16, 1865: Philip Moore, Étienne Pascal Taché, Province of Canada, Legislative Council, pp. 227-228. (click [HERE](#))

Philip Moore [Canada East, appointed 1841]—

[...]
[p. 228]

Now, honorable gentlemen, I am one of those who, if I can be convinced that a Federal union is going to promote the stability or welfare of Canada, will go with it most heartily, but I do think it becomes necessary not to make out altogether an *ex parte*, case, because I think the resolutions that were passed by the delegates, though sent out to the country, ought to be accompanied by the other side of the question, which has not been fairly heard.

There is still another matter to which I wish to refer, and in doing so I might remark that I am aware that this is looking at the darkest side of the picture, I think that the engrafting of this system of government upon the British Constitution has a tendency to at least introduce the republican system. It is republican so far as it goes, and that is another reason why I do not approve of it.

If we commence to adopt the republican system, we shall perhaps get the idea of continuing the system until we go too far. It is also said that we are to have a new nationality. I do not understand that term, honorable gentlemen. If we were going to have an independent sovereignty in this country, then I could understand it. I believe honorable gentlemen will agree with me, that after this scheme is fully carried into operation, we shall still be colonies.

Étienne Pascal Taché [Canada East, appointed 1848, Premier, Minister of Militia, and Receiver General]—Of course.

Étienne Pascal Taché, pp. 241-242.

Étienne Pascal Taché [Canada East, appointed 1848, Premier, Minister of Militia, and Receiver General]—Many of you, honorable gentlemen, are familiar with the state of things in the United States, which has resulted from carrying the elective principle too far; and the fact that that

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principle, carried too far has worked much mischief, ought to place us on our guard. Some years ago, in Canada, there was quite a rage for the elective principle, and an agitation was got up with the view of rendering the judiciary elective. Well, a statesman of the United States, with whom I am well acquainted, and who now occupies a high position in that country, once remarked to me: “You have quite enough of the democratic element in your Constitution already, and, above all, do not make your judiciary elective, for that would be one of the greatest curses you could inflict on your country.”

Some Hon. Members—Hear, hear.

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February 16, 1865: Antoine-Aimé Dorion, Christopher Dunkin, Province of Canada, Legislative Assembly, pp. 254-255. (click [HERE](#))

Antoine-Aimé Dorion [Hochelaga]—

[...]

In fact, the nominated Chamber had fallen so low in public estimation—I do not say it was from the fault of the men who were there, but the fact is, nevertheless, as I state it—that it commanded no influence. There was even a difficulty in getting a quorum of it together. So a change became absolutely necessary, and up to the present moment the new system has worked well; the elected members are equal in every respect to the nominated ones, and it is just when we see an interest beginning to be felt in the proceedings of the Upper House that its Constitution is to be changed, to return back again to the one so recently condemned. Back again, did I say?

No, sir, a Constitution is to be substituted, much worse than the old one, and such as is nowhere else to be found. Why, even the British House of Lords, conservative as it is, is altogether beyond the influence of the popular sentiment of the country. Their number may be increased on the recommendation of the responsible advisers of the Crown, if required to secure united action or to prevent a conflict between the two Houses. From the position its members occupy, it is a sort of compromise between the popular element and the influence or control of the Crown.

But the new House for the Confederation is to be a perfectly independent body—these gentlemen are to be named for life—and there is to be no power to increase their number. How long will the system work without producing a collision between the two branches of the Legislature? Suppose the Lower House turns out to be chiefly Liberal, how long will it submit to the Upper House, named by Conservative administrations which have taken advantage of their temporary numerical strength to bring about such a change as is now proposed? Remember, sir, that, after all, the power, the influence of the popular branch of the Legislature is paramount. We have seen constitutions like that of England adopted in many countries, and where there existed a nobility, such as in France in 1830, the second chamber was selected from this nobility.

In Belgium, where the Constitution is almost a *fac-simile* of that of England, but where there are no aristocracy, they adopted the elective principle for the Upper House, and no where in the world is there a fixed number for it, unless it is also elective. It must be fresh in the memory of a great many

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members of this House how long the House of Lords resisted the popular demand for reform, and great difficulties were threatened. At last in 1832 the agitation had become so great that the Government determined to nominate a sufficient number of peers to secure the passage of the Reform Bill. The members of the House had to choose between allowing the measure to become law, or see their influence destroyed by the addition of an indefinite number of members. They preferred the first alternative, and thereby quieted an excitement, which if not checked in time, might have created a revolution in England.

The influence of the Crown was then exerted in accordance with the views of the people; but here we are to have no such power existing to check the action of our Upper Chamber, and no change can be made in its composition except as death might slowly remove its members. I venture to prophesy, sir, that before a very short time has elapsed a dead-lock may arise, and such an excitement be created as has never yet been seen in this country.

Some Hon. Members—Hear, hear.

Antoine-Aimé Dorion [Hochelaga]—Now, if this Constitution had been framed by the members of our Government, we could change some of its provisions—this provision would most certainly be altered—there is not a man in the Liberal ranks who dare vote for such a proposition as this, that could go before his constituents and say, “I have taken away the influence and control of the people over the Upper Chamber, and I have created an entirely independent body, to be chosen by the present governments of the several provinces.” But no, the Constitution is in the nature of a compact, a treaty, and cannot be changed.

Some Hon. Members—Hear.

Antoine-Aimé Dorion [Hochelaga]—But, sir, the composition of the Legislative Council becomes of more importance when we consider that the governors of the local legislatures are to be appointed by the General Government, as well as the Legislative Council; their appointment is to be for five years, and they are not to be removed without cause. I will venture upon another prediction and say we shall find there will be no such thing as responsible government attached to the local legislatures.

Christopher Dunkin [Brome]—There cannot be.

Antoine-Aimé Dorion [Hochelaga]—There will be two, three, or four ministers chosen by the lieutenant-governors and who will conduct the administration of the country, as was formerly done in the times of Sir Francis Bond Head, Sir John Colborn, or Sir James Craig. You will have governments, the chief executives of which will be appointed and hold office at the will of the Governor. If that is not to be the case, why do not honorable gentlemen lay their scheme before us?

Some Hon. Members—Hear.

Antoine-Aimé Dorion, pp. 263-264.

Antoine-Aimé Dorion [Hochelaga]—I may well ask if there is any member from Lower Canada, of French extraction, who is ready to vote for a legislative union. What do I find in connection with

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the agitation of this scheme? The honorable member for Sherbrooke [Alexander Galt] stated at the dinner to the delegates given at Toronto, after endorsing everything that had been said by the Honorable President of the Council [George Brown]:—

We may hope that, at no far distant day, we may become willing to enter into a Legislative Union instead of a federal union, as now proposed. We would have all have desired a legislative union, and to see the power concentrated in the Central Government as it exists in England, spreading the series of its protection over all the institutions of the land, but we found it was impossible to do that at first. We found that there were difficulties in the way, which could not be overcome.

Honorable members from Lower Canada are made aware that the delegates all desired a legislative union, but it could not be accomplished at once. This Confederation is the first necessary step towards it. The British Government is ready to grant a Federal union at once, and when that is accomplished the French element will be completely overwhelmed by the majority of British representatives. What then would prevent the Federal Government from passing a set of resolutions in a similar way to those we are called upon to pass, without submitting them to the people, calling upon the Imperial Government to set aside the Federal form of government and give a legislative union instead of it?

Some Hon. Members—Hear, hear.

Antoine-Aimé Dorion [Hochelaga]—Perhaps the people of Upper Canada think a legislative union a most desirable thing. I can tell those gentlemen that the people of Lower Canada are attached to their institutions in a manner that defies any attempt to change them in that way. They will not change their religious institutions, their laws and their language, for any consideration whatever. A million of inhabitants may seem a small affair to the mind of a philosopher who sits down to write out a constitution. He may think it would be better that there should be but one religion, one language and one system of laws, and he goes to work to frame institutions that will bring all to that desirable state; but I can tell honorable gentlemen that the history of every country goes to show that not even by the power of the sword can such changes be accomplished.

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February 17, 1865: Walter Dickson, Province of Canada, Legislative Council, pp. 285-286. (click [HERE](#))

Walter Dickson [Canada West, appointed 1855]—He came back from the country and has since taken part in the Government; and here I wish to make a few observations with reference to the Government as it stands today. You must recollect, honorable gentlemen, that we are enjoying, or at least have enjoyed, a system of government in this country which has a great many admirers, and which some honorable gentlemen admire a great deal more than the quality of the people. The system is known by the name of Responsible Government. If I understand the subject properly, that system of government is defined in this way—that the Government of the country must be carried on according to the well-understood wishes of the people, as expressed through their representatives on the floor of the House of Assembly.

Some Hon. Members—Hear, hear.

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Walter Dickson [Canada West, appointed 1855]—Well now, I take exception to the formation of the present Government, on the ground that it was not established on that principle, because they are not a government emanating from the people. I cannot hold them in the same respect that I did before the three Conservative members from Upper Canada, who retired in favor of the three Grit members, left it. The Government then all belonged to one political party, were all consistent members of that party, and taken together, were equal in talent to any Administration that has ever had charge of the affairs of this or any other province. All holding the same views on leading political questions, even those who opposed them could not but feel a very large degree of respect for them as sincere, honest, consistent Conservatives, and as I believe, entertaining sound political principles. But the introduction of the three other members altered the whole face of the Government. And the first thing this unholy alliance does is to go to work at the suggestion of the chief with the still, small voice to upset our Constitution.

Some Hon. Members—Hear, hear.

Walter Dickson [Canada West, appointed 1855]—When a great constitutional question comes before this House, designed as it is to sweep an entire constitution from our Statute Book, and replace it with another, I think you will agree with me, honorable gentlemen, that this is one of the most important measures that could come from any government on the face of the earth.

Some Hon. Members—Hear, hear.

Walter Dickson [Canada West, appointed 1855]—Well, I would ask those people who are so anxious to see responsible government carried out in this country in its integrity, is this a government that you can recognize as representing the well-understood wishes of the people? A government claiming to be a responsible government ought to have for its basis returns made from the polls, and ought not to have its origin through the instrumentality of ministerial convenience.

Alexander Campbell, James Currie, p. 290.

Alexander Campbell [Catarqui, elected 1858, Commissioner of Crown Lands] said—I would like, honorable gentlemen, to continue the debate in that excellent and happy spirit in which my honorable friend who has just sat down has addressed the House. I envy my honorable friend very much for the possession of that happy faculty of amusing and instructing the House in combination. I am somewhat grieved to feel obliged to call the attention of honorable members to that which is, perhaps, more of a business character and less interesting than the remarks which fell from my honorable friend should have thought that on this particular amendment being proposed, it was his duty to come to its support, because it is evident to my own mind, and must also be so to every honorable member present, that my honorable friend, while giving his support to the amendment, entertains very different views from those which were enunciated by the honorable member for Niagara [James Currie], who moved it.

My honorable friend says, “If there is to be delay, let it be a substantial delay; let it be such a delay as will ensure a dissolution of parliament; such a delay as will enable the people to speak in that manner, and in that manner only, that is known to the British Constitution.”

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I can respect that sentiment. There is something real in an argument based on that foundation. I do him the justice to believe that he takes that view with a sincere desire that the delay should not militate against the scheme, but that the people when referred to them should adopt it. But, honorable gentlemen, contrast that view with the idea suggested by the honorable gentleman who moved this resolution. What view does he take? Not that there should be such a delay as would enable the people to express themselves in the manner in which Great Britain and all her colonies speak, but in that sort of way which, as my honorable friend (Hon. Mr. Dickson) has graphically described, is more nearly allied to the peddling of clocks than to anything connected with British constitutional procedure. What does the honorable gentleman say? He says, give us twenty days or a month.

James Currie [Niagara, elected 1862]—I said that was the least time I would ask.

Alexander Campbell [Catarqui, elected 1858, Commissioner of Crown Lands]—What could be done with twenty days or a month’s delay? Is it possible for the people to speak in any constitutional way in twenty days or a month? The honorable gentleman knows very well that it is not possible, and that under no system of government could such a plan, as his mind has suggested, by any possibility be sanctioned by the Legislature. Would the people of New York State, or any of the States of the Union, sanction a proceeding of that kind? On the contrary, they would adopt the course at once of having the scheme submitted to a direct vote of the people.

If you adopt the British constitutional way, then there will have to be a dissolution of Parliament; but, if you adopt the American system, the people will be called upon to vote “yea or nay” on the scheme as it stands. Let it be expressed in one way or the other, fairly and constitutionally, in accordance with our system of government.

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February 20, 1865: David Reesor, Walter McCrea, Province of Canada, Legislative Council, p. 331. (click [HERE](#))

David Reesor [King’s, elected 1860]—With regard to the constitution of the Upper House of the proposed General Legislature, a good deal has been said, but I think the main point has too often been lost sight of. The course of the debate upon these resolutions has seemed to run in some instances as though we regarded a membership of this branch of the Legislature a position which we ought to occupy by right, as though we had some sort of a constitutional right to remain here, and as though governments and parliamentary bodies were instituted by the people, not for the benefit of the community, but for the advancement of those who compose them. We would seem to have overlooked a fundamental principle of all free governments, that governments should be carried on for the good of the governed; and the principle of responsible government, according to which government must be carried on according to the well-understood wishes of the people.

Walter McCrea [Western, elected 1862]—As expressed by their representatives.

David Reesor [King’s, elected 1860]—As expressed, my honorable friend says, by their representatives. Very well; we must remember that those who constitute the Government of this country have brought down here a very curious scheme, and have held out to you the inducement

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that if you support it you have a chance of being appointed for life to the seat you occupy; and there is thus a probability of your being blinded to what you owe to the people, of your ignoring the constituencies that sent you here, and of your forgetting the duty you owe to the country.

Now, I hold with regard to the elective principle in this House, that the oftener a man is brought in contact with the people in a legitimate way, to learn their wishes as constitutionally and properly expressed, the more likely he is to use his influence and talent in conducting the government in such a manner as to secure the happiness and prosperity of the country.

Some Hon. Members—Hear, hear.

David Reesor [King’s, elected 1860]—It is said that, as you have a responsible government, the Government of the day will be held responsible to the people, through their representatives in the lower branch of the Legislature for the appointments, it may make to this House. Admitting this to be the case, we know what the tendency is in England, and what it was in this country when the Government had the appointment of the members of the Legislative Council; the effect will be to find a place in this House for men distinguished for the aid they have given at elections to certain men or parties, and not as a reward of true merit or legislative ability. Furthermore, if this House is to be of any value at all, it is as affording a wholesome check over hasty and unwise legislation. But if you place the whole legislation of the country in the hands of a single man or body, I care not whether it is democratic or aristocratic in its tendencies, a power like that in the hands of the Executive to create the Legislative Council is a dangerous one. Unrestrained or unchecked action by a single elected body of the most democratic character is apt to go astray if they feel they have only themselves to consult. This is what is proposed to be done under this scheme; but let this House be elected, as before, by the people; let them be returned for a period of eight years as at present, or even longer if desired, and then, if there is a demand for legislation of a selfish or ill-considered character—a demand which, founded on ignorance or passion, is likely to right itself after the lapse of a few years—the members of this House would take the responsibility upon themselves of rejecting it, and public opinion would eventually sustain them and acknowledge that they have done some service to the country. But inasmuch as you appoint these members for life, you have no check over them, nor are they so likely to check legislation of an immature and ill-considered character.

While the Ministry of the day which appoints them remains in power, it will expect and receive a cordial support from them; but let it be defeated, and a ministry, formed out of the opposite party, obtain office, there will certainly be difficulty—there will be a tendency to dead-locks between the two branches of the legislature, and a repetition of those scenes which were witnessed in this country some years ago, and which formed one of the principal causes that brought about the rebellion of 1837.

Étienne Pascal Taché, Jacques-Olivier Bureau, p. 345-346.

Étienne Pascal Taché [Canada East, appointed 1848, Premier, Minister of Militia, and Receiver General]—Then the hon. member from DeLorimier [Jacques-Olivier Bureau] found a great deal of fault with the manner—I must say the able manner in which the gallant Knight (Hon. Sir N. F. Belleau) explained the action of responsible government in this country. The honorable Knight [Narcisse Belleau] shewed how responsible government protected the French Catholics in Lower

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Canada under Confederation, saying that if ever an act of flagrant injustice was to be attempted in the Federal Government, the whole of the Lower Canadians would join as one man, and by uniting with the minority against the Government—because honorable gentlemen must know that there always will be minorities—by means of thus strengthening the minority any Administration could be ousted out of their places in twenty-four hours. My honorable friend stated this, and he stated it justly; he said so, well aware of what he was saying.

But the honorable gentleman from De Lorimier [Jacques-Olivier Bureau] comes forward and says: “Don’t you recollect that at one time the Upper Canadians, with the minority from Lower Canada, united to impose upon Lower Canada their will?” I tell you, honorable gentlemen, that they never did harm to Lower Canada, and that they never could do harm to Lower Canada had they so chosen. And why? The French had the use of their own language conceded to them in order to bring them to support the Government, and much more would have been done to accomplish the same end.

I am referring now to the Government of the day from 1844 to 1848. That Government would have given you, what was passed afterwards, an act to secure to the sufferers the payment of their losses, the Rebellion Losses Bill.—They would have given every shilling of those losses, and they would have given you more if you would have consented to become their followers.

The honorable gentleman made out no case at all, and he could not have studied parliamentary history since 1841 correctly. Had he done so, he would have found that at that period what was called responsible government was not worked out. Sir Charles Bagot, it is true, had lent himself to the views of his advisers, and responsible government had been going on perfectly under him; but then he died here, and honorable gentlemen must understand that Lord Metcalfe was opposed to responsible government.

Jacques-Olivier Bureau [De Lormier, elected 1862]—Still we had responsible government.

Étienne Pascal Taché [Canada East, appointed 1848, Premier, Minister of Militia, and Receiver General]—You had it in name only, but not in practice; otherwise Hon. Mr. Baldwin and Hon. Mr. Lafontaine would never have left the Cabinet. They resigned their seats in Council because they held themselves responsible to Parliament, while Lord Metcalfe chose to appoint persons to office without consulting them, as his constitutional advisers. Well, then, I assert that the case the honorable gentleman has cited to show that my honorable friend on the other side was wrong, is no ease at all. It is not applicable in any respect to present circumstances, because, I repeat it again, we had not responsible government at that time.

Jacques-Olivier Bureau [De Lormier, elected 1862]—We have not responsible government yet, then.

Étienne Pascal Taché [Canada East, appointed 1848, Premier, Minister of Militia, and Receiver General]—How does the honorable gentleman make that out?

Jacques-Olivier Bureau [De Lormier, elected 1862]—The honorable gentleman has stated that since the death of Lord Bagot we have not had responsible government.

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Étienne Pascal Taché [Canada East, appointed 1848, Premier, Minister of Militia, and Receiver General]—The honorable gentleman cannot surely have understood me. I think I said that under Lord Metcalfe there was responsible government in name but not in deed. And if the honorable gentleman will study our parliamentary history a little closer, he will admit that such was the case. The consequence was, as I have already stated, the resignation of Hon. Messrs. Lafontaine and Baldwin. Still the Lower Canadian party was unbroken. It is true the new advisers of Lord Metcalfe coquetted much with that majority to obtain adhesion; but it was in vain. They remained firm to the last, until the general election of 1848 brought back the parties to Parliament in much about their natural strength. I have already stated that I have destroyed my notes, and I am ready to await the verdict of this honorable House.

Some Hon. Members—*Applause.*

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February 20, 1865: Henri Joly, Province of Canada, Legislative Assembly, pp. 360-361.
(click [HERE](#))

Henri Joly [Lotbinière]—

[...]

Their principal argument in support of Confederation is that we have now an excellent opportunity of obtaining; favorable conditions—an opportunity which will probably never occur again, and one of which it is their duty to avail themselves. But have the honorable members made those conditions? Have they taken as great precautions to preserve intact the interests of nearly a million French Canadians entrusted to their care, as they would have taken in making an agreement for the sale of a farm, or even the purchase of a horse? Have they made any conditions at all? If they have made no conditions, do they at least know what the fate is that is reserved for us? Do they know the nature of the form of Government which will be imposed on Lower Canada? Can they say whether we shall have Responsible Government?

No! For the Ministry refuses to speak; it will only speak when the measure of Confederation shall have been adopted, and when it is too late to raise any objections. Responsible government would not be a very efficacious remedy for the evils which I foresee, but it would, at all events, be a means of defence for us, and we ought not to reject it. It is true that, according to the 41st article of the resolutions, “The local governments and legislature of each province shall be constructed in such manner as the existing legislature of each such province shall provide.” But the English element is at present in the majority. We are told that the English are naturally favorable to responsible government. That is true when it relates to themselves; for how many years did Canada remain without responsible government?

The painful events of 1837 and 1838 were the result of that anomaly in the parliamentary system. Upper Canada will not need, as we shall, a local responsible government; it will not have, as we shall have, to defend a nationality which will be in a minority in the Federal Parliament, but which, at least, ought to enjoy in Lower Canada those powers which parliamentary authority everywhere accords to the majority. Upper Canada only desires to make of her local legislature a municipal

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council on a large scale; she will fight out her party quarrels in the wider arena of the Federal Parliament.

The English of Lower Canada, who will gain nothing by having a responsible local government, because that government is the government of the majority, will unite their votes with those of Upper Canada to impose upon us the same system of government as in the other section. The local parliaments, in the event of that system being adopted, having no part in the government, will soon become perfectly useless, and they will soon be dispensed with, just as in a machine we do away with useless and expensive wheelwork.

Nothing will then be left to us but the legislative union which the honorable members have not ventured to propose, because they are compelled to admit it would be an act of crying injustice to Lower Canada. But we are told to rely on article 42, which gives to the local legislatures the right of amending or changing their Constitutions from time to time, and it is said that when Lower Canada is separated from Upper Canada, she may alter her Constitution if she pleases, and adapt it to her own views.

It must not be forgotten, however, that the Lieutenant-Governor, who will enjoy the right of reserving the bills of the Local Parliament for the sanction of the Governor General, will be appointed by the Governor General in Council, that is to say, by the Federal Government, and, as a matter of course, it must be expected that he will act in conformity with the views of the Federal Government. Any bill reserved by him will require to be sanctioned by the Federal Government, which may refuse such sanction if they think proper, as they undoubtedly will as regards any bill the object of which might be to give responsible government to Lower Canada, whilst all the other provinces would only have governments which were not responsible.

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February 22, 1865: John Rose, Province of Canada, Legislative Assembly, pp. 404-405.
(click [HERE](#))

John Rose [Montreal Centre]—I stated that I would not criticise many of the features of this scheme; but there are two main features which to my judgment commend themselves to the attention of every one who has any doubts as to the stability of the system, and which give us a sufficient guarantee, that guarantee which federal unions have heretofore wanted, namely: that it establishes a central authority which it will not be within the power of any of the local governments to interfere with or rise up against. It appears to me that they have avoided the errors into which the framers of the American Constitution not unnaturally fell. They have evidently learnt something from the teachings of the past, and profited by the experience afforded in the case of our American neighbors. They have established this Central Government, giving it such powers, and so defining the powers of the local governments, that it will be impossible for any Local Parliament to interfere with the central power in such a manner as to be detrimental to the interests of the whole.

The great advantage which I see in the scheme is this, that the powers granted to the local governments are strictly defined and circumscribed, and that the residuum of power lies in the Central Government. You have, in addition to that, the local governors named by the central

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authority—an admirable provision which establishes the connection of authority between the central power and the different localities; you have vested in it also the great questions of the customs, the currency, banking, trade and navigation, commerce, the appointment of the judges and the administration of the laws, and all those great and large questions which interest the entire community, and with which the General Government ought to be entrusted.

There can, therefore, be no difficulty under the scheme between the various sections—no clashing of authority between the local and central governments in this case, as there has been in the case of the Americans. The powers of the local governments are distinctly and strictly defined, and you can have no assertion of sovereignty on the part of the local governments, as in the United States, and of powers inconsistent with the rights and security of the whole community.

Some Hon. Members—Hear, hear.

John Rose [Montreal Centre]—Then, the other point which commends itself so strongly to my mind is this, that there is a veto power on the part of the General Government over all the legislation of the Local Parliament. That was a fundamental element which the wisest statesmen engaged in the framing of the American Constitution saw, that if it was not engrafted in it, must necessarily lead to the destruction of the Constitution. These men engaged in the framing of that Constitution at Philadelphia saw clearly, that unless the power of veto over the acts of the state legislatures was given to the Central Government, sooner or later a clashing of authority between the central authority and the various states must take place. What said Mr. Madison in reference to this point? I quote from *The Secret Debates upon the Federal Constitution*, which took place in 1787, and during which this important question was considered.

On the motion of Mr. Pinkney “that the National Legislature shall have the power of negating all laws to be passed by the state legislature, which they may judge improper,” he stated that he considered “this as the corner stone of the system, and hence the necessity of retrenching the state authorities in order to preserve the good government of the National Council.” And Mr. Madison said, “The power of negating is absolutely necessary—this is the only attractive principle which will retain its centrifugal force, and without this the planets will fly from their orbits.”

Now, sir, I believe this power of negative, this power of veto, this controlling power on the part of the Central Government is the best protection and safeguard of the system; and if it had not been provided, I would have felt it very difficult to reconcile it to my sense of duty to vote for the resolutions. But this power having been given to the Central Government, it is to my mind, in conjunction with the power of naming the local governors, the appointment and payment of the judiciary, one of the best features of the scheme, without which it would certainly, in my opinion, have been open to very serious objection.

Some Hon. Members—Hear, hear.

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February 23, 1865: Alexander Mackenzie, Province of Canada, Legislative Assembly, pp. 432-433. (click [HERE](#))

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Alexander Mackenzie [Lambton]—Lower Canada, I believe, was the first portion of British territory to give political freedom to the Jew. I believe that a person of this persuasion sat in the Lower Canada Legislature thirty years before the same privileges were accorded in Great Britain. People who charged the French Canadians with intolerance should remember this with some degree of favor. With regard to the people of British origin, over the whole Confederacy, I do not think it is at all necessary to defend them from any charges of this kind. I do not think they will be inclined to persecute the people of Lower Canada if they had it in their power; but I admit that it is reasonable and just to insert a provision in the scheme that will put it out of the power of any party to act unjustly. If the power that the central authority is to have—of vetoing the doings of the Local Legislature—is used, it will be ample, I think, to prevent anything of that kind. But the veto itself is objected to. It is objected that the elected Legislature will be rendered powerless by the influence of the appointed Upper House exercised over them. Well, sir, under the British Constitution, in all British colonies, and in Great Britain itself, there is a certain elasticity to be presumed. Everything is not provided for, because a great deal is trusted to the common sense of the people.

I think it is quite fair and safe to assert that there is not the slightest danger that the Federal Parliament will perpetrate any injustice upon the local legislatures, because it would cause such a reaction as to compass the destruction of the power thus unjustly exercised. The veto power is necessary in order that the General Government may have a control over the proceedings of the local legislatures to a certain extent. The want of this power was the great source of weakness in the United States, and it is a want that will be remedied by an amendment in their Constitution very soon. So long as each state considered itself sovereign, whose acts and laws could not be called in question, it was quite clear that the central authority was destitute of power to compel obedience to general laws.

If each province were able to enact such laws as it pleased, everybody would be at the mercy of the local legislatures, and the General Legislature would become of little importance. It is contended that the power of the General Legislature should be held in check by a veto power with reference to its own territory, resident in the local legislatures, respecting the application of general laws to their jurisdiction. All power, they say, comes from the people and ascends through them to their representatives, and through the representatives to the Crown. But it would never do to set the Local above the General, Government. The Central Parliament and Government must, of necessity, exercise the supreme power, and the local governments will have the exercise of power corresponding to the duties they have to perform.

The system is a new and untried one, and may not work so harmoniously as we now anticipate, but there will always be power in the British Parliament and our own to remedy any defects that may be discovered after the system is in operation. Altogether, I regard the scheme as a magnificent one, and I look forward to the future with anticipations of seeing a country and a government possessing great power and respectability, and of being, before I die, a citizen of an immense empire built up on our part of the North American continent, where the folds of the British flag will float in triumph over a people possessing freedom, happiness and prosperity equal to the people of any other nation on the earth. If there is anything that I have always felt anxious about in this country, it is to have the British possessions put in such a position that we could safely repose, without fear of danger from any quarter, under the banner which we believe after all covers the greatest amount of personal freedom and the greatest amount of personal happiness that is to be found in the world.

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Some Hon. Members—Hear, hear.

Alexander Morris, pp. 439-440.

Alexander Morris [Lanark South]—I now proceed to state my belief that we will find great advantages in the future, in the possession of strong Central Government and local or municipal parliaments, such as are proposed for our adoption. I believe the scheme will be found in fact and in practice—by its combination of the better features of the American system with those of the British Constitution—to have very great practical advantages. I shall read an extract from an article in the London *Times*, written in 1858, bearing on this subject, and which brings very clearly into view the distinction between the system which has been proposed for our adoption, and that which has been adopted in the States.

The great weakness of the American system has lain in the fact that the several states, on entering the union, claimed independent jurisdiction; that they demitted to the Central Government certain powers, and that they claimed equal and sovereign powers with regard to everything not so delegated and demitted. The weaknesses and difficulties of that system have been avoided in the project now before us, and we have the central power with defined and sovereign powers, and the local parliaments with their defined and delegated powers, but subordinated to the central power. The article says:—

It is quite clear that the Federal Constitution of the United States of America forms a precedent which cannot possibly be followed in its principles or details by the united colonies, so long as they remain part of the dominions of the Imperial Crown. The principle of the American Federation is, that each is a sovereign state, which consents to delegate to a central authority a portion of its sovereign power, leaving the remainder, which is not so delegated, absolute and intact in its own hands.

This is not the position of the colonies, each of which, instead of being an isolated sovereign state, is an integral part of the British Empire. They cannot delegate their sovereign authority to a central government, because they do not possess the sovereign authority to delegate. The only alternative as it seems to us would be to adopt a course exactly the contrary of that which the United States adopted, and instead of taking for their motto *E Pluribus Unum*, to invert it by saying *In Uno Plural*.

Some Hon. Members—Hear, hear.

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February 24, 1865: Leonidas Burwell, Province of Canada, Legislative Assembly, p. 447. (click [HERE](#))

Leonidas Burwell [Elgin East]—It is hardly necessary for me to make allusion to the local governments; there are so many propositions connected with them, and so little is known of what their constitution will be, that it is hardly possible indeed for me to refer to them. I would like to be informed as to their character and authority before speaking of them. My opinion is, that they should have certain powers defined in written constitutions, so that beyond these powers they

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would have no right to legislate, and if they did, that their legislation should be set aside and rendered null and void by the superior courts. I believe that the British Constitution is of that elastic character that the institutions, which exist under it, can be made most popular and still work well. I think history has proved this to be the case. Under it we have kept sacred the great principle of responsible government, which we now enjoy, and under which ministers of the Crown hold seats in and are responsible to the Legislature. Well, we want no change in that principle; for I think it is the greatest safeguard to liberty, not only in England, but the world.

Some Hon. Members—Hear, hear.

Leonidas Burwell [Elgin East]—With regard to the executive head of the General Government; appointment by the Crown as at present is the only mode that is desirable. It will not do to tamper with or change this provision of our government; for if we become detached from and cease to be a dependency of the British Crown, what do we become? We must necessarily become independent, and when that state of political existence is reached, we know not what will follow.

Some Hon. Members—Hear, hear.

Joseph Bellerose, p. 481.

Joseph Bellerose [Laval]—

[...]

Certain other members object “that the Legislative Council is to be subject to the nomination of the Crown.” For my part, I see no ground of objection in this; on the contrary, I look upon it as an argument in favor of the scheme. I have always been opposed to the elective system in that branch of our Legislature. We have but one class in our society, we have no aristocracy. Why, then, should we have two popular chambers? In my opinion, it would have been wiser to abolish the Council than to make it elective. In the spirit of the English Constitution, the Legislative Council is a tribunal for purifying the legislation of the Commons, for weighing in the balance of experience the probable consequences of their legislation.

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February 27, 1865: Christopher Dunkin, Luther Holton, George-Étienne Cartier, William McDougall, John Scoble, John Sandfield MacDonald, Alexander Mackenzie, Province of Canada, Legislative Assembly, pp. 490-512. (click [HERE](#))

Christopher Dunkin [Brome]—Seriously, then, Mr. Speaker, I pass on to examine this work in a constitutional point of view, clearing away, as best one may, these ambiguities that surround it, dealing with it as it is, and comparing it primarily with the Constitution of the United States, and secondarily with the Constitution of Great Britain.

I wish I could compare it primarily with that of Great Britain; but it is so much more like that of the United States, that I cannot. In parts only has it any resemblance to the British Constitution; and for this reason the order of comparison cannot be reversed. I must say, before I go further, that I am by no means an admirer of a great deal that I find in the Constitution of the United States. I

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have always preferred, decidedly preferred, and do now prefer, our own British Constitution. But this, at least, no one can deny, that the framers of the American Constitution were great men, wise men, far-seeing men; that their work was a great work; and that to compare anybody else’s work—especially a work such as this, of the few gentlemen, doubtless able gentlemen, who framed this Constitution—with it, is to submit that work to a very severe and trying test.

Some Hon. Members—Hear, hear.

Christopher Dunkin [Brome]—The framers of the Constitution of the United States were, indeed, great men—living in, and the product of a great age, who had passed through a great ordeal and been brought up to the level of their work by great events in which they had been leading actors; and their work was a great work, which cost much time and much discussion, and underwent long and painstaking revision of all sorts, in all quarters, before it was finally adopted.

Some Hon. Members—Hear, hear.

Christopher Dunkin [Brome]—Yet we are called upon to admit now, and to admit it without examination, that this work of thirty-three gentlemen, done in seventeen days, is a much better work than that; and not only so, but that it is even better for our people and situation, than the time-honoured Constitution of our Mother Land; that it combines essentially the advantages of both, with the disadvantages of neither. I do not think so. The Constitution of the United States, it must be borne in mind, at least lasted seventy years without fracture.

It has stood a good deal of straining, from events beyond the possible foresight or control of those who framed it; and it may yet stand many more years, notwithstanding this late strain upon it. If, indeed, Louisiana had not been purchased, if the cotton-gin had not been invented—the two unforeseen events which so encouraged the growth of cotton and therefore of slavery—if it had not been for these, what I may call extraneous events, which could not be expected to enter into the minds of the framers of that Constitution, it probably would not have received the shock that it has received; but we do not know yet that that shock will have a fatal effect, or that it will break up the wonderful fabric which they created.

Perhaps it may charge that fabric more or less in some of its parts; and after it shall have passed away, the fabric itself may not improbably endure for a very long time to come. But as to this proposed Constitution of ours, should it become the organic law of the land, how long will it last? How will it work, if it does last? And to or towards what, while working, will it tend? To these questions, I have now to call the earnest attention of this House.

I begin, Mr. Speaker, with the future House of Commons—falsely so called. I shall not take up the different resolutions one after another, and criticize them in that manner; but I will take up the different leading features of the scheme consecutively, and endeavor not to misrepresent them. If I should do so, or at all misstate their character or probable effects, I give honorable gentlemen opposite full leave, if only they will do so without throwing jokes across the floor of the House, to correct me, and I will do my best to set myself right.

The House of Commons, then, incorrectly so called, to distinguish it from the other House that corresponds with, but is not named after the House of Lords, the Legislative Council, forms the leading feature of this project; and I take it up first, comparing it with the House of Representatives

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of the United States, and speaking here not so much of its powers as of its composition. I cannot, in this view, compare it with the Imperial House of Commons, because the principle of its construction is so entirely different. In that respect, it is simply copied from what I think the wrong model; and the copied parts correspond most faithfully and exactly with what I venture to call the least desirable features of the Constitution of the United States House of Representatives.

Some Hon. Members—Hear, hear.

Christopher Dunkin [Brome]—The copy is not, I repeat, of a thing absolutely good, but only of a thing as good as the framers of the Constitution of the United States, circumstanced as they were, could make it; but the peculiarity of their system that I object to, was not at all necessary to ours. I think it was absolutely unnecessary; I think it even very much of an excrescence. It can hardly be denied, Mr. Speaker, that there is a good deal of practical objection to the plan of shifting representation districts, which is what this system adopts, and what the system of the United States adopted.

Every ten years the representation from each province in the House of Commons is to be changed or readjusted by a rule which, for all practical purposes, is essentially the same as that of the United States. Of course we have not the little addition of the allowance for the three-fifths of the slave population which they have; but decennially we are to take the population of the several provinces, and by a rule in all essentials common to the two systems, we are to declare how many representation districts are to be allowed to each province.

Now, the result of that system must be that we can have no lasting constituencies for the future House of Commons. These representation districts cannot be kept to correspond with our municipal, business or registration districts, or with our districts for representation in our provincial legislatures. We are to have a set of special, shifting districts for the mere purpose of electing our Federal House of Commons. I must say that this principle is not, from a British point of view, a sound one.

Some Hon. Members—Hear, hear.

Christopher Dunkin [Brome]—What we ought to do is, to try to establish in this country of ours a set of representation districts as permanent and as closely coinciding with our territorial divisions existing for other purposes, as circumstances will allow us to have them; subdividing or otherwise altering them, or erecting new ones, only as occasion may be found to require.

George-Étienne Cartier [Montreal East, Attorney-General East]—We will do that for the local parliaments.

Christopher Dunkin [Brome]—Perhaps so, and perhaps not. That distinction, however, is just what I complain of. We are to change our districts for purposes of representation in the local parliaments, if we like, but not unless we like. These subdivisions of our provinces may thus, in the main, be permanent. But for representation in the Federal Parliament we are, at each of these decennial periods, to have a general readjustment of the whole country, so as to divide each province anew into its due number of aliquot parts. This is an innovation on our usages, greatly for the worse. It goes to destroy that character of reality, convenience and stability which—if our system, as a whole, is to have such character—had need be maintained to the utmost extent

practicable, in respect of our constituencies and of our minor territorial delimitations generally. This changing every ten years brings together electors who have not been in the habit of acting with each other. In England they do nothing of this sort; they do not change their limits lightly. The several bodies of men who send representatives to the Imperial House of Commons have the habit of so coming together, as bodies not likely to be broken up. We ought to keep this as an element of our Constitution, but it is carefully eliminated from it.

William McDougall [Lanark North, Provincial Secretary]—I am sure the honorable gentleman does not wish to build up an argument on a misconception of the resolutions for the purpose of misrepresentation. I am sure that he must have observed this fact, that it may, and probably will often happen, that there will be no change as to the number of members or electoral districts, and there certainly will be none if the increase of population in Lower Canada keeps pace with that in Upper Canada, and therefore the evil he complains of will not occur unless there be some different rule of increase from that which has prevailed heretofore.

Christopher Dunkin [Brome]—If any one imagines that the population of the different provinces is going to increase upon any thing like the same rule, then I differ from him. I believe there will be a very much more rapid rate of increase in some provinces than in others; a divergence between them in this respect, of the same kind, and perhaps, even to the same degree as in the case of the United States. There, in the old states, at every decennial revision, the number of representatives lessens, and in the new states it increases, and that rapidly. It is only in the comparatively few states which may be said to be neither old nor new that it remains about the same. The rule is one opt change, for the country everywhere. Any escape from change is the exception. And with us, those provinces which shall be found to increase faster than Lower Canada, as some certainly will be, will re-divide their whole territory every ten years, in order to increase their number of districts; and those which increase slower will do the same, in order to cut some of.

Even Lower Canada, to meet the varying rates of increase of its several parts, will be drawn into doing the same sort of thing. I shall be told, no doubt, that this need not be—that mere partial changes here and there may be made to answer the end; but I know that in the nature of things it will be, that such partial changes will not be made the rule. The sweeping rule is laid down, in the abstract, of basing representation on mere population; and that rule is sure to be followed out—not only as between the several provinces, but also as within each; and here again, not only as for Federal, but also as for provincial legislation.

For all legislative purposes, we must look to have all our territorial divisions open to frequent, one might say perpetual, reconstruction; and this subject perpetually to the disturbing influences of the party warfare of the hour. The exigencies of that warfare, we may be sure, will tell; and whatever the party in the ascendant, whether in the country at large or locally, will find means in this part of our machinery for advancing its ends—means not quite of the sort to commend themselves to one’s approval.

Some Hon. Members—Hear, hear.

Christopher Dunkin [Brome]—It is claimed, I know, as a merit of this scheme, that it allows a five years’ term to our House of Commons, in place of the two years’ term fixed for the House of Representatives. Apart from these decennial revisions, I would be glad of this. But five is the half of ten, I think; and though our Houses of Commons may often not last their full term, there will

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yet seldom or never, in all probability, be more than either two or three general elections held between any two decennial revisions.

A less satisfactory arrangement, if one is to think of our House of Commons at all treading in the footsteps of its great namesake, I confess I can hardly imagine. There everything favors that combined steadiness and variety of local influences upon the representative machinery which is at once characteristic of, and essential to, the British system, and without which neither public parties nor public men can act or last as it requires they should. Here everything is to be allowed to tend in precisely the opposite direction. Nor is this all.

At home, while the constituencies are wisely kept as lasting as they can be, the members they return are all held members of the one House of Commons, as little distinguished by the English, Scotch, Irish or Welsh location of their constituencies as they well can be. Here, again, this United States system which we are asked to copy, is the reverse, and the reverse of sound judgment. The House of Representatives is an aggregate of state delegations, and our mock House of Commons is to be an aggregate of provincial delegations. Each man is to come to it ticketed as an Upper or Lower Canadian, a New Brunswick, a Nova Scotia, Newfoundlander, a Prince Edward Islander, or what not. These distinctions, which, if we are to be a united people, we had better try to sink, we are to keep up and exaggerate.

The system will do that, and but too well. There is, however, one marked contrast as to this, between the system of the United States and that proposed here. In the United States, for the House of Representatives, the system is at least sure to work, whether for good or evil. Theirs is a true Federation. Its founders took care, when, with the foresight of statesmen, they arranged the details of their constitution, to frame it so as to work in all its important parts, and with that end they left it mainly to the several states to work out the arithmetical rule laid down for these decennial revisions, giving them such powers as to make sure that the thing intended would be really and punctually done.

I thought when I read these resolutions first, that it was, of course, the intention of their framers to adopt that system here; but we are now authoritatively told that it is not so. The General Parliament is alone to do the whole work of these re-divisions of the constituencies throughout the provinces. But, suppose that for any cause, such as readily may suggest itself—under pretext of alleged incorrectness of a census, or without pretext—it should fail to discharge this duty promptly, or should discharge it in a questionable way, or not at all—what then?

Is the Imperial Parliament to reserve a right of interference in such case; or is the doctrine broached the other night by the Attorney General for Lower Canada [George-Étienne Cartier], as to its power to revoke our constitutional charters, to be acted on? I should fancy not. But why, then, pretend to ask the Imperial Parliament to do so weak a thing as to lay down for us a bad rule for all time to come, merely that we may follow it or not, as in our wisdom or wisdom we may please?

Well, then, Mr. Speaker, I turn next to our Legislative Council—too little like the House of Lords, to bear even a moment's comparison in that direction. It must be compared with the Senate of the United States; but the differences here are very wide. The framers of this Constitution have here contrived a system quite different from that; and when we are told (as it seems we are) that the Legislative Council is to represent especially the Federal element in our Constitution, I do not

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hesitate to affirm that there is not a particle of the Federal principle about it; that it is the merest sham that can be imagined.

Some Hon. Members—Hear, hear.

Christopher Dunkin [Brome]—To show the contrast. The Senate of the United States consists of just two senators, freely chosen by the Legislature of each State of the Union.

George-Étienne Cartier [Montreal East, Attorney-General East]—And sometimes by the Governor.

Christopher Dunkin [Brome]—That does not in the least touch what I am saying. I say that the Senate consists of just two senators from each state, who are freely selected by the legislature of each state. It is true that in case of any casual vacancy power is given to the Governor of the state to fill up such vacancy until the next meeting of the legislature of the state. But it is the legislatures of the several states who regularly elect these senators from each, for a stated term of six years, and subject to an arrangement for their retiring in such rotation as never to leave any state unrepresented.

Well, sir, the Senate of the United States, thus constituted of two picked men from each state, and presided over by the Vice-President or by one of themselves, freely chosen by themselves, have devolved upon them the important judicial function of impeachment. Even the President of the United States may be impeached before them for treason or malversation in office. They have a large share of executive power also; sitting in secret session upon all treaties and upon most appointments to office, that is to say, upon all appointments of the more important kind.

There are appointments which the President may make without their concurrence; but as a rule, there are no important appointments which he can so make. Every treaty and every important appointment must go before them, and may be disallowed by them. They further exercise coordinate legislative functions, as to expenditure and taxation, with the House of Representatives. From all these circumstances combined, the Senate of the United States is, I believe, on the whole, the ablest deliberative body the world has ever known. As to men of third and fourth rate importance finding their way there, it is hardly possible. The members of the Senate, almost without exception, are first or second-rate men. There are no small men among them.

Some Hon. Members—*Cries of “Yes! Yes!”*

Christopher Dunkin [Brome]—Well, Mr. Speaker, there is certainly no proportion of small men, comparatively speaking.

George-Étienne Cartier [Montreal East, Attorney-General East]—It is a question at this moment as to the relative averages of the House of Representatives and of the Senate. I heard it discussed when I was in Washington.

Luther Holton [Chateauguay]—Hear! Hear!! Looking to Washington.

Some Hon. Members—*Laughter.*

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Christopher Dunkin [Brome]—What I say is, I believe, fully borne out by constitutional writers of the highest mark—by De Tocqueville, Chevalier, and others. They say that the peculiar constitution and attributes of the Senate of the United States have made it a deliberative body of the very highest mark. And even were it doubtful whether or not in this respect it is all I have called it, at least of this there can be no doubt at all.

As intended for the Federal check in the system of the United States, it is a machine simply perfect. It is a very able, deliberative body, of moderate numbers, carefully chosen on the strictest principle of federation, changing constantly, and having, on every matter of importance, a voice and veto of the most efficient kind. For stopping everything, for bringing about a deadlock—all parts of their machinery viewed together—it affords no formidable facilities; whilst for preventing anything from being done which it may be to the public interest, or to that of any number of the states, to prevent, it is as perfect as can be. Look now on the other hand, Mr. Speaker, at the Legislative Council under the proposed Confederation; what is it? There is a sort of attempt to prevent its numbers from resting on a population basis; and this is about the only principle I can find in it.

Some Hon. Members—Hear, hear.

Christopher Dunkin [Brome]—It would seem to have been thought, that as the branch of the legislature was to be shared between the provinces in the ratio of their population, there must be some other rule followed for the Upper Chamber. So we are to have twenty-four for Upper Canada, twenty-four for Lower Canada, twenty-four for the three Lower Provinces, and four for Newfoundland; simply, I suppose, because the populations of these equalized sections are not equal, and because four is not in proportion to the population of Newfoundland.

Some Hon. Members—Hear, hear.

Christopher Dunkin [Brome]—And these legislative councillors, thus limited in number, are to hold their seats for life. They are not to be even freely chosen, in the first instance, at least, from the principal men in each section of the country. They are to be selected, as far as possible, from the small number of gentlemen holding seats in the present Legislative Council, either by the accident of their having been nominated to them some time ago, or by the chances of popular election since; and until that panel is exhausted, no other person in any province is to be taken; and hereafter, Mr. Speaker, as vacancies occur, they are to be filled as we are now told—and this is the strangest thing of all—not by the provincial legislatures, nor by any authority or under any avowed influence of the local kind, but possibly by the General Government. And forsooth, this is called the Federal feature of our system!

Some Hon. Members—Hear, hear.

Christopher Dunkin [Brome]—The vacancies, to be sure, in Lower Canada are to be filled by selection of individuals having or holding property in Lower Canada,—and more than that, in particular territorial divisions of Lower Canada! But are these individuals to be ever so little chosen by the people of such territorial divisions, or even of Lower Canada, or with any necessary reference to their wishes in that behalf? Bless you, no! not at all. That would go towards making a Federal body of this House!

Some Hon. Members—Hear, hear.

Christopher Dunkin [Brome]—It might then be something of a Federal check upon the General Government, and that would never do. But suppose this should happen—and honorable gentlemen opposite must admit that it may,—that in the Federal Executive Council some one province or other—Upper Canada, Lower Canada, or any other, no matter which—either is not represented, or is represented otherwise than as it would wish to be. While thus out in the cold, a vacancy arises in the Legislative Council, requiring to be filled as for such province. Where is the guarantee that it will be filled on any sort of Federal principle?

Some Hon. Members—Hear, hear.

Christopher Dunkin [Brome]—And yet, what worse wrong or insult could be put upon a province, than would be involved in the kind of selection likely under such circumstances to be made for it? Surely, Mr. Speaker, this Legislative Council, constituted so differently from the Senate of the United States, presided over by a functionary to be nominated by the General Government; having no such functions of a judicial or executive character as attached to that body, and cut off from that minute oversight of the finances which attaches to the Senate of the United States; although it may be a first-rate deadlock; although it may be able to interpose an absolute veto, for no one can say how long, on all legislation, would be no Federal check at all. I believe it to be a very near approach to the worst system which could be devised in legislation. While the Senate of the United States is nearly perfect in the one way, our Legislative Council is to be as nearly perfect in the other way.

Some Hon. Members—*Laughter.*

Christopher Dunkin [Brome]—The Hon. Attorney General for Upper Canada [John A. Macdonald], the other night, devised and stated just the cleverest defence he could, of this constitution of the Legislative Council. But what did it amount to? Nothing. He undertook to tell us, that from the ordinary course of events, the deaths to be counted on in a body numbering its certain proportion of elderly men, and so forth, the personal composition of this Council would not change so slowly as many feared. He also urged that those who thus found their way into it would be but men after all—perhaps politicians a little or more than a little given to complaisance—but at any rate men, who would know they had no great personal hold on public confidence; and so, that they might sometimes even yield to pressure too easily, in place of resisting it too much. Well, sir, I have heard it said that every government in the world is in a certain sense a constitutional government—a government, that is to say, tempered by check of some kind. The despotism of the Grand Turk has been said to have its constitutional check in a salutary fear of the bow-string; and there may prove to be something of the same sort here.

But I confess I do not like the quasi-despotism of this Legislative Council, even though so tempered. Representing no public opinion or real power of any kind, it may hurt the less; but it can never tend to good, and it can never last. It is satisfactory for one to find that in this view I do not stand alone. This plan is condemned, not simply by the Colonial Secretary [Edward Cardwell], but by the Imperial Government, as one which cannot be carried out. The Imperial authorities cannot but see that a body appointed for life and limited in numbers, is just the worst body that could be contrived—ridiculously the worst.

George-Étienne Cartier [Montreal East, Attorney-General East]—Do they say it is the worst?

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Christopher Dunkin [Brome]—I say it is the worst. They say it is bad. It is condemned by Her Majesty’s Government, in diplomatic terms it may be, but in sufficiently emphatic terms. I believe Her Majesty’s Government regard it as I do—as pretty nonsensical. I know it may be said that Her Majesty’s Government, perhaps, may apply a remedy by leaving out the provision about a limited number of members.

George-Étienne Cartier [Montreal East, Attorney-General East]—That is our security.

Christopher Dunkin [Brome]—Security it is none, but the very contrary. But, Mr. Speaker, even though this should be done, or though the Imperial Act should even not state the restrictions by which it is proposed to limit the Crown in its first choice of Legislative Councillors, such remedy would be the merest palliative imaginable. The restrictions on such choice would be maintained in practice all the same; and even the limitations as to number would remain as an understood rule, to be set aside for no cause, much less grave than might suffice to sweep away even a clause of an act of the Imperial Parliament. Before leaving this subject, Mr. Speaker, let me ask the attention of the House for a few moments to the past history of Canada in respect of our Legislative Council.

Some Hon. Members—Hear, hear.

Christopher Dunkin [Brome]—Did it not happen, as matter of fact, that the first Legislative Council of Canada, not being limited in point of numbers, being like the House of Lords in that respect—the Crown, I say, having the full choice of its members, and full control over their number—did it not happen, I say, that its members were most of them, for some time, named from one side in politics? The gentlemen named by Lord Sydenham and his immediate successors, were, undoubtedly, most respectable. There was nothing out of common course that I see about these appointments; they were party, political appointments of the ordinary kind. And under this proposed scheme the same kind of thing would naturally happen again.

But in 1848, with a change of government, it became necessary to carry through Parliament a measure or measures to which it was well known that a large majority of this Upper House were decidedly opposed. There had to be some talking about a swamping of the House—a similar step to what was threatened once in the constitutional history of Great Britain. It was not really done. It did not need to be done, or at least, it only needed to be done in part; the peculiarity of the position of honorable gentlemen, and the impossibility of their standing out beyond a certain point, made it unnecessary to carry out the threat to extremity. But it was carried far enough to destroy their self-respect, and the respect of the public for them. It was felt that they had no sufficient status in the country; they sank in public opinion, and sank and sank until every one quietly acquiesced in the change which was afterwards made in the Constitution of the Council.

Some Hon. Members—Hear, hear.

Christopher Dunkin [Brome]—I do not overstate the truth when I say that the Legislative Council so sank in public opinion, because there was no machinery by which public opinion could act upon it, except that of a further creation of councillors by the Crown, and there being no other way of averting a deadlock, they had to be made to feel that in case of extremity their power would not be found equal to their will.

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George-Étienne Cartier [Montreal East, Attorney-General East]—That is because the number was unlimited.

Christopher Dunkin [Brome]—If the Crown had not been able to increase the number, those honorable gentlemen might have stood out against the popular demand, until a revolution had swept them away, or they might have shrunk before the fear of it; as it was, they gave way under a milder pressure.

Some Hon. Members—Hear, hear.

George-Étienne Cartier [Montreal East, Attorney-General East]—There is a central power in all things. There is a centrifugal force and a centripetal force. Too much of either is dangerous, and what is true in the physical world, is true also in the political world.

Christopher Dunkin [Brome]—Certainly. But I do not see that that has much to do with the remarks I am just now offering.

Some Hon. Members—Hear, hear.

Christopher Dunkin [Brome]—I say the elective Legislative Council was rendered necessary, in the opinion of the country, by this unfortunate state of things, even though the system then in existence was not so bad as the system now offered for our acceptance. There was then the power constitutionally given to the Crown to augment the numbers of the Legislative Council, so that the gentlemen constituting that body could recede before the determined expression of the public will, as gracefully as did the House of Lords on the memorable occasion I have already alluded to.

Had that House not yielded in those days of the Reform Bill, even the Crown of Great Britain might not have escaped the consequences of a bloody revolution. That House might have been constitutionally omnipotent, but its physical was not equal to its constitutional capacity. What is it that is proposed to be given to us here? A body not at all weighty in the influence of its members, and which, it is said, will have to shrink from the exercise of its prerogatives. I do not know whether it will or not. But I had rather not give to a body of men limited in number—though even so little weighty in the community—an absolute veto on all legislation, for so long as the Almighty may be pleased to continue them in life.

I think a much better system could be devised—nay, I am sure of it. At all events, here is this proposed body, which, we are told, is to be Federal, but which is not to be so. We are told it is to be a constitutional check, but it is not to be that either. It is rather, I take it, a cleverly devised piece of dead-lock machinery, and the best excuse made for it is, that it will not be strong enough to do near all the harm it seems meant to do. Her Majesty's Government condemns it. It may not be necessary that we should say with very marked emphasis how we join in that condemnation.

Some Hon. Members—Hear, hear.

Christopher Dunkin [Brome]—I have then shown, I think, Mr. Speaker, as regards our House of Commons, that we have not reached perfection; and that, as regards our House of Lords, we have not come near it. I pass on to the Executive. Here, too, there is to be a very wide difference between our proposed system and that of the United States. To begin, they have an elective president,

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chosen for a short term; with all the evils, therefore, of frequent presidential elections, aggravated by the president’s allowed capacity for reelection. No doubt, we avoid these; our Viceroy, or Governor General, is not to be elective. Nobody proposes that—I do not think anybody ever did propose it. And the authors of this project have, therefore, no great right to take credit for this, any more than for their unasked offer to continue Her Most Gracious Majesty upon the throne, or in other words, create her Queen of British North America, by the grace of the Quebec Conference!

Some Hon. Members—*Laughter.*

Christopher Dunkin [Brome]—This, however, Mr. Speaker, by the way. What is more important to notice in this connexion, is the marked distinction on which I have already touched, between the United States system, which devolves in part upon the Senate—and our system, which devolves not at all upon the Legislative Council, but wholly on the Executive Council, the duty of advising and aiding the head of the Government in the discharge of his executive functions. As I have said, in the United States the Senate has large executive functions.

George-Étienne Cartier [Montreal East, Attorney-General East]—Without responsibility for their advice. We have responsibility, and in that respect our system is better.

Christopher Dunkin [Brome]—My honorable friend says “without responsibility.” I rather think not. Take the case of a senator from Massachusetts or New York. I rather think he will feel himself very distinctly responsible to the state he represents. He is not responsible to the whole people of the United States, nor is the Senate, as a whole, collectively responsible. But each senator is particularly and personally responsible to his own state, and acts under a sense of that responsibility.

Some Hon. Members—Hear, hear.

Christopher Dunkin [Brome]—Take the case which occurred a number of years ago, when President Jackson named, as Minister to the British Court, Martin Van Buren, afterwards his successor in the presidential chair. A majority of the Senate disallowed that nomination. Did not the senators who voted for or against that nomination, do so under a weighty, practical responsibility? Every man of them did. They voted in the view and under the sanction of that responsibility; and some of them had to pay for the exercise of it. And so they do, all along.

Some Hon. Members—Hear, hear.

Christopher Dunkin [Brome]—This, however, is a digression into which I have been led by the remark of my honorable friend. I return to the line of argument I was pursuing. What I am just now shewing is, that in respect of the constitution of the executive power, this scheme urged upon our acceptance differs *toto coelo* from the system in operation in the United States. I shall consider presently the question of its advantages or disadvantages. In the United States, as is admitted, the Senate does a certain part of what we undertake here to do by means of a Cabinet. The Federal check so exercised by the Senate renders unnecessary, for any Federal purpose, the existence of a Cabinet. Indeed they do not want a Cabinet for any purpose at all. It is not of their system.

But here, with our chief magistrate not elected, we must have one. And yet, how are we to make it work, engrafted on a system which, in its essentials, is after all more American than British? This

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is what I have now come to. I have to ask honorable gentlemen opposite how they are going to organize their Cabinet, for these provinces, according to this so-called Federal scheme?

Some Hon. Members—Hear, hear.

Christopher Dunkin [Brome]—I think I may defy them to show that the Cabinet can be formed on any other principle than that of a representation of the several provinces in that Cabinet. It is admitted that the provinces are not really represented to any Federal intent in the Legislative Council. The Cabinet here must discharge all that kind of function, which in the United States is performed, in the Federal sense, by the Senate. And precisely as in the United States, wherever a Federal check is needed, the Senate has to do Federal duty as an integral part of the Executive Government.

So here, when that check cannot be so got, we must seek such substitute for it as we may, in a Federal composition of the Executive Council; that is to say, by making it distinctly representative of the provinces. Well, I must say that this sort of thing is utterly variant from, and inconsistent with British practice and British principle; with the constitutional system which makes the whole Cabinet responsible for every act of government. The British Cabinet is no Cabinet of sections, but a unit.

In illustration of the view which I am anxious to impress upon the judgment of the House, let me revert for a moment to our Canadian history. I can only look forward to the future by the lights given me by the past. The union of the Canadas, consummated in 1841, was a legislative union. There was nothing in it savouring ever so faintly of Federalism, unless it were the clause which declared, and quite unnecessarily declared, that there should be an equal representation in the Legislative Assembly of Upper and Lower Canada respectively.

If the Union Act had merely distributed the constituencies in such a way as to give equality of representation to Upper and Lower Canada, it would have done for practical purposes all it did. But besides doing this, it quite uselessly added in terms that the numbers were to be equal—subject always, however, by a strange anomaly, to our declared power thereafter by legislation of our own to disturb that equality, if we pleased. Well, sir, when an Executive Government had to be first organized for Canada, Lord Sydenham was obliged to call into his Cabinet certain officials whom he found in Upper and Lower Canada respectively, and he did so without observing any rule of equality as to their numbers.

Indeed, until 1848, equality in the representation of the two sections of the province in the Cabinet was never seriously aimed at. In 1848, from considerations of a peculiar character—perhaps more personal than political—the usage was commenced, and it has since been persevered in, of having a Premier and a sub-Premier, and a Cabinet organized under them, respectively, in two sections—of course equal in numbers, or as nearly so as possible. And on this usage and in connection with it have developed themselves all those double majority and double ministry notions and practices which again of late have so constantly been leading us into all manner of constitutional difficulties.

Some Hon. Members—Hear, hear.

Christopher Dunkin [Brome]—It has been found again and again impossible to constitute a satisfactory ministry of two sections; because one or other of the two sections, if they came together

on any basis of real political agreement, was so very likely not to be able to command a majority of its sectional representation in this House. It was, practically, a division of the House, as well as of the Government, into two sections—practically, all but a government by two ministries and with two Houses. We did not quite admit, to be sure, that there were two ministries; although, by the way, at one time—I refer to the time of the first proposed vote of want of confidence in the Macdonald-Dorion ministry—a motion was on the point of being made—notice of it was given—which positively did speak of a Lower Canadian ministry as contradistinguished from an Upper Canadian ministry.

I go into this to show that already, in Canada, the force of circumstances has been one too many for us, and has inflicted upon us a system more complex—less workable—than obtains in England. With us, as at home, the Constitution makes the whole Ministry, collectively, responsible for all the acts it performs; but it is well known that here, for all practical purposes, we have for years had our Ministry acting by two sections—each section with a chief of its own, to a large extent a policy of its own, and the responsibility of leading and governing a section of this House of its own.

Some Hon. Members—Hear, hear.

Christopher Dunkin [Brome]—We have been federalising our Constitution after a very new and anomalous fashion ever since 1848, and by that, more than by anything else, have been getting ourselves into that sort of difficulty in which we have latterly found ourselves.

Some Hon. Members—Hear, hear.

Christopher Dunkin [Brome]—And now, Mr. Speaker, I just want to know how this proposed scheme is going to work in this respect? As we have seen, it starts with a principle, as to the election of the House of Commons, which must involve the arraying on the floor of that House, not of a set of members of Parliament coming there to judge and to act each for the whole of British North America, but of a certain fixed number of Upper Canadians, a certain fixed number of Lower Canadians, a certain fixed number of Nova Scotia's, of New Brunswickers, of Prince Edward Islanders, of Newfoundlanders, of Red River men, of men from Vancouver's Island, of British Columbia men, of Saskatchewan men—each to act therefor his own province.

Some Hon. Members—Hear, hear.

Christopher Dunkin [Brome]—If we ever get all these territories laid out into provinces, we are to have just so many sections, numerically most unequal, upon the floor of this House, and the only abiding distinctions between members will be those represented by the territorial lines between their provinces. The Legislative Council, we have seen, will not be the check which these sections will require. The Executive Council has got to be that check, and in the Executive Council these sections will have to reproduce themselves.

Apart from the provinces or vast territory to the west of us, we shall thus have our six such sections on the floor of the Commons House, with their six corresponding sections in the Executive Council, and six parliamentary majorities to be worked together, if possible, while hitherto we have found our two sections and two majorities one too many. Our constitutional difficulties, I repeat, are referable to that very practice, and so it is proposed that we should try a system three times—and more than three times—more complex still.

Some Hon. Members—Hear, hear.

Christopher Dunkin [Brome]—That cleverest of politicians who, for two or three years running, under such a system, shall have managed to carry on his Cabinet, leading six or more sections in our Commons House, six or more sections in the Legislative Council, and, forsooth, six or more local parliaments and lieutenant-governors, and all the rest of it besides—that gaited man who shall have done this for two or three years running, had better be sent home to teach Lords Palmerston and Derby their political alphabet. The task will be infinitely more difficult than the task these English statesmen find it none too easy to undertake.

Some Hon. Members—Hear, hear.

George-Étienne Cartier [Montreal East, Attorney-General East]—There will be no difficulty.

Christopher Dunkin [Brome]—The hon. gentleman never sees a difficulty in anything he is going to do.

George-Étienne Cartier [Montreal East, Attorney-General East]—And I have been generally pretty correct in that. I have been pretty successful.

Some Hon. Members—Hear, hear.

Christopher Dunkin [Brome]—Pretty successful in some things—not so very successful in some others. The hon. gentleman has been a good deal favored by accident. But I am not quite certain that I believe in the absolute omniscience of anybody.

Some Hon. Members—Hear, hear.

Christopher Dunkin [Brome]—But now, if this Executive Council is to have in it, as I am sure it must have, in order to work at all, a representation of the different provinces, all or nearly all of them, let us look for a moment at what will have to be its number. There are two ways of calculating this—two sets of data on which to go. Either we must go upon what I may call the wants of the component parts, or we may start from the wants of the country as a whole. Suppose, then, we start from the wants of the different provinces. I take it that no section of the Confederation can well have less than one representative in the Cabinet. Prince Edward Island will want one; Newfoundland, one.

A difficulty presents itself with regard to Lower Canada. On just the same principle upon which Lower Canada wants, for Federal ends, to have a proper representation in the Executive Council, on that same principle the minority populations in Lower Canada will each want, and reasonably want, the same thing. We have three populations in Lower Canada—the French-Canadians, the Irish Catholics, and the British Protestants. In other words, there are the Catholics, and the non-Catholics, and the English-speaking and the non-English-speaking, and these two cross lines of division cut our people into the three divisions I have just indicated. Well, if in a government of this Federal kind the different populations of Lower Canada are to feel that justice is done them, none of them are to be there ignored.

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The consequences of ignoring them might not be very comfortable. Heretofore, according to general usage, the normal amount of representation for Lower Canada in the Executive Council has been six seats out of twelve. Of those, four may be said legitimately to belong to the French-Canadians, one to the Irish Catholics, and one to the British Protestant class. Everyone is satisfied that that is about the fairest thing that can be done. There have been times when these proportions have varied. There have been exceptional times when the British Protestant population has had to put up with a Solicitor-General out of the Cabinet, and has done so with no very loud complaint. There has never been a time, I think, when there was not an Irish Catholic in the Cabinet. There have been times when the number of French-Canadians has been less than four, and there was then much complaint. Six members—four, one and one—are just about what you must give to please each section of Lower Canada.

Well, sir, if there are to be six for Lower Canada, there must be six or seven for Upper Canada, and you cannot very well leave less than three each for Nova Scotia and New Brunswick, and, as I have said, one each for Newfoundland and Prince Edward island; and thus you have an Executive Council of twenty or twenty-one members, besides all we might have to add for other provinces; and this, I rather think, is a little too many. The thing could not be done; for so large a Cabinet could never work.

Suppose then, on the other hand, that we start with the idea of limiting the number of our Executive Council to meet what I may call the exigencies of the country as a whole. Eleven, twelve or thirteen—the latter, as an hon. member observes, is an unlucky number—will be as many as we can possibly allow. Of this number one, as before, will be wanted for Newfoundland and one for Prince Edward Island. If one is wanted for each of the little provinces, New Brunswick and Nova Scotia will be sorely discontented unless they get, at least, two apiece; and neither Lower Canada nor Upper Canada will be contented with the three left for each of them.

And for Lower Canada, in particular, how will anyone divide this intractable figure between her French, Irish and British? Shall we give them one apiece, and ask the French-Canadian element to be content with one voice in a cabinet of a dozen?—or, give that element two, without satisfying it—so leaving out either the Irish or the British, to its intense disgust?—or, give the preponderating element the whole, to the intense disgust of both the others? It will be none too easy a task, sir, I think, to form an Executive Council with its three members for Lower Canada, and satisfy the somewhat pressing exigencies of her creeds and races.

George-Étienne Cartier [Montreal East, Attorney-General East]—Hear! Hear!

Christopher Dunkin [Brome]—The Hon. Attorney General East [George-Étienne Cartier] probably thinks he will be able to do it.

George-Étienne Cartier [Montreal East, Attorney-General East]—I have no doubt I can.

Some Hon. Members—*Laughter.*

Christopher Dunkin [Brome]—Well, I will say this, that if the hon. gentleman can please all parties in Lower Canada with only threemembers in the Executive Council, he will prove himself the cleverest statesman in Canada.

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George-Étienne Cartier [Montreal East, Attorney-General East]—Upon whose authority does the hon. gentleman say there will be only three?

Christopher Dunkin [Brome]—The hon. gentleman has evidently not been listening to my line of argument, and I do not think that, to enlighten him, I am called upon to punish the House by going over it all again.

Some Hon. Members—Hear, hear.

Christopher Dunkin [Brome]—What I say is, that if the number of the Executive Council is fixed according to the wants of the country as a whole, and not to what I may call the local wants of the several provinces, there will be in all some eleven, twelve or thirteen members; and you will have a number so small in proportion to the various interests to be satisfied, that it will be extremely difficult to avoid serious trouble in the matter of its local distribution. On the other hand, if you give all the localities the number they had need have, on local grounds, the Council will be too large to work. It will be practically impossible to meet the needs of all the provinces; and yet, none can be left out in the cold, on pain of consequences.

Some Hon. Members—Hear, hear.

George-Étienne Cartier [Montreal East, Attorney-General East]—When the matter is brought to a test, the hon. gentleman will see that he has aggravated the difficulty.

Christopher Dunkin [Brome]—Sidney Smith once said of a leading Cabinet minister at home, that he would be willing at the shortest notice, either to undertake the duties of the Archbishop of Canterbury or to assume command of the Channel fleet.

Some Hon. Members—*Laughter.*

Christopher Dunkin [Brome]—We have some public men in this country who, in their own judgment, have ample capacity for assuming the responsibility and discharging the functions of those two high posts, and perhaps of a field marshal or commander-in-chief besides.

Some Hon. Members—*Renewed laughter.*

George-Étienne Cartier [Montreal East, Attorney-General East]—I would say, that although I do not feel equal to the task of commanding the Channel fleet or filling the office of Archbishop of Canterbury, I do feel equal to the work of forming an Executive Council that will be satisfactory to Upper and Lower Canada, as well as to the Lower Provinces.

Some Hon. Members—Hear, hear, *and laughter.*

Christopher Dunkin [Brome]—Well, it will require, in my opinion, something more than bold assertion, and capacity for a hearty laugh, to overcome the difficulty that will some day or other be presented.

Some Hon. Members—Hear, hear.

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Christopher Dunkin [Brome]—And now, sir, I come to speak of the relations to subsist between this Federal power and the different provinces, as compared with those between the United States and the different states. Again, the comparison has to be made much more with the United States system than with that of Great Britain; although, unfortunately, perhaps, there is in this part of the scheme some confusion of inconsistent features of the two systems. Great Britain has not yet, in any true sense of the term, federated herself with any of her colonies. She just retains a nominal supremacy over them.

John Scoble [Elgin West]—It is a real supremacy.

Christopher Dunkin [Brome]—No; it is only nominal as regards its exercise. It is not real in the sense of amounting to a substantial, practical exercise of power over the colonies. For these nearly five and twenty years past, I call to mind no legislative act of ours disallowed by the Home Government.

An Hon. Member—Yes, there was one—Mr. Hincks' Currency Act.

Christopher Dunkin [Brome]—Well, I believe that was. But in that case we got our own way in effect directly afterwards. I am referring more particularly, of course, to what may be called the conduct of our own domestic affairs. There is no mistake but we have had given to us by Great Britain a control practically unlimited over our own affairs; she lets us do what we like, while professing to retain a perfect nominal supremacy over us. She appoints our Governor General, but when he comes here, he does what we want, not what she may want. She can, if she likes, disallow all our statutes; but for all practical purposes she never does. She may, if she chooses, alter or repeal the Charter of our liberties which she granted to us, but she never thinks of doing such a thing, and we know she will not.

Well, here in this proposed Constitution—looking to the relations which are to subsist between the Federation and the provinces—in lieu of a real Federation, such as subsists between the United States and the different states, we find an attempt to adopt to a considerable extent the British system of a stated supremacy, not meant to be in fact the half of what it passes for in theory. But, however such a system may work as between Great Britain and her colonies, it by no means follows that it admits of extension to this ease. If the vaguely stated powers of our so-called Federation are to be merely nominal, they will be insufficient; if not nominal, they will be excessive. Either way, the United States idea of an attempted precise statement of the powers meant to be given and used, is the true one. What, then, is the system adopted in the United States, as regards these relations between the Federal power and the several states? There are two leading principles, and very sound principles, that pervade it.

In the first place the United States, by its Constitution, guarantees to every state in the union a republican form of government; by which is meant a Constitution, in the main, analogous to that of the United States—an elective executive, an elective second branch, an elective popular branch—the whole without what we here call responsible government. This is what everybody understands as the republican system. Accordingly, just the same sort of thing in principle and in all its great outlines as the Constitution of the United States, is the Constitution of each separate state of the union.

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And in the second place, along with this uniformity in principle and outlines between the Constitution of the United States and those of the different states, there is established a very exact system of what I may call limited state autonomy. The state, within its certain range of subjects, does what it likes, and is as free to act as the United States; it has its own functions, and within the limits of those functions nobody controls it. The United States have their special functions also, and within the range of those functions can, in turn, control everything.

The respective judiciary systems of the state and of the United States, are further so contrived as to be the most perfect check that can well be imagined to secure the smooth and steady working of this Federal national machinery. It is a complex piece of machinery, if you will; there are many delicate parts in it, one depending nicely upon another; but, upon the whole, it has worked pretty well for many years, and may go on working pretty well for many more.

George-Étienne Cartier [Montreal East, Attorney-General East]—But the judges are elected.

Christopher Dunkin [Brome]—Does the hon. gentleman mean to tell this House that the principle of elective judges forms a part of the constitutional system of the United States? Why, sir, an elective judiciary is a mere excrescence of quite late growth, and has not fastened itself on the system of the United States at all. It is not even as yet adopted by nearly all the individual states, but only by some of them. It is an excrescence which the founders of the United States system never, I fancy, thought of, or in all human probability they would have expressly provided against it.

Some Hon. Members—Hear, hear.

Christopher Dunkin [Brome]—But now, sir, what is the system we are going to adopt according to these resolutions? What are the relations to be established between our general and local governments? We are told to take for granted that no clashing of interest or reeling need be feared; that the Federal union offered us in name will be a legislative union in reality. Yet, whoever dislikes the notion of a legislative union is assured it will be nothing of the sort. Now, sir, I do not believe that you can have all the advantages of these two systems combined in one.

Some Hon. Members—Hear, hear.

Christopher Dunkin [Brome]—A Legislative union is one thing; a Federal union is another. The same system cannot be both at once. You cannot devise a system that shall have all the advantages of the one and of the other; but it is quite possible that you may devise one that will combine the chief disadvantages of both, and the it is, I fear, pretty much what this system does.

Some Hon. Members—Hear, hear.

Christopher Dunkin [Brome]—Let me first take one feature of the scheme, or, I might say, one absence of a feature from the scheme—the non-provision of anything like provincial constitutions. We are not told about them; they are kept back completely in the dark; it is part of the scheme that we are not to know what it means them to be.

Some Hon. Members—*Laughter.*

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Christopher Dunkin [Brome]—It is part of the scheme, too, from all appearance, that they may not be at all alike. For anything I can see, Nova Scotia will have a right under this scheme to devise a system of responsible government, with a cabinet and two branches of the legislature. New Brunswick, if it pleases, may have only one legislative body, with or without responsible government. So may the Prince Edward Island people have anything they like; and the people of Newfoundland may do what they like, and so may we in Canada. Lower Canada may even have a constitution of one kind, and Upper Canada one of a totally different kind. There may be no two of our six or more local constitutions framed on the same model.

Some Hon. Members—Hear, hear.

Christopher Dunkin [Brome]—It seems to be meant that these constitutions shall be as varied as the people of the different provinces may see fit to make them; nay, there are even left to the people of the different provinces the same large powers for amending them afterwards. To be sure there is the grand power of disallowance by the Federal Government, which we are told, in one and the same breath, is to be possessed by it, but never exercised.

George-Étienne Cartier [Montreal East, Attorney-General East]—The presumption is, it will be exercised in case of unjust or unwise legislation.

Christopher Dunkin [Brome]—The hon. gentleman’s presumption reminds me of one, perhaps as conclusive, but which Dickens tells us failed to satisfy his Mr. Bumble. That henpecked beadle is said to have said, on hearing of the legal presumption that a man’s wife acts under his control:—“If the law presumes anything of the sort, the law’s a fool—a natural fool!”

Some Hon. Members—*Laughter.*

Christopher Dunkin [Brome]—If this permission of disallowance rests on a presumption that the legislation of our provinces is going to be unjust or unwise, it may be neared; but under that idea, one might have done better either not to allow, or else to restrict within narrower limits, such legislation. If the promised non-exercise of the power to disallow rests on a presumption that all will be done justly and wisely in the provincial legislatures, the legislative power is well given; but the there is no need, on the other hand, for the permission to disallow.

Some Hon. Members—Hear, hear.

Christopher Dunkin [Brome]—I repeat, this system, or no-system, aims at nothing like uniformity between the general and local constitutions, or between the local constitutions themselves; and in this respect, it is essentially at variance with the much wiser system adopted in the United States. It further allows of no real autonomy; in fact, the only trace of uniformity it can be said to have about it, consists in its disallowance of all autonomy to the provinces.

Some Hon. Members—Hear, hear.

Christopher Dunkin [Brome]—Now, let me take up those few features that undoubtedly are given to us, as characterizing our provincial system. Wide as we have seen the latitude is which the provinces may take in framing their constitutions, there are a few matters as to which the system

lays down an iron rule. There is the appointment of a lieutenant-governor which is to be vest end in the General Government.

It is not said in so many words that he is to be a colonist, but I think it may be taken for granted that he will be. It is not very likely that we shall get any right honorable gentleman or eminent statesman, from home, to come out here for an appointment of that kind; and I take for granted, therefore, that the General Government will always nominate Mr. Somebody or other, of local distinction, to this office of lieutenant governor. An hon. gentleman opposite, (I beg his pardon for noticing his gesture,) seems never to have had the thought cross his mind, that perhaps if he were named to it, there might be a doubt in some quarters as to his entire fitness for it.

Some Hon. Members—Hear, hear.

Christopher Dunkin [Brome]—But seriously these lieutenant-governors thus selected, are all to hold office by a very peculiar tenure. They are not to be removable except by the Federal power; nor by it within the term of five years, except for cause, which cause must be stated in writing, and laid before both branches of the Federal Parliament. For five years, therefore, they may be said to hold office during good behaviour.

They are to be paid, too, by the Federal power. They are to exercise the reprieving and pardoning power, subject to such instructions as they may receive from the General Government from time to time. And they are to have the initiation, by message, of all money bills, and the power to reserve bills for approval of the Federal Government. They are to have these leading functions of the nominated lieutenant governors under our system, but with one most marked difference—the attribute of non-removability.

Beyond these few points, the resolutions leave us all at sea. Save as to these, they leave room, as we have seen, for the widest divergences of constitution. To be sure, I gather one hint mere, not from the resolutions themselves, but from the dispatch sent along with them to the Colonial Secretary [Edward Cardwell], by the Governor General [Viscount Monck], and this is, that according to the view of our Canadian Government, the provincial legislatures had better be framed on the one chamber principle. I presume this will hardly be gainsayer by the honorable gentlemen who have laid the dispatch before us, and which supplies this feature that we cannot find in the resolutions themselves. Says the dispatch:—

For the purpose of local administration, it is proposed to have in each province an executive officer, to be appointed by the Governor, and removable by him for cause to be assigned, assisted by a legislative body, the constitution of which it is proposed to leave to the decision of the present local legislatures, subject to the approbation of the Imperial Government and Parliament.

But, sir, whether our local legislatures are to be of one house or two, or however otherwise any of our provinces may experiment, in the way of variation, in framing their constitutions, at least there must everywhere be some attempted approach, in principle, to one or other of the two great divergent systems—the British on the one hand, with its responsible Cabinet—the American, on the other, without. That you cannot work the problem on the former of these two plans, I will show presently. For the latter, Mr. Speaker, in the States, it is always carried on with two elective houses, never with one, and with an elective governor; and all are chosen for terms that are not long.

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It could not be made to work otherwise. An appointed governor, holding independently, for a term not short, and above all, with only one House, is an experiment as new and unpromising as need be. For a moment, before going further, I revert to the principle on which the Federal Executive is to be constituted. We are promised there a cabinet, responsible after the British model, and strangely and anomalously as we have seen that it will have to be organized, in sections to represent our provinces, we must understand that the British principle of its joint responsibility is to be and will be carried out.

But it is of the essence of responsible government, that with its responsibility such government should have power. No ministry can be answerable for the entire government of a country, unless it has the power to control in some way or other, and to the requisite extent, the course of affairs. If we are going to build up or suffer in the country any power too strong for it to deal with, it will cease to be responsible.

It must be able to overcome opposition, and that in a constitutional manner. Yet, according to this scheme, independently of and besides all the difficulties our sectionally-organized Federal Cabinet will find in dealing with its sectionally-organized Federal Legislature, it is to have these provincial governments also, to embarrass it. Let these last be what you will, responsible or republican, or some of than the one and some the other, so soon as they begin to act for themselves, so soon you have got powers in action that cannot long move together without clashing, and yet neither of which can overcome the other, unless by practically destroying it, or in other words, by revolution.

Some Hon. Members—Hear, hear.

Christopher Dunkin [Brome]—Whether we adopt one system or another, we must create the proper machinery for carrying out whatever system we adopt. And the plain truth is, that the Federal system is simply inconsistent with the first principles that must prevail in a properly organized British responsible central government.

Some Hon. Members—Hear, hear.

Christopher Dunkin [Brome]—Indeed, aside even from Federalism, the British system and the republican are antagonist in principle; neither of them will work mixed up with the other. You must be content with one or other, and must not commit the folly of attempting any new, untried, mongrel system, or compound of the two—such as nobody can show to be capable of being worked at all. And now, Mr. Speaker, let us just follow out the course of our distinguished fellow-colonist who is trying to govern some one of our provinces under this proposed amalgamation of the two systems. We will suppose him a most admirably fitted person for the post, the functions of which heist called upon to exercise; but he must necessarily have one or two causes of incapacitation, so to speak, for it.

When Her Majesty appoints a governor to come out to Canada, or any other colony, she is presumed by every one hers to have named somebody holding a good position at home, and somebody against whom no one in the colony can have any ground of dislike. He comes with a social rank and status presumably higher than that of the people whom he is here to meet with and govern. Every one is disposed to recognise in him the representative of Her Majesty; and he has every chance of maintaining himself in that pleasant attitude—that of administering his government to the satisfaction, so far as such a thing is possible, of all parties. In adopting the views

of his constitutional advisers, he is not called upon to give up any views which he may himself be thought to entertain.

He can express to the people’s representatives the views of his Cabinet, whether they be conservative or reform, or even though they be conservative this session and reform the next, without any sacrifice of position, no matter what his own political views may have been in the Mother Country. But suppose any of our politicians, whether of this province or of any other in the Confederacy, say Canada, Newfoundland or Nova Scotia, to be assuming this *rôle* of lieutenant-governor in any of our provinces. He has this disadvantage to begin with; he has to that moment been passing through that ordeal of abuse under which every prominent public man in this country must have suffered before attaining any distinction whatever.

Some Hon. Members—Hear, hear.

Christopher Dunkin [Brome]—When a politician, Mr. Speaker, in the United States, who is obnoxious to the ill-will of any large body of the people, is there elected to be Governor of his state, the halo of his election surrounds him with a something of political glory that throws into shade any stains on his political reputation. But if the governors of the several states of the American Union were appointed from Washington, do you think the people would put up with the results of such appointment, as they now do with those of their own choice; when they might feel that the man was even a despised, dishonest man, and his appointment as well an insult as a wrong? Who does not know that our chief public men of all parties have been so assailed, as to be held at this moment at a painfully low value by the large section of our people who have differed from their views?

I do not say that they have deserved this fate, but the fact is undeniable that they have met it. Let any one of our dozen or twenty most prominent Canadian politicians be named Lieutenant-Governor of Upper or of Lower Canada, would not a large and powerful class of the community in either case to be governed, be very likely to resent the nomination as an insult? Do not tell me that we are entering upon a new era, that all such things are passed away, that we are to have a political millennium, by virtue of this Confederation? Come what may, we are going to have pretty sharp contests for place and power in the future as in the past.

No matter over what colony appointed, or from what colony coming, a lieutenant-governor will have hard cards to play, and will have very much to put up with from the people over whom he is set, on this mere score of his past political exploits. And he will not find it easy, either, to get along without exciting a good deal of ill feeling, as he goes. He has been known as a politician, and will be held to be favorable or unfavorable to this or that party in the province he governs. He will have stepped into position as a statesman of the Confederation.

No man so placed will be able to blot the record of his past, or deny his participation in this, that and the other proceeding, which his opponent may choose to brand as perhaps next to criminal; how then will he be able to hold that position of equilibrium between political parties, which, if he is not to fail utterly in his *rôle* of governor, he must maintain? He will be suspected, watched, attacked, vilified; must stick by friends and punish enemies; cannot win respect, esteem and sympathy, as a stranger might. Nor will he be free from another source of embarrassment. I incline to think there will be a sort of distinction between the two classes of politicians to grow up under our proposed Confederation.

There will be those who will aim at and get seats in the Federal Legislature, and who may be denominated the senior or higher class of our politicians. It will be from this class that men will get into the Federal Executive Council, into high-caste judgeships, lieutenant-governorships, and other high places of the new system—“the chief seats in the synagogue.” The lower seats, with their less tempting prizes, will be left to the junior or lower class of our politicians. But if anything ever so little like responsible government is to be carried out in the provinces, while the lieutenant-governors must be taken from the former of these two classes, the members of any cabinets or quasi-cabinets that they may have (not to say their provincial Premiers even, very likely), must be taken from the latter class. Do you mean to tell me that a governor chosen from among our politicians, of what I may call high caste, will put up with much of control from a lot of politicians of low caste, sitting at his sham council board or forming his sham legislature?

I fancy he will want to have—and will be held by his people to be wanting to have—a vast deal more of power than they will like, or than tiny system ever so little free can allow of. And meantime, what of the power behind, and nominally above him—the Federal Executive—with its Premier, sections, and what not? Once named, he is likely to feel every inch a governor; might perhaps run round to the Premier and Ministry that had named him, and tell them in effect, though probably not in so many words: “I am here and you are there. I shall be careful not to give you sufficient cause for so bold a step as my dismissal, but there is a good deal I can do. I am here for five years; and your tenure of office is less certain.”

How may be drawn into this attitude by differences growing up between himself and them. Or, the Federal Cabinet may so change its composition or policy as to force such attitude upon him. Why, Mr. Speaker, you may have a Lieutenant-Governor—say of Lower Canada—in open quarrel with the Premier who named him, or with a successor of such Premier; the two, may be, not speaking in the streets! He has his seat for five years, and the unfortunate Federal Premier, his supposed master, whose views do not agree with his, may—

A Member—Whistle!

Some Hon. Members—*Laughter.*

Christopher Dunkin [Brome]—Yes, may whistle—may find his Lieutenant-Governor counter-working him in Parliament, in the Provincial Legislature, everywhere; and perhaps, in the encounter, may catch a very ugly fall.

Some Hon. Members—*Laughter.*

Christopher Dunkin [Brome]—Mr. Speaker, let me once again make reference to Canadian history. Just before the union of the Canadas, and after it, the late Lord Sydenham, who was certainly not a fool, thought he would try a political experiment. I believe he made no secret of its being, to his own mind, an experiment, nor yet of the fact that he did not suppose it would so far succeed as to last long. He was very anxious to introduce into Canada a municipal system. Well, he tried first to get such a system embodied in the Union Act; but he failed in that. He afterwards got his enactment passed as he wished, for Lower Canada, by the Special Council, and for Upper Canada by the Canadian Parliament at its first session.

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That system had in it certain features of this scheme now proposed for our Confederation. Each municipal district was to have its warden appointed by the Governor General, and to have its elected district council, or little legislature of one chamber. The powers of that little legislature, or large municipal body, were well stated. There was no mistake as to just how far it could go. The power of disallowing by-laws passed by it, and also that of nominating the warden, were carefully reserved to Government. And, mind you, my Lord Sydenham did not make the blunder of letting his wardens hold otherwise than during pleasure. He kept in his own hands all needed control over them; and, by the way, he kept, too, what was most material, the power of dissolving any refractory council, in the hands of Government.

The whole thing was nicely arranged, and was meant to work, and Lord Sydenham probably thought it would work for some few years, and that then the districts would outgrow the system, and elect their own wardens and pass their by-laws freely. But, Mr. Speaker, the plan never did work at all, neither in Lower nor in Upper Canada; and the first thing done by the next Parliament was to sweep it all away—nominated wardens and power of disallowing by-laws together. Everybody saw and felt that it was a real power and not a sham, that was so reserved to Government. And so it will be in this case. Your Lieutenant-Governor will be felt to have a real power, not a sham one. What your petty districts would not put up with five and twenty years ago, your provinces will not put up with now.

Is a larger illustration wanted? One comes readily to hand. The Imperial Government used once to try the experiment of sending out governors to colonies having representative institutions, without instructing them to pay due deference to those institutions, and it led to a most lamentable failure.

Some Hon. Members—Hear, hear.

Christopher Dunkin [Brome]—Are we going to try to work, in all these provinces, a worse system than that which, when, worked from the Colonial Office at home, resulted in what Lord Durham well called “constituted anarchy?” If we are, how long may we count on putting off the conflict of authority that shall end in a complete crash of the entire fabric?

Some Hon. Members—Hear, hear.

Christopher Dunkin [Brome]—But, Mr. Speaker, I have not come to the crowning difficulties of this case, even yet. Not at all. Between the states of the United States, as I have already stated, while there is an essential identity of constitution, there is at the same time a carefully distinct aspiration of powers and functions. I do not say that the dividing line is drawn exactly where it should be, but that there is a distinct dividing line, no one can gainsay.

But how do we stand here, Mr. Speaker, as to the attributes of our own provincial legislatures and government, on the one hand, and those of the Federal power on the other? Do we follow American example, and give so much to the union and the rest to the provinces; or so much to them, and the rest to it? Either rule would be plain; but this plan follows neither. It simply gives us a sort of special list for each; making much common to both, and as to much more, not showing what belongs to either. I cannot go now—it is impossible for me at this hour of the night to go—into detail on this head. I can give no more than some few specimens; and I take first the three subjects of the fisheries, agriculture, and immigration.

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These three subjects are equally assigned to the General Legislature on the one hand, and the Provincial Legislature on the other. It is provided by the 45th resolution, that in all such cases, wherever any statutes of the general and local parliaments clash, those of the General Parliament shall override those of the local. So that in these matters of the fisheries, agriculture and immigration, either the local legislatures must not legislate at all, or if they do the General Legislature may at any time undo anything they may have done. One can easily foresee any amount of clashing of authority in such cases. Fishery regulations of all sorts—bounties perhaps; the thousand questions affecting agriculture.

Or to take just one that suggests itself as to immigration; one province wishes, perhaps, to encourage immigration of a certain kind, say, for instance, from the continent of Europe. It is a legitimate wish; but the Federal Legislature may, perhaps, in the varying shifts of public opinion, adopt a different policy, and reverse all that the province may have done. To what end give powers to the local parliaments which may thus be taken away at any moment by the Federal Legislature?

Some Hon. Members—Hear, hear.

Christopher Dunkin [Brome]—But, Mr. Speaker, there are a hundred other cases as to which I could satisfy the House, had I time for doing so, that more or less of this confusion arises. Take the subject of marriage and divorce for one—a subject on which there is a great deal of local prejudice and feeling, and into which even religious convictions largely enter. That matter is given to the General Legislature. But on the other hand the larger matter, civil rights—of which this of marriage and divorce, from one point of view, forms a mere part—is given to the local legislatures. I turn to another matter, haphazard—the subjects of railway legislation, of railway incorporation, and of railway amalgamation. What Legislature has power in these matters under this scheme? I am not sure that there are not here as nice a lot of pretty little questions as one would desire to see in a summer’s day. And I am not alone in the matter of this criticism. Her Majesty’s Colonial Secretary [Edward Cardwell] expresses an opinion, rather diplomatically, it is true, but still an opinion on this point; and what does the Colonial Secretary [Edward Cardwell] say?—

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 of the system.

But, upon the whole, it appears to Her Majesty’s Government that precautions have been taken which are obviously intended—[“intended;” he does not say “calculated”]—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.

It is perfectly plain from this that Her Majesty’s Government could see that whatever may have been the intention, there has been a good deal of short-coming between it and the execution.

Some Hon. Members—Hear, hear.

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Christopher Dunkin [Brome]—A thing is not done by being merely intended. I will take now a criticism on the same point from the *London Times*. In an article most eulogistic of these resolutions on the whole, the writer in the *London Times* says—“But the most important clause in the whole resolutions, and unfortunately by no means the easiest to understand, is the one which defines the powers of the Central Federal Legislature.” He then quotes the words of the resolutions, and goes on to say:—

It is exceedingly difficult to construe these provisions. First, general powers of legislation are given in the widest terms to the General Parliament; then a power is given especially to make laws on thirty-seven subjects, one of those being all matters of a general character not exclusively reserved to the local legislatures. Nothing is exclusively reserved to the local legislatures, and it would seem, therefore, that the effect of this clause is to cut the power of central legislation down to matters of a general character—a most vague and unsatisfactory definition, and one sure, if it be retained, to produce conflict and confusion. In the same way, what are matters of a private and local nature not assigned to the General Parliament?

We have failed to discover any matters of a private and local nature which are so assigned, and therefore the power will be limited by the words “private” and “local,” so that the effect of these clauses will be that, beyond the subjects attributed to each, the Central Legislature will have jurisdiction over general matters, whatever they are, and the Local Legislature over local matters, whatever they are; while it is in the highest degree doubtful what the courts would consider general and what local, and whether the Central Legislature has any consonant jurisdiction over private and local matters or no.

The writer in the *Times* goes on to say—and I have great respect for the opinions of these writers when they criticise what they understand, though I have none whatever for them when they take it upon themselves to tell us what we know a good deal better than they:—

These inaccuracies are probably the result of a succession of compromises, and we can do no better service to the federative movement than by thus early pointing them out. The resolutions ask for the co-operation of the Local and imperial Parliaments for the purpose of giving them effect, and we have no doubt that before they assume the form of law they will have undergone consideration and scrutiny fully commensurate to their importance.

I rather think this writer had little idea of what we were to be asked to do! He little thought that there was not a word of alteration to be allowed; that these resolutions were to be laid before Parliament, and that Parliament would be required to swallow them at once, defects and all.

Some Hon. Members—Hear, hear.

Christopher Dunkin [Brome]—Well, Mr. Speaker, I have stated what, in diplomatic phrase, are the views of Her Majesty’s Government, and I have also read those of the leading journal; and now I desire to quote a few expressions from the last number of the *Edinburgh Review*. The *Edinburgh Review* is about as good an authority as can be cited on a question of this kind, for its articles are never lightly written.

John Sandfield Macdonald [Cornwall]—It is the organ of the Liberal-Whig party in Great Britain.

Christopher Dunkin [Brome]—Certainly, it is a most important and influential publication; and there are a few words that I desire to quote from an article it contains on this subject. The article is in the last or January number of the *Review*, and purports to be in commendation of this scheme. After giving the words of the resolutions themselves on the subject, and especially their residuary legacy, if I may so call it, to the General Legislature, of all matters of a general character not specially and exclusively reserved for the local parliaments, this probably not undistinguished writer remarks—“Obviously very loosely expressed; for what are matters of a general character, and who is to decide whether a matter is of a general character or not? ... We should prefer to the foregoing enumeration of the powers of the Federal Parliament, a simple declaration that all powers are given to it except those expressly reserved to the several members of the Confederation.”

And in another part of the same article, reverting to the same subject, we have these words—“And although the distinction attempted to be drawn between general and local matters is in some respects scarcely traceable in the draft minutes of the Conference”—Yes, sir, so this writer calls them, their looseness of expression evidently leading him to take them for something far short of the solemnly drawn treaty they are now set up for,—though this distinction, says he, is hardly traceable in these draft minutes, “*the object they had in view* is sufficiently clear and intelligible.” Perhaps so; or perhaps that object was little more than to give people to understand that somehow or other the General Government and Parliament were to have great power, and the provincial governments and parliaments none too much. Any way, the idea is very like that of the Colonial Secretary’s [Edward Cardwell] despatch, and the two run rather to the tune of the left-handed compliment paid Slender, “I think my cousin *meant well*.”

John Sandfield Macdonald [Cornwall]—Quote the concluding part of the article.

Christopher Dunkin [Brome]—I shall do so before I sit down, if my strength allows me to complete my argument. I pass now to another matter, as to which further capacities for conflict are very well laid out for us. In the framing of the United States Constitution they did not forget to provide for a district of Columbia, for a territory within which the power of Congress and the General Government was to be perfectly and unmistakably supreme for all purposes. And they did not forget to declare that the powers, legislative and otherwise, of the Federal authority, were to be complete over all the vast territories belonging to the nation, and over all its smaller properties, such as forts, arsenals, dockyards and the like.

We have nothing of the kind here; and, at least as regards the seat of Government, this is not a mere forget. We find it stated that “The seat of Government of the Federated Provinces shall be Ottawa, subject to the royal prerogative.” It is distinctly laid down as a part of our system that the royal prerogative, the right to change the seat of the Federal Government at will, is to be maintained. But I venture to say that the maintaining of that right is simply inconsistent with the practical working out of a Federal system. And this is a matter involving a good deal of anomaly, as honorable gentlemen will see when they begin to think of it. The Governor General or Viceroy, the all but king of this Confederacy, with his all but Imperial Government, and all but Imperial Legislature, constituted no matter how, resident within the territorial jurisdiction of a subordinate province!

The police of the Federal capital, not Federal but provincial! That thing won’t do. The framers of the Constitution of the United States knew it would not do, and therefore they were particular to give power to their General Government to acquire and hold and control and legislate for, in all

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respects, as they liked, a territory within which they could reign and rule and have no subordinate authority over them. We have not got to Ottawa yet, but suppose the seat of Government were in Ottawa—perhaps we may yet get it there—it might so happen that some Honorable Premier of the Federal Administration may not be on speaking terms with the Lieutenant-Governor of Upper Canada; or at least, there may be between them the most decided, thorough, unmistakably proclaimed antagonism of views and feeling. It is easy to imagine that a Premier in that position, and a Lieutenant Governor in that position, could between them make a Viceroy very uncomfortable; and that the result might be the bringing up of a great many ticklish questions for adjudication by the various authorities. It is clear there is a defect here, which might lead to plenty of trouble. But it is said—“Oh! there won’t be any trouble; men are in the main sensible, and won’t try to make trouble.” Well, sir, if this is so, if there is this general disposition to be sensible, and make things work well, I just want to know how we come to have had four crises in two years?

Some Hon. Members—Hear, hear.

Christopher Dunkin [Brome]—There is another matter, intimately connected with this, to which also I must pass on. I said a little while ago, that the United States system was one of exceeding skill as regards the constitution of the judiciary. De Tocqueville, and every other writer who has treated of the United States, has awarded it this praise; and they are right. Each state has its own judiciary; and the United States have theirs; and the functions of the two are most carefully laid down, so that no serious trouble has ever arisen from their clashing. The judiciary of the United States is undoubtedly the most conservative and strongest bulwark of their whole system.

Some Hon. Members—Hear, hear.

Christopher Dunkin [Brome]—What then are we going to do on this head? Just as we have forgotten all about difficulties where the seat of government is concerned, so here. We are not quite sure whether we are going to have any distinctively federal judiciary or not. There is a power given to have one—there may be one; but we are expressly told that perhaps there will not be. But what are we told on the other hand? Oh, there is no doubt whatever, according to the resolutions laid before us—no doubt whatever—that whether we have a Federal judiciary or not, the provincial judiciaries are to be a sort of joint institutions. And a very curious kind of co-partnership the Federal Government and the provincial governments—the Federal Legislature and the provincial legislatures—are thus to have in the judicial institutions of the country, generally. All the courts, judges, and other judicial officers of the provinces are to be, for all manner of federal purposes, servants of the Federal Government. There is an old saying, “No man can serve two masters.”

But all these unfortunate courts, and ash their officers, and specially all their judges, must serve two masters, whether they can or not. All the Superior Court judges—and, in Upper Canada, the judges of the County Courts—are to be named and paid by the Federal authority, and are only to be removable by the Federal authority, on a joint address of the two Houses of the Federal Parliament. But, on the other hand, the provinces are to constitute the courts—

Some Hon. Members—Hear, hear.

Christopher Dunkin [Brome]—are to say what their functions shall be—what the number of the judges—how they are to perform their functions—are to give them more work or less—to make their work pleasant or disagreeable, high work or dirty work, as they like.

Some Hon. Members—Hear, hear.

Christopher Dunkin [Brome]—In this way they can wrong a judge just as much as they please; the only check on them being the power of the Federal Government to disallow their legislation. The Federal Government, forsooth, names the judges, and pays them, and alone can remove them. Does that take away the power from the local parliaments and governments, the power to change the constitution of the court, to change it in the way most distasteful to those judges, to legislate away the court altogether, to legislate down its functions in such a manner as may drive the judge to resign? And we are told there will be no clashing!

Some Hon. Members—Hear.

Christopher Dunkin [Brome]—I have no doubt the Hon. Attorney General East [George-Étienne Cartier] thinks he could manage courts on this system; could have one authority constituting the courts and another naming and removing the judges, and have the system work harmoniously. He may think so. I do not. I am satisfied if ever the scheme is tried, it will be found that it will not work. Human nature is human nature; and here is a first-rate lot of matters to quarrel over, and to quarrel over seriously.

Why, there is even a special refinement of confusion as to criminal matters. Criminal procedure is to be federal; civil procedure, provincial; criminal legislation, proper, is to be federal; but with a most uncertain quantity of what one may call legislation about penalties, provincial; civil rights, in the main, provincial; but with no one can tell how much of federal interference and over-ruling, and all with courts provincial in constitution, but whose judges hold by federal tenure and under federal pay.

I pity the poor man who is at once a criminal judge and a civil judge. Between the clashing of his masters and the clashing of his book authorities, he had better mind what he is about, with the painful doubt rising at every turn whether provincial legislation may not be overridden by federal legislation.

His province may well have legislated on what it holds a local matter, while the Federal Parliament may have legislated on it, thinking it a federal matter. Anywhere there may well be some bit of federal legislation contradicting something in a local statute. And do our resolutions say that the federal statute shall always override the local statute? No, only in cases where there is concurrent jurisdiction. And yet our judge who is to decide these nice questions is paid by one power and removable by that power, and may have his functions taken away and be persecuted to the death by the other. He will have a bad time of it.

Well, Mr. Speaker, I have so far been dealing with matters, nearly all of which may be said to be general to every part of this great Confederacy; but now I must ask the attention of the House for a few moments, to some sources of misunderstanding which may more particularly make trouble, unless human nature ceases to be human nature within this Canada of ours. There are in Canada, and especially in Lower Canada, the two differences of language and faith; and there is no doubt that the real reasons which have rendered, or are supposed to have rendered necessary this plan of a sort of Federal Government, are referable to this fact. This machinery is devised, on purpose

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to meet a possible or probable clashing of races and creeds in Canada, and particularly in Lower Canada.

Now, in the United States, when their constitutional system was adopted, the framers of it must have foreseen, of course, that controversy would arise on the subjects of state rights and slavery. There was a jealousy between the small states and the large, and the commencement of a dissent between the Northern and the Southern States of the republic. There was undoubtedly a foreshadowing of trouble on the subject of slavery, though, by the way, slavery was to all appearance dying out rapidly in the Northern States, not so rapidly in the Southern.

How, then, did the framers of that Constitution undertake to deal with these foreseen troubles, these questions of state rights and slavery? Sir, they did all they possibly could to keep both out of sight—to bury them—that they might not rise up in the future to give trouble. It is true that in so doing they but buried the dragon’s teeth, and that these, all buried as they were, have yet since sprung up, armed men; but so far as they could, they kept them down, kept them from growing, prevented recognition of them at that time and for long after.

Well, how are we going to carry out this scheme of ours? Are we burying, or are we of set choice sowing our dragon’s teeth? Are we trying to keep our difficulties out of the way, to bury them out of sight, that we may smooth our way for the future lessening of them? I think not. On the contrary, we are setting ourselves as deliberately as we well can to keep up the distinctions and the differences which exist among us, to hold them constantly in everybody’s sight—in the hope, I suppose, that while everybody is looking at them intently, somehow or other no one may see them at all.

Some Hon. Members—*Laughter.*

Christopher Dunkin [Brome]—In the United States, be it remembered, they started with their states sovereign and independent. From that they went into their system of confederation, which was a great improvement; and from that they went on into their present federal-national constitution. At each step they were moving to limit state rights, and also, indirectly, the extent and influence of slavery. It is true they did not altogether succeed in this policy, but their want of success has been mainly owing to circumstances over which they could exercise no control. We in Canada, for the last twenty-five years, have been legislatively united, and we have worked that union in a federal spirit.

We complain that, as a result of this, the distinctions which exist among us have become so prominent—the truth being, that it is rather this proposed change which is suddenly bringing them into startling prominence—we have worked that union, however, I say, in a federal spirit, and it is said to have produced or aggravated a certain state of feud amongst us; and now, for the purpose of perpetuating this state of feud, we are going to effect a professedly Federal union which is even expressly recommended to us, or to many of us, as meant and calculated to be so worked as to amount, for all practical purposes, to disunion, Under it Lower Canada has all sorts of special exceptions made, as the phrase runs, in her favor.

The Legislative Council is to be named in a peculiar manner, so far as its members from Lower Canada are concerned. The other provinces may have their laws made uniform, but an exception in this respect is made for Lower Canada, and as if to make it apparent that Lower Canada is never

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to be like the rest of the Confederation, it is carefully provided that the General Parliament may make uniform the laws of the other provinces only—that is to say, provided those provinces consent to it, but by inference it cannot extend this uniformity to Lower Canada, not even if she should wish it. Supposing, even, that the other provinces were to desire to adopt our Lower Canadian system, according to the letter of this Constitution, one would say they cannot do it. They may become uniform among themselves, but Lower Canada, even though her people were to wish it, must not be uniform with them.

Again, as to education, exceptions of some sort are to be made in Lower Canada, and indeed in Upper Canada too, though no one can tell to what extent these exceptions are or are not to be carried. Thus, in one way and another. Lower Canada is to be placed on a separate and distinct footing from the other provinces, so that her interests and institutions may not be meddled with. I say this system, as a whole, and these peculiarities and exceptions in regard to Lower Canada, are adopted with a special view to remedy our Canadian difficulties of race and creed.

But, sir, this is no way at all of avoiding or lessening trouble from this cause. It is idle to pretend that by this system collision is going to be prevented. Under the legislative union of the Canadas, even worked as it has been, the tendency of the minorities in Upper and Lower Canada, respectively, has been towards the maintenance of the union—towards the avoidance of all intemperate language and prejudiced feelings—towards the pulling down of the feuds that before divided them and the respective majorities. And the result has been, that while just before the union the feud between the races in Lower Canada was at its highest and bitterest point, it has since then all but disappeared. The complaint of Upper Canadian politicians has been that they could not set the British and French races in Lower Canada by the ears, that they could not get the former, either as British or as Protestants, to join with them in a crusade against the Lower Canadian majority.

Alexander Mackenzie [Lambton]—Who made that complaint?

Christopher Dunkin [Brome]—I do not say that it has been said in words, but it has been in spirit.

Alexander Mackenzie [Lambton]—No, no.

Some Hon. Members—Hear, hear.

Christopher Dunkin [Brome]—Yes; the complaint has been made, perhaps not in that particular form, but certainly in that spirit. The British of Lower Canada have been again and again told they were worse than their French neighbors, for not casting in their lot with the people of Upper Canada.

Some Hon. Members—Hear, hear.

Christopher Dunkin [Brome]—Well, Mr. Speaker, undoubtedly, before the union, Lower Canada, as I have said, was the place where the war of races was at its height; and that war of races did not nearly cease for a number of years after. But the strife did very gradually lessen, and a better and more friendly feeling has for some time prevailed, in both camps. Indeed, there has been a more tolerant state of feeling in both camps, than in any other community so divided as to race and creed, that I know of.

But the moment you tell Lower Canada that the large-sounding powers of your General Government are going to be handed over to a British-American majority, decidedly not of the race and faith of her majority, that moment you wake up the old jealousies and hostility in their strongest form.

By the very provisions you talk of for the protection of the non-French and non-Catholic interests, you unfortunately countenance the idea that the French are going to be more unfair than I believe they wish to be. For that matter, what else can they well be? They will find themselves a minority in the General Legislature, and their power in the General Government will depend upon their power within their own province and over their provincial delegations in the Federal Parliament. They will thus be compelled to be practically aggressive, to secure and retain that power.

They may not, perhaps, wish to be; they may not, perhaps, be aggressive in the worst sense of the term.—I do not say that they certainly will be; but whether they are or not, there will certainly be in this system the very strongest tendencies to make them practically aggressive upon the rights of the minority in language and faith, and at the same time to make the minority most suspicious and resentful of aggression. The same sort of alienation, as between the two faiths, will be going on in Upper Canada. Note of warning is already given by this scheme, to both parties, that they prepare for fight; and the indications, I regret to say, are that such note of warning is not to be given in vain.

Some Hon. Members—Hear, hear.

Christopher Dunkin [Brome]—The prejudices of the two camps are once more stirred to their depths; and if this scheme goes into operation, they will separate more and more widely, and finally break out into open war, unless, indeed, it shall work very differently from what any one can now imagine. If provincial independence is to be crushed down by a General Government careless of local majorities, then you will have this war.

Or, if on the other hand, the policy of the Federal Executive should be to give effect to the aggregate will of the several local majorities, at whatever sacrifice of principle, still then you will have this war. The local minorities—threatened with elimination, in their alarm and jealousy, will be simply desperate, ready for any outbreak of discontent at any moment.

Take a practical case. Suppose the rule adopted, of not having an Executive Council inconveniently large, Lower Canada, as we have seen, can then only have three members of it; and if all these three are French-Canadians—as they almost must be, because the French cannot put up with less than three out of twelve—how will not the Irish Catholics and the British Protestants feel themselves aggrieved? You cannot help it. They must in that case feel deeply aggrieved, and so feeling, they will cause troubles. The Irish Catholics will be told, I suppose, “Oh, you will have an Irish Catholic member of the Government to look to from Newfoundland;” and if so, they will have to guide themselves by some sort of Irish-Catholic Newfoundland rule of policy, and not by any rule ever so little savouring of a regard for larger or higher principle.

The British Protestants, in their turn, will be told: “You have a majority of your own tongue and faith from Upper Canada and the Lower Provinces; you must be content with that, and look to their members of the Government for such care as you may need in the matter of your affairs.” “Oh, we must, must we?” will be the answer; “then we will square our conduct, not by any rule

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for British America or even Lower Canada, but by the shifting exigencies of prejudice or passion, whatever they may be, in Upper Canada and your Lower Provinces.”

Some Hon. Members—Hear, hear.

Christopher Dunkin [Brome]—These discontented elements in Lower Canada, depend upon it, will create no small confusion; and among those thus driven into making trouble, there will be not a few whose preferences will even be American, and who will appeal to outside influences for protection. Such will be the legitimate effect, of this system; and if any one tells me that it will be conducive to the peace and good government of this country, I say he prophesies in a way that I cannot understand.

Thank God, Mr. Speaker, I do not need, as I stand here, to defend myself from any charge of bigotry as against any sect or party. There was a time in Canada when it was most difficult for any person who spoke my tongue to stand up and say that the French-Canadians ought not to be politically exterminated from the face of the earth. I stood out steadfastly against that doctrine then. I remember well the painful events of that sad time.

I foresee but too distinctly the fearful probability there is of that time coming again, through the adoption of these resolutions. And I do not shrink from the danger of being misunderstood or misrepresented, when I now stand up here and warn the country of this danger. If trouble of this sort ever arises, it is one that will extend very rapidly over the whole Confederacy. In all parts of it, in every province, there are minorities that will be acted upon by that kind of thing.

In the Lower Provinces, and in Newfoundland, things are but too ripe for the outburst of hostilities of this description. Talk, indeed, in such a state of things, of your founding here by this means “a new nationality” — of your creating such a thing — of your whole people here rallying round its new Government at Ottawa. Mr. Speaker, is such a thing possible?

We have a large class whose national feelings turn towards London, whose very heart is there; another large class whose sympathies centre here at Quebec, or in a sentimental way may have some reference to Paris; another large class whose memories are of the Emerald Isle; and yet another whose comparisons are rather with Washington; but have we any class of people who are attached, or whose feelings are going to be directed with any earnestness, to the city of Ottawa, the centre of the new nationality that is to be created?

In the times to come, when men shall begin to feel strongly our those questions that appeal to national preferences, prejudices and passions, all talk of your new nationality will sound but strangely. Some other older nationality will then be found to hold the first place in most people’s hearts.

Some Hon. Members—Hear, hear.

Christopher Dunkin [Brome]—Mr. Speaker, it is only right that I should state to the House that I have not reached within a long distance of the point which I had hoped to reach before sitting down; but I feel compelled to ask the indulgence of the House, from my strength being insufficient to bear me through.

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Some Hon. Members—*Cheers.*

The debate was then adjourned, Mr. Dunkin having the floor again for tomorrow.

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February 28, 1865: Christopher Dunkin, Province of Canada, Legislative Assembly, pp. 512-515. (click [HERE](#))

The Order of the Day being read, for resuming the adjourned Debate upon the Question which was, on Friday the 3rd instant proposed,

That an humble Address be presented to Her Majesty, praying that She may be graciously pleased to cause a measure to be submitted to the Imperial Parliament for the purpose of uniting the Colonies of Canada, Nova Scotia, New Brunswick, Newfoundland, and Prince Edward Island in one Government, with provisions based on certain Resolutions which were adopted at a Conference of Delegates from the said Colonies, held at the City of Quebec, on the 10th October, 1864.

Christopher Dunkin [Brome], *continuing his speech from yesterday*, said—Mr. Speaker, when the kindness of the House permitted me to resume my seat last evening, I was comparing the constitutional system of the proposed Confederacy with the Constitution of the United States primarily, and with that of Great Britain secondarily. I had gone over several leading points of comparison; and it will be in the recollection of the House, no doubt, that I had compared the composition of our proposed House of Commons with that of the House of Representatives of the United States; and I endeavored to show, and I think I had shown, that we were departing altogether from the principles upon which the British House of Commons is constituted, and taking up *mal à propos*, and unfortunately, the least inviting features of the composition of the American House of Representatives.

It is proposed to adopt here a plan which has a direct tendency to place on the floor of our House of Commons a number of provincial delegations, and not a number of independent members of parliament. The tendency is therefore towards a system antagonistic to, and inconsistent with, those principles on which the British Constitution reposes. With provincial delegations, rather than members of parliament, on the floor of the Federal Legislature, we are not likely to have that political longevity, whether of men or parties, without which the British system of government can hardly exist.

Turning then to the Legislative Council, and comparing its constitution with that of the Senate of the United States, the principles governing the former are diametrically opposite to those on which the latter is founded. The Senate of the United States forms an excellent federal check upon the House of Representatives, partly owing to the way in which it is constituted, and partly on account of the powers given to it, and which are not proposed to be given to our Legislative Council.

All that can be said of it is, that it is proposed to be constituted upon almost the worst principles that could have been adopted. It seems as if it were so constituted for the mere purpose of leading to a dead-lock. The members of it are not to represent our provinces at all, but are to be named by

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the Federal power itself, for life, and in numbers to constitute a pretty numerous body, but without any of the peculiar functions wisely assigned to the Senate of the United States. In fact, the federal battle that must be fought will have to be fought in the House of Commons and in the Executive Council, very much more than in the Legislative Council.

Turning then to the Executive Council, I had shown that it is a necessary consequence of the proposed system, that we are to have not merely a House of Commons cut up into sections, but also an Executive Council cut up in the same unfortunate way. You can get nothing else in the nature of a real federal check. Your federal problem will have to be worked out around the table of the Executive Council. But this principle, which must enter into the formation of the Executive Council, is clearly inconsistent with the principle of the British Constitution, which holds the whole Cabinet jointly responsible for every act of the Government.

In our present union of the Canadas, we have latterly gone upon the plan of having almost two ministries. The plan urged upon our acceptance purposes the experiment of six or more sections in the Executive Council, instead of the two that we have found one too many. Among the difficulties that will grow out of that plan is this, the absolute necessity of either having an Executive Council that will be ridiculously too numerous, or else one that will represent the different provinces in sections entirely too small.

From this comparison of these three leading features, I had passed on to consider the relations of the Federal Government with the several provinces, comparing them with the relations subsisting between the United States Government and the governments of the several states of the American Union. The several states of the neighboring republic commenced their existence as states with all their constitutions constructed on the same general plan as that of the United States, and in fact the same republican principles underlie all their governmental institutions, municipal, state and federal. But it is here proposed, that while we are to start with a system of general government, part British, part republican, partly neither, it is to be an open question, left to the decision of each separate province, what kind of local constitution is to be constructed for itself.

Each province must, of course, have an elective chamber, but as to a second chamber, that is to be as each local legislature may see fit. Some, probably, will have it elective, while others may dispense with it entirely. Then, looking to the appointment of the Lieutenant Governors, and the tenure by which they are to hold office, it becomes about as clear as day that you cannot carry on responsible government in the provinces, but must have in them all a system that is neither British nor republican, and that, I believe, will be found to be totally unworkable.

Turning to the assignment of powers to the Federal Government on the one hand, and the local or provincial governments on the other, we meet again with the unhappy contrast between the wisdom displayed on that point in the Constitution of the United States, and the lack of wisdom in the arrangement proposed for adoption here. There is, in the United States' system, a clear and distinct line drawn between the functions of the general and state governments. Some may not like the idea of state sovereignty, and many may wish that more power had been given to the General Government. But this much is plain, that it is not proposed to allow anything approaching to state sovereignty here. We have not even an intelligible statement as to what powers are to be exercised by the general, and what by the local legislatures and governments.

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Several subjects are specifically given to both; many others are confusedly left in doubt between them; and there is the strange and anomalous provision that not only can the General Government disallow the acts of the provincial legislatures, and control and hamper and fetter provincial action in more ways than one, but that wherever any federal legislation contravenes or in any way clashes with provincial legislation, as to any matter at all common between them, such federal legislation shall override it, and take its place. It is not too much to say that a continuance of such a system for any length of time without serious clashing is absolutely impossible. This is in effect so declared in the despatch of Her Majesty's Colonial Secretary [Edward Cardwell], and it is clearly pointed out in the *London Times* and in the *Edinburgh Review*. It seems as if our statesmen had sought to multiply points of collision at every turn.

Then as to the non provision of a permanent seat of government, and the arrangements contemplated for the judiciary, we find still more of the same sort of thing; and as to the extraordinary pains that seem to have been taken to throw up a great wall or hedge round those institutions of Lower Canada which of late have been giving us no trouble to speak of—as to the extraordinary pains, I say, that seem to have been taken to put a wall around those institutions, and to give every possible guarantee about them on this side and on that; why, this very machinery, provided for the mere purpose of inducing people to agree to the scheme, who would not otherwise countenance it, is calculated, at no very distant day, to cause the cry to resound throughout the land—“To your tents, O, Israel!”

Some Hon. Members—Hear, hear.

Christopher Dunkin [Brome]—I had reached this point of my argument, when I was compelled to throw myself on the indulgence of the House. There is just one consideration connected with these matters to which I have been alluding, that I wish to revert to in few words, because I believe it escaped me, in part at least, last night. A marked difference between the history of the United States just before they framed their constitution, and our late history, is this: the adoption of the Constitution of the United States followed immediately upon their successful war of independence.

The men who adopted it had just gone shoulder to shoulder through the severest trial that could have been given to their patience and other higher qualities. Their entire communities had been, you may say, united as one man, in the great struggle through which they had passed, and were then equally united in their hopes as to the grand results which their new system was to bring forth. They had tried the system of mere confederation, and were agreed that it was inadequate to meet the wants of their situation. They were all trying to remove the evils that they felt and apprehended from it, and to build up a great nationality that should endure in the future. That was the position they occupied.

Ours is something very different indeed. We have not gone through an ordeal such as that through which they had so proudly passed. On the contrary, we have ended, temporarily ended at any rate, a series of struggles it is true, but struggles of a very different kind; struggles that have just pitted our public men one against another, and to some extent, I am sorry to say, even our faiths and races against each other.

Some Hon. Members—Hear, hear.

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Christopher Dunkin [Brome]—For one, I do believe that these struggles—of the latter class I mean—were dying out, but for these contemplated changes, which are threatening to revive them. But, however that may be, struggles there have been amongst us, of which we have no cause to be proud; things have occurred since the union of which we ought to be ashamed, if we are not.

Some Hon. Members—Hear, hear.

Christopher Dunkin [Brome]—Of this kind are the only struggles that we have had; and when, from such a past and present, we are told to start with the idea, so to speak, of at once creating and developing the character of a new and united nation, under institutions giving us a something short of independence, and at the same time any quantity of matters about which to dispute and come to trouble, we may as well not shut our eyes to the fact, that we start with but poor omens of success.

Christopher Dunkin, p. 519.

Christopher Dunkin [Brome]—And before I go further, there occurs to me this consideration, arising out of this state of things, out of this abundance, not to say plethora, that is meant to characterize the provincial exchequers, whatever may be the case with the Federal exchequer under the system, one consideration, I say, connected with this, which should not be lost sight of when we are talking about the application of anything in the least like responsible government to our provinces. I never yet heard of an elected legislative body that had much control over a government, unless it had hold of the strings of a purse from which the government wanted to get something.

In the old days, before responsible government was thought of, in the days when casual and territorial revenues gave provincial governments all they wanted, or a little more, provincial legislatures had mighty little to do with government, and, if they complained of a grievance, were little likely to be listened to. It was even the same long before at home. When the English Crown had its abundance of resources, English kings cared little for their parliaments.

But when their resources were exhausted, and they could not borrow easily, and had to ask for taxes, then the House of Commons began to acquire power, and, in course of time, became the body it is now. I shall be surprised if we do not find, in the event of this Confederation taking place, that for some time our provincial legislatures, whether they consist of one chamber or of two, will be less powerful for good than many would wish to have them, that the machine of state will not be altogether driven by their moans.

But there is another result, about which there can be no question. With one accord, not in Newfoundland merely; I was hinting a little while ago at what would be the case of Newfoundland, as to its lands, mines and minerals, not there only, but in all the provinces, the provincial governments will, in a quiet way, want money, and the provincial legislators and people will want it yet more; grants for roads and bridges, for schools, for charities, for salaries, for contingencies of the legislative body, for all manner of ends they will be wanting money, and where is it to come from?

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Whether the constitution of the Provincial Executive savors at all of responsible government or not, be sure it will not be anxious to bring itself more under the control of the legislature, or to make itself more odious than it can help, and the easiest way for it to get money will be from the General Government. I am not sure, either, but that most members of the provincial legislatures will like it that way the best.

Some Hon. Members—Hear, hear.

Christopher Dunkin, pp. 525-528.

Christopher Dunkin [Brome]—Your Federal Government will occupy about as anomalous a position between the Imperial and provincial governments as I showed, last night, will be occupied by your lieutenant governors between the Federal authority and the provinces. Both will be out of place, and to find themselves in work they must give trouble. I do not see how they can do good, but I do see how they can do any quantity of harm.

Some Hon. Members—Hear, hear.

Christopher Dunkin [Brome]—The real difficulty in our position is one that is not met by the machinery here proposed. What is that difficulty? In the larger provinces of the empire we have the system of responsible government thoroughly accorded by the Imperial Government, and thoroughly worked out; and the difficulty of the system that is now pressing, or ought to be, upon the attention of our statesmen is just this—that the tie connecting us with the Empire, and which ought to be a federal tie of the strongest kind, is too slight, is not, properly speaking, so much as a federal tie at all. These provinces, with local responsible government, are too nearly in the position of independent communities; there is not enough of connection between them and the parent state to make the relations between the two work well, or give promise of lasting long. There is in the machinery too much of what may be called the centrifugal tendency.

Some Hon. Members—Hear, hear.

Christopher Dunkin [Brome]—All the great provinces are flying off too much, attending too exclusively to mere local considerations, too little to those of the general or Imperial kind. And at home, as we seem to be flying off, they, too, are thinking of us and of the interests they and we have in common less and less.

What is wanting, if one is to look to the interest of the Empire, which is really that of all its parts—what is wanting, as I have said, is an effective federalization of the Empire as a whole, not a subordinate federation here or there, made up out of parts of it. I have neither time nor strength to-night to go fairly into the question of how this thing should be done; but a few words more as to that, I must be pardoned for.

Until latterly in Canada we have not had, and some colonies have not now, I believe, a Minister of Militia. Even we have not as yet, in our Cabinet, a minister to attend to what may be called Imperial affairs. It is not the business of any minister, nor is it even distinctly recognized as that of the Ministry as a whole, in any of these provinces, to attend to what is really at the present juncture the most important part of our whole public business—the regulation of affairs between them and

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the Mother Country. I know it may be said this is in the hands of the Governor. So are other things. But for them, we see the need of his having advisers. And as to this, if a Cabinet leaves it wholly to him, that practically amounts to its neglecting these affairs altogether.

Let me go back to a point or two in the history of affairs in Canada within the recollection of all honorable gentlemen. In 1862, when the then Militia Bill was before the House, it was asked over and over again by gentlemen of the Opposition, what communications, if any, had been received from the Imperial Government in respect of the defence of this province; and the answer invariably was, that there had been none, none known to the Administration, as an administration.

Now, if there had then been an officer—the Provincial Secretary [William McDougall], the Minister of Militia, or any other member of the Government—whose duty it had been and was to attend to that important branch of the public service; if the relations between the Mother Country and this province had been known to be in his charge, such an answer as that could never have been given, nor the second reading of that bill lost in consequence.

The other night, when the Raid Prevention and Alien Bill was before the House, we did receive the intimation that the Mother Country desired legislation of that kind at our hands; and it passed accordingly. But that intimation was then given us exceptionally. There is a large class of questions springing up continually which affect Imperial interests and Imperial views as well as our own, and we ought to have—and if our connection with the Empire is to last, we must have—this department of our public affairs attended to by a regularly appointed Minister of the Crown here, who, whenever occasion requires, may explain them and who shall be responsible to this House.

Of course, nobody denies that the Governor General is the channel of communication between us and the Imperial Government. He is the Queen’s representative and servant, and his communications with the Home Government must be of the most confidential character, except in so far as he may see fit to make them known. But fully admitting this, still besides those communications of this character which he may, have and indeed at all times must have unrestrictedly with the Imperial Government, there should be—and, if our Imperial relations are to be maintained, there must be—a further class of communications between the two governments, as to which the Governor should be advised by a minister whose particular duty it should be to manage affairs between the Mother Country and ourselves, and to be in effect a local adviser, as to such matters, of the Imperial advisers of the Crown in England.

In one word, we have got to develop the Imperial phase, so to speak, of our provincial system; to find the means of keeping our policy and that of the Mother Country in harmony; and if we do not, we cannot long keep up our connection with the Empire. If this were done—if we had in our several provincial administrations some member charged with this department of the public service, as latterly we have come to have one charged with the cognate subject of the militia and defence of the country—if these ministers of Imperial relations made periodical visits home, so as there to meet one another and such members of the Imperial Government or others as the Crown might charge to meet and confer with them—if there were thus organized, some sort of advisory colonial council upon the precedent (so far, of course, as the analogy might hold) of the Council for East Indian Affairs lately created—if, I say, something in this way were done, then indeed we should be developing our Imperial relations in the proper direction, taking at least a step—the first and hardest—towards the framing of that Imperial federation of which we so stand in need.

But there is no provision of that kind in the system here proposed; there is no apparent contemplation of a step of that kind in connection with this step. On the contrary, this step is all in the wrong direction. We are here proposing to create in this part of the Queen’s dominions a mere sub-federation, so to speak, tending, so far as it tends to anything, towards the exclusion of this kind of provision. This other machinery to which I have been alluding, Mr. Speaker, if we had had it a few years ago, would have been of extreme usefulness.

Suppose we had had something of that kind when the Rebellion Losses Bill was passed, when so much excitement was thereby created in the country. Suppose that then when the indignation of a large class was concentrating itself against Lord Elgin for his supposed purpose of assenting to that bill, he could have said—“It is idle for you, as you must see, to require me to listen to you against the advice of my constitutional advisers; but you know there is a tribunal at home, to which you may appeal from that advice, where you will be heard and they, and from which you may be sure of justice if you have been aggrieved or injured here.” Sir, if it had been possible for the Governor General to have given such an answer at that time to the angry remonstrances of those who opposed that measure, the Parliament House would not have been burnt, nor would we have had to deplore the long train of consequent disturbances and troubles which then and ever since have brought so much discredit and mischief to the country.

Take another case. If such machinery had existed when the fishery treaty with France was entered into by the Imperial Government, conditioned upon the consent of Newfoundland, no such anomalous proceeding could have taken place. For the representatives of Newfoundland and of the rest of these provinces would at once have shown the Imperial Government that it would not meet approval in that colony, nor indeed for that matter, anywhere else in British America. Great Britain would have been saved from entering into a treaty that—as matters went—had to be disallowed, with some discredit to the Empire, and some risk of a rupture of its friendly relations with a foreign power.

John Scoble [Elgin West]—Does not the House of Commons afford that machinery?

Christopher Dunkin [Brome]—The House of Commons knows very little, and cares much less, about our local affairs.

Some Hon. Members—Hear, hear.

Christopher Dunkin [Brome]—I say, if there had then been a Colonial Council at home, where representatives of the different provincial administrations might have met and advised with any of Her Majesty’s ministers, there would have been no difficulty. It would have disposed of any number of other questions more satisfactorily than they have been disposed of. The north-eastern boundary question with the States, for instance, would never have been settled in a way so little accordant with our views and interests; and the question of the western boundary would have been settled sooner and better, also.

Take another illustration. When the difficulty arose between this country and England about our tariff, when the Sheffield manufacturers sought to create a feeling at home against us, because we, mainly to raise revenue, placed duties higher than they liked on importations of manufactured goods, if any such machinery had been in operation, no such wide-spread and mischievous

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misapprehension as to our acts and purposes could have arisen, as ever since has been prevalent in England, and even on the floor of the House of Commons.

In fact, I repeat that without some such system, I do not see how our relations with the Empire can be maintained on a satisfactory footing. It is just the want of it that is leading so many at home now to think us in a transition state towards separation and independence, when, in truth, we have such need to prove to them that we are in a transition state towards a something very different indeed—the precise antipodes of separation.

Some Hon. Members—Hear, hear.

Christopher Dunkin [Brome]—Sir, I was saying that in this scheme there is no such conservative tendency as this—nothing indicative of a set purpose to develop, strengthen and perpetuate our connection with the Empire. That end we might indeed better gain without than with this extra machinery of local federation; for disguise it how you may, the idea that underlies this plan is this, and nothing else—that we are to create here a something—kingdom, vice-royalty, or principality—something that will soon stand in the same position towards the British Crown that Scotland and Ireland stood in before they were legislatively united with England; a something having no other tie to the Empire than the one tie of fealty to the British Crown—a tie which in the cases, first, of Scotland, and then of Ireland, was found, when the pinch came, to be no tie at all; which did not restrain either Scotland or Ireland from courses so inconsistent with that of England as to have made it necessary that their relations should be radically changed, and a legislative union formed in place of a merely nominal union.

Suppose you do create here a kingdom or a principality, bound to the Empire by this shadow of a tie, the day of trial cannot be far distant, when this common fealty will be found of as little use in our case as it was in theirs; when, in consequence, the question will force itself on the Empire and on us between entire separation on the one hand, and a legislative union on the other. But a legislative union of British America with the United Kingdom must be, in the opinion of, one may say, everybody at home and here, a sheer utter impossibility; and when the question shall come to be whether we are so to be merged in the United Kingdom or are to separate entirely from it, the answer can only be;—“At whatever cost, we separate.” Sir, I believe in my conscience that this step now proposed is one directly and inevitably tending to that other step; and for that reason—even if I believed, as I do not, that it bid fair to answer ever so well in the other respects—because I am an Englishman and hold to the connection with England, I must be against this scheme.

Suppose now, on the other hand, this scheme were not to go into operation, there would be no earthly difficulty in working out, with this Canada of ours, the other plan I have been suggesting for the placing of our relations with the Empire on a better footing. Nor would there probably be any material difficulty either in bringing about a legislative union of the Lower Provinces, or in developing a very near approach to free trade, or indeed absolute free trade between us and them. I know there are those who say that this mock Federal union is necessary in order to our getting that free trade with those provinces. Well, sir, as to that, all I care to say is this, that for a number of years past we have had a near approach to free trade with the United States—a foreign country; and I imagine we can have it with the Lower Provinces as well, without any very great difficulty.

Some Hon. Members—Hear, hear.

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Christopher Dunkin [Brome]—I say again, we had far better hold firmly to the policy of thus maintaining and strengthening our union with the parent state, than let ourselves, under whatever pretext, be drawn into this other course, which must inevitably lead to our separation from the Empire.

Christopher Dunkin, p. 530.

Christopher Dunkin [Brome]—I have gone through, as well as I could, the leading points of my arguments, so far; and have indicated a number of points of contrast between this system and that of the United States. I trust I have not been too long in my attempts to show that the Constitution now offered for our acceptance presents machinery entirely unlike that of the United States, and entirely unlike that of the British Empire—that it is inconsistent with either—that so far from its proffering to us all the advantages of both and the disadvantages of neither, it rather presents to us the disadvantages of both and the advantages of neither; that so far from its tending to improve our relations either with the Mother Country or with the United States, it holds out to us very little prospect indeed for the future, in either of these respects.

Some Hon. Members—Hear, hear.

Christopher Dunkin [Brome]—I shall not attempt to review my argument on these heads, for I do not think that to anyone at all willing to reflect, what I have advanced can require to be proved more fully. If I am not entirely wrong, the only way in which this proposed machinery can be got to work at all, will be by an aggregation, so to speak, in the first Federal Cabinet, of the leading men of the different existing provincial administrations. The attempt must be made to combine the six majorities, so as to carry on an administration in harmony with the understood wishes of the six several provinces, irrespectively of every consideration of principle, or of sound farseeing policy, I do not see how, although this thing may be done at starting, it can be carried on—I was going to say, for any length of time—I might say, for any time, long or short, unless by a system of the most enormous jobbery and corruption.

Whenever any sore spot shall show itself—and we may rely on it, there will be more than one such show itself very soon—then feuds and divisions of the worst sort will follow, and the machinery will no longer work. Unfortunately, there are in it none of those facilities for harmonious workings, none of those nice adaptations by which the stronger power is so tempered as not to fall too harshly on the weaker. Just so long as the majorities in all the different provinces work cordially together, well and good. But they cannot possibly work harmoniously together long; and so would as they come into collision, there comes trouble, and with the trouble, the fabric is at an end.

Some Hon. Members—Hear, hear.

Christopher Dunkin [Brome]—For myself, I am decidedly of opinion that our true interest is to hold this machinery over, to consider it carefully, to see if something better cannot be devised.

Some Hon. Members—Hear, hear.

Christopher Dunkin [Brome]—I am sure there can. But instead of that, we are called upon emphatically and earnestly at once to throw aside all considerations to the contrary, and to adopt

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the measure; and we are at the same time told, in unmistakable language, that we positively cannot—must not, shall not—change a single word of it. Various considerations are urged upon us for this unseemly haste; considerations connected with the attitude of the United States, with Great Britain, with the Lower Provinces, and with our own domestic affairs.

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March 2, 1865: Joseph Cauchon, Province of Canada, Legislative Assembly, pp. 560-561.
(click [HERE](#))

Joseph Cauchon [Montmorency]—To take the United States, as the honorable member for Hochelaga [Antoine-Aimé Dorion] has done, for example, I will say that the Federal system is suitable for the government of an immense territory, inhabited by people of different races, laws and customs, and consequently more suitable to the Confederation of the British North American Provinces than to the smaller one of Upper and Lower Canada. Lower Canada, “unless she wish representation based upon population, should not reject a written Constitution under which she has protection for and control of her peculiar institutions.”

Some Hon. Members—Hear, hear.

Joseph Cauchon [Montmorency]—Finally, the expenses of the federal and local governments and legislatures will not exceed those of the present system. According to the Montreal manifesto of 1859, the Federal Government and Parliament, having very little to do, ought to cost but little, so as to leave more to be done by the local legislatures. According to the scheme of the Conference held at Quebec, the tables are turned, and it will be the local legislatures that, having but local affairs to attend to, will have to practise economy for the benefit of the General Government. It is therefore evident that the honorable member for Hochelaga [Antoine-Aimé Dorion] is not more of a conjuror than others.

It is again still more evident that the honorable member would be less hostile to this project, had he been the author of it, or if he had been sitting on the right instead of on the left side of the House; for after all it is but a question of expediency, at least as regards principle. The honorable member for Hochelaga [Antoine-Aimé Dorion] also told us:—

I would never have attempted to make a change in the Constitution of the country without being convinced that the population of that section of province which I represented was favorable to such a scheme.

Some Hon. Members—Hear.

Joseph Cauchon [Montmorency]—I do not wish to doubt his sincerity, but has he not also said, “I know that the possession of power leads to despotism?” Did he not say, before the events of 1858, that were he in power, never, no never, would he consent to govern Lower Canada with the help of an Upper Canada majority, and yet how did he act in 1862? How did he act on coming into power in 1863, after having ejected in such a loyal and sympathising manner his illustrious predecessor and chief, Hon. Mr. Sicotte?

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Some Hon. Members—Hear, hear.

Joseph Cauchon [Montmorency]—It was not despotism, but thirst for power, which made him adopt means to attain that end, which I shall not designate by their proper name in this solemn debate.

Some Hon. Members—Hear, hear.

Joseph Cauchon [Montmorency]—How did he act? Forgetting his declarations of 1858, he governed Lower Canada with a weak minority of its representatives, and as, according to his ideas, “power led to despotism,” he ruled it with that rod of iron which the radicals alone know how to wield. But happily those days of painful memories are passed, and the level of the political soil, which had sunk down, from some of those secret causes known to Providence alone, again suddenly rose up to escape from the overflowing torrents of demagogue principles which threatened society at large.

What the Opposition detest the most in the project of the Quebec Conference, is its monarchical character, as also those words found at the commencement of that remarkable work:—

The best interests and present and future prosperity of British North America will be promoted by a Federal union under the Crown of Great Britain, provided such union can be effected on principles just to the several provinces.

In the Federation of the British North American Provinces, the system of government best adapted, under existing circumstances, to protect the diversified interests of the several provinces, and secure efficiency, harmony and permanency in the working of the union, would be a General Government, charged with matters of common interest to the whole country; and Local Governments for each of the Canadas, and for the Provinces of Nova Scotia, New Brunswick and Prince Edward Island, charged with the control of local matters in their respective sections. Provision being made for the admission into the union, on equitable terms, of Newfoundland, the Northwest Territory, British Columbia, and Vancouver.

We move in a different circle of ideas from that in which the Opposition moves. We wish in America, as elsewhere, for a monarchy tempered by parliamentary system and ministerial responsibility, because, without interfering with liberty, it renders institutions more solid and secure. We have all seen British democracy holding its existence under the protection of the immutable ægis of Royal Majesty, and exercising over the destinies of the country that salutary control which has made Great Britain so rich, so powerful and so free.

Some Hon. Members—Hear, hear.

Joseph Cauchon [Montmorency]—We have also seen, not far from our own homes, that same democracy wrapped in the mantle of republicanism, moving at a rapid pace towards demagogy, and from demagogy to an intolerable despotism.

Some Hon. Members—Hear, hear.

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Joseph Cauchon [Montmorency]—We have seen military rule extending over the entire face of the great neighboring republic, lately so proud of its popular institutions. And we have also seen that people, so proud of their liberty, humbly bend their necks to the sword of the soldier, allow their press to be muzzled, after having condemned the system of censorship legalized in France, and suffer their writers to be imprisoned without a protest.

Some Hon. Members—Hear, hear.

Joseph Cauchon [Montmorency]—M. De Tocqueville has lived too long; his admirable work on democracy in America produces upon our minds, at the present day, only the effect of an heroic poem; it is the Isle of Calypso, so admirably sung by Fenelon, but which fades away when you have closed *Telemachus*.

Some Hon. Members—*Laughter*.

Joseph Cauchon [Montmorency]—Instead of those institutions, framed with such mathematical precision, and that mechanism so finished and so regular in its course, there is to be seen but violent and jerking motions, overturnings, and the collision and smashing of the component parts of the disconnected machinery of state; instead of peace and harmony we find civil war on a gigantic scale, universal desolation, formidable battles, and the blood of brothers mingling in streams on the soil of their common country.

Some Hon. Members—Hear, hear.

Joseph Cauchon [Montmorency]—What has become of that race of giants who, after seven years of a glorious struggle, laid the foundation, in 1783, of the American republic? Disdaining to use the means employed by the smaller spirits of the age to grasp at the helm of the state, they have retired from the public arena, so as to live in an honorable and dignified manner in private retirement—for the genius of the American people is not dead, and the country which still produces great judges and learned jurists could also, under another order of things, and in a different moral condition, give birth to new Washingtons, Franklins, Hamiltons, Adams, and Madisons.

Some Hon. Members—Hear, hear.

Joseph Cauchon [Montmorency]—They did not act wrongly then, those forty chosen men of British North America who came to Quebec to erect a new nation on the monarchical basis, and as much as possible on the principles of the Parliament of Great Britain. It seems to us that that authority was imposing enough to merit the respect of men of much less experience, and much less versed in the science of government.

Some Hon. Members—Hear, hear.

Joseph Cauchon, pp. 563-565.

Joseph Cauchon [Montmorency]—This is all I feel called upon to say, on this occasion, respecting a question which will again arise in the course of the debate. The hon. member for Lotbinière [Henri Joly] has attacked the scheme as being too federal, and the hon. member for Hochelaga [Antoine-

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Aimé Dorion] has condemned it as not being sufficiently federal, and as tending too much towards unity. Neither one nor the other is strictly accurate—it is not absolute unity, nor the federal principle in the American sense.

In the American Confederation, supreme authority proceeded at the outset from the delegation of the states, which nevertheless divested themselves of it forever—at least according to the opinion of the Northern juriconsults, who hold that no state is free to break the compact of 1788. In the scheme of the Quebec Conference there was no delegation of the supreme authority, either from above or below, inasmuch as the provinces, not being independent states, received, their political organizations from the Parliament of the Empire. There are only distinct attributes for the one and the others.

Some Hon. Members—Hear, hear.

Joseph Cauchon [Montmorency]—Unity does not obtain in an absolute sense, because local interests and institutions required in the local constitutions, guarantees and protections which they feared they would not find in the united Parliament and Government. But it is as complete as possible, inasmuch as unity gives to institutions chances of duration, and an initiatory force which is not given, which cannot be given, by confederacies in which authority is scattered, and where it is consequently without value and without real existence. Every constitutional mode of existence has its advantages; but assuredly that state of existence which gives permanence and stability to institutions should be preferred to others. Let us bear in mind that the Constitution of the United States has been but a compromise between state sovereignty and the need of a supreme authority to ensure the working of the state machinery, and that it was not perfect even in the opinion of its authors. In order to prove this statement, I shall call to my assistance words of greater weight than my own—those of Joseph Storey, probably the greatest constitutional authority of the United States:—

Any survey, however slight, of the Confederation will impress the mind with the intrinsic difficulties which attended the formation of its principal features. It is well known that upon three important points touching the common rights and interests of the several states, much diversity of opinion prevailed, and many animated discussions took place.

The first was as to the mode of voting in Congress, whether it should be by states or according to wealth or population. The second, as to the rule by which the expenses of the Union should be apportioned among the states. And the third, as has been already seen, relative to the disposal of the vacant and unappropriated lands in the western territory.

But that which strikes us with most force is the increasing jealousy and watchfulness everywhere betrayed in respect to the powers to be confided to the General Government. For this several causes may be assigned. The colonies had been long engaged in struggles against the superintending authority of the Crown, and had practically felt the inconveniences of the restrictive legislation of the parent country. These struggles had naturally led to a general feeling of resistance of all external authority, and these inconveniences to extreme doubts, if not to dread of any legislation, not exclusively originating in their domestic assemblies. They had, as yet, not felt the importance or necessity of union among themselves, having been hitherto connected with the British sovereignty in all their foreign relations.

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What would be their fate, as separate and independent communities, how far their interests would coincide or vary from each other as such; what would be the effects of the union upon their domestic peace, their territorial interests, their external commerce, their political security, or their civil liberty, were points to them wholly of a speculative character, in regard to which various opinions might be entertained, and various and even opposite conjectures formed, upon grounds apparently of equal plausibility.

Notwithstanding the declaration of the articles, that the union of the states was to be perpetual, an examination of the powers confided to the General Government would easily satisfy us that they looked principally to the existing revolutionary state of things. The principal powers respected the operations of war, and would be dormant in times of peace. In short, Congress in peace was possessed of but a delusive and shadowy sovereignty, with little more than the empty pageantry of office.

They were indeed clothed with the authority of sending and receiving ambassadors; of entering into treaties and alliances; of appointing courts for the trial of piracies and felonies on the high seas; of regulating the public coin; of fixing the standard of weights and measures; of regulating trade with Indians, of establishing post offices; of borrowing money and emitting bills on the credit of the United States; of ascertaining and appropriating the sums necessary for defraying the public expenses, and of disposing of the western territory.

And most of these powers required for their exercise the assent of nine states. But they possessed not the power to raise any revenue, to levy any tax, to enforce any law, to secure any right, to regulate any trade, or even the poor prerogative of commanding means to pay its own ministers at a foreign court. They could contract debts, but they were without means to discharge them. They could pledge the public faith, but they were incapable of redeeming it.

They could enter into treaties, but every state in the union might disobey them with impunity. They could contract alliances, but could not command men or money to give them vigor. They could institute courts for piracies and felonies on the high seas, but they had no means to pay either the judges or the jurors. In short, all powers which did not execute themselves were at the mercy of the states, and might be trampled upon at will with impunity.

One of our leading writers addressed the following strong language to the public:—

By this political compact the United States in Congress have exclusive power for the following purposes, without being able to execute one of them: they may make and conclude treaties, but can only recommend the observance of them. They may appoint ambassadors, but cannot defray even the expenses of their tables. They may borrow money in their own name on the faith of the union, but cannot pay a dollar. They may coin money, but they cannot purchase an ounce of bullion. They may make war, and determine what number of troops are necessary, but cannot raise a single soldier. In short, they may declare everything, but do nothing.

Strong as this language may seem, it has no coloring beyond what the naked truth would justify. Washington himself, that patriot without stain or reproach, speaks, in 1785, with unusual significance on the same subject. “In a word,” says he, “the Confederation appears to me to be little more than a shadow without the substance, and Congress a nugatory body, their ordinances being little attended to.” The same sentiments may be found in many public documents.

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One of the most humiliating proofs of the utter inability of Congress to enforce even the exclusive powers vested in it, is to be found in the argumentative circular addressed by to the several states, in April, 1787, entreating them in the most supplicating manner to repeal such of their laws as interfered with the treaties with foreign nations. “If in theory,” says the biographer of Washington, “the treaties formed by Congress were obligatory, yet it had been demonstrated that in practice that body was absolutely unable to carry them into execution.” —

In this state of things, the embarrassments of the country in its financial concerns, the general pecuniary distress among the people from the exhausting operations of the war, the total prostration of commerce and the languishing unthriftiness of agriculture, gave new impulses to the already marked political divisions in the Legislative Councils.

Efforts were made on our side to relieve the pressure of the public calamities by a resort to the issue of paper money, to tender laws, and instalment and other laws, having for their object the postponement of the payment of private debt, and a diminution of the public taxes.

On the other side, public as well as private creditors became alarmed from the increased dangers to property, and the increased facility of perpetrating frauds, to the destruction of all private faith, and credit. And they insisted strenuously upon the establishment of a government and system of laws which should preserve the public faith and redeem the country from that ruin which always follows upon the violation of the principles of justice and the moral obligation of contracts.

“At length,” we are told, “two great parties were formed in every state, which were distinctly marked and which pursued distinct objects with systematic arrangement.” The wonder indeed is, not under such circumstances, that the constitution should have encountered the most ardent opposition, but that it should ever have been adopted at all by the majority of the states.

In the convention itself which framed it, there was a great diversity of judgment, and upon some vital subjects an intense and irreconcilable hostility of opinion. It is understood that, at several periods the convention were upon the point of breaking up without accomplishing anything. On the other hand, if the votaries of the national government are fewer in number, they are likely to enlist in its favor men of ardent ambition, comprehensive views and powerful genius.

A love of the union, a sense of its importance—nay, of its necessity to secure permanence and safety to our political liberty; a consciousness that the powers of the national constitution are eminently calculated to preserve peace at home and dignity abroad, and to give value to property, and system and harmony to the great interests of agriculture, commerce and manufactures; a consciousness, too, that the restraints which it imposes upon the states are the only efficient means to preserve public and private justice, and to ensure tranquillity amidst the conflicting interests and rivalries of the states—these will doubtless combine many sober and reflecting minds in its support. If to this number we are to add those whom the larger rewards of fame or emolument or influence connected with a wider sphere of action may allure to the national councils, there is much reason to presume that the union will not be without resolute friends.

The events now occurring in the United States sufficiently prove, I think, that the fears of the illustrious founders of the Union were not without some foundation. The scheme of Constitution which is submitted to us is also a compromise, but a compromise in the best conditions of existence,

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and in those least dangerous to the stability and the strength of the nation to which is to give being. Unity moves more at ease, and the checks placed therein for the benefit of the sections are placed in such a manner as not to obstruct the general action.

Joseph Cauchon, Antoine-Aimé Dorion, François Evanturel, pp. 567-571

Joseph Cauchon [Montmorency]—Now, to prove how logical he is, he tells us:

It is true that the House of Lords, Conservative though it be, finds itself removed from all popular influence; but its numbers may be increased upon the recommendation of the responsible advisers of the Crown, if such a measure were to become necessary to obtain the concurrence of both Houses, or to prevent a collision between them. The position which its members occupy in it establishes a sort of compromise between the Crown and the popular element.

But this new House, after Confederation, will be a perfectly independent body; its members will be nominated for life, and their number cannot be increased. How long will this system work without bringing about a collision between the two branches of the Legislature? Let us suppose the Lower House composed in a great part of Liberals, for how long a time would it submit to an Upper House named by Government?

Be kind enough to observe, Mr. Speaker, that under the old system, the Legislative Council possessed the same elements of existence as the House of Lords, and that the Crown could increase its numbers at need; it augmented it in 1849, as it threatened to augment the House of Lords in 1832. Observe, again, that it is precisely this control exercised by the Crown over the Upper House that the hon. gentleman found so fatal to legislation previous to 1856.

But there is a more rational manner of appreciating the part sustained by the House of Lords in the British Constitution. No one denies to the Sovereign the abstract right of increasing at will the House of Lords; but such right has never been exercised but for the purpose of rewarding men distinguished for great national services and when, in 1832, William IV granted Earl Grey the tremendous power to swamp the representative body of the great landed nobility, it was because the country was moving with rapid strides towards revolution, and because there remained to the Sovereign but two alternatives, either to lessen the moral weight of the House of Lords, or to see his own throne knocked to pieces from under his feet.

Some Hon. Members—Hear, hear.

Joseph Cauchon [Montmorency]—To convince the House that I do not exaggerate, I will read an extract from Lingard’s *History of England*:—

It is known that justice and common sense were wounded by the electoral system of England, when such a rock, such a building, such a hamlet belonging to noble families sent representatives to Parliament, where cities of 100,000 inhabitants were not represented, where corporations of twenty or thirty individuals had a right to elect members for large cities, and so forth. All this was the consequence of a social order, founded on privilege, and in which property was the mistress of all power.

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To reform the electoral system was then to make an attempt not only on the Constitution, but society. And the Tories offered a desperate resistance. Such was their attitude, that the Ministry proclaimed Parliament dissolved on the 11th May, 1831, a course which was joyfully welcomed by the people. New elections were had, and resulted in a ministerial majority. The Reform Bill was adopted by the Commons, but the House of Lords threw it out by a majority of forty-one votes. The intelligence of this result was received throughout the three kingdoms with the most lively agitation. Petitions were sent in from all parts, praying for the upholding of the Ministry, and for a new creation of peers; reform associations were formed, and serious disturbances took place at London, Bristol, Nottingham &c. Parliament was prorogued, and at its re-assembling the Reform Bill was again presented with some alterations. The Commons accepted it; it passed a first and a second reading in the House of Lords, but the third reading was adjourned, and Wellington and seventy-four peers protested. Agitation became almost universal; societies met, petitions took a threatening character; everything was tending towards armed insurrection. England never before presented such a spectacle.

Meantime the Ministry had demanded of the king a new creation of peers to change the majority of the Upper Chamber. It was refused; they immediately resigned on the 9th May, 1832. The Duke of Wellington and his friends were then called in to form a Ministry; he tried it several days in vain. The nation was astir; whole armies were being created; riots broke out everywhere; the lives of the principal Tories were threatened, and the House of Commons seemed disposed to support a measure which would have overturned both the Government and the aristocracy.

The King called back the Grey Ministry, and the Bill was presented to the House of Lords for a third reading, on which the Tories, knowing that the Cabinet had decided to create an unlimited number of peers, so as to obtain a majority, abstained from attending the discussion, and the Bill passed by 106 votes against 22. The Parliament was immediately dissolved, and new elections took place according to the new electoral law, and on the 5th of February, 1833, the first Reformed Parliament was opened.

It must then have been a real revolution, this nomination of one hundred new peers, a revolution as real as that which menaced the Throne; and do we not feel persuaded that if one day our Federal Legislative Council were to place itself obstinately and systematically in opposition to popular will, matured and strengthened by ordeals, it would not be swept away by a revolutionary torrent such as threatened to sweep away the House of Lords in 1832? This Council, limited as to numbers, because the provinces insist on maintaining in it an equilibrium without which they would never have consented to a union, this Council, sprung from the people—having the same wants, hopes and even passions, would resist less the popular will in America, where it is so prompt and active, than could the House of Lords in England, where the masses are inert because they have not political rights; reason tells us thus because they would be a less powerful body socially or politically.

The honorable member for Hochelaga [Antoine-Aimé Dorion] has spoken to us of the elected senate of Belgium, which he says works admirably. But let us examine the manner of its construction and the reasons of its organization. We find in a note under the 53rd article of the Belgian Constitution, section 2 of the Senate in Havard's *Public and Administrative Law*, vol. I:—

89. *Elected by the People.*—Three principal opinions divided the Congress on the question of the senate. One wanted no kind of senate. Another wished the senate named with or without

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conditions, by the head of the state; and another wished for the senate but elected by the people. These two last opinions carried the existence of the Chamber to be admitted, but it was difficult to fix the majority on the mode of nominating the senators. Among the members who desire a senate, the greater number sustained nomination by the king, as being more in harmony with the nature of the institution; but those who wished only one Chamber directly elected being in despair, and in order to popularize an institution which they accused of not being sufficiently so, joined with those favoring senators elect, named without the intervention of the royal power, so that this opinion prevailed.

The senate and its mode of existence was not, therefore, the result either of the same opinion or of the same majority. The central section proposed, with a majority of sixteen against four, nomination by the king without presentation and in unlimited number. The question was discussed at the sitting of the 15th, 16th and 17th December. Nomination by the king was rejected by 96 against 77. Two leading opinions still divided the partisans of election. One would confide it to the ordinary electoral colleges, and others to the Provincial Councilor States. “We desire,” said M. Blagenies in proposing the last mode of election “a neutral power which can resist the dangers which might result from the preponderance of the head of the state or from an elective Chamber.

It is, therefore, necessary that this power should emanate neither from the same elements as the elective Chamber, nor from the chief of the state.” To confide election to a particular class, was said on the other side, is to create privileged electors with a double vote, and to introduce into our country all the inconveniences of the division of electors which has just been abolished in France. Provincial Councils should, moreover, be administrative bodies. The system of article 53 was adopted by 136 votes against 10. The opinion which was in favor of only one Chamber, and consequently only one mode of election, determined the majority.

Thus we find that the constitution of this senate is a compromise similar to that of the Federal Government of the United States. But let us go on a little further:—

In order to be elected and to continue to be a senator, one qualification, among others, is to pay, in Belgium, at least one thousand florins of direct imposts, patents included.

Is not this last provision of the Belgian Constitution a hundred times more conservative than all the provisions of this scheme, which the honorable member condemns? What! No one can be a senator in Belgium without paying \$500 direct taxes, over and above indirect taxes, municipal and local impositions of all sorts. And the honorable member for Hochelaga [Antoine-Aimé Dorion] calls that a popular House! Who but men powerful and rich in titles and fortune can enter it?

Some Hon. Members—Hear, hear.

Antoine-Aimé Dorion [Hochelaga]—What is the qualification of the electors of the Belgian House of Representatives? Is it not much higher than elsewhere?

Joseph Cauchon [Montmorency]—It is the same for both Houses. And this is an argument against the honorable member; for if, in a country like Belgium, in which every fourth person you meet is a beggar, it has been found requisite to make the elective franchise and the electoral qualification of the senators so high, it is a proof that he has made a bad selection of examples; it is a proof that

the tendencies of Belgium are conservative. Why, then, should we adopt another course in Canada, where there is not one beggar in a thousand inhabitants?

François Evanturel [Quebec County]—Will the honorable member for Montmorency [Joseph Cauchon] allow me to interrupt him in his argument in relation to the qualifications and appointment of the legislative councillors. Like him, I am quite of opinion that the conservative element ought, of necessity, to be the basis of the Legislative Council, to counterbalance the popular element. This principle governed the constitution of the House of Lords in England, that of the Legislative Council in Belgium, and that of every well organized representative government. It is that element of conservatism which I desire to see introduced into the Constitution of the Confederation now before us; but the honorable member for Montmorency [Joseph Cauchon] will allow me to remark that the whole of his argument applies only to the antagonism which might arise between the two branches of the legislature, in a monarchical government like that of Belgium, which is not based on a Federative system like that now submitted to us by the Government.

But we have not only to avoid the differences which might arise between the conservative and the popular elements; we have also to protect the rights of the several provinces which are to form part of the proposed Confederation. That is the all important question we have to consider. We have accorded the principle of representation based upon population in the House of Commons of the Federal Government, and that is without doubt a great sacrifice; but we ought only to make so important a concession on the condition that we shall have equality of representation in the Legislative Council, and the right reserved to ourselves to appoint our twenty-four legislative councillors, in order that they may be responsible to the public opinion of the province and independent of the Federal Government. — Without this essential guarantee I affirm that the rights of Lower Canada are in danger.

For my part I am ready, on behalf of Lower Canada, to give up her right to elect directly her twenty-four legislative councillors, although the retention of the elective principle might perhaps be the surest means of preserving our institutions; but I am anxious that the new Constitution now proposed should give us adequate guarantees that the legislative councillors to be appointed for life should, at all events, be selected by the Local Government of Lower Canada, which would be responsible to the people. These not ill-grounded sources of anxiety I should like to see removed. I would bespeak the earnest attention of the honorable member for Montmorency [Joseph Cauchon] to this point, which is of the very highest importance to us Lower Canadians; and I hope that he will pardon me for having interrupted him, and that he will be in a position to give me such an answer as will dissipate the anxiety which I am aware has been evinced on this subject.

Joseph Cauchon [Montmorency]—The honorable gentleman has not understood me; my object has not been to attack the representative system of Belgium as being too conservative; on the contrary I use it as an argument in my favor, because the qualification there is so high, that hardly one in six thousand can be found who can aspire to the post of senator. Parties having been unable to come to any understanding at the time of the revolution of 1830, and neither the hereditary peerage or the life peerage having been able to prevail, the most conservative principle next to these was adopted, viz., that of a large property qualification. All those who have drawn up constitutions, either theoretical or for practical purposes, have never omitted to provide counterpoises to prevent, on the one hand, too precipitate and hasty legislation, and on the other hand the encroachment of the power of the executive.

In our Constitution it is the duty of the Legislative Council to exercise the conservative influence, and to modify the legislation too energetic and too full of outside effervescence, which is sent for their consideration from the House of Commons. But when public opinion gains vigor from the obstacles which it encounters, and the reforms demanded are rational and come before them in due course, there is no danger that the legislation which embodies them will be obstructed in its progress; for the people will rise in their majesty and in their sense of justice, as did the people of England in 1832, and the obstacles they might meet with on their way would be swept away as by a torrent.

Some Hon. Members—Hear, hear.

Antoine-Aimé Dorion [Hochelaga]—That is exactly where the danger lies.

Joseph Cauchon [Montmorency]—That is the danger which assailed the House of Lords in 1832, but no one would venture to confront to the last extremity a danger such as this. But the honorable member for Quebec [François Evanturel] tells us, if I understand him rightly, that we have not sufficient guarantees for Lower Canada in the appointment of the legislative councillors. The selection of legislative councillors has no bearing whatever on the question we are now considering, viz., whether the appointment by the Crown is or is not preferable to the elective principle. But in answer to him I will say, that the scheme before us seems to be quite clear. According to this plan the candidates for the Legislative Council will be recommended by the local governments and appointed by the General Government, and it is by this very division of powers that the selections are sure to be good, and made in conformity with the desire and sentiments of the provinces.

Antoine-Aimé Dorion [Hochelaga]—Only the first nominations are to be made in this manner, not those which may be made afterwards.

Joseph Cauchon [Montmorency]—The first nominations will be made by the present Governments, and the federal councillors will be taken from the present legislative councillors to the number prescribed, 24, provided so many can be found who will accept the post, and who possess the requisite property qualification. The Conference has engaged, by the terms of the scheme, to respect the rights of the Opposition, and any government who should fail to carry out so solemn an engagement would well deserve to lose the public confidence.

Some Hon. Members—Hear, hear.

Joseph Cauchon [Montmorency]—I repeat that the mode of appointing the councillors in no wise affects the conservative principle of nomination on which the constitution of the Legislative Council ought to be based.

Antoine-Aimé Dorion [Hochelaga]—In the course of my observations the other night, I did not examine the question from the point of view from which the honorable member from Quebec [François Evanturel] is now looking at it. That honorable member, if I have understood him rightly, affirms that in the proposed constitution of the Federal Legislative Council there is no conservative principle to guarantee that the provinces will be represented in that Council, and he does so with justice. If the honorable member for Montmorenci [Joseph Cauchon] will examine it attentively, he

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will see that the first nominations are to be made by the existing governments. Thus the Government of Canada, that of New Brunswick and that of Nova Scotia will appoint legislative councillors, but afterwards the Federal Government will make the appointments.

The honorable member for Quebec [François Evanturel] can, with reason, draw the conclusion that there is no guarantee that the views of the provinces will be respected. I for my part have investigated the matter, more in connection with the power that will be vested in the legislative councillors. I asserted that by appointing them for life and limiting their number, an absolute authority would be created, which would be quite beyond the control of the people and even of the Executive; that the power of this body will be so great, that they will always be in a position to prevent every reform if they thought proper, and that a collision between the two branches would be inevitable and irremediable. The danger arising from the creating of such a power is exactly that of being obliged to destroy it if they resist too obstinately the popular demands.

In England there is no necessity for breaking down the obstructions sometimes presented by the House of Lords, because the Crown having it in its power to appoint new peers, can overcome the difficulty. Here there will be no means of doing it, when the number of councillors is fixed. Accordingly, I have looked at the question through the medium of the powers assigned to the councillors, whereas the honorable member for the county of Quebec [François Evanturel] fears lest the Government should make choice of men who would not represent public opinion in the provinces; that they might appoint members all of French origin or all of English origin to represent Lower Canada, or take them all from among a class of men who would not represent the province for which they are appointed, and who could give no pledge that they would maintain its institutions.

[...]

Joseph Cauchon [Montmorency]—In England, the Crown has never attempted to degrade the House of Peers by submerging it, because it knows well that the nobility are a bulwark against the aggressions of the democratic element. The House of Lords, by their power, their territorial possessions, and their enormous wealth, are a great defence against democratic invasion, greater than anything we can oppose to it in America. In Canada, as in the rest of North America, we have not the castes—classes of society—which are found in Europe, and the Federal Legislative Council, although immutable in respect of number, inasmuch as all the members belonging to it will come from the ranks of the people, without leaving them, as do the members of the House of Commons, will not be selected from a privileged class which have no existence. Here all men are alike, and are all equal; if a difference is to be found, it arises exclusively from the industry, the intelligence, and the superior education of those who have labored the most strenuously, or whom Providence has gifted with the highest faculties.

Some Hon. Members—Hear, hear.

Joseph Cauchon [Montmorency]—Long ago the privileges of caste disappeared in this country. Most of our ancient nobility left the country at the conquest, and the greater number of those who remained have sunk out of sight by inaction. Accordingly, whom do we see in the highest offices of state? The sons of the poor who have felt the necessity of study, and who have risen by the aid of their intellect and hard work.

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Some Hon. Members—Hear, hear.

Joseph Cauchon [Montmorency]—Everything is democratic with us, because everyone can attain to everything by the efforts of a noble ambition. The legislative councillors appointed by the Crown will not be, therefore, socially speaking, persons superior to the members of the House of Commons; they will owe their elevation only to their own merit. They will live as being of the people and among the people as we do. How can it happen, then, that having no advantage over us greater than that of not being elected, they will not be subject in a legitimate degree to the influence of public opinion?

There are some men who have enough patriotism to approve of everything done elsewhere, but to find fault with everything done at home—it is a pitiful croquet in the human mind. If there had been as much danger for the liberal party in this union as you say there was, would Hon. Mr. Tilley, the leader of the Liberal government of New Brunswick, a man of such foresight and judgment; would the honorable member for South Oxford [George Brown], your former leader, whose talent and experience you will not deny, have accepted it?

Some Hon. Members—Hear, hear.

François Evanturel, Joseph Cauchon, pp. 576-577.

François Evanturel [Quebec County]—I acknowledge the frankness which the Hon. Attorney General for Lower Canada [George-Étienne Cartier] has evinced in giving the explanations to the House which we have just heard; and I trust that the honorable minister will permit me to ask him one question. Paragraph 32 gives the Federal Government the power of legislating on criminal law, except that of creating courts of criminal jurisdiction, but including rules of procedure in criminal cases. If I am not mistaken, that paragraph signifies that the General Government may establish judicial tribunals in the several Confederate Provinces. I should much like to be enlightened on this head by the Hon. Attorney General for Lower Canada [George-Étienne Cartier].

George-Étienne Cartier [Montreal East, Attorney-General East]—I am very glad that the honorable member for the County of Quebec [François Evanturel] has put this question, which I shall answer as frankly as that of the hon. member for Montmorency [Joseph Cauchon]. My hon. friend will find, if he refers to the paragraph which he has cited, that it gives the General Government simply the power of providing for the execution of the laws of the Federal Government, not of those of the local governments.

Joseph Cauchon [Montmorency]—I have listened to the explanations of my hon. friend the Attorney General for Lower Canada [George-Étienne Cartier], and I find them perfectly satisfactory, as they regard criminal law; for that is the same or nearly the same in all the provinces. For my own part, I infinitely prefer the criminal law of England to that of any other country. It affords more protection to the party accused, than, for instance the criminal code of France does. The civil laws of the latter, by the way, have my warm admiration, as have also their administrative talent and their aptness for civilizing influences.

Some Hon. Members—Hear, hear.

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Joseph Cauchon [Montmorency]—If the English criminal law gives the criminal too great a chance of escaping, it at least saves society the stigma of condemning the innocent. The accused is tried for the single act for which he is indicted, and is not questioned concerning his whole past life and conversation. The laws of commerce are nearly the same in all countries, and those which rule the trade of two continents may be said to be founded on an ordinance of a king of France. Accordingly, there will be no inconvenience in bringing commercial causes, as well as others, for adjudication before the Court of Appeals mentioned in the scheme of Confederation.

I am convinced that if ever that tribunal comes into existence, it will be composed of the most eminent men in the several provinces, who will devote their whole energies to the causes brought before them, but the majority of whom will have studied and practised a code different from ours; although the laws of Upper Canada, for instance, have a constant tendency to coincide with our civil code: Blackstone, with his national common law which he aimed at establishing, being no longer the great authority which he was in former days, and England, like Germany, drawing rather from the pure spring of Roman law, as the most perfectly rational code in existence.

We have not, however, yet come to this position of things in our provinces, and, up to the present hour, English law consists rather of precedents and decisions of eminent judges, like Lords Mansfield, Coke, and others; and as the scheme of a Constitution makes an exception in favor of our civil laws, it would be most prudent, in my opinion, to leave the decision of our causes to those judges who have studied and practised them. Nothing is as yet written in the Constitution concerning them, and nothing stands in the way of the desired exception.

Some Hon. Members—Hear.

Joseph Cauchon [Montmorency]—I am aware that it may be attended with some inconveniences and that in this behalf concessions may have been, perforce, submitted to in order to obtain others; but I think that on reflection it will be found best for all concerned to have the laws enforced rather by those who understand them than by those who do not.

Some Hon. Members—Hear, hear.

Joseph Cauchon, p. 579.

Joseph Cauchon [Montmorency]—If the principle is just, I do not see what harm there can be in having it written in the Constitution, particularly as it is desired in the provinces, and we, for our part, are interested in knowing that marriages contracted in Lower Canada are valid in all parts of the Confederation. That declaration is satisfactory and reassuring.

Some of the speakers, imbued with democratic-republican ideas, have gone so far as to deny one of the most essential and fundamental principles of the British Constitution, that is to say — that the Parliament may change the Constitution without special appeals to the electoral body, and without recourse to popular conventions. It is evident that they wish to lead us towards a social republic, government and legislation in full force. The Roman emperors in the days of the decadence of the empire, made and unmade emperors; but it never occurred to them to make laws and administer affairs of state. This had to be reserved to our republicans, who are against Confederation because

they desire annexation to the United States, and who raise all kinds of obstacles in order to attain their end.

Some Hon. Members—Hear, hear.

Joseph Cauchon [Montmorency]—Here there are useless debates provoked in order to kill time; there, petitions covered with false signatures or names obtained under false pretences; and the forlorn hope of democracy, who in the streets threaten with riots and gibbets all who wish for the union of the provinces, and thereby, in its time, constitutional monarchy and parliamentary government.

Some Hon. Members—Hear, hear.

Joseph Cauchon, Antoine-Aimé Dorion, pp. 582-584.

Joseph Cauchon [Montmorency]—I wish to be well understood. I do not cite this example as an authority, because the Parliament was incomplete without its third legislative branch, but only for the purpose of shewing to what length the Parliament of Great Britain has carried the exercise of its great prerogative. During the illness of George III, as it had been impossible to foresee that such a misfortune would happen, and as without the action of the Sovereign, neither the administration of the government, which is conducted in the name of the king, nor legislation, which is only effectual after receiving the assent of the three branches of the legislature, were possible; under these unforeseen circumstances, the two Houses, at the suggestion of the Ministers created a mechanism to act during the illness of the king, and all that was done under its operation became law, and was regarded as such by the whole British nation and all those charged with the execution of the laws of Parliament.

But setting aside these extraordinary circumstances, which demanded extraordinary remedies, we assert that Parliament in its integrity has power to alter the Constitution and even the succession to the Throne. As to us, we do not propose to go so far; we simply ask the Imperial Parliament to give us a new Constitution, and even that Parliament will only with our consent make use of that power which it has a right to exercise without our consent.

Some Hon. Members—Hear, hear.

Joseph Cauchon [Montmorency]—Let it be observed, Mr. Speaker, that I am only considering now the question of power and right; the question of what is fit and expedient is quite another matter. We might do well or we might do ill by taking this course, but as we act in our capacity of representatives of the people, it is for us to decide whether it is expedient or advantageous that an appeal should be had to the people under the circumstances.

Some Hon. Members—Hear, hear.

Joseph Cauchon [Montmorency]—As regards the sentiments of Great Britain in relation to us, the events which have taken place since the union show that they are altogether changed. In 1840 we had a Constitution imposed upon us against our will, and by so doing Great Britain was guilty of injustice towards us. Now they await our decision before they act. In past days England looked

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upon the colonies as her own special markets, and fortified them by prohibitory duties against foreign trade. Now they are open to the whole world. Formerly we were under a despotic and oligarchical government, and since 1841 we have had that British Parliamentary Government which the great economist Turgot, more than sixty years before, had advised England to extend to her colonies.

Some Hon. Members—Hear, hear.

Joseph Cauchon [Montmorency]—Thus the Parliament of Great Britain, which had just proclaimed the union with Ireland, incorporated into its legislature the representation of the latter, and constituted itself, by its own authority, the first Parliament of the United Kingdom of Great Britain, without recourse to a dissolution and new elections. At the meeting of the Houses they proceeded to the election of a new Speaker for the Commons, precisely as after a general election, and all the other formalities were observed which, according to custom, accompanied the opening of new parliaments. You will find those details in the *Parliamentary History*, vol. 35, page 857. Here is another authority which the republican-annexation adversaries of Confederation will hardly care to doubt. I find it in pages 164, 165, and 166 of Sedgwick on *Statutory and Constitutional Law*:—

Nor are these merely speculative or abstract questions. We shall find them presenting themselves in a large class of cases which I am about to examine. The difficulty, generally, seems to have arisen from a want of accurate notions as to the boundary line which, under our system, divides the legislative and judicial powers.

I now turn to a more detailed consideration of the cases in this country, where these questions have been considered and which, so far as they go, tend to give a practical definition to the term law, and to define the boundaries which separate the legislative from the judicial power. And first, of causes where the legislature has sought to divest itself of real powers. Efforts have been made, in several cases, by the state legislatures to relieve themselves of the responsibility of their functions, by submitting statutes to the will of the people, in their primary capacity.

But these proceedings have been held, and very rightly, to be entirely unconstitutional and invalid. The duties of legislation are not to be exercised by the people at large. The majority governs, but only in the prescribed form; the introduction of practices of this kind would remove all checks on hasty and improvident legislation, and greatly diminish the benefits of representative government.

So where an act to establish free schools was, by its terms, directed to be submitted to the electors of the state, to become a law only in case a majority of the votes were given in its favor, it was held, in New York, that the whole proceeding was entirely void. The Legislature, said the Court of Appeals, have no power to make such submission, nor had the people the power to bind each other by acting upon it. They voluntarily surrendered that power when they adopted the constitution.

The government of this state is democratic; but it is a representative democracy, and in passing general laws, the people act only through their representatives in the Legislature. And in Pennsylvania, in the case of an excise statute, the same stern and salutary doctrine has been applied. In some of the more recent state constitutions this rule has been made, a part of the fundamental law.

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So in Indiana, the principle is now framed into a constitutional provision which vests the legislative authority in a Senate and House of Representatives, and declares that no act “shall be passed, the taking effect of which shall be made to depend upon any authority except as provided in the Constitution.” And under these provisions it has been held that so much of an act as relates to its submission to the popular vote, was null and void.

Antoine-Aimé Dorion [Hochelaga]—In England there are seven or eight acts of Parliament which were submitted to the popular vote before becoming law.

Joseph Cauchon [Montmorency]—In England it is admitted that Parliament may do anything and even change the sexes if necessary, according to the doctrine of the honorable member for Brome [Christopher Dunkin].

Some Hon. Members—*Laughter.*

Joseph Cauchon [Montmorency]—The honorable member for Hochelaga [Antoine-Aimé Dorion] is an admirer of written constitutions; I am citing authorities to suit him, and which it is quite impossible for him to reject.

Some Hon. Members—Hear, hear.

Joseph Cauchon [Montmorency]—All these authorities establish, by incontestable evidence, the power of Parliament in regard to every question that may come before it. There only remains now the question of convenience and expediency, and that question can only be considered by Parliament. In 1717, 1800, and 1846, the British Parliament decided it without appealing to the people. In 1832 it decided the question after an appeal to the people, acting in all those circumstances under the constitutional responsibility of its trust. That is what we shall do in the present difficult conjuncture, awaiting in the approaching elections the approval or condemnation of our initiative. But let the opponents of the scheme be well convinced that we understand, quite as well as themselves, the entire importance of the vote which we are going to give.

In closing, Mr. Speaker, I may be allowed to say to the House, that in a debate of such a solemn character, and when such great destinies as regards the future of the whole of British North America are at stake within these walls, let us have the courage to rise superior to passions, hatreds, personal enmities, and a miserable spirit of party, in order to allow our minds to soar more freely in the larger sphere of generous sentiments, and of great and noble national aspirations. We possess all that we want—all the necessary elements of greatness and prosperity to found an empire in America. Let us boldly set to work, sheltered by the flag and protected by the powerful aegis of the Empire which leads us on to undertake the task.

Some Hon. Members—*Prolonged applause.*

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March 3, 1865: Joseph Perrault, Province of Canada, Legislative Assembly, pp. 622-625.
(click [HERE](#))

Joseph Perrault [Richelieu]—

[...]
[p. 623]

Under these circumstances Confederation will produce abundant fruits, and will be welcomed by the people of this country, and especially by the French-Canadians, who, having doubled in number in the interval, will be in a position to demand infinitely more advantageous conditions than those which are forced upon them today. We shall not then have our present political rights, which were so dearly obtained by the struggles of a century, replaced by local governments, which will be nothing more than municipal councils, vested with small and absurd powers, unworthy of a free people, which allow us at most the control of our roads, our schools and our lands; but we shall then obtain local governments based on the sovereignty of states, as is the case under the Constitution of the United States.

The fact is not to be denied: the American Constitution was created by great men in face of a crowd of considerable and opposite local interests, and it cost them several years of deep study to reconcile those various interests, and finally to build up that admirable Constitution which, as the hon. member for Brome [Christopher Dunkin] has so well said, defies the most severe criticism in relation to its most important bases. With a Constitution like that of the United States, based upon state sovereignty, Lower Canada would elect her own governor and her representatives in the Federal Parliament and Legislative Council, and also all the Executive Ministers.

Joseph Dufresne [Montcalm]— We should also appoint the judges.

Joseph Perrault [Richelieu]— If the hon. member for Montcalm [Joseph Dufresne] had listened attentively to the remarkable speech of the hon. member for Brome [Christopher Dunkin], he would have learned that in the majority of the states composing the American Union, the judges are not appointed by the people, but by the Executive branch of the local government, in precisely the same way as in Canada, and that they are in every respect as upright and as distinguished as our own judges. If our French-Canadian Ministers had not been in so powerless a minority in the Quebec Conference (four to thirty-two), they would certainly not have accepted a scheme of Confederation so fraught with danger to the French race as that which has been submitted to us. They would have obtained more favorable conditions than those which are imposed upon us. among which is the appointment for life of the legislative councillors, by the Executive branch of the General Legislature.

For my part, Mr. Speaker, I am not in favor of the appointment for life of men taken from the crowd to be converted into the instruments of oppression, and too often to serve to cast impediments in the way of the most important liberties and rights of the people. The appointment for life of the legislative councillors by a majority which is hostile to our race is as dangerous today as it was in the most evil days of our history, and to accept it is to place our most precious liberties at the mercy of the enemies of our race.

With such provisions in the Constitution which it is proposed to force upon us, it is impossible that the French element should be protected in the Legislative Council. It is equally impossible that the aggressive tendencies, of which I gave an historical sketch in the first part of my remarks, will not produce their effect in the Federal Executive, when the question of the appointment of

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those members is being settled. We have been told, “The French Canadian section will resign if the Federal Executive attempt to practice injustice to the detriment of their fellow countrymen.”

Well, Mr. Speaker, I would willingly believe that they would resign, and that no successors could be found for them, which is still more improbable, and I should like to know to what such a resignation would lead, and what sort of a remedy it would provide for our humiliating position. We shall have forty-eight members in the Federal Parliament against one hundred and forty of English origin; in other words, we shall be in the proportion of one to four. What could so weak a minority do to obtain justice? Evidently the resignation of the French section would make it still more powerless, and it would have to accept the tyrannical dictates of its opponents. The French members of the present Government themselves give as the ground of the necessity of the proposed changes, the fact that the existing Constitution does not afford us sufficient guarantees.

But then, what sort of guarantees shall we have under the Confederation which it is proposed to force upon us and under which we shall be in a minority twice as great? Let us suppose the very probable contingency of a collision between our Local Legislature and the Federal Government, in consequence of the rejection of a measure passed by the Province of Lower Canada and thrown out by the General Parliament; in what position shall we be? Let us remember that the Federal Executive appoints the Legislative Council, presides over the criminal legislation of the country, and appoints the judges who administer it; in a word, that in the Federal Government are vested all sovereign powers, to the exclusion of the local governments.

Well, Mr. Speaker, I say without hesitation that in the case of a collision, we shall find ourselves completely at the mercy of the hostile Federal majority, and that it may oppress us, assimilate our laws; suspend our judges, arm the militia against us, and send us to the scaffold or into exile in any way they may think proper, notwithstanding our protestations and those of the French-Canadian minority in the Federal Parliament. Such has already been found to occur; the past is there to prove the fact, and everything leads us to believe that the same attempts at fanatical aggression will be renewed in our day, if the scheme of Confederation is adopted.

Some Hon. Members—Hear, hear.

Joseph Perrault [Richelieu]—The hon. member for Brome [Christopher Dunkin], whose loyalty will certainly not be called in question, himself declared in this House that this scheme would give rise to difficulties and entail deplorable collisions. Supposing, Mr. Speaker, that those collisions and difficulties arise, what shall we do? Will not all power be in the hands of the Federal Government and of a hostile majority? Is it not because the people understand it that they reject this measure with threats on their lips and in their eyes; that every day they send us numerous petitions in which they prophesy the most serious dissatisfaction? How long will the eyes and the ears of the members of this House remain closed, that they may not be cognisant of this protest of their alarmed fellow-countrymen?

The Hon. Attorney General East [George-Étienne Cartier] himself refuses to communicate to us a single one of the details of the scheme of Confederation, and he would have us give up all the rights which the existing Constitution confers upon us, by voting in favor of a Local Legislature of which the powers will be naught, and of a General Parliament in which we shall be in the proportion of one to four. Mr. Speaker, it is not surprising that the French-Canadian population

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of Lower Canada is unanimous in rejecting a Confederation which presents to us so gloomy a future—

Some Hon. Members—Hear, hear.

Joseph Perrault [Richelieu]—and I do not fear to declare that our Ministers are committing an act of very great imprudence in forcing upon the people constitutional changes of so serious a character, and so loudly denounced as an attack on their rights and their privileges. Never, at any period of our history, have there been seen such changes of constitution under such extraordinary circumstances.

And exactly at the moment when we are preparing to resist the invading army of a powerful neighbor, we are deprived of the liberties which we enjoy after having secured them by a century of struggles. But it seems to me that new guarantees of security ought rather to be given us, in order to induce us to fight with warlike antagonists ten times more numerous than ourselves, and whose political organization is perhaps less hostile to our race than the proposed Confederation. Have not the present Ministry taught us to look upon the semblance of local government, which they propose to us, as a sufficient protection for all that we hold most dear, and to accept the position of a powerless minority in the General Government, because commercial interests only will be brought in question there?

If this proposition is a just one, the Constitution of the United States, with the recognized sovereignty of Lower Canada, affords much greater security for our institutions, our language and our laws. For the sovereignty of the state implies their preservation in the state, which yields up nothing to the General Government except a very restricted number of powers.

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March 6, 1865: Hope Mackenzie, Province of Canada, Legislative Assembly, pp. 674-675. (click [HERE](#))

Hope Mackenzie [Oxford North]—Well, if so, I am not aware that it has done him any good or produced any change in his political course. I am quite satisfied, Mr. Speaker, that the people are perfectly willing that this Parliament should deal with this Confederation scheme, I will now, sir, state briefly what I think of the general features or underlying principles of the scheme.

The honorable member for Brome [Christopher Dunkin] the other night entertained the House by a very elaborate examination of the scheme, and, among other things, he proposed to show that the proposed Constitution was an entire departure from the British model, and had in it so large an infusion of the republican system of the United States as to render it obnoxious to Britons; but, in opposition to his own premises, he succeeded in proving to a demonstration, if he proved anything, that in scarcely a single particular is it modelled after the pattern of the republic. He even denounced this scheme because it is so very different from and, in his opinion, inferior to the United States Constitution. Well, sir, I accept of it because of its British and monarchical features—I accept of it because of its monarchical character.

Some Hon. Members—Hear, hear.

Hope Mackenzie [Oxford North]—I look upon it as a scheme more national than federal in its character—as looking more to a national union of the people than a union of sections, and it is chiefly because of this feature of it that it commends itself to my judgment.

Some Hon. Members—Hear, hear.

Hope Mackenzie [Oxford North]—The honorable member for Lotbinière [Henri Joly] dissented from this view the other night, and argued that unless the supreme power was placed in the hands of the separate provinces, it could not be acceptable to Lower Canada, as otherwise their institutions would be endangered; and yet oddly enough, he elaborated an argument to prove the fleeting and unstable character of federations established upon the only principle that he seems disposed to accept for this country.

In the course of his remarks on this head, he said:—

The Hon. Minister of Agriculture said of Federalism, that it was on account of the weakness of the central power confederations had failed: and it was argued in our case, that there would not be so much weakness in the central power.

This was precisely why the French-Canadians—(his fellow-countrymen)—looked with suspicion on the proposition to establish a Confederation with a central power—a power so strong that the local parliaments would possess, so to speak, no power at all.

Some Hon. Members—Hear, hear.

Hope Mackenzie [Oxford North]—

All the confederations he had referred to had at least this excuse, they were sovereign states, and, when menaced by other powers, leagued themselves together for the common interest.

Now, sir, while the honorable member will have nothing to do with it, because of the supreme central power that is provided in the scheme, I take it just because of that controlling central power. I stand as an advocate of national unity, and I would not accede to the principle of state sovereignty in this Confederation, the provinces delegating certain powers to the General Government and reserving the residuum of power to themselves.

Some Hon. Members—Hear, hear.

Hope Mackenzie [Oxford North]—We need not go to the history of the South American republics, as the member for Lotbinière [Henri Joly] did, to find an illustration of the working of the principle of Confederation as applicable to our case. Being not only republican in their character, but based upon the principle of divided sovereignty, and inhabited by a people who had no aptitude for working democratic institutions, they can bear no comparison with this proposed Constitution. But if the hon. gentleman desired to travel to South America to find something approaching a parallel to this scheme of union, he could find it in the constitutional monarchy of Brazil, where the wide-spreading provinces of the empire have their local parliaments for their local affairs, and a central parliament and executive over all—elected and

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chosen pretty much as our Central Parliament and Executive will be, and exercising similar powers; and he would find that while the republics founded upon the doctrine of state sovereignty were in a state of perpetual turmoil, and whose daily bread was, according to the hon. member, anarchy and revolution, the Empire of Brazil was flourishing and showed signs of stability that predicted its future greatness.

Some Hon. Members—Hear, hear.

Hope Mackenzie [Oxford North]—But to come nearer home, sir, we have abundant evidence of the dangerous character of the doctrine of state supremacy in a confederation. I would remind the House of the early ruin that threatened the United States under their first Constitution, which was an embodiment of this vicious principle, and how clearly the great men of the first year of the republic foresaw the ruin it threatened to bring upon them. Washington, perceiving the rapid decline of the Confederation, was incessant in his correspondence with the leading patriots of the day to obtain their opinions upon a new Constitution, and Madison replies as follows:

Conceiving that an individual independence of the states is totally irreconcilable with their aggregate sovereignty, and that a consolidation of the whole into one simple republic would be as inexpedient as it is unattainable, I have sought for some middle ground which may at once support a due supremacy of the national authority, and not exclude the local authorities wherein they can be subordinately useful.

Mr. Jay’s convictions in favor of central supreme authority are equally strong. He says:—

What powers should be granted to the Government so constituted, is a question which deserves much thought. *I think the more the better*, the states retaining only so much as may be necessary for domestic purposes.

Hamilton, likewise, speaking of Federation such as men had hitherto been familiar with, and such as then existed in America, and equally anxious with his co-patriots to save his country from the anarchy and ruin that he saw approaching as the inevitable result of a partitioned sovereignty, thus addressed the head of the republic:—

All Federal governments are weak and distracted. In order to avoid the evils incident to that form, the Government of the American Union must be a national representative system. But no such system can be successful in the actual situation of this country, unless it is endorsed with all the principles and means of influence and power which are the proper supports of government. It must, therefore, be made completely sovereign, and state power, as a separate legislative power, must be annihilated.

I read these extracts to show how rapidly the Central Government of the United States was falling into contempt because of its subordination to the separate states, and to show that the leading minds of America, while the republic was yet in its infancy, felt that the doctrine of state supremacy was one calculated to foster anarchy, and that was sure to bring the early destruction of the fabric they had reared, and also to show how earnestly they labored to remove the evil and transfer the sovereignty to the Central Government, as their only hope of maintaining permanent peace and order, and of imparting stability to their system.

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I think, sir, it becomes us in framing a Constitution for these provinces to profit, not only by the early but by the later experience of our neighbors—to enquire how far they succeeded in eradicating the evil from their new Constitution, and to what extent their present troubles are chargeable to what is left in their system of the dangerous principle referred to. Let us profit by the wisdom of the framers of the American Constitution, and by the experiences of that country under it—not to copy their work, but to help us when framing a Constitution for ourselves to steer clear of evils that they have felt. Believing that the Quebec Conference has done so and have presented to us the framework of a Constitution, the leading features of which are in unison with the constitutional principles of the British monarchy, and consistent with that allegiance which we all owe and cheerfully yield to the Throne of Britain, I cheerfully endorse the scheme.

Some Hon. Members—Hear, hear.

Hope Mackenzie, p. 681.

Hope Mackenzie [Oxford North]—I have no hesitation, Mr. Speaker, in endorsing the scheme before us. I do so because I believe its leading principles are in harmony with the principles upon which the British constitutional system is founded, and because I think it is a fair arrangement between all the provinces; and, as an Upper Canadian, I accept it because I think it concedes to us the *status* we are entitled to occupy. I accept it, further, because of the prospect it holds out to us of building up a great nationality here, and of handing down to our children institutions which our fathers have bought with their blood.

Some Hon. Members—*Loud cheers.*

George-Étienne Cartier, Antoine-Aimé Dorion, p. 689-690.

George-Étienne Cartier [Montreal East, Attorney-General East]—What do you understand by sovereign power, please explain?

Antoine-Aimé Dorion [Hochelaga]—I will tell you in a moment. I say that the Federal Parliament will exercise sovereign power, inasmuch as it can always trespass upon the rights of the local governments without there being any authority to prevent it. What authority have you constituted which can come forward and say to the Federal Parliament:—“You shall not do such and such a thing, you shall not legislate upon such and such a subject, because these matters are reserved to the local governments.”

There will be no such authority, and consequently it will have sovereign power, and can do all that it pleases, and may encroach upon all the rights and attributes of the local governments whenever it may think proper. We shall be—(I speak as a Lower Canadian)—we shall be at its mercy, because it may exercise its right of veto on all the legislation of the local parliaments, and there again we shall have no remedy. In ease of difference between the Federal power and the local governments, what authority will intervene for its settlement?

George-Étienne Cartier [Montreal East, Attorney-General East]—It will be the Imperial Government.

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Antoine-Aimé Dorion [Hochelaga]—In effect there will be no other authority than that of the Imperial Government, and we know too well the value assigned to the complaints of Lower Canadians by the Imperial Government.

George-Étienne Cartier [Montreal East, Attorney-General East]—The delegates understood the matter better than that. Neither the Imperial Government nor the General Government will interfere, but the courts of justice will decide all questions in relation to which there may be differences between the two powers.

A Voice—The Commissioners’ courts.

Some Hon. Members—Hear, hear.

Antoine-Aimé Dorion [Hochelaga]—Undoubtedly. One magistrate will decide that a law passed by the Federal Legislature is not law, whilst another will decide that it is law, and thus the difference, instead of being between the legislatures, will be between the several courts of justice.

George-Étienne Cartier [Montreal East, Attorney-General East]—Should the General Legislature pass a law beyond the limits of its functions, it will be null and void *pleno jure*.

Antoine-Aimé Dorion [Hochelaga]—Yes, I understand that, and it is doubtless to decide questions of this kind that it is proposed to establish Federal courts.

George-Étienne Cartier [Montreal East, Attorney-General East]—No, no! They will be established solely to apply and adjudicate upon the Federal laws.

Antoine-Aimé Dorion [Hochelaga]—In Great Britain, Parliament is all-powerful, everyone admits it—and I would like to know whether it is proposed to give to the Federal Parliament the omnipotence enjoyed by the Imperial Parliament. Without that, the system proposed to be established is no longer a political monarchical system, but rather a vast municipality. If all the courts of justice are to have the right of deciding as to the legality of the laws, the Federal Parliament will not be able to make them without a justice of the peace or commissioner of small causes setting them aside, under the pretext that they are not within the jurisdiction of the central power, as is now done in the case of a process overhaul of road work. That is not the monarchical system; it is the republican system. In England, as it is here at the present moment, the Legislature is all-powerful, and I believe that that was the principle which it was sought to adopt. If the differences between the Federal and the Local Parliaments are not to be submitted to the decision of a Supreme Federal Court, I do not see who can possibly decide them.

Some Hon. Members—Hear, hear.

Antoine-Aimé Dorion [Hochelaga]—We are told that the Federal Court of Appeals will not be charged with the decision of matters in dispute between the legislatures, but they will only have to give final judgments in cases decided by the local inferior courts. Well, for my part I cannot approve of the creation of this court. The great inconveniences of it to us Lower Canadians may easily be seen.

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Thus, when a cause shall have been argued and decided in all our courts, we shall still have to go before a Federal Court of Appeal composed of judges of all the provinces, and in which we shall probably have only one judge, who may be selected out of the English population. And this is the protection afforded to us. I repeat that I see no protection whatever for our interests, as Lower Canadians, in the constitution of the political and judicial powers, for the Federal Parliament can encroach upon our rights without any authority having the power to interfere, and then we shall have a Federal Court of Appeal in which we shall only be represented by one judge against six or seven of other origins.

Some Hon. Members—Hear, hear.

Joseph Cauchon, p. 697-698.

Joseph Cauchon [Montmorency]—The hon. member for Hochelaga [Antoine-Aimé Dorion] talked to us of conflicts between the Federal Parliament and the local Houses, and of the sovereign power of the Central Government over the legislatures of the provinces. But what, then, is this sovereign power over the attributes of the provincial legislatures? If it exists it must be in the Constitution. If it is not to be found there, it is because it does not exist. He says that the Federal Legislature will always predominate; and why? Who then will decide between the one and the others?—the judicial tribunals being sworn to respect the laws and the Constitution in their entirety, and charged by the very nature of their functions to declare whether such a law of the Federal Parliament or of the local legislatures does or does not affect the Constitution.

Some Hon. Members—Hear, hear.

Joseph Cauchon [Montmorency]—There will be no absolute sovereign power, each legislature having its distinct and independent attributes, not proceeding from one or the other by delegation, either from above or from below. The Federal Parliament will have legislative sovereign power in all questions, submitted to its control in the Constitution. So also the local legislatures will be sovereign in all matters which are specifically assigned to them. How is the question of a conflict now settled in the United States, when it arises between the legislation of Congress and that of individual states? I do not speak of the present time when nearly the whole of the territory of that great country is under military rule, and overrun in every direction by an army of 500,000 soldiers. I allude to what occurs in their normal condition.

Some Hon. Members—Hear.

Joseph Cauchon [Montmorency]—The sovereign power is vested in the Federal Government with respect to all Federal matters, and in the states with respect to all matters connected with their special attributes. By reading Storey, or rather the Constitution, the hon. member will ascertain that the states are not paramount with respect to questions of war and peace, the tariff, trade, treaties and all relations with foreign countries. Their authority is void so far as relates to those questions, and the sovereign power is vested exclusively in the Federal Government. If any conflict arises between the Federal Legislature and that of the states, it is decided by the judicial tribunals. I am not aware that any difficulty of this nature has ever arisen, and so far as relates to the legislative attributes of the states, that Federal legislation has ever predominated over local legislation.

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Some Hon. Members—Hear, hear.

Joseph Cauchon [Montmorency]—He told us that it was not expedient to change the Constitution without first having recourse to an appeal to the people. But the first question to be decided is the constitutional question, and the question of expediency and convenience comes after. He talks to us without ceasing of consulting the electors. His doing so maybe easily understood; on the elections rest his only hopes. Always deceived in every election, he hopes, but hopes in vain, that the next will give him the victory. He ought to know, however, that our Constitution is constructed upon the model of the British Constitution, and that members do not and cannot receive an imperative order from their electors. Each representative, although elected by one particular county, represents the whole country, and his legislative responsibility extends to the whole of it.

If, therefore, I am convinced that any legislative measure presented by the Government or by a member of this House, is of a nature to save Lower Canada, I must vote for that measure, even though my constituents are opposed to it. My electors might punish me afterwards, but they could not impose upon me duties which I consider to be entirely beyond their jurisdiction, and to relate to the very Constitution of the country.

Some Hon. Members—Hear, hear.

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March 8, 1865: Aquila Walsh, Province of Canada, Legislative Assembly, pp. 807-808.
(click [HERE](#))

Aquila Walsh [Norfolk]—We ask nothing more. Again, sir, the language employed in the third resolution is most satisfactory:—

In framing a Constitution for the General Government, the Conference, with a view to the perpetuation of the connection with the Mother Country, &c, to the promotion of the best interests of the people of these provinces, desire to follow the model of the British Constitution, so far as our circumstances will permit.

Surely, sir, we all agree that no better model can be found, or better system of government followed, than that of the British Constitution.

Some Hon. Members—Hear, hear.

Aquila Walsh [Norfolk]—One of the features of this scheme that commends itself strongly to my approbation is the marked distinction between the system that is submitted to us, and that which is in existence in the neighboring republic. I believe that to a great extent we may trace the unfortunate difficulties that exist in that country to the absurd doctrine of state rights. Instead of their Central Government having, in the first instance, supreme power, and delegating certain powers to the local or state governments, the very reverse is the principle on which their Constitution is founded. Their local governments possess the principal power, and have delegated

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certain powers to the General Government. In the scheme submitted to us, I am happy to observe that the principal and supreme power is placed in the hands of the General Government, and that the powers deputed to the local governments are of a limited character.

Some Hon. Members—Hear, hear.

Aquila Walsh [Norfolk]—I am glad also to observe that in the proposed organization of the General Legislature of the united provinces, that question which has so long agitated the people of Canada—representation by population—is in a fair way of being satisfactorily solved. It is proposed that in the General Legislature, or House of Commons as it is to be called, each province shall be represented in accordance with its population, thereby removing that which has been so long a source of agitation in Upper Canada, and of vexation to Lower Canada, and which has led to the discussion of the scheme now before the House.

In reference to the organization of the Legislative Council, I may say that I have always been found among those who opposed the introduction of the elective principle into the constitution of that body in this province, and I, therefore, find no difficulty in giving my hearty assent to the change now proposed. I have always believed, and I still believe, that we could not expect two branches of the Legislature, owing their existence to the same source, and being elected by the same class of voters, to work in harmony for any length of time.

Some Hon. Members—Hear, hear.

Aquila Walsh [Norfolk]—It may be called a retrograde movement, yet I can heartily assent to it, because, in my opinion, it places things where they should have been left. In pressing upon this House the adoption or rejection of these resolutions as a whole, I believe the Government are actuated by the best motives, and that it is their duty to do so. But whilst I am prepared to give my vote in that direction, I am also quite willing to admit the force of the objections urged by the Colonial Secretary [Edward Cardwell] in his despatch to the Governor General [Viscount Monck] of the 3rd December last, in relation to the constitution of the Upper House, so far as the limiting of the number of members is concerned.

I for one, although there is no doubt that these resolutions will be passed by this House precisely in the form in which they have been submitted to us, am quite content that the Imperial Parliament should make such alterations in that, or any other respect, as they consider necessary, and I shall bow with very great satisfaction to such amendments.

Some Hon. Members—Hear, hear.

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March 9, 1865: David Jones, Province of Canada, Legislative Assembly, p. 817. (click [HERE](#))

David Jones [Leeds South]—With regard to the proposed resolutions, I stated at the outset that there were portions of the scheme to which I objected, and I may now, sir, be allowed briefly to advert to them. I would prefer that the whole power was concentrated under one head by a

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Legislative union, rather than a Federal union. I fear that the machinery will be complex, and that we will find, under the proposed system, that the expenses of the Government will be much greater than if we had one General Government without these additions of local legislatures for each of the provinces.

Some Hon. Members—Hear, hear.

David Jones [Leeds South]—But I am happy to say that the proposed Federal system is not a reflex of the old Federal union of the United States. Notwithstanding some honorable gentlemen have praised the Federal system in the States as worthy of imitation, full I think our proposed system much to be preferred. It differs in this—the United States Federal system was formed from a number of sovereign states, with sovereign powers, delegating to a central power just as much or as little of their power as they chose; thereby the doctrine of state rights obtained, and, as we have seen within the last four years, has been the cause of bloodshed and civil war, it may be to the probable destruction of that Federal union.

Our case is exactly the reverse instead of the Central Government receiving its power from the different provinces, it gives to those provinces just as much or as little as it chooses. Hear what the 45th resolution says—“In regard to all subjects in 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 legislatures, and the latter shall be void so far as inconsistent with the former.” This places the whole control in the hands of the General Government, making the union as nearly legislative as the circumstances of the various provinces would admit. So much is this the case that the hon. member for Hochelaga [Antoine-Aimé Dorion] fears that it would eventually result in a legislative union—a result to my mind most devoutly to be desired.

Some Hon. Members—Hear, hear.

Antoine Harwood, pp. 833-834.

Antoine Harwood [Vaudreuil]—As a British subject, I find most pleasure in that article of the scheme which declares the Sovereign of Great Britain to be the head of the Executive. The monarchical element will predominate in the Constitution, and we shall thus escape that weakness which is inherent in the Constitution of the neighboring States. Their President, Mr. Speaker, is no more than the fortunate chief of a party; he can never be regarded as the father of his people; his reign is but temporary; i.e. is, for four years a kind of despot, with unlimited power and immense patronage; his favors fall out those oily who have elected him, and who can elect him anew at the expiration of four years; none feel the refreshing dews of his favors, save his party. Woe to the unlucky ones who have voted against him at his election! For them there is no smile, no gracious acceptance, and no favors. Under the working of our Constitution, on the contrary, as the sovereign is permanent (“the King is dead—God save the King!”) we have at all times in him a father, whose interest and whose inclination it is to extend his protection equally over the cottage of the poor and over the palace of the rich, and to dispense equal justice to both.

Some Hon. Members—*Cheers.*

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Antoine Harwood [Vaudreuil]—Our Ministers will still be responsible to the people. In the States, the President is under no obligation to consult his Cabinet, which is composed merely of the heads of departments. In the scheme which now engages our attention, all matters of general interest, which are not left to be disposed of by the local legislatures, will be settled by the General or Central Government, and the disposal of local matters will belong to the local governments.

Accordingly all necessary power has been assigned to the general as to the local legislatures; and that source of weakness has been avoided which has been so frequent a cause of trouble in the neighboring States—the conflict of jurisdiction and authority between single states and the Federal or Central authority. It is really astonishing to see the different means employed by the journals in the interest of the unreasoning opponents of the plan of Confederation.

Maurice Laframboise, p. 842.

Maurice Laframboise [Bagot]—This letter appeared in the *Canadien*:—

To the Editor of the *Canadien*.

[...]

They wished to avoid state independence, which caused the war between the North and the South, and they expose us to a new Sonderbund with all its disasters. Let us see what are the powers of the Central Government, and the rights of the provinces, and of Lower Canada in particular, under our Confederation. The Central Government will be composed of—first, an elective Chamber, based on population; second, a Senate; third, an Executive Council, and Responsible Ministers, and a Governor. The Lower House will be composed of 194 members. Of these 194 sixty-five will be Lower Canadians, and fifty French-Canadians. In the House of Representatives we shall therefore be one to three, or, if we count as French-Canadians, 1 to 4. How many Lower Canadians or French-Canadians are we to have in the Executive Council? One, perhaps; two at most.

Such is the measure of our influence in the Central Government. And this is the Government that is to appoint our senators after the first selection is made. It will appoint, or rather impose upon us, a governor. It will have the power of veto over all our local measures. It will also enjoy that power through the governor, its creature! Was there ever a more dangerous centralization? What liberty of action, then, is there left to our legislature? An Orangeman will perhaps be sent to govern us; and what can we say?

Our senators will be selected, if it should please the central power, from the ranks of our enemies; to whom shall we apply for redress? All our most cherished local measures, our acts of incorporation, will be reserved or vetoed; and who will redress our grievances? But all these are mere imaginary dangers! Imaginary, forsooth! Heaven grant that they may be! But do we not know the Orangemen? Is not the example of Ireland before our eyes? But the Sonderbund war! Be quiet, we are told; men so well tried, as honorable as our leaders, would never propose the measure for our adoption if it could possibly be of a fatal character.

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I do not desire, in any way, to accuse our statesmen or to question their motives. But have our statesmen always avoided contradiction—dangerous measures? Is it prudent to trust solely to men, without scrutinizing their measures? What of the experience of the past? What of the maxim, “Measures, not men?” “Fear not,” we are told again, “none of the dangers you fear can arise; the thing is impossible.” Impossible! Why, then, leave a possibility of danger in the law? Why so much haste with a measure of such importance? The authors of the Constitution of the United States labored for months and years at the draft of their Confederation, and after eighty years it is found defective.

Jean-Baptiste-Éric Dorion, pp. 858-860.

Jean-Baptiste-Éric Dorion [Drummond & Arthabaska]—

[...]

Now, let me justify my opposition to the projected change. I am opposed to the scheme of Confederation, because the first resolution is nonsense and repugnant to truth; it is not a Federal union which is offered to us, but a Legislative union in disguise. Federalism is completely eliminated from this scheme, which centimes everything in the General Government. Federalism means the union of certain states, which retain their full sovereignty in everything that immediately concerns them, but submitting to the General Government questions of peace, of war, of foreign relations, foreign trade, customs and postal service.

Is that what is proposed to us? Not at all. In the scheme we are now examining, all is strength and power, in the Federal Government; all is weakness, insignificance, annihilation in the Local Government! I am opposed to the scheme of Confederation, because, far from removing the difficulties complained of between Upper Canada and Lower Canada, it must, if adopted, simply multiply them tenfold. There will be a constant conflict of authorities, particularly as to questions submitted to the double action of the local and general legislatures.

[...]

[p. 859]

Jean-Baptiste-Éric Dorion [Drummond & Arthabaska]—I might give a host of facts of this kind in support of my position; but I shall confine myself to one. It is well known that the people of Lower Canada are almost unanimous in repudiating the principle of divorce. Nevertheless, under Confederation the Parliament of Lower Canada is not to have the right of regulating that question according to its wishes; but the Federal Parliament, sitting at Ottawa, will be empowered to force upon us principles utterly opposed to our own, and even to establish a Court of Divorce at Quebec. Under the Federal system, nothing so unjust, nothing so revolting to the feelings of the people could occur. In the American union there are some states in which divorce is permitted, and others in which it is not—another proof that sovereignty may be vested in each state, without detriment to the union.

Jean-Baptiste-Éric Dorion, pp. 868-870.

Jean-Baptiste-Éric Dorion [Drummond & Arthabaska]—

[...]

The American Constitution will come out triumphant from the trial which it is now undergoing. It will come out purified and refined, and stronger than ever in the affections of the people who live under it. It was not against the form of Republican Government that the rebellion was undertaken in the United States, seeing that the Rebel States adopted exactly the same system when they declared their independence. They too have a President, a Senate, Representatives, a Government and a Legislature for every state, just the same as under the American Republic.

Some Hon. Members—Hear, hear.

[...]

[p. 869]

Jean-Baptiste-Éric Dorion [Drummond & Arthabaska]—For my part, Mr. Speaker, I know that the people of Canada do not ask for annexation to the United States, for they are in the enjoyment of peace and contentment as things now stand. The people do not desire any change; but if you wish to establish a new order of things, if you desire to create a new nationality, I fancy we have the right to say what we consider suited to us; and if you desire to establish a new kingdom on this continent, we surely are entitled to examine what it is to be, and the basis upon which it is to be erected. I say it would be a misfortune for us if we attempted to establish a system founded upon a political principle contrary to that of the United States—on the monarchical principle.

If we must inaugurate a policy, let it not be a policy calculated to give umbrage, a policy of distrust and provocation. Let it rather be a policy of conciliation and peace. Let it not be a policy of armies, of useless walls and fortifications—a policy of ruin and desolation! What would be the use of all these fortifications, all these walls, if they load us with an unbearable burthen of taxation, restrict our commerce, paralyse our industry, shut us up within our own narrow limits, with our vast products cut off from a profitable market?

Some Hon. Members—Hear, hear.

Jean-Baptiste-Éric Dorion [Drummond & Arthabaska]—Do you fancy that the people would then care much whether the flag floating over them bore a cross or a stripe? The people are satisfied to remain as they are; they do not wish for anything better now; but if you desire to change their political relations, they have the right to examine your scheme in all its phases. They have the right to ask themselves whether what you offer them is not a permanent state of war for themselves and their children.

Some Hon. Members—Hear, hear.

Jean-Baptiste-Éric Dorion [Drummond & Arthabaska]—The Constitution of the United States is certainly far superior to that proposed to us, and far better suited to our habits and the state of society amongst us. This scheme of Confederation, this scheme of an independent monarchy, can lead but to extravagance, ruin and anarchy! You may decry as much as you choose the democratic system, and laud the monarchical system—the people will ever estimate them both at their proper value, and will ever know that which will suit them best.

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March 10, 1865: John Scoble, Province of Canada, Legislative Assembly, pp. 908-911.
(click [HERE](#))

John Scoble [Elgin West]—

[...]
[p.909]

When His Lordship received his commission from the British Crown, he was strongly in favor of the Federal principle in its application to the then state of Upper and Lower Canada; but a more profound study of the question when in this country, and from consultation with the leading men in the several American Colonies, he arrived at the conclusion that a Legislative would be preferable to a Federal union of those colonies. The change in his opinion is thus stated in the extracts from his report, with which I shall now trouble the House. By a legislative union he means “a complete incorporation of the provinces included in it under one Legislature exercising universal and sole legislative authority over all of them, exactly in the same manner as the Parliament legislates alone for the whole of the British Isles.” After a careful review of the whole subject, Lord Durham says:—

I had still more strongly impressed upon me the great advantages of a united government; and I was gratified by finding the leading minds of the various colonies strongly and generally inclined to a scheme that would elevate their countries into something like a national existence. I thought that it would be the tendency of a Federation, sanctioned and consolidated by a monarchical government, gradually to become a complete Legislative union; and that thus, while conciliating the French of Lower Canada, by leaving them the government of their own province, and their own internal legislation, I might provide for the protection of British interests by the General Government, and the gradual transition of the provinces into an united and homogeneous community. But, [His Lordship adds,] the period of gradual transition is past in Lower Canada, [and therefore he says,] that the only efficacious government would be that formed by a Legislative union.

Having thus dealt with the question in its application to Upper and Lower Canada, he extends the range of his observations to the whole of the British possessions in North America, and remarks:—

But while I convince myself that such desirable ends would be secured by a legislative union of the two provinces, I am inclined to go further and enquire whether all these objects would not be more surely obtained by extending this legislative union over all the British possessions in North America; and whether the advantages which I anticipate for two of them might not, and should not in justice be extended over all. Such an union would at once decisively settle the question of races; it would enable the provinces to co-operate for all common purposes; and, above all, it would form a great and powerful people, possessing the means of securing good and responsible government for itself, and which, under the protection of the British Empire, might in some measure counterbalance the preponderant and increasing influence of the United States on the American continent.

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His Lordship had no fears that such a union would lead to separation from the Mother Country. He rather looked upon it as a means of strengthening the bonds which united them, and of its proving an advantage to both. On this point he says:—

I do not anticipate that a colonial legislature thus strong and thus self-governing would desire to abandon the connection with Great Britain. On the contrary, I believe that the practical relief from undue interference which would be the result of such a change would strengthen the present bond of feelings and interests, and that the connection would only become more durable and advantageous by having more of equality, of freedom, and of local independence.

But, at any rate, our first duty is to secure the well-being of our colonial countrymen; and if in the hidden decrees of that Wisdom by which this world is ruled, it is written that these countries are not for ever to remain portions of the Empire, we owe it to our honor to take good care that when they separate from us they should not be the only countries on the American continent in which the Anglo-Saxon race shall be found unfit to govern themselves. I am, [says His Lordship,] in truth, so far from believing that the increased power and weight given to these colonies by union would endanger their connection with the Empire, that I look to it as the means of fostering such a national feeling throughout them as would effectually counterbalance whatever tendencies may now exist towards separation.

His Lordship then strongly recommends the union of the two Canadas under one Legislature, and of reconstituting them as one province; and “the bill,” he says, “should contain provisions by which any or all of the North American colonies may, on the application of the Legislature, be, with the consent of the two Canadas, or their united Legislature, admitted into the union on such terms as may be agreed on between them.” These remarkable passages drawn from Lord Durham’s report, appear to me to embody the very spirit of the scheme submitted to our consideration by the Government, and coming to us recommended by so high an authority, merit our best attention; and if realized, though not in the precise form many of us might desire, we may hope it will heal our intestine divisions, and open to us a glorious future.

Representation based on population is denied to Upper Canada, unless coupled with the Confederation of all the British North American colonies; the separation of Upper Canada, pure and simple, is not to be thought of; to return to the position we occupied only a year ago, would be to plunge once more into political contests, with feelings embittered by disappointment; and therefore, with reservations affecting details only, I shall feel it to be my duty to give the motion before the House my best support.

Some Hon. Members—Hear, hear.

John Scoble [Elgin West]—And now, sir, I propose to consider the scheme submitted to us in relation to the larger question of the union of all the British North American Provinces under one government, for purposes common to them all. I needed not the arguments or the eloquence of honorable gentlemen on the Treasury benches to convince me of the immense importance of such a junction as shall lead to the development of a new nationality, and secure to generations yet unborn the advantages of unity and power. With the permission of the House, I will read an extract from a letter which I addressed to the Duke of Newcastle in 1859, when that nobleman visited this country in the suite of His Royal Highness the Prince of Wales, bearing directly on this point. Having briefly stated the grounds which induced me to write to His Grace, I said:—

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The possessions of Great Britain in North America are not only vast extent and marvellous in resources, but for facility of internal communication by lakes and rivers, are unrivalled; and their geographical position is such as to make them of the very last importance to the political and commercial greatness of the British Empire. Possessing the control of this magnificent part of the American continent, with comparatively easy access through it from the Atlantic to the Pacific shores, Great Britain need not fear the rivalry nor dread the preponderance of the United States. But in order that she may derive from it all the advantages it is so well calculated to afford, she must have a fixed and determinate policy, wisely conceived, practical in its details, and perseveringly carried out. In the planting of future colonies in British North America, care should be taken to make them as few as possible. I regret, therefore, that it appears to have been determined to give the Red River settlement a distinct political existence. Canada should have been allowed to expand westwards to the Rocky Mountains, instead of being cooped up within her present limits.

She would then have been able to absorb more easily the outlying colonies of Newfoundland, Nova Scotia, New Brunswick and Prince Edward Island on the Atlantic, and British Columbia and Vancouver's Island on the Pacific. Consolidated ultimately under one government, after the model of the Mother Country, with such modifications as the circumstances of the case might require, an empire might be formed over which, hereafter, some one branch of the Royal Family might reign a constitutional monarch, over a free and united people. In the meantime there is nothing to hinder the appointment of a Prince of the blood royal to the Viceroy over all the possessions of Great Britain in North America, and under him, lieutenant-governors to administer the affairs of the separate dependencies, until they could be gradually and permanently united.

Your Grace will perceive from this statement that I object to the American system of federation, and would oppose to it the unification of the British colonies in this part of the world. One government, one legislature, one judiciary, instead of many, with their conflicting institutions, interests, and jurisdictions, is what I would respectfully venture to recommend as the true policy of the Mother Country on this side of the Atlantic, as it has been with the most splendid results on the other.

A Federal Government, such as that of the United States, for instance, is and must be weak in itself, from the discordant elements of which it is composed, and will be found to contain within itself the seeds of disorganization and dissolution. The multiplication of colonies in a new country like this is tantamount to the multiplication of petty sovereignties, and the creation of rivalries and antagonisms which, sooner or later, will manifest themselves, and prevent the development of that greatness, power and prosperity which an opposite policy, wisely administered, would, in my judgment, effectually promote and secure. By unification, however, I do not mean centralization. I am no friend to the bureaucratic system to France, Austria, and Prussia. A government, to be strong and respected, must leave to the people the largest amount of liberty consistent with the safety and advantage of the whole, in the management of their local affairs. Such a municipal system as we have in Canada is all that is necessary to secure that end. With the political franchise extended to all classes of the community, whether native-born or naturalized, the national life could not fail to develop itself in forms that would give permanence to its institutions, contentment to its people, and strength to its government.

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The opinions which I entertained in 1859 I entertain now. Now, as then, I am in favor of the unification of the British American Provinces. Now, as then, I am opposed to the Federal principle, as exemplified in the formation and practical working of the Government of the United States. The greatest statesmen, the wisest men, who became conspicuous during the American Revolution, were clearly of opinion that a government to be strong must be a unit, and must possess within itself, and in all its organs, supreme power and a commanding influence. To diffuse those powers, or even to share them with state or local governments, they felt would weaken it in its most vital parts.

They would, therefore, have stripped the States of every attribute of sovereignty, and confined their action to matters of a purely local or municipal character; but they had not the power, and the consequences are visible in the fratricidal war now raging among them, devastating their fairest provinces and filling the land with mourning and woe. The lessons of history and the experience of other peoples should not be lost upon us; and for myself, I hesitate not to say that if, in the proposed Federation of the British American colonies, we were to follow the example of the framers of the Government of the United States, or to copy its Constitution, it would have my most determined opposition.

The scheme before us, however, is formed after a different model, and in its essential features is in perfect contrast to that on which the Constitution of the United States is based. It is true it creates local governments with large legislative and executive powers; it is true it gives those governments concurrent powers with the General Government; it is true it gives them possession of the public lands within their several jurisdictions; it is true it allows two of those governments to levy export duties on lumber, coal and other minerals,—and looked at in the light of an advanced political science, this is to be lamented; but looked at in the light of possible and practicable statesmanship, it was unavoidable. I am, therefore, prepared to accept it as a whole, as in fact the best that could have been produced under the circumstances in which it was framed.

Some Hon. Members—Hear, hear.

John Scoble [Elgin West]—A careful analysis of the scheme convinces me that the powers conferred on the General or Central Government secures it all the attributes of sovereignty, and the veto power which its executive will possess, and to which all local legislation will be subject, will prevent a conflict of laws and jurisdictions in all matters of importance, so that I believe in its working it will be found, if not in form yet in fact and practically, a legislative union.

Some Hon. Members—Hear, hear.

Arther Rankin, pp. 916-922.

Arthur Rankin [Essex]—

[...]
[p. 919]

Mr. Speaker, the great consideration with me is how can we best preserve for ourselves and for our children the essence of British institutions; by what means can we best prolong the connection

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which now so happily exists between England and ourselves, with mutual advantage and with equal satisfaction to both parties; and how can we best prepare, when the time comes, as in the natural course of events it most assuredly will, to assume the responsibility of a separate and independent nationality?

Sir, by uniting the scattered and now insignificant British Provinces under one general government, we shall, in the first place, consolidate and strengthen British feeling and British influence on this continent. By the adoption, on the part of the proposed Federal Government and Parliament, of a bold, enlightened and progressive policy, British America may be pushed forward in material wealth, in the numbers of her population and in general importance, to a point which will qualify her to take her place among the nations of the earth, in a manner and with a standing alike honorable to ourselves and creditable to the great country under whose glorious flag we have been sheltered, and by whose example we have been stimulated, while prosecuting that course of political studies which must in time qualify us to commence a national career of our own—as I would fain hope, under the sway of a constitutional monarch descended from the illustrious Sovereign who now so worthily fills the British Throne.

[...]
[p. 921]

Arthur Rankin [Essex]—And now, sir, it only remains for me to thank honorable members for the patient hearing they have accorded me, and to express a hope that the deputation to England will not swerve from the course they have informed us they intended to pursue, in consequence of anything that has transpired in any of the other provinces, but that they will impress upon the home Government the fact that four fifths of the people of British America are represented by this House, which sustains the scheme of union by an overwhelming majority; that they will urge the Imperial Ministry to exert all the influence they can command in a constitutional manner, to induce the people of the Lower Provinces to reconsider their recent course, and to acquiesce in the project agreed upon by the Quebec Conference as the basis of an arrangement by which a balance of power may be established on this continent, the spread of republicanism checked, and our own immediate prosperity and future influence insured to such an extent as to secure for us a higher degree of consideration while we retain a colonial position, and qualify us hereafter to take our place among the family of nations, still animated by sentiments of reverence for the great people under whose fostering care we have attained our majority, and with whom, I trust, we shall always continue to maintain the closest alliance.

Some Hon. Members—*Cheers.*

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March 13, 1865: John Cameron, Province of Canada, Legislative Assembly, pp. 968-969.
(click [HERE](#))

John Cameron [Peel]—Our opponents say we are hardly ripe, hardly of age fit to enter upon a new nationality. Why, sir, there are none of the lesser powers of Europe, except Belgium and Bavaria, that have a population of four millions. If we cannot establish a nation when we have four millions of people, what shall we say of Greece with its population of only one million? If we are

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ever to form ourselves into a nationality—and few will deny that it is our destiny to be united at some time—what better time will ever be likely to present itself for handing down to posterity the boon of a united and free nation—the greatest boon that a government and people can transmit—than the opportunity which the present favorable state of affairs presents to us?

It is offered to us freely and openly in the face of the world, and we hope to convince the world hereafter that of the three systems of government now in existence on this continent, ours is the best. We have the despotic throne of the Montezumas filled by a foreign prince, and propped up by foreign bayonets; we brave the republican government of the United States, based on the principle that all men are free and equal and that the will of the majority must govern and be right; and we have the responsible government provided by the British Constitution, under which the English nation has existed so long, and beneath the protection of which her colonies have spread out, until upon their wide expanse the sun never goes down.

Some Hon. Members—*Cheers.*

John Cameron [Peel]—This latter form of government we believe to be the best we can adopt for present purposes, and for the purpose of transmission to our descendants upon this continent. Mr. Speaker, if we have institutions, population, wealth and territory of such extent and of such immense value to protect, and have the opportunity of uniting for their protection so freely given us, then is the end sought to be accomplished by the change that cannot but commend itself most clearly and distinctly to the mind of every one who desires to see a united and happy people inhabiting the territory of British North America, and stretching from ocean to ocean, under the protecting semis of the British Constitution, the British form of government, and the British Crown.

We have, in my own humble opinion, but two future states of existence to choose for ourselves. We have, on the one side, the opportunity to make ourselves a nation, able and willing to protect ourselves, with the aid of the Mother Country, and to grow wealthy and prosperous under that form of existence. On the other hand, we have the certain prospect of absorption, at no distant period, into the United States. There is no alternative.

Some Hon. Members—Hear, hear, *ironically.*

John Cameron [Peel]—We must either adopt the one or make up our minds to submit to the other. I have no doubt but that an immense number of the people would not be willing to remain and submit to the latter alternative, but like the led United Empire loyalists, would even abandon all they possessed rather than cease to have the protection of the British flag, and bear the name of British men—men in whom loyalty is not a mere lip sentiment, but in whom it forms as much a constituent element of the blood as the principle of vitality itself.

Some Hon. Members—Hear, hear.

John Cameron [Peel]—I am satisfied, sir, that there is no other alternative—no choice for us between the endeavor on our part to concentrate British power and British feeling on this continent, and falling into the open arms of the republican government of the United States

Some Hon. Members—Hear, hear.

John Cameron, p. 973.

John Cameron [Peel]—It has been said that a motion of this kind takes away, in point of fact, from the Legislature, the power which the Legislature has. By denying the right of the Legislature to make any such change. I do not say anything against the power of the Legislature. The Legislature has, within the limits that are assigned to it, all the rights which its charter gives it. But I cannot help feeling that when we are dealing with this question, we are dealing with it very differently from the manner in which it was dealt with, either by the independent Parliament of Scotland, or by the independent Parliament of Ireland. We are acting under a limited charter and constitution—having no right ourselves to deal with this matter finally by any act of our own—having only the right to deal with it by these resolutions, and not to enact it with the authority of law.

Some Hon. Members—Hear, hear.

John Cameron [Peel]—We, therefore, stand limited in our powers at the outset—so limited that it has been decided in Newfoundland, that the privileges which belong to the House of Commons and the House of Lords in England do not belong entirely to our legislative bodies—that these have grown with time, until they have become incorporated with the very existence of the Imperial Parliament—while we hold our privileges in a very different way, not having the same comprehensive grasp of them, as in the case of the House of Commons. It is clear that we have not the same power as the Imperial Parliament—otherwise we should not be obliged to go to that body for its sanction of these resolutions.

And there are limitations of the power of the Imperial Parliament itself, to which we also are subject. We cannot make any act of ours permanent, any more than we can make ourselves permanent, because another Parliament has the right to repeal what we have done. We cannot of ourselves enact this measure into a law. We can offer these resolutions—we have the power to do that—and the Imperial Government and Parliament have, no doubt, the power to act upon them as they choose.

But the question is—is it wise to give these resolutions the force of law; is it proper to do so; is it the most just course to take towards the people of this country, to declare that in a matter of this importance we will legislate for them, to the extent of introducing an entire change of the Constitution—of providing that the Upper Chamber, which they have declared to be elective, shall cease to be elective, and shall be nominated by the Crown, without consulting them?

I do not mean to say, with regard to that change, that it is not a beneficial change. I was one of the few who stood on the floor of this Legislature battling against the change from nomination by the Crown to election by the people in the Upper House. I was one of those also who contended for resolutions, the effect of which would be to place the power of the people in the Lower House, by representation according to numbers in that body, with equal representation for the two sections of the province in the Upper House.

George Brown, p. 991.

George Brown [Oxford South, President Executive Council]—But, Mr. Speaker, the most curious part of the proposal of the honorable member for Peel [John Cameron] is the attitude he would

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have us occupy in addressing the Queen. We have already adopted an Address praying Her Majesty to pass an Imperial Statute giving effect to the resolutions of the Quebec Conference; and the hon. member for Peel [John Cameron] now asks that we shall pass a second Address praying that the said Imperial Act shall be subject to the approval, and shall not be law until it obtains the approval, of their high mightinesses the one hundred and thirty gentlemen who may happen to sit in the House of Assembly of the next Canadian Parliament.

Some Hon. Members—Hear, hear.

George Brown [Oxford South, President Executive Council]—He would have us approach the Throne saying—“May it please Your Majesty—Here is the Constitution which has been adopted by the Governments of the five British American Provinces; we declare to you that this is the new Constitution we want for British America; we pray Your Majesty to give effect to it; we pray that the Imperial Parliament may pass an act enforcing this new Constitution on all these provinces, and that Your Majesty will assent to it. But at the same time we ask Your Majesty to do this only on one condition, namely, that the Legislature of Canada—not the present one, but the next Legislature that may be chosen—shall have the opportunity of criticising and dissecting the work of the Imperial Parliament, and of kicking Your Majesty’s Bill out of the chamber on the first day it meets.”

Some Hon. Members—Hear, hear, *and great laughter.*

George Brown [Oxford South, President Executive Council]—The hon. member for Peel [John Cameron] will permit me to tell him that if he fancies this would be a decorous mode of approaching the Sovereign, he has a strange idea of the respect due from loyal subjects to the chief magistrate of the Empire which it is their happiness to form a part.

Some Hon. Members—Hear, hear.

George Brown [Oxford South, President Executive Council]—And I further tell this honorable gentleman and any other honorable member who may think with him, that if they expect honorable gentlemen to go to the Imperial Government and say—“We ask you to take all the trouble of preparing this measure—to assume it as your own—and to carry it through both Houses of Parliament against all opposition; but at the same time we ask you to put in a clause that the Legislature of Canada shall be above the Imperial Parliament, shall be above the Sovereign, and shall deal with your Act just as it pleases,”—then, I tell the House that parties must be found to convey that message, who are destitute of self-respect, and who have not a proper sense of the respect due to those holding the highest dignities of the realm.

John A. Macdonald, Matthew Cameron, Luther Holton, George Brown, John Sandfield MacDonald, Alexander Mackenzie, Thomas D’Arcy McGee, John Scoble, Thomas Ferguson, George-Étienne Cartier, Lucius Huntington, Joseph Dufresne, Thomas Parker, Joseph Rymal, Antoine-Aimé Dorion, Robert Macfarlane, pp. 1002-1025.

John A. Macdonald [Kingston, Attorney-General West]—The hon. gentleman has somehow or other become the guardian of my political reputation. He has, on two or three occasions, warned

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me that although the course I took was, perhaps, that of a practical man—that of one who desired merely to keep office and become famous for political acuteness—yet it would never secure for me the fame of being a great statesman. Well, sir, I am satisfied to confine myself to practical things—to the securing of touch practical measures as the country really wants.

I am satisfied not to have a refutation for indulging in imaginary schemes and harboring visionary ideas that may end sometimes in an annexation movement, sometimes in Federation and sometimes in a legislative union, but always Utopian and never practical I am satisfied to leave the imaginary, the poetic and the impossible to the hon. member for Chateauguy [Luther Holton]. The other day the honorable gentleman paused to say, in the course of one of his little, numerous, by the by speeches, that in taking the course I have done on this question—that of advocating a Federal instead of a Legislative union—I violated all the principles of my former life having a bearing on this subject.

Mr. Speaker, it is quite true that after a careful examination of the Constitution of the United States, in connection with its practical working, and the civil war that has grown out of it, I saw many weaknesses in connection with the Federal system, as operated in that country, and I was as desirous as any man could be in taking part in the Conference relating to union between the Provinces of British North America, that as much as the legislative form of government as possible, and as few of the weaknesses which experience had shown to exist in the American Constitution, should be incorporated in ours.

I do not like to refer to any remarks of mine in times past; but as this charge has been brought against me, I will read, by permission of the House, a passage from a speech of mine, in relation to representation by population. And I might here say that it is the only speech I ever delivered in my life, which I have ever taken any particular trouble to revise. The hon. gentleman will see, from this passage, what my sentiments were, in 1861, on the subject, while taking part in a debate on representation by population. I was replying to a speech made by my present colleague, the Hon. Minister of Agriculture [Thomas D'Arcy McGee]. I said:—

The only feasible scheme which presented itself to his (my) mind, as a remedy for the evils complained of, was a Confederation of all the provinces. (Hear, hear.)

But in speaking of a Confederation he must not be understood as alluding to it in the sense of the one on the other side of the line. For that had not been successful. But then he did not say so from any feeling of satisfaction at such a result. Far from him be any such idea.

He heartily agreed with the junior member for Montreal (Hon. Mr. McGee) in every word of regret which he had expressed at the unhappy and lamentable state of things which they now witnessed in the States, for he remembered that they were of the same blood as ourselves. He still looked hopefully to the future of the United States. He believed there was a vigor, a vitality, in the Anglo-Saxon character and the Anglo-Saxon institutions of the United States that would carry them through this great convulsion, as they had carried through our Mother Country in days of old. (Loud cheers from both sides of the House.)

He hoped with that honorable gentleman (Hon. Mr. McGee), that if they were to be severed in two—as severed in two he believed they would be—two great, two noble, two free nations would exist in place of one. (Hear, hear.)

But, while he thus sympathized with them, he must say, let it be a warning to ourselves that we do not split on the same rock which they had done. The fatal error which they had committed—and it was, perhaps, unavoidable from the state of the colonies at the time of the revolution—was in making each state a distinct sovereignty, and giving to each a distinct sovereign power, except in those instances where they were specially reserved by the Constitution and conferred upon the General Government.

The true principle of a Confederation lay in giving to the General Government all the principles and powers of sovereignty, and that the subordinate or individual states should have no powers but those expressly bestowed on them. We should thus have a powerful Central Government, a powerful Central Legislature, and a decentralized system of minor legislatures for local purposes.

These, sir, were the opinions I uttered in a speech delivered in 1861; and I say that the Constitution which this House, by a majority of three to one, has carried out as far as it is concerned, is, in spirit and letter, that which I then pointed out; and that was not the result of my experience, my thought and my opinion alone, but of the experience, thought and opinion of every man who had studied and taken into consideration the character of the Constitution of the United States. I know that in making that quotation I am committing the error which I have charged upon other hon. members of the House of going back in the debate; but I thought that it was due to myself to read it to the House, because the hon. member for Chateauguay [Luther Holton]—not in that blunt, plain-spoken style which characterises some hon. gentlemen, but with that soothing, soft language that is so grateful to one’s feelings—

Some Hon. Members—*Laughter.*

John A. Macdonald [Kingston, Attorney-General West]—stated that in proposing a Federal union of these provinces I belied the whole of my political life, and that it was for this reason I made so feeble and ineffectual a speech when I offered these resolutions to the House. As to the feebleness and ineffectiveness of my speech, that, sir, I admit; but as to my sentiments on Confederation, they were the sentiments of my life, my sentiments in Parliament years ago, my sentiments in the Conference, and my sentiments now.

Some Hon. Members—Hear, hear.

[...]
[p. 1004]

Matthew Cameron [Ontario North]—I do not wish my language to be misrepresented by my hon. friend. What I stated was that I did not consider that to be the only way of ascertaining the views of the people, and did not think it wrong to take a vote, yea or nay, upon the question.

John A. Macdonald [Kingston, Attorney-General West]—Well, my hon. friend from Peel [John Cameron] submitted that the appeal should be made in one way, the constitutional way, and that was the way my hon. friend from North Ontario [Matthew Cameron] did not like. How could my hon. friend suppose that a vote like that could be taken in a country whose Constitution is modelled on the Constitution of England? By what contrivance known to our Constitution could we take such a vote? There is none such. There is no means, no system, by which we could make an appeal

of that kind, and in order to do it we should have to subvert the principles of the British Constitution.

The hon. gentleman knows there is no means of doing it. We might, indeed, pass a law declaring that the people shall vote yes or no on this question; but such a law would in itself be a change in our Constitution, and I would like to see any man representing Her Majesty in this country give his sanction to a measure of that kind, which would be a subversion of the first principles of British constitutional government.

Sir, we in this House are representatives of the people, and not mere delegates; and to pass such a law would be robbing ourselves of the character of representatives, and be a proceeding which even the honorable member for Chateauguay [Luther Holton] himself denounces in language, although he supports it in countenance when pressed by others. That hon. gentleman is too familiar with the principles of British constitutional government to support such a proceeding himself, but still he encourages others to do it, and to say that which he would not advance himself.

Some Hon. Members—Hear, hear.

John A. Macdonald [Kingston, Attorney-General West]—Sir, a reference to the people—a direct reference to the people—of a question of this kind may be the means by which a despot, an absolute monarch, may get that popular confirmation and approval which he desires for the laws necessary to the support and continuation of his usurpation. It may be the means by which a despot, at the point of the bayonet, may ask the people to vote yea or nay on the measure he proposes; but in every free country where there is a Constitution at all, the vote must be taken by the constituted authorities, the representatives of the people, and not become a mere form and cover to tyranny, but a measure which accords with the calm and deliberate judgments of the people, as expressed through their representatives.

Some Hon. Members—Hear, hear.

John A. Macdonald [Kingston, Attorney-General West]—I was rather alarmed when I first read the notice given by my hon. friend from Peel [John Cameron], and feared that he was going to take the course advised by the hon. member for North Ontario [Matthew Cameron], because the language of his notice was undefined upon the subject. I, however, had every confidence in the constitutional principles—the conservative principles—of the hon. gentleman; but as the language of the notice was not clear, I was exceedingly relieved when he read the motion to the House in its present complete shape.

I admit that it was quite open to any member of this Parliament to move either that the House be dissolved or not dissolved. I admit that the hon. member had a constitutional right to move that the House be dissolved, with a view of referring this question to the people, and therefore it was that I felt relieved when I found that this was the course he proposed, and regret, on the other hand, that the hon. member for North Ontario [Matthew Cameron] has so far fallen away from his old conservative principles as to take the other ground. Now, what is the opinion entertained upon this subject in England?

I was exceedingly pleased to read lately the report of a speech delivered to his constituents, at Huddersfield, by Mr. Leatham, a member of the Imperial Parliament. He is, I believe, a brother-in-

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law of Mr. John Bright, and belongs to the advanced Liberal school of English politicians, known as the Manchester school; and although educated in the political doctrines of that school, he yet had the courage to get up before the people of Huddersfield, as Radical a constituency as any in all England, and spoke in strong language against the Permissive Bill, a temperance measure which resembles that passed through this Legislature by the hon. member for Brome [Christopher Dunkin], because he held that it was unconstitutional to hand over to the people the power of voting directly upon a law before it came into effect.

He contended that the responsibility of voting for a measure must rest upon the Legislature alone, and that it could not refer this responsibility to the people. When you find an advanced Liberal like Mr. Leatham taking that ground, and going to the length he did in support of it, you can well understand the principles that actuate the great majority of the people of England. Allow me to read to the House the language employed by Mr. Leatham on this point. It is not long, and it seems to me exceedingly instructive *The Times*, in an article on the speech, says:—

Mr. Leatham’s argument on this subject is well worthy of attention, not only for its bearing on the question of compulsory temperance, but from the much wider range of subjects to which it is applicable.

“It is,” he says, “the essence of representative government that the electing class, which is analogous to the class paying rates, shall possess no direct legislative power; and the principle of parliamentary representation is that not even the representative principle shall alone legislate. We have taken the precaution to protect the rights and property of Englishmen by the prerogatives of the Crown, the privileges of the Lords, and the authority of a representative Assembly.

All these constitute the threefold and invaluable shelter which we have raised over the rights and property of the meanest subject in the realm. But here is a proposition which, with naked and revolutionary simplicity, proposes to intrust the property and maintenance of the rights of a large class of persons to diminutive, homogeneous, democratic, and irresponsible parliaments set up all over the country, in place of a central, responsible, compound, and constitutional one. It seems to me that this strikes at the root of a constitutional and representative system.”

These, sir, are the words used by an advanced reformer, a member of one of the most advanced schools of politicians in England. They are words of wisdom, and ought to rest with weight on the mind of every admirer of representative institutions, who does not wish to see those institutions degraded in this country, and representation become mere delegation.

Some Hon. Members—Hear, hear.

John A. Macdonald [Kingston, Attorney-General West]—Why, sir, for what do we come to this House, if it is not because we are supposed to be convinced by argument, if it is not that we are to sit down together and compare notes and discuss the questions that may come before us, and to be convinced according to the force of the reasons that may be advanced for or against them? And if we are honest, conscientious men, we change our opinions as we become convinced that that which we held before was wrong and the opposite right. But if the other doctrine obtains, that we are not representatives but delegates, we might as well meet here and pass measures without any discussion whatever, every man voting according to the instructions of the commission which he holds in his pocket from his constituents.

Some Hon. Members—Hear, hear.

Luther Holton [Chateauguay]—What was the previous question?

John A. Macdonald [Kingston, Attorney-General West]—Well, that was not voted upon without argument; for full opportunity was given to discuss it before hon. members were required to vote. I was saying, sir, that the hon. member for Peel [John Cameron] committed an act of inconsistency in voting for these resolutions, and then proposing this amendment what did the resolutions amount to?

The honorable gentleman voted for an Address to the Queen, praying that she may be pleased to lay before the Imperial Parliament a measure for the union of these colonies, on the basis of the resolutions of the Quebec Conference. He voted for it because he approved of the proposition; and if we had followed the practice of the Imperial Parliament, the Address would have been adopted by the vote which he and a majority of hon. members gave, and probably would be on its way to England now for presentation to Her Majesty.

It is a practice lately adopted to refer the Address formally to a committee, to report it back again to the House. Well, my hon. friend, by his vote, affirmed that this Address should be sent to Her Majesty; but what does this motion proposed by him declare? Why, that the Address which he declared by his vote should be presented to the Queen, should not be sent. That in the plain meaning of it, and—I was going to say that it gives the lie to his former action, but—is the very opposite to the previous vote of the hon. gentleman.

Some Hon. Members—Hear, hear.

John A. Macdonald [Kingston, Attorney-General West]—That is the course which my hon. friend has taken, and I must say that it is an extraordinary and inconsistent one.

John Cameron [Peel]—It is strictly parliamentary.

John A. Macdonald [Kingston, Attorney-General West]—It is parliamentary because the Speaker ruled it so; but I maintain that the motion of my hon. friend is entirely inconsistent with his vote on my resolution.

John Cameron [Peel]—My hon. friend, says that it is merely a matter of form to refer an Address adopted by the House to a committee, and is so regarded in England. But I wish to point out to my hon. friend that in the Imperial Parliament, on the 7th of February last, the Address in reply to the Speech from the Throne was moved and unanimously assented to by the House; that it was then referred to a committee of the House, which committee reported it back, and that on the Address coming up for a second reading, Mr. Scully moved an amendment in reference to the state of Ireland, in opposition to the Address for which he had himself before voted.

Some Hon. Members—Hear, hear.

John A. Macdonald [Kingston, Attorney-General West]—I quite agree with hon. gentleman as to the fact stated, but in the first place there was no vote of the House upon the Address.

John Cameron [Peel]—Yes, the vote was unanimous. I can give another case if my hon. friend desires it.

John A. Macdonald [Kingston, Attorney-General West]—Well, if Mr. Scully was present when the Address was first voted, he would no doubt have voted against it. But this is the first case I have yet heard of an honorable member voting to carry a certain motion, and then proposing an amendment to upset it; and when he did propose it, I myself thought it was unparliamentarily, but the Speaker ruled it in order, and to his decision I bow.

Now, if the hon. gentleman thought that from the circumstances of the country or for any other cause, no Address of the kind should go to the Queen, he should have said so by voting against it. But he did not say that; on the contrary, he said that there should be an Address to the Queen, praying Her to lay a measure before the Imperial Parliament—that measure to contain a Constitution for these colonies, and that Constitution to embrace all the resolutions adopted by the Quebec Conference; and the very next moment the hon. gentleman gets up, and like the boy who builds up and then knocks down a house of cards, moves an Address to the Governor General [Viscount Monck], praying him not to send that Address to the Queen, and thus defeats the very motion for which he voted.

Some Hon. Members—Hear, hear.

John A. Macdonald [Kingston, Attorney-General West]—He voted first that this House should address the Queen, and then by his motion says that it shall not address the Queen at all, but that this House shall be dissolved, and that there shall be an election, and then that another House shall address the Queen.

Some Hon. Members—Hear, hear.

John A. Macdonald [Kingston, Attorney-General West]—After voting that this House shall address the Queen, it seems to me to be little less than an insult to Her Majesty to say that the House shall be deprived of all possibility of passing the Address, and that a future, not this Parliament, shall do so. It seems to me that my hon. friend’s inconsistency is clear, palpable, and beyond all doubt.

Some Hon. Members—Hear, hear.

John A. Macdonald [Kingston, Attorney-General West]—Sir, I shall not enter into the question as to the reference of this subject to the people. The small paragraph I have read from Mr. Leatham’s speech contains very shortly the wisdom of ages, and I might appeal, if further testimony were required, to all the great men who have acted on the political stage of England. Mr. Pitt scouted at the idea; and it was never countenanced by any of the great public men of England.

My hon. friend says that at the time of the union of England and Scotland, there was a distinct reference to the people of Scotland. It is true that proclamations were issued, calling upon the people to elect representatives from the boroughs on the question of union with England; but the hon gentleman, knows very well that Scotland had no creed representative institutions at that time—he knows that until the passage of the Reform Bill, elective institutions were only a mockery

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in Scotland. The boroughs were in the hands of close corporations, who elected whom they pleased, and it was quite impossible to obtain, by such means as an election afforded, a true expression of the opinion of the people of that country.

George Brown [Oxford South, President Executive Council]—The counties were the same.

John A. Macdonald [Kingston, Attorney-General West]—There was no country—although the people had a free and manly spirit—that had a more restricted constitution than Scotland till the year 1832. But the hon. gentleman ought to have looked upon the other side of the question, and told the House whether there was an election in England on the question of the union with Scotland. There was not, sir, and the idea would have been scouted by the leading minds of England had it been proposed.

Some Hon. Members—Hear, hear.

John A. Macdonald [Kingston, Attorney-General West]—Sir, when the Imperial Parliament passed the Septennial Bill to save England from the disastrous consequences of the reign of the Stuarts—for although a Highland man, I say they were disastrous—when the members who were elected for three years declared themselves elected for seven, without going to the people; and when the union with Ireland was accomplished without a reference to the people, did anyone say that these things were unconstitutional? Has my hon. friend not shown that Sir Robert Peel, who was the great protector of the liberties of Parliament, quoted these proceedings with approbation, as showing what the House of Commons could do if it chose?

And so the honorable member for Montmorency [Joseph Cauchon] quoted the language of William Pitt, who, although his name in late days was connected with some things which did not meet the approbation of his party, was the leader of the Conservative party, and carried through to his deathbed the principles of his father the Earl of Chatham. He was supported by his party and by all the leading Whigs when he made his speech on the Irish union, in which he alleged that the Irish Parliament had full power to vote away those rights which it was elected to preserve.

His language was quoted by the honorable member, and did time permit, I would read it again to the House, for it is the language of wisdom and truth. My honorable friend from Peel [John Cameron] says—“Oh, that is all very well, but this is quite a different thing from the Irish union, because we have only a limited Constitution under our Constitutional Act.” That is quite true, but Ireland as well as this country had only a limited Constitution, under which not even a measure of supply could be laid before the Irish Parliament unless it had previously been sent to the English Government, approved, and then sent back for the approval and sanction of the Irish Parliament; and it was not till 1782 that this was changed, and the reference to England of such measures done away with.

My honorable friend refers us to the language of the Constitutional Act to show how limited our Constitution is; but by that act we are empowered, in the widest language that could be employed, to make laws for the peace, welfare and good government of the people of Canada. There could be no larger powers conferred upon us, and although it is quite true that our political existence is only statutory, that constitutionally our judges have no right to commit for contempt, and that we have no prescriptive rights such as those which the Imperial Parliament possesses, yet this is equally

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true—that we stand, with regard to the people of Canada, precisely in the same position as the House of Commons in England stands with regard to the people of England.

Some Hon. Members—Hear, hear.

John A. Macdonald [Kingston, Attorney-General West]—And no man who values representative government would consent to sit here under a less extensive commission—no man will get up and disclaim the possession of such powers. But my honorable friend says we can only pass resolutions, and cannot change our Constitution except by addressing the Sovereign, praying Her to give them effect through the Imperial Parliament; and he argues from this that we ought to go to the people and have a new Parliament to do it. A new Parliament can, however, do nothing more than we can do.

Sir, I believe in my conscience that this House, more than any House since 1841, represents truly and faithfully the people of Canada. If the members of this House do not represent the country—all its interests, classes, and communities—it never has been represented.

Some Hon. Members—Hear, hear.

John A. Macdonald [Kingston, Attorney-General West]—I believe that all classes and interests are represented here; but if the House votes for this motion, it declares that it does not represent them.

Some Hon. Members—Hear, hear.

John A. Macdonald [Kingston, Attorney-General West]—If we represent the people of Canada, then, in the words of the Constitutional Act, we are here to pass laws for the peace, welfare and good government of the country. But if we do not represent the people of Canada—if we declare so by passing this resolution—then what great criminals have we been in the past! If we do not represent them, if we have no right to represent them, then we have no power to pass one single bill and declare it to be law, even although it be a bill to establish a saw-mill. If we do not represent the people of Canada, we have no right to be here.

But if we do represent them, we have a right to see for them, to think for them, to act for them; we have a right to go to the foot of the Throne and declare that we believe it to be for the peace, welfare and good government of the people of Canada to form of these provinces one empire, presenting an unbroken and undaunted front to every foe; and if we do not think we have this right, we are unworthy of the commission we have received from the people of Canada.

Some Hon. Members—Hear, hear, *and cheers*.

Matthew Cameron [Ontario North]—I would ask the Hon. Attorney General West [John A. Macdonald], did he support Mr. Dunkin’s Temperance Bill.

John A. Macdonald [Kingston, Attorney-General West]—I don’t remember. I don’t generally go for temperance bills.

Some Hon. Members—*Laughter*.

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Matthew Cameron [Ontario North]—If the honorable gentleman did support that bill, he supported what, according to the rule he has laid down, is a violation of the Constitution.

John A. Macdonald [Kingston, Attorney-General West]—I am afraid I did.

Matthew Cameron [Ontario North]—Then he has been guilty of a violation of his own rule.

Some Hon. Members—Hear, hear.

Luther Holton [Chateauguay]—I think I owe the Hon. Attorney General West [John A. Macdonald] a word of explanation. I was not so fortunate as to be in Parliament in 1861, and I have never happened to read the speech from which he quoted. I should be very sorry to misrepresent him, and perhaps I would have misrepresented him in making the statement I did, if I had read that speech. But I think he will bear me out in this, that at the British American League, some fifteen years ago, he did vote and speak in favor of a legislative union.

John A. Macdonald [Kingston, Attorney-General West]—My hon. friend is mistaken.

Luther Holton [Chateauguay]—That body, at all events, did pass certain resolutions in favor of a legislative union. The hon. gentleman was a member of that body, and either voted for or against those resolutions—he can say which my impression is that he supported them. At all events, he will not deny that last session, in the debate on the Address, or on the motion of the honorable member for South Oxford [George Brown], he did express an opinion in favor of a Legislative union, as distinguished from a Federal union.

It was shortly before the change of Government, and there was some difference between the two honorable gentlemen—the Hon. Attorney General East [George-Étienne Cartier] and the Hon. Attorney General West [John A. Macdonald]—who were then sitting on this side. And in the committee, formed on the motion of the honorable member for South Oxford [George Brown], the Hon. Attorney General West [John A. Macdonald] voted against the Federative system, and declared himself in favor of the Legislative system in contradistinction to the other, and my impression was that he had uniformly held that ground. It now appears that in his speech of 1861 he shows that at that time he contemplated the possibility of a modified sort of Federation—a Federation very different, however, from the joint authority of the honorable member for South Oxford [George Brown], who argues that this is the very measure of the Convention of 1859.

George Brown [Oxford South, President Executive Council]—It is on the same basis.

Luther Holton [Chateauguay]—It is the same basis; but in the one, the federal authority has the preponderance—in the other the local authority.

George Brown [Oxford South, President Executive Council]—This includes the best features of both systems.

Luther Holton [Chateauguay]—I will not enter farther into that. I only rose to make the remark I did with reference to the speech of the Hon. Attorney General West [John A. Macdonald] in 1861.

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Some Hon. Members—*Cries of “Go on!”*

Luther Holton [Chateauguay]—Hon. gentlemen opposite are rather difficult to please. Not long since, when the Hon. President of the Council [George Brown] was not in such good humor as he is just now, he complained that I inflicted myself too often on the House. Now they insist that I shall speak.

Some Hon. Members—*Laughter.*

Luther Holton [Chateauguay]—I had intended to speak at some length on the general question. I came down to this House this afternoon, intending to speak at some length, but I confess that the view suggested by the Hon. Attorney General West [John A. Macdonald] had occurred to me, that it was not desirable on this motion to reopen the whole debate. And when my hon. friend and leader beside me (Hon. Mr. Dorion) got up, after I had intimated my intention to speak, and stated, on behalf of those who act with him—and I am a good party man, I follow my leader—that we had no desire to reopen the debate, but wished this matter to be got through tonight, I decided to waive my speech, believing that my views on all points of this scheme are sufficiently well known.

Some Hon. Members—*Laughter.*

Luther Holton [Chateauguay]—But I beg to assure hon. gentlemen that if on any point of the scheme they have any doubt as to what my views are, I shall answer any questions they may choose to put, as distinctly and as concisely as I can.

Some Hon. Members—Hear, hear.

John Sandfield Macdonald [Cornwall]—My honorable friend has correctly stated the intention arrived at by this side of the House. It was not our intention to make any lengthened observations on the motion before the House. But honorable gentlemen opposite have not followed the rule they laid down with respect to this.

George Brown [Oxford South, President Executive Council]—I did.

John Sandfield Macdonald [Cornwall]—Well, I think the Honorable President of the Council [George Brown] made a considerable speech to-night, and impressed his conclusions so strongly on the House as almost to drive away any ideas we may have had as to what we should say.

Some Hon. Members—*Laughter.*

John Sandfield Macdonald [Cornwall]—I was rather struck by the manner in which the Honorable Attorney General West [John A. Macdonald] took credit to himself for having refrained from insisting on objections on the ground of order to the motion of the honorable member for Peel [John Cameron], after he had declared that he would avail himself of all parliamentary usages to prevent that motion being put. But the honorable gentleman forgets that English authority, as well as former decisions in this House, sustain the motion of the honorable member for Peel [John Cameron].

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In 1843, when an Address was passed in this House, sustaining the stand which Hon. Mr. Baldwin had taken, in Sir Charles Metcalfe's time—after it had passed, an amendment to the Address was moved, but the Speaker who occupied your place ruled the motion to be out of order, and an appeal being made to the House, the House sustained the appeal, and the Address was amended by the passing of an amendment moved by Mr. Boulton. I say, then, that the Honorable Attorney General West [John A. Macdonald] need not have taken credit to himself for not having appealed against the decision of the Chair, because he must have known that the authorities were against him.

Some Hon. Members—Hear, hear.

John Sandfield Macdonald [Cornwall]—The honorable gentleman is no doubt possessed of astuteness. No one can manifest greater astuteness than he displays in adapting himself to any new position in which he may find himself. There is not a public man in the country who has maintained his ground so long, in opposition to so many public questions on which he has at last submitted to change his opinions, and which he has finally carried in some shape or other, with the aid of his opponents.

Some Hon. Members—Hear, hear.

John Sandfield Macdonald [Cornwall]—Was not the secularization of the Clergy Reserves opposed by that honorable gentleman from the time he came into Parliament in 1844, until 1854—a period of ten years? Did he not decree it was a spoliation of church property? Did he not oppose the demand to have the seigniors deprived of their rights? Did he not call that a spoliation also? Did he not oppose the introduction of the elective principle into the Legislative Council? Did he not, by his speeches and by his votes, declare it was a republican movement, and that we might as well give up the Constitution of this country and adopt that of the United States, as have an elected Legislative Council?

But after having battled for ten years against these questions—the abolition of the Seigniorial tenure, and the elective Legislative Council—questions which caused the rebellion in Lower Canada—and that of the Clergy Reserves, which Lord Sydenham declared to be the cause of the rebellion in Upper Canada—questions which shook the foundations of society, and brought, not only civil strife, but war—the honorable gentleman gave up the opposition he had maintained for ten years, and in order to get a seat on the Treasury benches, and to keep his party in power, tamely submitted, and subjected himself to the humiliation of carrying out those measures.

Yet he claims to have been consistent! Those three great questions—and others which had occupied the attention of the country, and had caused the greatest political antagonism between parties—those questions were carried by the honorable gentleman, by acting on that side of the House with the very parties to whom he had been opposed in those questions; and with the aid of renegade reformers, he was permitted for nearly ten years to keep possession of the Treasury benches.

Some Hon. Members—Hear, hear.

John Sandfield Macdonald [Cornwall]—I am sorry to see that the same course has been pursued in the formation of this Government. What was done in 1854 was repeated in 1864.

Some Hon. Members—Hear, hear.

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Alexander Mackenzie [Lambton]—Who moved that the honorable gentlemen, representing the Liberal party, should go into the Government?

John Sandfield Macdonald [Cornwall]—I found they were going—with the engine at full speed—and that nothing could restrain them.

Some Hon. Members—*Laughter.*

John Sandfield Macdonald [Cornwall]—I found that all the drags that could be put upon the wheels could not stop them from going there. I saw it was impossible to stop them, and I said therefore—“In the name of Goodness, go. True, only those places are made for you, and three may as well go in, although I would prefer that there were three more, and then we might look to get some justice.”

Alexander Mackenzie [Lambton]—You voted against the motion, that the proposition for three members of the Opposition entering the Cabinet be rejected.

John Sandfield Macdonald [Cornwall]—The honorable gentleman is mistaken.

Alexander Mackenzie [Lambton]—I am not mistaken. I moved the resolution myself.

John Sandfield Macdonald [Cornwall]—I voted first against the basis.

George Brown [Oxford South, President Executive Council]—No, no.

John Sandfield Macdonald [Cornwall]—I stated that I would not commit myself to the explanations which had been made.

Hope Mackenzie [Oxford North]—If the honorable gentleman will permit me, I will read from the published proceedings of the meeting. The honorable gentleman did not vote against the basis:—

It was moved by Mr. Hope P. Mackenzie, seconded by Mr. McGiverin That we approve of the course which has been pursued by Mr. Brown in the negotiations with the Government, and that we approve of the project of a Federal union of the Canadas, with provision for extension to the Maritime Provinces and the North-Western territory, as the basis on which the constitutional difficulties now existing could be settled.

There were thirty-four who voted for this motion. Five declined to vote either yea or nay, and among these is the name of the honorable member for Cornwall [John Sandfield Macdonald].

Some Hon. Members—Hear, hear.

John Sandfield Macdonald [Cornwall]—It is laid down that “he that is not with you is against you.”

Some Hon. Members—Hear, hear.

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John Sandfield Macdonald [Cornwall]—I will tell you why I did not vote. I did not charge my honorable friend from South Oxford [George Brown] with deceiving us in anything. He said he had a paper in his hand which contained the basis of the arrangement. He may have told us the whole of it, and I did not say it was his intention to mislead us. But I was not satisfied, notwithstanding the excellence of his memory that he should come with a document in his hand, and, instead of reading it to the meeting, undertake to give us verbally the substance of it. I did not like it at all; and when I refused to vote, it is clear I was not in favor of it.

George Brown [Oxford South, President Executive Council]—Did you say anything against it?

John Sandfield Macdonald [Cornwall]—I expressed my opinions to my friends around me.

George Brown [Oxford South, President Executive Council]—Did you address the meeting against it?

John Sandfield Macdonald [Cornwall]—There was no use in addressing the meeting—there was such a rush to carry it.

Some Hon. Members—*Laughter.*

John Sandfield Macdonald [Cornwall]—Now, Mr. Speaker, my honorable friend the Hon. Attorney General West [John A. Macdonald], in his usual style of addressing the House, after evading the real point in discussion—that of the propriety of referring this matter to the people—went off on another tack, and on several tacks. I never witnessed a more excruciating lashing than he administered to the honorable member for Peel [John Cameron]. He ridiculed the whole of the honorable gentleman’s motion. But he administered one consolation which, no doubt, the honorable gentleman found to be palatable. He said:—

There is one thing after all—though my hon. friend from Peel is mistaken in every particular—though, notwithstanding his constitutional lore, and ability, and eloquence, and everything which constitutes a statesman, he has done everything wrong—yet there is one thing he has done right—he has inserted in his motion the words “constitutional mode.”

These words have in them a peculiar charm in the estimation of the Hon. Attorney General West [John A. Macdonald], who ought to show us where he has found, in the practice of the English Parliament, a scheme of this kind introduced, then he might say that the honorable member for Peel [John Cameron] is wrong; but when he brings in a measure that is at variance with English principles and practice, then I think we are at liberty to try to find ways and means for submitting it for the approval of the people.

If it is parliamentary usage for the Government to come down to this House, and, with the assistance of their political supporters, suddenly to change our Constitution, and take away our liberties, then, forsooth, are we not to take our own course as to whether or not we shall ask that their measure shall be referred to those who sent us here? The Hon. Attorney General West [John A. Macdonald] scouts the idea of our being delegated only to work under the Constitution that we have. He forgets that when we make laws under our Constitution, we can change them ourselves at any time; but when we make a Constitution, and have it ratified by the Imperial Government, it does not lie in our power to change it by a simple resolution of this House.

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He dwelt strongly on his belief that we were the representative men of our constituencies, and that through us the people had a voice in this House. Well, if we were legislating for ourselves, and for our own people, under our Constitution as it stands, then I admit that we would be fully justified in carrying out any scheme that we might deem essential for the welfare of the province at large, or for any portion of it; but when he carries that principle so far as to say that we ought not to vote for having a measure of this kind—which will affect other provinces as well as our own—referred to the people, then, I say, he carries the principle to a most unwarrantable length.

Some Hon. Members—Hear, hear.

John Sandfield Macdonald [Cornwall]—What can he advance in justification of such a course? He talks about it being unconstitutional. Why, they understand constitutional law in Nova Scotia, or ought to understand it as well as we do. But when we point to Nova Scotia, Ministers tell us that that province does not make laws for us.

Thomas D’Arcy McGee [Montreal West, Minister of Agriculture and Statistics]—They don’t know half as much.

John Sandfield Macdonald [Cornwall]—Well, the Honorable Minister of Agriculture [Thomas D’Arcy McGee] has been down there, and it is a pity that his lectures and essays have failed to afford them all needful instruction.

Some Hon. Members—*Laughter.*

John Sandfield Macdonald [Cornwall]—At all events, they seem to appreciate the position in which the Conference at Quebec has placed them. But the people of New Brunswick, sir, are they so far behind the age as not to understand how to manage their own affairs? We went down to ask them to assist us to get out of our difficulties, though this object was, at first, somewhat disguised. When they began to realize that it was to save us that the Conference took place, and was not organized for the purpose of benefiting them, the people of that province, if not the Government, refused to recognise and support the proceedings of the Conference.

Now, if we had not the fact of the Lower Provinces having exercised their rights and privileges, we should have no chance whatever to appeal to precedents. And if the loyal people and governments of the Lower Provinces—people who are one day declared to be loyal, and the next annexationists and under American influence, according to their being for or against this scheme—if they do not know what are their rights, or in what manner to deal with this project, I think we had better teach them. I cannot help, however, feeling the conviction, after the character given of them by the Hon. Minister of Agriculture [Thomas D’Arcy McGee], that it is just as well we have got rid of them.

Some Hon. Members—*Laughter.*

John Sandfield Macdonald [Cornwall]—But if, on the contrary, they are an intelligent people, and possess an intelligent Government, and that Government has adopted the course of referring that measure to the people, how can it be improper for us to advocate the same thing in Canada? Who are the hon. gentlemen that arrogate to themselves the right of telling us that we cannot exercise

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our privileges in this House, in voting in such a manner as we think best and most conducive to the interests of the people whom we represent? Those honorable gentlemen tell us that the motion of the hon. member for Peel [John Cameron] is a most extraordinary one, in the face of the fact that the majority of these same gentlemen were voted out of office by this House only a short time ago, and that since then no appeal has been made to the people. There would be nothing very strange if they were voted out again.

Some Hon. Members—Hear, hear.

John Sandfield Macdonald [Cornwall]—The Hon. Attorney General [John A. Macdonald] told the hon. member for Peel [John Cameron], though not in so many words, that he did not know what he was about; and in the course of the same speech remarked that if he wanted an argumentative, clear-headed, methodical and able speech, he could not have chosen a better one than that delivered by the hon. member for Peel [John Cameron].

Now, I think that that is one of the coolest remarks I have ever heard from an attorney general in this House. He rejoiced that the speech bore so strongly in opposition to the views of this side of the House, and then states that the hon. gentleman did not really know the effect of his own motion. If the hon. member for Peel [John Cameron] thinks that is flattering, then, I must say that he is easily satisfied.

The hon. gentleman, however, I think, made out a very good case in favor of his amendment. His language may not be such as we have frequently heard in this House, during the past few days; but it is such as we generally hear on the hustings. When honorable gentlemen appear there previous to their election, they have no hesitation in saying that, if elected, they will go to Parliament for the purpose of carrying out the wishes of their constituents.

I am sure my hon. friend from Peel [John Cameron] has often, and warmly denounced the invasion of the rights of the Church of England; the Clergy Reserves were being secularized, and I well remember that a motion was made in this House to the effect that before that measure should become law, it ought to be referred to the people; though that was a measure that only concerned our own internal affairs, we did not hear, at that time, a word about the unconstitutionality of referring it to the people.

The Honorable President of the Council [George Brown] has often declared that no government should be supported which did not pledge itself to bring in a measure for granting representation according to population; but it is infinitely worse to support a government which proposes to take away our Constitution, and at the same time deprive the people of having a voice in reference to it. My view of one of the duties of a representative is this: when a man goes voluntarily before the people, and tells them that he will vote against such and such measures, and then comes here and votes in the contrary direction, it is his duty to resign; for no man of spirit would stand up in this House after violating the promises he had made to the people.

My hon. friend the Hon. Attorney General West [John A. Macdonald] says it is not constitutional to take a vote in the way proposed by the honorable member for North Ontario [Matthew Cameron]. Sir, I am as anxious to maintain the Constitution of this country as any one can be; but when a motion of this nature comes up, I care not how the vote is to be taken, and it shall have my support. The hon. gentleman has violated the British Constitution in bringing in this measure, and

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as he has done so, I am prepared to vote in any manner in which the expression of the people can be had upon it, before we legislate away their rights and their Constitution. I am, astonished to find that there is such a desire on the part of the members of this House to oppose the motion for submitting the question to the country. It is said that there is something behind the scenes to account for such singular conduct. Of these we get glimpses from day to day. Some of those reasons are patent to everyone. One of those is that the Coalition which has been formed out of the most incongruous materials, is supported by the greatest medley of politicians anybody ever saw.

Of course, it is to be supposed that we will have an election before another year is out. Members now supporting the Treasury benches, with some of whom I have worked for many years, have suffered very much from expensive elections through which they have been called upon to pass in that period. I know it is very unpalatable that they should have to go back again for re-election, after voting here against the express wishes of their constituents. Under this Coalition arrangement they evidently expect that they will be able to go to their constituencies and be returned by acclamation, because the two extremes—abandoning their old principles—coalesced. But it is a vain hope, sir. Let the elections for North Ontario and the town of Niagara tell how unfounded is the expectation.

The failure of the Hon. Provincial Secretary [William McDougall] was the first failure, and I may here say that I was sorry to see the breach of faith committed towards him on the part of the conservatives of that riding; but I am happy to see that he has got over it very comfortably by obtaining another county, which I hope he may long be enabled to keep. Notwithstanding this, however, they yet cling to the vain hope of a triumph when they next go before the people; but I am very much mistaken if the indignant voice of several constituencies will not urge some strong candidate against each of them, nor have I a doubt that the fact that these gentlemen endeavor to secure themselves from going to the people now by voting away the Constitution and the rights of the people, will furnish many of them an opportunity to find their political graves.

Some Hon. Members—Hear, hear.

John Sandfield Macdonald [Cornwall]—Sir, it has been my misfortune to have been nearly nineteen years of my political life in the cold shades of opposition, but I am slight to stay an infinitely longer period on this side of the House, if that shall be the effect of my contending for the views which I have just expressed. I have always believed that I was here for the purpose of representing the constituency which sent me, and not for the purpose of misrepresenting them. If I were satisfied that I did not properly represent my constituency on any leading question coming before this House, I would scorn to sit here a moment longer than was absolutely necessary, until I could do so by their approval. But, sir, are there not members here who know full well that their conduct has been condemned by their constituents in the most unmistakable manner? And yet these hon. members rise up and express their virtuous indignation at our contending that the people should have a voice in reference to the adoption of this new Constitution.

John Scoble [Elgin West]—Do you mean any honorable gentleman from Upper Canada?

John Sandfield Macdonald [Cornwall]—Well, if the honorable gentleman will tell me that there are none from that section of the country whom the cap will fit, then I will say I do not mean any such.

John Scoble [Elgin West]—I do not myself know of any.

John Sandfield Macdonald [Cornwall]—Well, Mr. Speaker, I do not desire to be personal, and, therefore, I shall make no pointed references; but I see a number of gentlemen before me whom, I think, the cap will fit admirably. Sir, I think it is most monstrous that this House should refuse the people an opportunity of expressing themselves before their Constitution is taken away from them. I am delighted that I have the opportunity of voting for this motion.

I vote for it because it is in accordance with the expression of devotion to the interests of the people, which every honorable member feels when standing before his constituents. He has no hesitation, then, in declaring that he will seek to represent their views, instead of seeking to accomplish other objects than those which he has been delegated to promote. If there has been one question more than another before this House, for the last quarter of a century, upon which the views of the people ought to be clearly and distinctly ascertained, it is upon this proposal to destroy our Constitution; and if gentlemen will vote against it, then I hope that at the next general election, the people will pass such a judgment upon them as will prevent any such scheme ever being proposed in any British Colonial Legislature, without the sanction of the people, during all future time.

Some Hon. Members—*Cheers.*

Thomas Ferguson [Simcoe South] *said*—I have listened very attentively to the discussion on this question, and it is certainly most singular, as well as amusing, to hear the different views that have been expressed upon it by the advocates of the amendment. The hon. member for Peel [John Cameron], I am certain, felt that his resolution was the most consistent and reasonable one that could have been well introduced on the subject. The hon. member for North Ontario [Matthew Cameron], who seconded the motion, also, no doubt, thought it a very sensible one.

I listened carefully to the arguments of both, and I find that they supported the motion from very different points of view. The hon. member for Peel [John Cameron] made a strong speech in favor of the scheme of Confederation which has been adopted by this House, and he said he introduced his motion for the purpose of having the people vote upon it, and with the expectation that they would carry it by a very large majority. The hon. member for North Ontario [Matthew Cameron] took a very different view of the effect of the resolution, stating that he seconded it because he believed it would result in defeating the Confederation scheme.

Matthew Cameron [Ontario North]—I think the hon. member is quite mistaken. All I said was that I wished the people to have an opportunity of expressing themselves, so that we might ascertain whether or not they would prefer it to a legislative union.

Thomas Ferguson [Simcoe South]—I beg my hon. friend's pardon; but that was not the object and aim the hon. gentleman had in view in seconding the motion. If his object was not to have the scheme rejected, then I cannot understand his language at all. I seldom agree with the views of the Hon. President of the Council [George Brown]; but on this occasion, I think he pointed out the inconsistencies of the hon. member for Peel [John Cameron] in an excellent manner. But there are a few more left untouched, to some of which I will briefly allude.

The hon. member for Peel [John Cameron] declared that his motion was designed to secure the approval of the people, and that it would result in their approval of the formation of a new

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nationality. The seconder of the motion supported it because it was designed to secure the condemnation of the scheme, and prevent us from obtaining that new nationality. The hon. member for Peel [John Cameron] stated that he was in favor of having a dissolution of Parliament, so that a constitutional expression could be had through a general election.

Now, for my own part, I doubt whether, if there were a dissolution of this House to-morrow, we would get a full, true and fair expression of opinion from the people at all. I believe that side-issues would creep in in every case—that the Conservative party would hang together in most instances, and the Reform party do the same, and that numerous local questions would interfere with the results sought to be obtained. My hon. friend from North Ontario [Matthew Cameron] declares himself in favor of having a direct vote of the people. Were it not that that is declared an unconstitutional method, I should say it was the only true course to be adopted, because it is the only way of properly testing public opinion on any one measure.

Some Hon. Members—Hear, hear.

Thomas Ferguson [Simcoe South]—Now, sir, the hon. member for Peel [John Cameron] is one of the cleverest men in the province, but I must say that my experience with regard to his movements in Parliament is that he does not exhibit himself in anything like so clever or successful a manner as he does when pleading at the bar. I have never seen him taking a prominent position in this House, and playing his part in that position in a successful manner. If he had moved his amendment before the resolutions were adopted, I would have been able to have given him credit for sincerity, if not for ability, in advocating it; but after the resolutions have been passed, he brings up an amendment to another motion that is evidently hostile to the resolutions.

Well now, let us take a look at the assertions of the hon. member for Cornwall [John Sandfield Macdonald], and I think we will be able to see the inconsistency still more clearly. The position he takes is, that if these resolutions are referred to the people, and are by them voted down, every honorable member who voted for them in this House must immediately resign his seat.

Now, sir, what would be the result of that principle as affecting the hon. member who moved and the hon. member who seconded the amendment now in your hands? Why, sir, instead of having them both on the floor of this House to carry out the views of the people, one of them certainly must leave, if the views of the honorable member for Cornwall [John Sandfield Macdonald] are carried out. I think every honorable gentleman must see clearly that whatever way you view the positions taken by the mover and seconder of this amendment, their course bears a contradiction on the very face of it.

And what would be the result of a general election? Those two honorable gentlemen, holding such dissimilar views with regard to the motion upon which they have agreed, would go to the country pulling different wires. The honorable member for Peel [John Cameron] will use his best endeavors to influence public opinion in such a manner that it will ratify the resolutions in favor of a Federal union, while the hon. gentleman who seconded the motion will go to the people with the very reverse idea. So you will find these two hon. gentlemen, who have joined so cordially to bring this motion before the House, will disagree on every point the moment after it would be carried, and cause the utmost confusion among the people.

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I cannot understand the matter at all. I do not see how they can defend their consistencies, either before this House or before the country. There was not a single word said by the Hon. President of the Council [George Brown] or the Hon. Attorney General West [John A. Macdonald], with reference to the inconsistency of those two hon. gentlemen, to which everyone in this House will not cordially assent. We voted by a large majority, the other night, in favor of those resolutions.

I was in favor, when I came here, of having the question referred to the people; and I only wish that such could be yet done; but when I came to understand the emergencies by which we were surrounded, and saw that we were threatened with the loss of the Reciprocity treaty and the bonded system, in addition to the continuation of the passport system, and were also threatened with the putting of American gunboats on the lakes, and without access to the seaboard except upon and by sufferance of the United States Government, I came to the conclusion that it was important for us to take such steps as would procure, in the shortest manner possible, the assistance of English money, English soldiers and English gunboats for our defence, and that, therefore, there was the most urgent necessity for sending some members of the Government home to England, to bring those resolutions before the Imperial Parliament during the present session, and making such arrangements for our defence as it seems we must make.

These were the reasons why I voted for a set of resolutions which, I am free to confess, I would not otherwise have supported. Having voted for them on Friday night, along with a large majority of the members of this House, with the full expectation that everything was to be hurried through, and the session brought immediately to a close, so that the leading members of the Government could go on an important mission to the Mother Country, I understood the hon. member for Peel [John Cameron] to have voted with the same understanding. And what are we told now?

Why, that there is no necessity for haste in the matter at all; that there ought to be a new election, occupying two months at least, before a return could be made. But is it seriously proposed that during all this time we are to remain in a defenceless state, and without any prospect of having any for another year? Why, the honorable gentleman must see that the proposal bears such a contradiction on the very face of it that he ought to withdraw it.

These resolutions have been passed by this House, or they have not been passed at all. If they have been adopted by the Parliament of Canada in a constitutional way, then in voting for this motion we would be only stultifying ourselves, mocking our constituents, and insulting Her Majesty, for we would be putting ourselves in the most false and inconsistent position in which the representatives of any people ever placed themselves, on this continent.

Some Hon. Members—Hear, hear.

Thomas Ferguson [Simcoe South]—I know the honorable member for Peel [John Cameron] laid down the doctrine before he voted for the resolutions, that they ought to go to the people before their final consummation, and to that doctrine everyone must assent; but when he voted for the resolutions, as we all did, on the ground that there was a necessity for their immediate adoption, I say it is clearly contradictory for him to bring up this motion after the resolution has been carried by so large a majority. I am sorry that he has thought fit to bring forward this motion at this stage of the proceedings, and I must say—and am sorry to have to say it too—that I think he has accomplished very little good for his party or for his constituents, since he has been in Parliament.

Some Hon. Members—Hear, hear.

Thomas Ferguson [Simcoe South]—I voted for the resolutions because I saw there was a necessity for doing so, and after having thus voted end Friday night, I am not going to nullify that vote on Monday night, by supporting the amendment which the honorable member has proposed, more to gratify his own notions, I fear, than to do the country good. It has been said—and very correctly said, I think—that if a new House should be elected, the members of that House would have to discuss the matter over again, and take another vote upon it.

The honorable member for Cornwall [John Sandfield Macdonald] seems to desire that the question should be referred to the people, not by means of a general election, but in such a manner as to have a direct yea or nay upon it. Well, sir, if that mode were adopted, and the scheme were not sustained, most of the members of this House ought to go home at once and resign their seats. And what then? Why, sir, new elections would have to take place to fill the vacant seats, and the summer would be nearly gone before we should have returns. We should then have to explain matters to the newly-elected members in order to convince them that the measure is all right, and in all probability more than six months would transpire before we could record our votes upon it.

Some Hon. Members—Hear, hear.

Thomas Ferguson [Simcoe South]—I think it would be most inadvisable to allow the motion now before the House to be applied in either way. But, sir, I must say that unless the arrangements in respect to the local governments are made satisfactory to the people of Upper Canada, I shall vote to cast them overboard. But when I look at the fact that the honorable gentlemen who compose the Government are the ablest which both political parties could furnish, and went together with the approval of the large majority of their political followers, I think it is not our place to relieve them from the responsibility now resting upon them, of carrying out this measure in a manner that I hope will prove satisfactory to the people. If we took it out of their hands, we would be assuming a responsibility that properly pertains to them; and for my part, I am willing to leave the responsibility on their shoulders at the present time. If they will not do what is right for us, I shall take the liberty of recording any vote against them, and thus give them a practical expression of my opinion.

Some Hon. Members—*Cheers.*

Lucius Huntington [Shefford] said—I do not propose to occupy the attention of the House by any lengthened remarks. I think it is most singular that so many honorable gentlemen on the floor of this House should feel so deeply and be so anxious to discuss the subject upon which such great unanimity is said to prevail. It is strange that hon. gentlemen should be so full of the fire of speaking, that half a dozen are jumping to their feet at once to catch the Speaker’s eye.

Some Hon. Members—*Laughter.*

Lucius Huntington [Shefford]—At a previous stage of the debate, I noted a number of points on which I desired to make some remarks, but I forbore. There are a few of them, however, that relate to the question before us and that, I think, ought to be brought under the notice of this House. I did not think it surprising, sir that the Hon. President of the Council [George Brown] should be the first to put in his oar this evening, on behalf of the Government. He is supposed to belong to a

party that is deeply sensitive to public opinion, and the honorable gentleman himself has had some intimate relations with public opinion in Upper Canada for several years past; while the Honorable Attorney General East [George-Étienne Cartier], who sits beside him, so far from caring about consulting the views of the country, is reported to have said at the *dejeûner* at Montreal that he did not consult anybody in making up his mind with regard to anything.

George-Étienne Cartier [Montreal East, Attorney-General East]—That is quite correct. I do not consult anybody in making up my mind.

Lucius Huntington [Shefford]—I say that the Hon. Attorney General East [George-Étienne Cartier] can afford to sit there and—I won’t say despise—but disregard the views of the people, and arrogate to himself the right to know what is better for the people than they can possibly know themselves. But the hon. member for South Oxford [George Brown], when he came to put in his oar fairly, surprised me. I felt that he was entirely too severe upon my honorable friend the member for Peel [John Cameron]. It was easy to see that the strong feeling of friendship for the Government which he entertained prevented him from making his argument tell in favor of his position as strongly as he might have done. I admired the eloquence which rendered his speech so acceptable to the members of this House, but I felt that he was afraid of offending his friends in the Government. He seemed to select those hammers that would give the lightest blows.

He admitted that if an appeal to the people were taken, the honorable gentlemen on the Treasury benches would come back to their seats with, perhaps, even a more numerous following than now. There was one point of his argument that has remained unanswered. He said that in view of the position which the Confederation scheme occupied in the Lower Provinces, and in view of the strong expression in its favor given by this House, there was no further need of haste—no necessity for pressing the resolutions further until the people should be consulted. That position has not been met, and cannot be met.

Some Hon. Members—Hear, hear.

Lucius Huntington [Shefford]—Sir, it is absurd to stand up, now, and declare that there is a panting, and a hungry and thirsting among the people for having this scheme put into immediate operation. I do not mean to say that the scheme has not been talked of among the people, but the hon. member for Peel [John Cameron], who has been extensively abroad among the people, has told us that there is the greatest apathy in the public mind; but, sir, that apathy does not exist among the people alone. I state it fearlessly, sir, before honorable gentlemen, without any fear of contradiction, that the greatest apathy exists in this House itself. I have seen the votes of honorable gentlemen counted in favor of the scheme, whom we all know have no faith in it, but who have been drawn into casting their vote for it by former party leanings.

Some Hon. Members—Hear, hear.

Lucius Huntington [Shefford]—Having come to the conclusion that something must be done, and this being the only thing they had an opportunity of doing, they recorded their votes for it. The faithlessness of the people has been well represented. Mr. Speaker, while the great leader of the Reform party finds it necessary to stand up here and throw dust in our eyes, by trying to make it appear that the people, to whose touch he has been so sensitive in times past, need not now be consulted, the Honorable Attorney General [John A. Macdonald] took a different course.

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He was asked for precedents, and told us that when violent constitutional changes had been made in England, the precedents for the course proposed by this motion were founded. He talked to us about the union of Ireland, in connection with which the career of Pitt—a career that was distinguished in Britain, but which was of such a character that, though signalized throughout Europe, it yet produced a reaction that caused England to fall back in the race of national progress for many years. The result of his course was such that some of the brightest names on English history left the reform principles to which they had been attached, and connected themselves with the Pitt party, and the same will be the result here of the game now being played by honorable gentlemen opposite.

This is the precedent which, in a British constitutional country of the nineteenth century, is brought up and used as a whip held over our backs. Why, sir, we have no French revolutions at this day. But they say we have an American revolution. We are told by Ministers themselves, and by speakers, under their cheers, that we have to choose between this scheme of Confederation and annexation to a neighboring republic, and they talk to us as if there was no time to lose—that one or other will be accomplished immediately.

How do we know but it may happen while our Ministers are gone to England, and that when they return they will find the flag of the United States floating over their country. Sir, there is no more danger of anything of that kind happening now than there was when this Government was formed last spring. When the honorable and gallant knight at the head of the Government [Étienne Pascal Taché] was called upon to form an Administration, and brought his Government before the House, he did not then hold up to us the danger of invasion, unless we supported his Government.

The Government did not then inform us that if we did not form a Federal union we would be annexed to the United States. All these threats on their part have grown out of accidents that have happened to their policy since last June. But, Mr. Speaker, the game that is being played now is one that cannot but provoke a conservative reaction in this country. Do honorable gentlemen believe that it is really for the best interests of this country that so many honorable gentlemen, who entertained reform views, are found voting to do away with the elective principle in the constitution of the Legislative Council—a principle that has been held sacred in the eyes of so vast a number of the people of Upper Canada, that to accomplish it has been the battle-cry of many honorable men in times past, *ab uno disco omens*?

The Honorable Attorney General [John A. Macdonald], as the leader of his party, may look with favor upon the conservative reaction which seems to await us. We can afford to go back to that dark period of English constitutional history, when Toryism, profiting by the unstable politics of France, ruled England for fifty years, created the public debt, and stifled the progress of free opinion. It is from this period that the Hon. Attorney General [John A. Macdonald] quotes precedents against an appeal to the people—a dark period, in which the rights of the people were sacrificed to a want of faith in them. Shall we copy such examples? Shall we attempt to hold up the terrors of the American war—the dreaded instability of American institutions—to frighten ourselves into dread of our own people? Shall we copy the reactionary abuses of the times of Pitt, to the extent that we refuse to consult the people upon the great revolution proposed here?

Some Hon. Members—Hear, hear.

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Lucius Huntington [Shefford]—The people were surprised by the political earthquake which took place here last spring. They were astonished by what took place, but they were told that there was no risk for them; that it was necessary for the defence of the country that these men should come together.

And now, when the proposition is brought before this House to place the matter before the people, we are told that there are certain precedents against such a course, such as the union of Scotland and the union of Ireland, which I am sure must be particularly strong in the view of my friend the Honorable Minister of Agriculture [Thomas D’Arcy McGee]. We are told that we must accept this scheme at once without a moment’s delay, or it would slip through our fingers. I feel, sir that this is a point which ought to be made—that the ground on which this motion is opposed, that the people having elected their representatives, they have a right to look to them.

And if this country was annexed to the United States, if this Parliament, is supreme, if it is able to upset one Constitution, why not another? The doctrine is a new one. It may be fortified by strong precedents, but it is not fortified by constitutional practice in this country—it is not fortified by the opinion of the people of this country, which is, that the representative is not elected to frame its Constitution. It is said by the honorable member for South Oxford [George Brown] that a number of elections have taken place, and that the people are in favor of the scheme.

But what elections have taken place? There have been a few for the Upper House; but even the hon. member for South Ontario [Thomas Gibbs], a gentleman who comes in for a Ministerial constituency represented formerly by the present Vice-Chancellor of Upper Canada, even that honorable gentleman is defeated and another gentleman is elected in his place. That honorable gentleman is the first fruits of the elections, and he comes here and tells us that he pledged himself to his constituents that this subject should be appealed to the people—and more than that, he tells us that they were afraid he would support the Government on the details. It is an unhappy day for this country when it is found necessary to quote precedents from the most unpopular period in European history in support of the course that is being pursued.

Some Hon. Members—Hear, hear.

Joseph Dufresne [Montcalm]—I did not intend to say anything upon this matter, and I should abstain from doing so, were it not for a statement made by the honorable member for Lotbinière [Henri Joly]. He stated that parties in Canada upon this question were about equally divided. I deny that. I know too well sentiment in Lower Canada. I say that the bulk of the people in Lower Canada look upon an election as an oath—they want to use it only as a matter of necessity—they look upon it as an immorality. I know that there are certain parties in Lower Canada in favor of an election, but the bulk of the people are opposed to it.

There are also a few honorable gentlemen in this House who may be in favor of it, but in my opinion they are wrong. I can class those who are in favor of an election in Lower Canada—these are the Rouges. Under the present circumstances, they say:—“We are only about fifteen or sixteen; what difference will it make if we lose five or six of our number; and who knows that the States will not come here in our country with a few thousand greenbacks and help us?”

Some Hon. Members—*Laughter.*

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Joseph Dufresne [Montcalm]—I only say this as a supposition. Then the second is the class who sell liquor in the day, and those who sell without a license—who are almost looked upon as public robbers. The third class are the drunkards—those who go on a spree for several days and pay nothing for it.

Some Hon. Members—Hear, hear, *and laughter*.

Joseph Dufresne [Montcalm]—Everyone knows that the accounts are sent in and are paid. Of course these words are not applicable to anyone in this House; but those are the only ones who are in favor of an election. The bulk of the people are opposed to it; they consider it as an immorality; and if any one doubts that, I wish they would go out into my part of the country and inquire for themselves.

Some Hon. Members—Hear, hear.

Alexander Mackenzie [Lambton]—The language used by the hon. member for North Ontario [Matthew Cameron], on one or two points, requires some notice. He boldly asserted that he did not believe that there was any serious agitation in Upper Canada for constitutional changes. He boldly asserted that an arrangement could have been made, and that till it was made the people could get on. Now, here is the language he used some years ago. In his speech on the Address in 1862, the following occurs:—

I mean to say that the refusal of righteous demands will lead to unpleasant and unprofitable quarrels. The time has come when 300,000 Upper Canadians will be heard on the floor of the House, and if this is not allowed, the results that will follow will be awful.

That is the language of the gentleman who has charged us with making “highfaluting” speeches. I did address the meeting held in Toronto, and a more unanimous meeting, perhaps, never was held in Toronto. I confined myself entirely to the matter under discussion, and made no appeals of any kind. I leave that to the honorable member for North Ontario [Matthew Cameron] himself. Then he states again—in the debate of 1862 on representation by population—“No man with Anglo-Saxon blood in his veins will submit to the present state of affairs.”

Some Hon. Members—Hear, hear.

Alexander Mackenzie [Lambton]—And yet he accuses us now of taking hasty action in this matter. When the Macdonald-Sicotte Administration was formed, he devoted himself to denouncing the Hon. Provincial Secretary [William McDougall], who was then Commissioner of Crown Lands. He used all his power in abusing that gentleman, and he prophesied what the result would be when that gentleman appeared again before the people of Upper Canada. I gave my opinion plainly at the time, and I do not believe that any person used such strong language as the honorable gentleman himself. The question had come to be one that must be settled in one way or the other. It was quite clear to me for one, and to the people of Upper Canada, that the Federation project was the only thing we could have to remedy the state of affairs in which they were placed.

Some Hon. Members—Hear, hear.

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Alexander Mackenzie [Lambton]—But I had forgotten one point in regard to the Coalition arrangements being made to carry on the public affairs. When the liberal members held a meeting to consider the propositions made by their Government, the honorable member for Cornwall [John Sandfield Macdonald] attended and took an active part in the business of the meeting, and heartily approved of the project. He declined, it is true, to vote yea or nay on the first resolution, approving the policy proposed, but that was merely because the resolution was so worded as to expressly approve of Mr. Brown’s share in the perfecting of the arrangements made. This is proved by the terms of the second resolution, which was moved by the honorable member for Cornwall [John Sandfield Macdonald] himself.

Some Hon. Members—Hear, hear.

Alexander Mackenzie [Lambton]—The motion was in the following terms—“That the proposition for at least three members of the Opposition entering the Government be accepted.” Mr. Mackenzie of Lambton, moved in amendment—“That the proposition for three members of the Opposition entering the Cabinet be rejected, and that the proposition for the settlement of our sectional difficulties receive an outside support.” The amendment only received eleven votes; the eloquence of the honorable member for Cornwall [John Sandfield Macdonald] carried the meeting against my resolution. That honorable gentleman also moved the third resolutions as follows—“That it is all-important that Mr. Brown should be one of the party to enter the Cabinet.” Only three gentlemen—viz., Hon. Mr. Brown and Messrs. Burwell and Scatcherd—voted against this. Now, sir, if the honorable member was sincere then, how are we to account for his course now?

Some Hon. Members—Hear, hear.

Alexander Mackenzie [Lambton]—Was he deceiving us then, or is he speaking against himself now?

Some Hon. Members—Hear, hear.

Alexander Mackenzie [Lambton]—Considering the part that honorable gentleman had in organizing the Government, it did seem very extraordinary that he should have repeatedly reproached honorable gentlemen opposite with having formed a coalition.

George Brown [Oxford South, President Executive Council]—Hear, hear.

Alexander Mackenzie [Lambton]—Was it possible that he urged the formation of the Government with a view to destroy the liberals who had entered it? I believed then that the best course to pursue was to give the Conservative Government a thorough outside support. I have always had a strong objection to party coalitions. I felt then, as I do now, that they may lead to later results not foreseen at the time, and all that I wished was that the Liberal party should give their support to the Administration for the purpose for which it was formed, that support to cease when the object should be accomplished.

The honorable member for Cornwall [John Sandfield Macdonald] thought differently, and I do not think it becomes that hon. gentleman to get up now and denounce those hon. gentlemen for the course they have taken. He is not able to say that he did not vote. He voted as here recorded, and with the desire that I have always had to have everything of this kind recorded to prevent future

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misunderstanding, I took the trouble to have a certified copy of the proceedings, from which I have just quoted. When any honorable member took that course in the caucus, I think he was clearly bound to adhere to the same course.

Some Hon. Members—Hear, hear.

Thomas Parker [Wellington North]—Mr. Speaker, I had some intention of voting for the resolution in your hands, sir, until I heard the speech of the mover, the hon. member for Peel [John Cameron]; but that gentleman has quite convinced me that I ought not to do so.

Some Hon. Members—Hear *and laughter*.

Thomas Parker [Wellington North]—He proved most conclusively that the proposed Confederation was in itself a most satisfactory and desirable measure, and that the internal state of these provinces, as well as the threatening aspect of foreign affairs, were conclusive reasons for its immediate adoption. Defences, he told us, were immediately required, and that they could only be made effective by first uniting the provinces. Accepting this argument and others advanced by that hon. member, the conclusion is that the necessity for Confederation is imperative and immediate. But, sir, how does this agree with the terms of his resolution, if we should adopt it, and this House be dissolved, and members sent to the country for election before the new House could adopt the measure? The House of Commons would be dissolved, and the Imperial Parliament could not legislate on it for a year or more—

Some Hon. Members—Hear, hear.

Thomas Parker [Wellington North]—so that by the course proposed, the country would still remain, for a year or two longer, exposed to the dangers and difficulties so eloquently described by the hon. member for Peel [John Cameron].

Some Hon. Members—Hear.

Thomas Parker [Wellington North]—If that hon. member had voted against the previous question, and thereby asserted the right to amend or refer the Address before adoption, he could now very properly ask and claim our support to this resolution. But he not only voted for the previous question, but for the Address, and deliberately chose the present time to make this motion. Under these circumstances, he at least has no claim upon the support of the House.

Some Hon. Members—Hear.

Thomas Parker [Wellington North]—Having made a solemn contract with this House on the main question, he now turns round and seeks to upset the arrangement of his own making. His course is best explained by simple illustration. Suppose four or five gentlemen had entered into a unanimous agreement, when one turns round and says, “I was and am in favor of all that has been done; but unless you now attach this condition, I draw back and retire from the atonement.”

Some Hon. Members—Hear.

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Thomas Parker [Wellington North]—That was conduct which could not be approved either in public or private affairs. The position of the seconder of the resolution—the hon. member for North Ontario [Matthew Cameron]—is entirely different, because he, like myself, asserted by his vote on the previous question, the desire to have the resolutions amended. The honorable member for Peel [John Cameron] told us, even to-day, that this he considered the proper time to place his motion before the House. The resolution itself is highly proper, and one for which I would have voted, had it been made before the adoption of the Address.

Some Hon. Members—Hear.

Thomas Parker [Wellington North]—Now it is entirely out of place. The hon. member for North Ontario [Matthew Cameron] remarked just now, in the course of his speech, that this Constitution, if adopted, will soon have to be amended, and therefore, he said, we ought not to accept it. I entirely dissent from that opinion. Why, sir, the British Constitution is but a series of amendments made from time to time—a growth by successive amendments, the objection of my hon. friend is one of the main reasons why I am willing to accept this scheme.

I believe it will admit of amendment as time goes on, so that it may be made to meet the changing wants and requirements of the people. My hon. friend from North Ontario [Matthew Cameron] referred to the seductive influence of the breath of the Hon. President of the Council [George Brown], when breathed into the ears of members, and its magical effects in relaxing the knees, and then, sir, he looked, by way, I presume, of application, at the hon. member for West Elgin [John Scoble].

Some Hon. Members—*Loud laughter.*

Thomas Parker [Wellington North]—Now I have always regarded the hon. member for West Elgin [John Scoble] as one of the most reliable members of this House.

Some Hon. Members—*Laughter.*

Thomas Parker [Wellington North]—Well, if my honorable friend looked more particularly in this direction, I have nothing to add to the reasons already given in explanation of my vote. The question before me was—“Should we adopt or reject the resolutions?”—and agreeing with the hon. member for Peel [John Cameron] that something should be done immediately, I voted for them. I think it would be most outrageous if, after they have been sanctioned by a vote of this House, we were to nullify them by any subsequent proceedings. If the resolutions were to be referred to the people at all, it should have been before they received the sanction of this House. Are we to turn round to-day and reverse what we did on Saturday last?

I repeat, sir, that I think the resolutions should have gone to the country—and if my opinion had prevailed, they would have been referred—but not now, after their deliberate sanction by this House; to do so would stultify the Legislature. Our duty is now, in my opinion, to carry them into effect in good faith, and not stand shilly-shallying—blowing hot and cold with the same breath. I, sir, stand by what I have done, and by what this House has done, and shall vote against the amendment of the hon. member for Peel [John Cameron]—

Some Hon. Members—Hear.

Thomas Parker [Wellington North]— who, I think, occupies a most inconsistent position.

Some Hon. Members—Hear, hear.

Thomas Parker [Wellington North]—There is another point, sir, to which I desire to allude. The hon. member for Peel [John Cameron] stated that he voted for the Address as a private individual—as he would have voted on the question if out of this House. Now, sir, no member can shield himself under such a subterfuge. No member can separate his private from his legislative character in this House. If the explanation of the honorable member for Peel [John Cameron] be the general doctrine and practice of Parliament, I should like to have it understood, because there are occasions when it would be very convenient to avail one’s self of it.

Some Hon. Members—Hear.

Thomas Parker [Wellington North]—I look on this motion—I refer now to the hon. member for Peel [John Cameron], and except the hon. member for North Ontario [Matthew Cameron]—as an attempt to make a little capital at the expense of members who will save its supporters by voting it down. The hon. member for Peel [John Cameron] drew a fearful picture of our exposed and defenceless state—of the dark and threatening cloud gathering over us—of the necessity of setting our house in order by a union of these provinces.

Now, sir, if I half agreed with him, I should never think of bringing in an amendment causing delay and continued exposure to increasing danger, but would go in strongly for the adoption of measures against such a state of things, the very first hour it was possible. This resolution, from the time at which it is moved, sir, should be voted down at once. The House owes it to itself to give it no countenance at this stage of the proceedings. Had it been moved before the previous question, I would have voted for it; but as it comes up fifer the adoption of the main resolutions, I will stand by the solemn and deliberate action we have taken—I will stand the responsibility of the House and vote against it.

Some Hon. Members—Hear.

Joseph Rymal [Wentworth South]—Being one of the eight members from Upper Canada who voted against the resolutions of the Quebec Conference, and whose names, I expect, will long be cherished by the people of that section, I presume, Mr. Speaker, that I may vote for the amendment now in your hands, without being charged with inconsistency, as some honorable gentlemen have been during this discussion. I should not, however, have risen to address you, sir, but for a personal mat term that was drawn into this debate, in reference to myself and my connection with the constituency I have the honor to represent—or misrepresent, as some people say.

Some Hon. Members—*Laughter, and* hear, hear.

Joseph Rymal [Wentworth South]—According to the doctrines held by the Hon. Attorney General West [John A. Macdonald], it would appear that after I had been elected to this House, I have no business to refer any matter for decision to or consult the feelings of the people who sent me, but to act as I thought best for their interests. Allow me to dissent from this doctrine; but I have been obliged to exercise my own judgment, and I have done so honestly, independently, and fearlessly,

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irrespective of the consequences that may result to me, or of the half-uttered threats held out over me. These things, sir, have no influence over me; I shall pursue the course I think best for the interests of my country and of those who sent me here.

Some Hon. Members—Hear, hear.

Joseph Rymal [Wentworth South]—It matters little whether I enter Parliament again or not; but while I retain my position as one of the representatives of the people, I shall act fearlessly.

Some Hon. Members—Hear, hear.

Joseph Rymal [Wentworth South]—I regret that the Hon. President of the Council [George Brown], when speaking of my constituency and myself, should have seen fit to taunt me with and sneer at the narrow majorities by which I have upon occasions been returned to this House.

George Brown [Oxford South, President Executive Council]—Not at all; quite the contrary.

Joseph Rymal [Wentworth South]—But I say; for, Mr. Speaker, I can distinctly recollect when an honorable gentleman, holding a high position in this Government, was twice actually defeated —

Some Hon. Members—Hear, *and laughter*.

Joseph Rymal [Wentworth South]—and I dare say that the support I have given that hon. gentleman has on some occasions contributed to the narrowness of my majorities.

Some Hon. Members—Hear, hear, *and laughter*.

The question was then put on John Cameron [Peel]’s amendment, —

That all the words after “That” be left out, and the following inserted instead thereof: “an humble Address be presented to His Excellency the Governor General, praying that His Excellency, in view of the magnitude of the interests involved in the resolutions for the union of the colonies of British North America, and the entire change of the Constitution of this province, will be pleased to direct that a constitutional appeal shall be made to the people, before these resolutions are submitted for final action thereon to the consideration of the Imperial Parliament.”

which was negatived on the following division: —

YEAS

Messieurs

Beggar

Bourassa

Cameron (Ontario North)

Cameron (Peel)

Caron

Coupal

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De Boucherville
Dorion (Drummond & Arthabaska)
Dorion (Hochelaga)
Dufresne (Iberville)
Fortier
Gagnon
Gaudet
Geoffrion
Gibbs
Holton
Houde
Huntington
Joly
Labrèche-Viger
Laframboise
Lajoie
Macdonald (Cornwall)
Macdonald (Toronto West)
Morrison
O’Halloran
Paquet
Perrault
Pouliot
Ross (Prince Edward)
Rymal
Scatcherd
Thibaudeau
Wallbridge (Hastings North)
and Webb—35.

NAYS

Messieurs

Abbott
Alleyn
Archambeault
Ault
Beaubien
Bellerose
Blanchet
Bowman
Bown
Brousseau
Brown
Burwell
Carling
Cartier (Attorney-General)

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Cartwright
Cauchon
Chapais
Cockburn
Cornellier
Cowan
Currier
Denis
De Niverville
Dickson
Duckett
Dufresne (Montcalm)
Dunsford
Evanturel
Ferguson (Frontenac)
Ferguson (Simcoe South)
Galt
Gaucher
Harwood
Haultain
Higginson
Howland
Huot
Irvine
Jackson
Jones (Leeds South)
Knight
Langevin
Le Boutillier
Macdonald (Attorney-General)
Macfarlane
Mackenzie (Lambton)
Mackenzie (North Oxford)
Magill
McConkey
McDougall
McGee
McGiverin
McIntyre
McKellar
Morris
Parker
Pinsonneault
Pope
Poulin
Poupore
Powell
Raymond

Rémillard
Robitaille
Rose
Ross (Champlain)
Ross (Dundas)
Scoble
Shanly
Smith (Durham East)
Smith (Toronto East)
Somerville
Stirton
Street
Sylvain
Thompson
Tremblay
Walsh
Wells
White
Willson
Wood
Wright (Ottawa County)
and Wright (York East)—84.

Luther Holton [Chateauguay]—I have an amendment to offer, sir, which I trust will not be found open to some of the objections taken to the last one by the Hon. Attorney General West [John A. Macdonald]. I will read the motion, sir, and offer but a few remarks upon it, for it is not my purpose to detain the House myself, or to provoke a lengthy debate. I move, sir:—

That all the words after “That” be left out, and the following inserted instead thereof:—“the said resolution be referred to a committee of the whole House, in order so to amend it as to express the earnest hope of this House, that any Act founded on the resolutions of the Conference of Delegates held at Quebec in October last, which may be passed by the Imperial Parliament, will not go into operation until the Parliament of Canada shall have had the opportunity of considering the provisions thereof, and shall, after the next general election, pray Her Majesty to issue Her Royal Proclamation to give effect to the same”

Several Hon. Members—That is the same thing as the last amendment.

Luther Holton [Chateauguay]—hon. gentlemen state it is the same thing, but they will see that it is not at all the same. This resolution does not propose to contradict or go back upon the previous action of the House, but to supplement it by asking that any act passed by the Imperial Parliament, founded on the resolutions of the Conference, may be submitted to the House and to the country previous to its adoption.

Some Hon. Members—Hear.

Luther Holton [Chateauguay]—Mr. Speaker, this is a matter of great importance, but I can now only state the purport of the resolution; for, as I said before, I am not about to provoke a debate.

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This whole matter proceeds upon the theory that the people of Canada desire a change in their Constitution. Of course we know that the supreme sovereignty rests with the Imperial Parliament—of course we know that the power to change our Constitution and remodel it in any way rests there—but we are proceeding on the assumption that the Imperial Parliament will acquiesce in our desire for a change, and in the nature of the change desired.

Well, sir, the gentlemen on the Treasury benches, having the confidence of the majority of this House, and presumably the confidence of the majority of the people also, are going to approach Her Majesty's Government in England and ask them to submit to the Imperial Parliament a change in the Constitution of this country; but, sir, these gentlemen have not explained to us precisely how these resolutions are to be translated into an Act of Parliament—they have not explained to us which of these resolutions are to form part of our new Constitution, and which of them are to be carried out in some other way. But, Mr. Speaker, it will be of the last importance to the people of this country to know what their Constitution really is to be before its final enactment.

Some Hon. Members—Hear, hear.

Luther Holton [Chateauguay]—I would recall, sir, especially to hon. gentlemen from Lower Canada, the experience of the past in reference to this matter. In 1852 Mr. Hinck's Government carried through this House an Address in favor of a change in the constitution of the Legislative Council. They sought, by that Address, a change in the Union Act, operating a change in the constitution of the Legislative Council only. But instead of such a change in the Constitutional Act as was desired by the House, power was given to the Legislature to effect such a change, and along with that, the two-thirds clause of the Union Act was repealed—nobody to this day knows how.

Some Hon. Members—Hear.

Luther Holton [Chateauguay]—What assurance have we then—what assurance can we have—that a similar event will not occur now? Hon. gentlemen from Lower Canada must have a vivid recollection of our own very recent experience in constitutional changes. The change actually made in the Union Act in 1852 was one which was deprecated by all the representatives from Lower Canada—by the entire people of Lower Canada—and was brought about in a way which has never yet been satisfactorily explained.

Well, sir, presuming that the people of this country are making for themselves a new Constitution—recognising the power of the Imperial Government to effect any such change as they may deem fit—but also recognising the well-known desire of the Imperial Parliament to meet our views in the matter—I propose that this House shall pray, in this Address, that any act founded on the resolutions of the Conference which met in Quebec in October last, may only be put in force on the prayer of both branches of the Legislature of Canada. With these few words, explanatory of my resolution, I place it in your hands.

Some Hon. Members—Hear, hear.

Antoine-Aimé Dorion [Hochelaga]—I desire, as I did with reference to the amendment of the hon. member for Peel [John Cameron], not to discuss at length the motion of my hon. friend the member for Chateauguay [Luther Holton], but simply to explain the object of that motion in a few words.

“SIMILAR IN PRINCIPLE” TO THE UK: THE PREAMBLE (1867)

The House has just rejected an amendment, asking that an appeal should be made to the people of this province before the Imperial Government is asked to legislate on the Address of this House.

Now, the object of the amendment proposed by the hon. member for Chateauguay [Luther Holton] is to ask that the Constitution adopted in England may not go into force until it shall have been submitted to the Legislature of this province, after the next general election, and until an Address shall have been adopted, asking that it be put in force. We ask the Imperial Government to-day, by the Address which has just been adopted, to submit to the Imperial Legislature an act for the Confederation of the British North American Provinces.

If, in place of Confederation, the Imperial Parliament were to establish a legislative union of the provinces, I ask those honorable members of this House who protest against a legislative union, how they are to present themselves before their electors—after having refused to consult them—if they also refuse to declare that they desire to consider the measure again when it is brought back to us, after passing the Imperial Parliament?

All we ask by this motion is that the act which is to be passed may be submitted to our Legislature, and ratified and approved by this House, before it is definitely put in force—in short, we ask to be allowed to refuse the new Constitution if it should not suit us. We must not forget what occurred in 1856, when we asked the Imperial Parliament to change the constitution of the Legislative Council, and to render it elective.

Let it not be forgotten that they gave us a measure different from that we had asked for. We were, it is true, empowered to render the Legislative Council elective, but, at the same time, a clause was struck out of the Act of Union, which clause declared that the basis of the representation in the Legislative Assembly could not be changed without the concurrence of two-thirds of the members of the Legislature. And with that fact staring us in the face, what assurance have we to-day that the Imperial Government will not give us a legislative union, with representation based upon population, in place of a Confederation? What is to prevent them from changing the clause relative to the Legislative Council, and applying to it also the principle of representation based upon population?

Some Hon. Members—Hear, hear.

Antoine-Aimé Dorion [Hochelaga]—Well, it is with a view of avoiding the possibility of any change of that nature that we now propose this amendment. There are many hon. members of this House who fear that in view of the refusal of the Maritime Provinces to assent to this scheme, England may give us a Confederation of the two Canadas. And I ask—when we find the Ministry telling us, over and over again, that it is absolutely necessary to effect a constitutional change, that the matter is urgent, that even one week’s delay cannot be given, nor the time to discuss the amendments we desire to propose to the scheme; that they must have a measure at once, otherwise the most dreadful evils must ensue—I ask, is it to be fancied, for one moment, that the Imperial Government will consent to force the Lower Provinces into Confederation. And what is to prevent that Government from changing the scheme so as to make it applicable to the two Canadas alone?

Some Hon. Members—Hear, hear.

“SIMILAR IN PRINCIPLE” TO THE UK: THE PREAMBLE (1867)

Antoine-Aimé Dorion [Hochelaga]—Here is what will happen, or at all events what may very well happen: when our Ministers reach England, and urge upon the Imperial Government the necessity for a change in the Constitution as regards Canada, that Government, seeing that the Lower Provinces do not desire Confederation, will pass a measure for the Confederation of the two provinces, leaving to the Maritime Provinces the right to enter that Confederation whenever they think proper. That is very possible, and the only way to provide against such a contingency is to address Her Majesty, praying that any Imperial measure, relating to constitutional changes, may not take effect until it shall have been submitted to, and shall have received the ratification of, the Legislature of Canada.

Some Hon. Members—Hear, hear.

George-Étienne Cartier [Montreal East, Attorney-General East]—Mr. Speaker, in reply to what the honorable member for Hochelaga [Antoine-Aimé Dorion] has just said, I shall merely tell honorable members of this House that they need not take alarm at the apprehensions and predictions of that honorable gentleman. I have already declared in my own name, and on behalf of the Government, that the delegates who go to England will accept from the Imperial Government no act but one based on the resolutions adopted by this House, and they will not bring back any other.

Some Hon. Members—Hear, hear.

George-Étienne Cartier [Montreal East, Attorney-General East]—I have pledged my word of honor and that of the Government to that effect, and I trust that my word of honor will have at least as much weight with this House and the country as the apprehensions of the honorable member for Hochelaga [Antoine-Aimé Dorion].

Some Hon. Members—*Cheers.*

Robert Macfarlane [Perth]—Mr. Speaker, I had intended giving the reasons for the course I was taking prior to the last vote, and as I still desire to explain, the honorable member for Chateaugay [Luther Holton] has given me an opportunity of doing so now.

Some Hon. Members—Hear, hear.

Robert Macfarlane [Perth]—It certainly did require some courage to undertake to vote against the last amendment—a resolution which seems fair enough on the face of it. At first I was almost disposed to accept it, and it was not until I discovered its real bearing that I determined to vote against it. Honorable gentlemen will remember that, before the adoption of the resolutions, I was desirous that an appeal should be had to the people prior to the consummation of the vast scheme which they announce; and with that object in view, my vote is recorded against your ruling, Mr. Speaker, on the appeal from your decision at the time an amendment was offered prior to their passage. This House having sustained you in the opinion you pronounced, nothing was then left for me, as one of the representatives of the people, but to decide whether we should adopt the policy of Confederation or ignore it.

Some Hon. Members—Hear, hear.

“SIMILAR IN PRINCIPLE” TO THE UK: THE PREAMBLE (1867)

Robert Macfarlane [Perth]—The latter I was not disposed to do, and the Government received my support on the final vote taken, declaring a union of the British American Provinces to be advisable. These resolutions having been passed, we are now called upon to pass an Address to Her Majesty founded upon them. To this Address, and not to the resolutions, the honorable member for Peel [John Cameron] offered his amendment, and to support that would have been the ignoring of my former vote, the declaring an Address different from the very resolutions upon which that Address is to be founded, the sacrificing of a great political scheme for the support of what might unexplained be considered a popular and legitimate motion, but which was in fact a motion subversive of the resolutions, and valueless, save as a means unfairly to be used as a weapon on a hustings.

Some Hon. Members—Hear, hear.

Robert Macfarlane [Perth]— If the honorable member for Peel [John Cameron] desired this amendment, and honorable members of this House, myself amongst the number, understood he was intrusted with the care of it, why did he not, as an old member of this House, as one conversant with its rules and its usages, submit it for our consideration prior to the Honorable Attorney General [George-Étienne Cartier] moving the “previous question,” and at a time when, by your ruling, Mr. Speaker, it would have been admissible.

Some Hon. Members—Hear, hear.

Robert Macfarlane [Perth]—Had he done so then, members could have voted upon the merits of the amendment. Now that the resolutions are passed, that privilege has ceased. After all the difficulties which have arisen in the management of the public affairs of this country, which have existed so long, and which, I may say, have brought about the present Coalition, it was necessary that some alteration and some amendment should be made.

We could no longer proceed amidst the conflicting sentiments which pervaded this House, in the government of a people whose feelings were becoming as hostile as their representatives were antagonistic. And I ask what other solution acceptable to the two Canadas was to be had; what better scheme was to be adopted than that here submitted?

Some Hon. Members—Hear, hear.

Robert Macfarlane [Perth]—The question of Confederation is no new theory, so far as I am concerned; it is a plan which, during the short time I have taken an interest in public affairs, I have always felt disposed to support, as tending to our development as a country, and our independence and influence as a people; and after the declaration we made by our votes a few minutes ago, namely, that these resolutions should be adopted—after hearing too from members of the Government that they are not now prepared to submit to any alterations, and finding that the effect of not passing this Address, founded upon them, would virtually be to throw us back into the state of political chaos from which we have just emerged, I find another reason why I cannot support this or any other amendment.

Some Hon. Members—Hear, hear.

“SIMILAR IN PRINCIPLE” TO THE UK: THE PREAMBLE (1867)

Robert Macfarlane [Perth]—Looking at the matter apart from these amendments, I am, with a reference to the past and a regard for the future, obliged to consider this question in a military as well as in a political and national point of view, and cannot but deem its consideration in this respect a necessity—placed as we are on the borders of a nation whose citizens are versed in the use of the arms with which their legions are now dealing death in the field—isolated as we are from the nation to which we owe our allegiance and which guards our rights, but whose acts might occasion our invasion, and subject as our territory is to be the battleground in the event of a difficulty between England and the States—it behoves us to combine our individual strength, give weight and Concentration to our isolated influences, and thus enable us to join effectively with the Mother Country and repel with vigor any acts of hostility that might be taken against us.

It is not by the continuation of things as they were, or by the renewal of the conflicting feelings which have existed between Upper and Lower Canada, that we are to add strength to our arms or lustre to our name; it is not thus we are to develop our resources and give us the revenues requisite for our defence; it is not thus we are to become a people capable of self-government and self-defence, should England ever leave us to our own resources, and sever us from her list of colonies; but by the cementing of our local relations, by the concentration with us, under one government, of the vast territories of the North-West and the peopled provinces of the east, with one community of interest and one object of design, we will be enabled to place ourselves in a position in which we could maintain our independence of a foreign power, perpetuate our connection with Great Britain, and preserve our allegiance to its Sovereign; and should the time come when a severance of these relations should be requisite, the British people of America will not be a crippled chain of powerless and defenceless colonies, but a vast nation, with its sturdy farmers tilling the soil of the vast west, and its daring seamen gathering the wealth of its seaboard fisheries in the east, the one ready to defend our hearths at home, while the other protects our rights at sea, and both ever willing and able to stand by England in her hour of trouble and in her work of good.

Some Hon. Members—*Cheers.*

Robert Macfarlane [Perth]—I feel that now is the time for taking such steps if ever they are to be taken. If ever there was an occasion when it was necessary to remove the hostility existing between Upper and Lower Canada, and cement their friendships—if ever there was a time when it was prudent to strengthen ourselves by a union with the other provinces and place ourselves in a position of defence, it is the present, and I speak, I think, the sentiments of all Upper Canada, certainly of all that section of it where I reside, when I say that there is but one feeling there in reference to this matter, and it is favorable to this proposed arrangement, favorable to this plan for the union of the provinces.

Some Hon. Members—Hear, hear.

Robert Macfarlane [Perth]—Besides, Mr. Speaker, though some of the details are objectionable. I am not prepared to risk the loss of the principle which is admitted in these resolutions, which is one that gives to Upper Canada what she has demanded for years, and gives it whether the other provinces accede to it or not; it is the recognition by Lower Canada of Upper Canada's rights to an increased representation; it is the acceding of that which Lower Canada has ever heretofore refused to grant, and I cannot, in cavilling at these details, which may hereafter be modified, jeopardise the attainment of the greater object and sacrifice that which is here insured to us.

Some Hon. Members—Hear, hear.

Robert Macfarlane [Perth]—Again, notwithstanding the declaration of my honorable friend from South Hastings [Lewis Wallbridge] that this measure seals up the North-West I think, on the contrary, that it adds to the prospect of opening up that vast territory. Before long we shall see population extending over these vast plains, across the basin of the Winnipeg and the valley of the Saskatchewan, and thence to Vancouver, and all the sooner if this measure be adopted, supplying as it will a government for the encouragement of its settlement and the protection of its settlers; for the country is as fertile and productive as our own province, and its domain as wide. To the north-west there lies beneath British sway, but as yet all unclaimed, a vast and varied territory, the mineral and agricultural wealth of which no man can estimate, and the future products of which none can conceive—a territory offering the emigrant the choice of its fertile plains, and the miner the wealth of its hidden riches.

Here, then, is the policy which tends to the settlement of this vast territory, the development of its immense resources, the opening up of its inexhaustible mines, and with it the creation of a new people, the establishment of increased revenues, and the extension of British influences and British power on this continent. And while developing our resources in the west, it gives an additional outlet for the products of that living mine of teeming wealth in the east—our fisheries—the protection and encouragement of which is as necessary as their wealth to us is inestimable.

Some Hon. Members—Hear, hear.

Robert Macfarlane [Perth]—Believing, too, that this scheme will tend alike to our internal reform and improvement as Canadians, and the quieting of our political hostilities; that it will give us a larger field for our labors and an additional market for our products; that the connections in trade which it will procure will effect for us enhanced revenues and increased commerce, I, as a Canadian, am willing to adopt it even in this local and selfish sense; but I also see in it a broader policy with a wider field open for our energies and our capital—it is the first step towards establishing on British territory a highway from the Pacific to the Atlantic, and thus procuring for us the carrying trade of Asia and the East with all the enriching revenues which it will insure and the labor it will employ. In short, Mr. Speaker, it is the policy of a great colonial combination, effective alike in civil pursuits and military defence, adding strength to the Empire and influencing the destinies of this great continent. For these reasons I voted against the last amendment, and for the same reasons I am prepared to vote against this one also.

Some Hon. Members—Hear.

The House then divided on Luther Holton's [Chateauguay] amendment, —

That all the words after “That” be left out, and the following inserted instead thereof: —“the said resolution be referred to a committee of the whole House, in order so to amend it as to express the earnest hope of this House, that any Act founded on the resolutions of the Conference of Delegates held at Quebec in October last, which may be passed by the Imperial Parliament, will not go into operation until the Parliament of Canada shall have had the opportunity of considering the provisions thereof, and shall, after the next general election, pray Her Majesty to issue Her Royal Proclamation to give effect to the same”

which was negatived on the following division:—

YEAS

Messieurs

Biggar
Bourassa
Cameron (Ontario North)
Caron
Cornellier
Coupal
De Boucherville
Dorion (Drummond & Arthabaska)
Dorion (Hochelaga)
Dufresne (Iberville)
Fortier
Gaudet
Geoffrion
Gibbs
Holton
Houde
Huntington
Labrèche-Viger
Laframboise
Lajoie
Macdonald (Cornwall)
Macdonald (Toronto West)
Morrison
O’Halloran
Paquet
Perrault
Rymal
Scatcherd
Thibaudeau
Tremblay
and Wallbridge (Hastings North)—31.

NAYS.

Messieurs

Abbott
Alleyn
Archambeault
Ault
Beaubien

“SIMILAR IN PRINCIPLE” TO THE UK: THE PREAMBLE (1867)

Bellerose
Blanchet
Bowman
Bown
Brousseau
Brown
Burwell
Carling
Cartier (Attorney-General)
Cartwright
Cauchon
Chapais
Cockburn
Cowan
Currier
Denis
De Niverville
Dickson
Duckett
Dufresne (Montcalm)
Dunsford
Evanturel
Ferguson (Frontenac)
Galt
Gaucher
Harwood
Haultain
Higginson
Howland
Jackson
Jones (Leeds South)
Knight
Langevin
Le Boutillier
Macdonald (Attorney-General)
Macfarlane
Mackenzie (Lambton)
Mackenzie (Oxford North)
Magill
McConkey
McDougall
McGee
McIntyre
McKellar
Morris
Parker
Pinsonneault
Pope

“SIMILAR IN PRINCIPLE” TO THE UK: THE PREAMBLE (1867)

Poulin
Poupore
Powell
Raymond
Rémillard
Robitaille
Rose
Ross (Champlain)
Ross (Dundas)
Ross (Prince Edward)
Scoble
Shanly
Smith (Durham East)
Smith (Toronto East)
Somerville
Stirton
Street
Sylvain
Thompson
Walsh
Webb
Wells
White
Willson
Wood
and Wright (York East)—79.

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September 1, 1895: Luther Holton, Province of Canada, Legislative Assembly, ([click HERE](#))

**LEGISLATIVE ASSEMBLY
FRIDAY, September 1, 1865**

Luther Holton [Chateauguay]—He believed we had a constitution that had produced most satisfactory results. It was not perfect any more than the British constitution and required amendment perhaps. He considered our present want was a good and practical government under our present constitution which, he maintained, with all its faults, was infinitely superior to the abortion framed at the Quebec Conference.

Some Hon. Members—Hear, hear, “oh, oh” and *cheers*.

Luther Holton [Chateauguay]—It was a sort of hybrid between federal republicanism and British colonial toryism.

Some Hon. Members—*Cheers and laughter*.

Luther Holton [Chateauguay]—It was a thing that had no parallel in our history, and was truly hostile to the spirit of the British constitution, without securing the advantages of the American system of federation.

Some Hon. Members—Hear, hear.

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1866

July 13, 1866: John A. Macdonald, George-Étienne Cartier, John Sandfield Macdonald, John Cameron, George Brown, Moise Fortier, Antoine-Aimé Dorion, Joseph Cauchon
Province of Canada, Legislative Assembly, pp. 45-47. (click [HERE](#))

LEGISLATIVE ASSEMBLY

FRIDAY, July 13, 1866

John A. Macdonald [Kingston, Attorney-General West and Minister of Militia] stated that it was his intention to take up the question of the Local Governments, this evening at 8 o'clock.

Luther Holton [Chateauguay] said that since the last measures on the Confederation scheme was about to be submitted, it was time that the House should have a declaration from the government as to the promised measure on the education question of Lower Canada.

George-Étienne Cartier [Montreal East, Attorney-General East] stated that the measure would be submitted, but it would not take precedence of the resolution on the Local constitutions.

John Sandfield Macdonald [Cornwall] stated that if a measure was to be introduced on the education question and Lower Canada, the same privileges ought to be extended to Upper Canada. He would move a resolution to that effect himself, though personally he would have been satisfied to leave it in the hands of the majority of each Province. Since, however, they had not been asked to do that it was only fair that equal privileges should be extended to the minorities in both sections.

George-Étienne Cartier [Montreal East, Attorney-General East] said in Lower Canada there were the Common Schools, which in each municipality were the schools of the majority, whether Catholics or Protestants, and then Dissident Schools, which were the schools of the minority, no matter to which religion they belonged. It had been complained that the minorities in Lower Canada had not the privileges which were enjoyed by the minority in Upper Canada, and it was to remedy the new bill was to be brought in.

Further discussion took place as to the time when the measure should be brought down, some contending that it ought to have taken precedence of the question of the Local constitutions.

George-Étienne Cartier [Montreal East, Attorney-General East] stated that the resolutions of the Local constitutions would not go to a third reading until after the education bill had been brought down. The Protestants might rely upon it that he would see they received every justice in that measure.

John Cameron [Peel] expressed his satisfaction with the explanation of the Attorney-General East [George E. Carter], and felt sure they would be satisfactory to the people of Upper Canada, who desired to see the same privileges extended to their Protestant minority of Lower Canada as those enjoyed by the Catholic minority of Upper Canada.

Antoine-Aimé Dorion [Hochelaga], after referring to the educational question, proceeded to ask the government whether it was their intention to bring forward their promised bill to amend the election law.

John A. Macdonald [Kingston, Attorney-General West and Minister of Militia] said the question was now receiving all the attention which the demands upon his time would permit. He hoped to be able to bring forward the measure at an early day, and would be happy to have the assistance of the hon. member of amending it, if it were found defective.

Evening Sitting

John A. Macdonald [Kingston, Attorney-General West and Minister of Militia] did not propose to occupy the time of the House very long and submitting the resolutions for the Local constitutions of Upper and Lower Canada. Before speaking to the resolutions he would say a word as to the charge against the Government of delay.

The Quebec resolutions had been carried without amendment, but the Governments of the Lower Provinces have not been so successful, on account of the hostility the scheme had met with. The hon. member for South Oxford [George Brown] approved of the delay. It would have answered no good purpose. It would not have expedited Confederation to enter on this subject at an earlier day.

On the contrary, discussions would have taken place in this House which might have had an injurious effect. The hon. member for Hochelaga [Antoine-Aimé Dorion] had on a former occasion, put some question relative to the Intercolonial Railway, and the remarks made on that occasion were posted up at every polling place in New Brunswick to defeat the cause of Confederation, and he doubted not that had the debate been brought on in this House before the principle of Confederation was affirmed in the other Provinces, that something would have been said on one side or the other which would have been taken advantage of by the opponents of this scheme in other places. And had they laid the subject before the House on the first day of the session it would not have expedited the business of the session.

The Attorney-General East [George-Étienne Cartier] would address the House in explanation of the resolutions referring particularly to that section of the Province. In Upper Canada it had been concluded after mature consideration to have only one Legislative Chamber. The executive in both Provinces would be the same; a governor appointed by the general government, holding office during pleasure, which should not except for good reasons be exercised until after the expiration of five years.

“SIMILAR IN PRINCIPLE” TO THE UK: THE PREAMBLE (1867)

With respect to the Local Legislature of Upper Canada, there were several reasons inducing the choice of one chamber. For a subordinate Legislature acting under authority of a general government, having in fact something of the character of a Municipal body, one chamber had been considered sufficient. It was however an experiment, and if it did not work well it would be easy to provide two, but on the other hand it would be exceedingly difficult to begin with two and then reduce it to one.

Another reason was the very great difficulty in finding the requisite number of men able and willing to undertake the charge of the duties of legislation. Even in Canada, as a whole, it must be admitted that there is a difficulty in finding a sufficient number of men qualified by habit and fitness for the duties of Legislation.

Another consideration that had suggested itself was that the present number of representatives, 65, might have been sufficient for the Local Legislature, but I was surrounded with difficulties. One of the principle questions with which it would have to deal, would be the redistribution of seats for the Confederate Legislature. It had therefore been considered expedient that the same limits of constituency should apply to both the Local and the General Legislatures.

The second resolution provides for the administration of the local governments according to the well understood principles of the British Constitution. Some hon. gentleman might remember how in Upper Canada, before the union, the system of log rolling had been carried on until the statute book was loaded with appropriations which, the revenue could not meet. This state of affairs was happily swept away by the union, which establish the principle of responsible government, and provided against the appropriation of a single dollar without a message from the Crown. The duration of local parliaments was to be four years.

George Brown [Oxford South]—Did not understand that such was the case. The point was discussed but not decided on.

John A. Macdonald [Kingston, Attorney-General West and Minister of Militia] had an impression that such, at all events, was the understanding. As a representation, it's principal basis was to be population, but territory was also to be taken into account in the redistribution of new seats for Upper Canada. In some few instances it will be seen, that from the difficulties of adjusting the population they had departed from that rule, but generally it had been adhered to. As the basis of the representation of Upper Canada was settled by the Quebec resolutions, to be re-distributed after each decennial census, they had deemed it proper to adopt, as a basis, for the first distribution, the census of 1861. By the system in Canada the people had every opportunity of electing men whom they knew—men who had been trained in the municipal system, who are capable and qualified for the high duties of a representative.

It seemed to him, that in an old country, the periodical re-distribution of seats would be undesirable, but in a new country like this, or the United States, it was necessary, on account of the rapid increase in population. In concluding, he said he had hoped that all the old party lines would be swept away by the Confederation of British America.

He moved the adjournment of the debate, which was carried.

*In reply to a question from **John Sandfield Macdonald [Cornwall]**—*

“SIMILAR IN PRINCIPLE” TO THE UK: THE PREAMBLE (1867)

John A. Macdonald [Kingston, Attorney-General West and Minister of Militia] said he intended that the resolution should be preceded with, with the Speaker in the chair; but as in the case of the Quebec resolutions, it was the desire of the Government of the same freedom of debate should be allowed as if the House were in Committee.

George Brown [Oxford South] asked whether any mode of settling the liabilities between Upper and Lower Canada, and whether it was intended to submit a measure on the subject to this Parliament.

John A. Macdonald [Kingston, Attorney-General West and Minister of Militia] said that was a mere question of appraisal and settlement of account, with which the Local Constitutions had nothing to do. It was, however, the intention of the Government to submit a mode of arrangement to this Parliament, but his honourable friend would see that the giving effect in this, as to the Confederate and Local Legislatures, must be by act of the Imperial Parliament.

George Brown [Oxford South] was very glad to have heard at the Attorney-General's [John A. Macdonald] views on the subject.

John Sandfield Macdonald [Cornwall] wish to know the course the government intended to pursue towards providing for the first meeting of the Upper Canada Parliament.

John A. Macdonald [Kingston, Attorney-General West and Minister of Militia] said the functions of this Government would cease the moment the Confederate Constitution came in force.

George Brown [Oxford South] wished to urge on the Attorney-General the importance of the point put by the hon. member for Cornwall [John Sandfield Macdonald]. It would be necessary for this Parliament to arrange the way in which the Local Constitutions were to be put in force, and he hoped the Government would at once bring down resolutions upon the subject before the debate on the Local Constitutions was resumed.

John A. Macdonald [Kingston, Attorney-General West and Minister of Militia] hoped his hon. friend with see that they should first determine the principle before they went into details. The principle of the Lower Constitutions was now before them, and when that was affirmed, the means of organising them would be duly considered. The organization of the General Government, with the approbation of the people as expressed by a general election, should precede the organization of the Local Governments.

George-Étienne Cartier [Montreal East, Attorney-General East] *addressed the House in French explaining at considerable length the provisions of the Local Constitution for Lower Canada.*

—M. L'Orateur En prenant la parole, je déclare tout d'abord, que j'ai un grand désir, comme membre de la législature, d'établir des institutions sages et durables. Mon collègue (l'honorable M. Macdonald) a exposé les principales différences entre les deux systèmes de gouvernement que nous proposons pour le Haut et pour le Bas-Canada, respectivement. Le Haut-Canada n'aura qu'une seule Chambre, tandis que le Bas-Canada en possédera deux: un Conseil législatif, dont les membres seront nommés à vie par le gouvernement, et une Assemblée nommée par les libres suffrages du peuple.

Nous ne soumettons ce projet, mes collègues et moi, qu’après de longues délibérations. Le Bas-Canada a son histoire et ses traditions politiques; le Haut-Canada aussi, et aujourd’hui, à la veille d’inaugurer un nouveau système, nous ne pouvons nous empêcher de jeter un regard sur le passé, afin d’y rechercher les raisons du présent et des présages pour l’avenir.

En 1791, le Bas-Canada fut de même que le Haut-Canada, doté d’une législature, composée des deux Chambres: Conseil législatif à vie, et Assemblée élective. Quel résultat eut cette constitution? En ce qui concerne la formation des Chambres, il n’y eut rien ou que peu de chose à désirer; mais il manquait au système ce cachet de perfection qui caractérise la constitution britannique, je veux dire la responsabilité ministérielle. Si, avant 1837, le gouvernement impérial avait concédé au Bas-Canada le régime de la responsabilité, il aurait évité les troubles malheureux de cette époque; mais après avoir ainsi fait la part de reproches qui doit revenir au gouvernement impérial, sachons dire aussi qu’il n’était pas seul blâmable.

Les hommes politiques du temps avaient certes raison de demander le redressement de leurs griefs; seulement les remèdes réclamés par eux n’étaient pas les meilleurs. Tandis que dans le Haut-Canada, le Dr Baldwin, père de l’honorable Robert Baldwin, et les autres, qui avaient senti tout de suite qu’il manquait un élément essentiel au bon fonctionnement des institutions déjà établies, ne cessaient point de réclamer un gouvernement responsable, le Bas-Canada s’en tenait à demander l’élection du Conseil législatif! Les demandes du Haut-Canada étaient tout à fait conformes à l’esprit de la constitution britannique; les améliorations qu’on voulait apporter au régime du Bas-Canada, étaient plutôt approchantes du système de la responsabilité gouvernementale n’ait pas été établi dans le Haut-Canada, avant l’Acte d’Union, dès 1841, on y vit l’honorable Robert Baldwin soumettre à l’Assemblée les célèbres résolutions, qui, après avoir été modifiées par M. Harrison, ont formé la base des institutions politiques dont nous jouissons aujourd’hui.

D’autre part, en lisant les quatre vingt-douze résolutions proposées par M. Elzéar Bédard, — mais qui avaient été rédigées par M. Morin — nous y verrons énumérés tous les maux dont le Bas-Canada se plaignait avec beaucoup de raison. Que demandait-on? Une chose seulement: que le Conseil législatif fût nommé par élection.

Les hommes politiques d’alors ne paraissent pas avoir compris l’importance du système de la responsabilité. Quand, en 1830, M. Panet fut appelé au Conseil exécutif du Bas-Canada, on y fit peu d’attention, bien qu’il fût déjà membre de l’Assemblée législative. Mais il en fut autrement pour M. Dominique Mondelet. C’était un avocat distingué fort versé dans les lois, à la tête d’une clientèle considérable. Il représentait, à l’Assemblée, la comté de Montréal et les comtés de Jacques-Cartier et d’Hochelaga. Cette nomination était l’introduction du gouvernement responsable dans le Bas-Canada; M. Mondelet, ayant un siège à l’Assemblée, y aurait défendu les mesures du gouvernement, mais y aurait lui aussi subi l’influence de la Chambre, qui l’eût obligé d’insister auprès de ses collègues, pour obtenir les réformes demandées. La Chambre, toutefois, n’eut pas cette vue juste des choses. Elle considéra M. Mondelet comme un espion, et, dans un moment malheureux, elle résolut de l’expulser. Tous ces faits ont leur importance, et je ne crois pas inutile de les rappeler maintenant que nous jetons les fondements d’un gouvernement provincial.

En se rapportant maintenant à nos institutions politiques sous le système responsable, on voit que les vives réclamations qui se faisaient entendre au sujet du Conseil législatif s’apaisèrent insensiblement. Mais les germes de haine laissés par l’ancien régime s’étaient conservés chez ceux

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qui avaient servi sous ce régime, et ils crurent devoir faire cette concession aux souvenirs d’une autre époque. Après dix ans d’expérience, on a pu se convaincre que, avec la responsabilité ministérielle, cela était inutile. Ce point a été discuté par les trente-deux délégués, à la convention de Québec.

Les délégués canadiens avaient deux systèmes à soumettre à la convention. Dans le Bas-Canada, les conseillers avaient tour à tour été nommés à vue et élus par le peuple. En examinant à résultats, nous sommes arrivés à cette conclusion, que, le Conseil élu, a réussi, non pas par l’effet du principe électif, mais parce qu’il y a toujours eu dans ce corps, un certain nombre de membres nommés à vie, ce qui a contribué à le maintenir dans son indépendance et lui a permis de mieux surveiller les opérations de l’autre branche de la législature.

Cela nous a engagés, mes collègues bas-canadiens et moi, à remettre en usage le système des deux Chambres, nommées l’une par la Couronne et l’autre par le peuple. Si l’on me demande pourquoi nous n’aurions pas une seule Chambre, comme le Haut-Canada, je répondrai que les résolutions de Québec ont sagement prescrit que chaque province pourrait régler sa forme propre de gouvernement comme elle l’entendrait. L’article 41 de ces résolutions est ainsi conçu:

“Les gouvernements et les législatures des diverses provinces seront continués comme leurs législatures actuelles respectives le jugeront à propos.”

Ainsi chaque province est libre d’établir le gouvernement particulier qui lui conviendra. Le difficile était de trouver le système convenable pour chaque province. Le Haut-Canada n’est habité que par une seule race, il en est autrement du Bas-Canada.

Je ne crois pas que la dualité de races soit un désavantage pour nous, mais il nous faut un système que trouvent acceptable les populations de races et de religions différentes qui habitent le Bas-Canada. Le Haut-Canada, en ne voulant avoir qu’une seule Chambre, a été mû par un désir d’économie. Quant à nous, nous n’avons pas cru ce motif suffisant. Ce n’est pas pour une épargne de £15,000 à £20,000 que nous refuserions de donner plus de dignité à nos institutions législatives. En pareille matière, l’économie ne doit pas être la principale chose à rechercher, et j’espère que mes amis partageront cette opinion.

Les populations du Bas-Canada sont beaucoup plus monarchistes que celles du Haut-Canada; elles apprécient davantage les institutions monarchiques, hormis, toutefois, les démocrates avancés, comme il s’en trouve quelques-uns dans cette Chambre. Ceux-là vont me désapprouver; mais je n’y ai pas regret. Pour avoir leur approbation, il me faudrait favoriser beaucoup trop leurs idées et manquer par là même au premier de mes devoirs.

Quoique l’on ne puisse en Canada, établir une aristocratie fondée sur la naissance ou sur la propriété, on ne doit pas oublier, cependant, que la Constitution de 1791 avait posé les bases d’une institution aristocratique établie sur le droit de naissance; mais on n’y a pas donné suite. Le Haut-Canada veut tenter une expérience; sans nous permettre de lui offrir un avis, nous pouvons bien dire que l’on a déjà essayé ailleurs plusieurs fois, de gouverner avec une seule Chambre, notamment aux Etats-Unis, où la doctrine démocratique est poussée très loin, essai malheureux, l’on est bientôt revenu de cette erreur. Aussi a été encore consacrée l’utilité d’une seconde Chambre. Dans ces Etats, il est vrai, les membres du Sénat ne sont pas nommés à vie; mais leur

élection diffère de celle de la Chambre basse. On doit aussi remarquer que les sénateurs y sont élus pour un plus grand nombre d’années que les représentants.

Avec la responsabilité ministérielle, un Conseil électif est une anomalie; au lieu d’apporter plus de force à la constitution, il est une cause d’embarras. Si, dans le Bas-Canada, on avait eu tout de suite le système de la responsabilité, jamais la constitution de 1791 n’aurait été renversée.

Voilà ce qui nous a engagés, mes collègues et moi, à avoir une seconde Chambre. Les membres en seront nommés à vie, pour les circonscriptions territoriales prescrites par le statut. Il pourra se produire des conflits entre les deux Chambres. Le fait est que, dans l’histoire de tous les peuples soumis à un gouvernement constitutionnel, on voit ces deux corps politiques s’entre-choquer, quelquefois la situation devient grave, il faut alors user d’une extrême prudence; il faut aussi être attentif à l’opinion publique.

Mais l’opinion publique que j’ai en vue n’est pas ce produit d’une tempête populaire, qui ne cherche qu’à tout renverser. Le mieux, sera toujours d’éviter, et à tout prix, le choc des corps politiques.

Dans le Bas-Canada, je le répète, nous sommes monarchistes conservateurs; et nous voulons prendre les moyens d’empêcher la tourmente populaire de jamais bouleverser l’État.

Par les résolutions l’on propose de donner au Bas-Canada soixante-cinq députés, en conservant les circonscriptions électorales de maintenant. Dans le plan fédéral, le Bas-Canada aura toujours ce même nombre de représentants. Il a, en quelque sorte, la position d’honneur, il sert comme de pivot à tout le rouage constitutionnel. Il est important de ne pas nous départir à la légère de cette position, d’un pareil rôle. C’est pourquoi, les circonscriptions électorales ne pourront être changées que du consentement des trois quarts des membres de l’Assemblée législative.

On a cherché à effrayer la population anglaise du Bas-Canada à ce propos. Mais elle n’a rien à craindre. Il y a aujourd’hui dans le Bas-Canada seize circonscriptions électorales, qui fournissent à la population anglaise ou protestante sa bonne part de représentation: Ottawa (comté), Argenteuil, Shefford, Richmond et Wolfe, Compton, Stanstead, Missisquoi, Brome, Huntingdon, Sherbrooke, Mégantic, Châteauguay, Montréal-Ouest, Montréal-Centre, Québec-Ouest et Gaspé. A la vérité, ce n’est qu’un quart de la représentation totale; mais comment ce quart pourrait-il être opprimé?

Supposons qu’on veuille donner un nouveau membre à tel district, les autres districts, jaloux de leur influence, s’y opposeront naturellement. En outre, dans plusieurs autres comtés, il existe une minorité anglaise assez importante pour pouvoir y exercer une influence très sensible: Pontiac, Bonaventure, Québec-Centre, Montréal-Est, Montcalm, etc. Voilà assurément qui doit rassurer ceux de nos concitoyens anglais et protestants qui désirent comme moi, que l’harmonie règne toujours entre nous. Les anciennes luttes ne sauraient renaître, soyons-en bien convaincus.

On propose d’appliquer au gouvernement du Bas-Canada le système de la responsabilité ministérielle. Il y faudra un commissaire des Terres de la Couronne, un procureur général, un ministre des finances, un secrétaire provincial et un président du conseil. Mais cela ne sera pas bien coûteux. D’ailleurs, encore une fois, nous ne devons pas trop regarder à la dépense, quand il s’agit d’avoir un bon gouvernement. Aux États-Unis, il y a ce qu’ils appellent la responsabilité, dans le gouvernement provincial, la durée des législatures serait forcément plus courte, et il nous faudrait

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nous résigner à vivre au milieu d’une continuelle agitation électorale, comme on fait aux États-Unis, où les honnêtes dégoûtés. Le régime démocratique poussé aux dernières limites en est à présent au règne de la populace.

En adoptant la responsabilité ministérielle et donnant à la législature une durée de quatre ans, nous évitons l’inconvénient des trop fréquentes élections. Les honnêtes gens n’auront alors aucune répugnance à s’occuper de la chose publique, et ils pourront combattre avec avantages les extravagances de la démocratie turbulente.

Moise Fortier [Yamaska]—Quel inconvénient y aurait-il donc à n’avoir qu’une Chambre?

George-Étienne Cartier [Montreal East, Procureur-Général Ouest]—Conservateur d’éducation monarchique, notre devoir est d’entourer nos institutions politiques de tout ce qui peut contribuer à leur stabilité.

Antoine-Aimé Dorion [Hochelaga] followed, stating that he designed to propose an amendment in favour of a single chamber in Lower Canada, the same as in Upper Canada.

Joseph Cauchon [Montmorency] replied to **Mr. Dorion**, speaking until a quarter to twelve o’clock.

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July 27, 1866: John A. Macdonald, Luther Holton, John Sandfield Macdonald, James O’Halloran, Matthew Cameron, George-Étienne Cartier, Maurice Laframboise, Arthur Rankin, Province of Canada, Legislative Assembly, p. 62. (click [HERE](#))

Local Constitutions

The debate on the resolutions was resumed.

In reply to a question,

John A. Macdonald [Kingston, Attorney-General West and Minister of Militia] explained that it would be necessary to embody these resolutions as passed by Parliament, in an address to Her Majesty.

Luther Holton [Chateauguay] contended that according to the fair meaning of the Quebec resolutions, it was provided that the existing government should frame the Local Constitutions; and that the resolutions before the House, presenting but a mere skeleton, did not fulfill that condition.

John A. Macdonald [Kingston, Attorney-General West and Minister of Militia] replied that the general principles upon which the Confederation of the Provinces was to take place, had been agreed to, and embodied in the form of resolutions, and it was well understood that the general principles of the Local Constitutions should be presented in the same way. The Government has strictly follow the well understood terms of the Quebec resolutions, with regard to the Local Constitutions. Were we to undertake to make an act for the Imperial Parliament to pass? The hon.

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gentleman day after day had reproached the government for not going on with these measures; now, when they were going on with them here, he was throwing every obstruction in their way, determined if possible to defeat Confederation.

John Sandfield Macdonald [Cornwall] contended that the government should elaborate as many of the details of the Local Constitutions as possible, and submit them for the consideration of this House, and not go home with these resolutions so indefinitely framed, and construct whatever sort of constitution they chose. The people should have some guarantee that within a few months after the abolition of our present form of government, they would be permitted to meet in the Confederate and Local Parliaments.

John A. Macdonald [Kingston, Attorney-General West and Minister of Militia] said as he had remarked before, they must deal with only one case at a time. They should look to the question before them, and settle that before raising other issues. Already the general principles of the Confederate Constitution had been determined; now, they were called upon to settle the general principles of the Local Constitutions. With regard to Lower Canada, the matter was very simple, as the present constitution of Canada had been adopted in its entirety, with a single exception of a nominated, instead of an elective Upper House.

In Upper Canada they had aimed at a greater change—yet it was only a change in one particular, the adoption of one chamber instead of two. This, then, was the great question to discuss in these resolutions, and the other was whether they should or should not have Responsible Government in conjunction with a single chamber. As to the general course of proceeding, the first step after the passing of the Imperial Act would be the sending out of a Viceroy or Governor-General, under whatever title Her Majesty may be pleased to give him. And his first duty would be to issue the writs for a general election for the Confederate Parliament, and to appoint provisional Lieutenant-Governors that they might issue writs for an election for the Local Parliaments.

Of course it was well known that it would be quite impossible to submit this measure to the Imperial Parliament before the next session, which would be in January, or early in February next.

Joseph Cauchon [Montmorency] contended that there was no danger of any changes being made from the principles laid down in the resolutions because they had not given their own government any authority to change them, and the Imperial Government would not introduce such changes without their consent. It must follow therefore that if any changes are proposed, our Government must bring them before the Parliament of this country, and have its sanction before they can be introduced into the Imperial Act. He also referred to the provisions of the Quebec resolutions regarding the formation of the Local Constitutions, saying that the meaning evidently was that well existing government should settle the general principles of the Local Constitutions, separate Provinces would be empowered to amend them here after within the provisions of the general Constitution.

James O'Halloran [Missisquoi] said when the Quebec resolutions were before the House Ministers had promised details on the bringing down of the Local Constitutions, but now they had only laid a ghastly skeleton before the House.

Matthew Cameron [Ontario North] found no provision made in those resolutions for a Local Executive Council. He should like to know whether the government intended to make any change,

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so that this might be remedied. The resolutions did not actually provide for Local Government, only for a Local Governor. Now a government, as he understood it, consisted of Governor and Executive Council.

John A. Macdonald [Kingston, Attorney-General West and Minister of Militia] explained that the general terms of the well understood principles of the British Constitution were sufficiently explicit to define the necessity for a constitutional Ministry. But the number of departments had been left to be determined by the Local Parliaments.

George Brown [Oxford South] thought that with the experience, an ability which the House possessed it ought to prepare as many of the details of the Local Constitutions as possible. The union act of '41 had provided that the heads of the Departments, should form the executive, and we thought that some provision should be made for a Local Executive. If the point were left to the Local Parliaments, there would be a great temptation to multiply offices to too great an extent.

George-Étienne Cartier [Montreal East, Attorney-General East] defended the resolutions as framed and argued that the Local Executive was sufficiently provided for by the general declaration of the principle of government. The resolutions upon which the Union Act had been founded, did not make any exact definition as to the Executive Council.

Maurice Laframboise [Bagot] addressed the House in opposition to the resolutions, saying that England would not regard the feelings of French Canadians. She would do again what she did in 1840, impose it up on the people.

Arthur Rankin [Essex] thought the discussion had hitherto been conducted in a most irregular manner. They had already made known, in a constitutional way, their views as to Confederation, in the resolutions embodying what was called the Quebec scheme, which would, no doubt, be adopted without change, and the only thing that remained for us was to settle our Local Constitution. He thought the course pursued by the Government, in regard to these, had been a proper one.

After most irregular discussion, it was suggested that the debate be adjourned.

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July 31, 1866: John A. Macdonald, Joseph Cauchon, John Sandfield Macdonald, William McDougall, Christopher Dunkin, Matthew Cameron, Thomas D'Arcy McGee, Thomas Parker, Antoine-Aimé Dorion, Province of Canada, Legislative Assembly, pp. 67-70. (click [HERE](#))

LEGISLATIVE ASSEMBLY

Tuesday, July 31, 1866

Local Constitutions

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On motion of the John A. Macdonald [Kingston, Attorney-General West and Minister of Militia] the adjourned debate on the Resolutions providing for the Local constitutions was resumed:

That by the 38th paragraph of the Resolution of this House passed on the third day of February, 1865, for presenting an humble Address to Her Majesty, praying that She may be graciously pleased to cause a measure to be submitted to the Imperial Parliament, for the purpose of uniting the Colonies of Canada, Nova Scotia, New Brunswick, Newfoundland and Prince Edward island, in one Government, with provisions based on the Resolutions which were adopted at a Conference of Delegates from the said Colonies, held at the City of Quebec, on the 10th of October, 1864, it is provided that “for each of the Provinces there shall be an Executive Officer, styled the Lieutenant Governor, who shall be appointed by the Governor General in Council, under the Great Seal of the ‘Federated Provinces, during pleasure; such pleasure, not to be exercised before the expiration of the first five years, except for cause; such cause to be communicated in writing to the Lieutenant Governor immediately after the exercise of the pleasure as aforesaid, and also by Message to both Houses of Parliament, within the first week of the first Session afterwards;” and that by the 41st paragraph of the same Resolution it is provided that “the Local Government and Legislature of each Province shall be constructed in such manner as the existing Legislature of each such Province shall provide.”

And the Question being put on the amendment;—

That the words “and it is further now resolved, that in the opinion of this House the appointment of the first Lieutenant-Governor should be provisional, and that he should hold office strictly during pleasure,” be added at the end thereof.

—it was resolved in the Affirmative.

The first resolution being again put,—

That by the 38th paragraph of the Resolution of this House passed on the third day of February, 1865, for presenting an humble Address to Her Majesty, praying that She may be graciously pleased to cause a measure to be submitted to the Imperial Parliament, for the purpose of uniting the Colonies of Canada, Nova Scotia, New Brunswick, Newfoundland and Prince Edward island, in one Government, with provisions based on the Resolutions which were adopted at a Conference of Delegates from the said Colonies, held at the City of Quebec, on the 10th of October, 1864, it is provided that “for each of the Provinces there shall be an Executive Officer, styled the Lieutenant Governor, who shall be appointed by the Governor General in Council, under the Great Seal of the ‘Federated Provinces, during pleasure; such pleasure, not to be exercised before the expiration of the first five years, except for cause; such cause to be communicated in writing to the Lieutenant Governor immediately after the exercise of the pleasure as aforesaid, and also by Message to both Houses of Parliament, within the first week of the first Session afterwards;” and that by the 41st paragraph of the same Resolution it is provided that “the Local Government and Legislature of each Province shall be constructed in such manner as the existing Legislature of each such Province shall provide.

And it is further now resolved, that in the opinion of this House, the appointment of the first Lieutenant-Governor should be provisional, and that he should hold office strictly during pleasure.

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—was declared and carried on division.

The second resolution, declaring the principle of Responsible Government in the Local Legislature, being put:

That under and subject to the Constitution of the Federated Provinces, the executive authority of the Lieutenant Governor of Lower Canada and Upper Canada respectively shall be administered by each of such Officers according to the well understood principles of the British Constitution.

Matthew Cameron [Ontario North] objected that the resolution did not sufficiently define the Local Government.

He moved in amendment

That the Local Governments, shall, until altered by the Local Legislature consist of a Lieutenant-Governor and Executive Council, to consist of five members chosen by the Lieutenant-Governor, and the executive authority of the Lieutenant-Governor shall be exercised by the advice of the Executive Council, who shall be responsible to Parliament.

He contended that the expression “the well understood principles of the British Constitution” did not define the Local Governments with sufficient precision.

Joseph Cauchon [Montmorency] said the amendment did not provide for responsible Government. It did not consist in the Executive Council being limited to five members, but in the responsibility of ministers, first to the Sovereign and then to the people.

Some Hon. Members—Hear.

Joseph Cauchon [Montmorency]—They had a right to limit the number of heads of departments to five, for the sake of keeping down expense, but we had no right to limit the number of councillors. It was the prerogative of the Sovereign to seek the advice of as many as he pleased, and the ministers were responsible to the Crown for that advice and to the people too. The proposition to limit the number of councillors was, in fact, limiting the system of responsible government.

John Sandfield Macdonald [Cornwall] argued that the reasoning applied to the Crown, would not extend to the Lieutenant-Governor. The House now stood in the same position towards the Local Governments, that it did when creating the county Councils, and they might as well define the duties of the Lieutenant-Governor as they had done those of the Warden. He thought it right that the House should now limit the number of advisers, beyond which the Lieutenant-Governor ought not to be allowed to go. He was perfectly willing to allow the gentlemen from Lower Canada, to make their own arrangements, and would suggest therefore, that this amendment apply only to Upper Canada.

William McDougall [Lanark North, Provincial Secretary] said the amendment only asked the Imperial Government to put into the Imperial Act, a clause which would prevent the Local Legislature from regulating a number of the Executive. It would be competent for the Local Parliaments to regulate the matter, and if the Lieutenant-Governor should appoint too many advisers, they could vote Want of Confidence.

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*The debate on the Local Constitutions was resumed by **Arthur Rankin [Essex]**, who replied to **John Sandfield Macdonald [Cornwall]** and opposed the amendment.*

Alexander Mackenzie [Lambton] said the opponents of the amendment misapprehended its effect, in saying it prevented the Local Legislature from regulating the number of the Executive. The amendment provided only that the number should be fixed at five, until the Local Legislature should see fit to change it.

Christopher Dunkin [Brome] and **Alexander Morris [Lanark South]** opposed the amendment, the former contending that it did not harmonize so well with the principle of responsible government as the resolution.

Matthew Cameron [Ontario North] denied that the amendment limited the number of advisers; it only defined the numbers which should be responsible to Parliament, of course, that had always been followed. He should like some of the gentlemen opposite to explain the meaning of the well understood principles of the British Constitution.

Thomas D’Arcy McGee [Montreal West, Attorney-General East] addressed the House briefly, showing that according to British practice the number of advisers was never arbitrarily fixed; that the Lieutenant-Governors would represent the crown, the Local Constitutions being direct from Imperial Parliament.

Thomas Parker [Wellington North] made a few remarks favoring the amendment.

The amendment—

That the Local Governments, shall, until altered by the Local Legislature consist of a Lieutenant-Governor and Executive Council, to consist of five members chosen by the Lieutenant-Governor, and the executive authority of the Lieutenant-Governor shall be exercised by the advice of the Executive Council, who shall be responsible to Parliament.

—was then declared lost on division and the second resolution—

That under and subject to the Constitution of the Federated Provinces, the executive authority of the Lieutenant Governor of Lower Canada and Upper Canada respectively shall be administered by each of such Officers according to the well understood principles of the British Constitution.

—carried.

The third resolution (regarding the seal)—

The Great Seal of each Province of Lower Canada and Upper Canada, shall be the same or of the same design, in each of the said Provinces, as that used in the said Provinces respectively, at the time of the existing Union, until altered by the Local Government.

—was then carried.

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On the 4th resolution,

That there shall be a Local Legislature for Lower Canada, composed of Two Chambers, to be called the Legislative Council and the Legislative Assembly of Lower Canada.

Antoine-Aimé Dorion [Hochelaga] stated that he wished to move an amendment, providing that the Lower Canada Legislature be not composed of two chambers, but that it be composed of a single chamber, as provided for Upper Canada.

And the Question being put,

That the [...] Fourth—

That there shall be a Local Legislature for Lower Canada, composed of Two Chambers, to be called the Legislative Council and the Legislative Assembly of Lower Canada.

Fifth—

5. That there shall be a Local Legislature for Upper Canada, which shall consist of One Chamber, to be, called the Legislative Assembly of Upper Canada.

Sixth—

6. That the Legislative Council of Lower Canada shall be composed of twenty-four Members, to be appointed by the Crown, under the Great Seal of the Local Government, who shall hold office during life; but if any Legislative Councillor shall, for two consecutive Sessions of Parliament, fail to give his attendance in the said Council, his seat shall thereby become vacant.

Seventh—

7. That the Members of the Legislative Council of Lower Canada shall be British Subjects by birth or naturalization, of the full age of thirty years; shall possess a continuous real property qualification, in Lower Canada, of four thousand dollars over and above all incumbrances, and shall continue worth that sum over and above their debts and liabilities.

Eighth—

8. That if any question shall arise as to the qualification of a Legislative Councillor in Lower Canada, the same shall be determined by the Council.

Ninth—

9. That the Speaker of the Legislative Council of Lower Canada (unless otherwise provided by the Local Parliament) shall be appointed by the Crown, from among the Members of the Legislative Council, and shall hold office during pleasure, and shall only be entitled to a casting vote on an equality of votes.

—and Tenth—

10. That each of the twenty-four Legislative Councillors of Lower Canada shall be appointed to represent one of the twenty-four Electoral Divisions thereof, mentioned in Schedule A of the first chapter of the Consolidated Statutes of Canada, and such Councillor shall reside or possess his qualification in the Division he is appointed to represent.

—be now read a second time; the House divided:—And it was resolved in the Affirmative.

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August 2, 1866: John A. Macdonald, George Brown, John Sandfield Macdonald, Alexander Galt, William McDougall, George-Étienne Cartier, Maurice Laframboise, Thomas D’Arcy McGee, Matthew Cameron, John Scoble, Thomas Gibbs, Richard Cartwright, Joseph Blanchet, Arthur Rankin, James Cowan, Thomas Ferguson, John Cameron, Province of Canada, Legislative Assembly, pp. 71-74. (click [HERE](#))

John A. Macdonald [Kingston, Attorney-General West]—When the House was about to adjourn on Friday night, it was arranged that we should finish to-day the proceedings connected with the Address. I therefore now move:—

LEGISLATIVE ASSEMBLY

Thursday, August 2, 1866

Local Constitutions

The debate on the Local Constitutions was then resumed, the question being on the concurrence or third reading of the resolutions providing for the same.

George Brown [Oxford South] opened the discussion. His own idea had been that some scheme could have been devised to bring the Executive into direct responsibility to the people, which would have been more economical and more perfect than the one now before the House. The period chosen for the duration of Parliament, four years, was too long. A period of Parliament elected for three years, with an Executive, composed of heads of Department, without seats in the House, would better tend to avoid the difficulties which had to be set the Government of Canada, then the plan proposed. He should have liked to have seen the Local Executive placed under the law, instead of controlling the Legislature. Then with regard to the distribution of seats—was it the intention of the government to place its control in the hands of the Local or the General Government?

John A. Macdonald [Kingston, Attorney-General West and Minister of Militia] stated that the General Parliament would determine the distribution of any future increase of representation in the General Legislature. But the Local Parliament of Upper Canada would be fully empowered to limit the number of its own members, without reference to its representation in the General Parliament.

George Brown [Oxford South] said the 12th resolution bore an entirely different construction. On reading at the inference was playing that the Constituencies would continue to be identical, both for the Local and General Governments. Some provisions ought to be made restricting the identity of the constituencies to the first general election, or until the next census. Another point was the limit as to the time when the Parliament should be called after the issue of the proclamation putting the new constitution in force.

John A. Macdonald [Kingston, Attorney-General West and Minister of Militia]—Had already stated that the issue of the proclamation would be immediately followed by the issue of the writs for the general election. But the question was not now one regarding the general government, but only as to principles of the Local Constitutions. He would assure the hon. member that so far as the government would have any influence in the matter they would use it in favor of having the Parliament called at once.

John Sandfield Macdonald [Cornwall] stated that by the terms of the Quebec resolutions, the Legislative Councillors would be nominated by the Provisional Governor and his advisers, before a single election could be held under the Local Constitution^[5]. It was clear that the Local Parliaments could have no control under these important appointments by the plan proposed.

John A. Macdonald [Kingston, Attorney-General West and Minister of Militia] said the Provisional-Governor, on his appointment, would at once choose his Secretary, and issue the writs under the Great Seal, for the general election. The Local Parliament would then meet and he must have his responsible advisers before he can assume the discharge of any of those duties depending on the advice of the Executive.

[...]

George Brown [Oxford South]—[...] With regard to the Local Executives, he regretted very much that the amendment submitted by the member for North Ontario [Matthew Cameron] had not been accepted, because he considered it exceedingly desirable that the number of the Executive should be limited.

Alexander Galt [Sherbrooke, Minister of Finance] said these resolutions only provided the machinery of the Local Constitution by which the Local Governments might be set in order, and it was desirable to frame them with as few restrictions as possible, for the very reason that, according to the Quebec resolutions, the Local Parliaments would have power to alter or amend them as they might see fit.

John Sandfield Macdonald [Cornwall] *addressed the house, but his remarks were imperfectly heard in the Gallery.*

William McDougall [Lanark North, Provincial Secretary] expressed the gratification of the government with the debate, that as yet no very strong point has been made against the outline of the Local Constitution now before the House. He thought the member for South Oxford [George Brown] might have put his suggestions in a more definite shape; he might have submitted them by way of amendment, that the house might have had an opportunity of considering. He had suggested the framing of some possible system, with an executive appointed for three years, would have been better for Upper Canada than the plan submitted, but he had not put it in any very

definite way. The reply of the government to that point was that after due consideration it had been deemed proper that the system should be retained, with the working of which the people of these provinces had become familiar. He objected to the hon. member for South Oxford [George Brown] sending it forth before the country that a better scheme might have been devised if more talent and patriotism had been devoted to its consideration.

George Brown [Oxford South]—Said the Provincial Secretary [William McDougall] had no right to have put such a construction upon his (Mr. B.'s) remarks. He contemplated nothing of the kind, and he was sure his words would bear no such construction. He asked him why he did not introduce his own plan to this House. His reason for so doing was that since it was the general feeling of this house to give the constitutions provided by these resolutions a fair trial, there was no need of putting two schemes before the country to create useless discussion. The Provincial Secretary [William McDougall] ought to be the last man to object to his (Mr. B.'s) views, as up to this time he had been their warm advocate.

The first resolution was carried, and the debate adjourned until the second sitting of the House to-day.

[...]

Local Constitutions

The debate on the Local Constitutions was resumed.

And the Question being put, That this House doth concur in the First Resolution:—

That by the 38th paragraph of the Resolution of this House passed on the third day of February, 1865, for presenting an humble Address to Her Majesty, praying that She may be graciously pleased to cause a measure to be submitted to the Imperial Parliament, for the purpose of uniting the Colonies of Canada, Nova Scotia, New Brunswick, Newfoundland and Prince Edward island, in one Government, with provisions based on the Resolutions which were adopted at a Conference of Delegates from the said Colonies, held at the City of Quebec, on the 10th of October, 1864, it is provided that “for each of the Provinces there shall be an Executive Officer, styled the Lieutenant Governor, who shall be appointed by the Governor General in Council, under the Great Seal of the ‘Federated Provinces, during pleasure; such pleasure, not to be exercised before the expiration of the first five years, except for cause; such cause to be communicated in writing to the Lieutenant Governor immediately after the exercise of the pleasure as aforesaid, and also by Message to both Houses of Parliament, within the first week of the first Session afterwards;” and that by the 41st paragraph of the same Resolution it is provided that “the Local Government and Legislature of each Province shall be constructed in such manner as the existing Legislature of each such Province shall provide.

And it is further now resolved, that in the opinion of this House, the appointment of the first Lieutenant-Governor should be provisional, and that he should hold office strictly during pleasure.

—It was resolved in the Affirmative.

The second Resolution, being again read, as followeth:—

“SIMILAR IN PRINCIPLE” TO THE UK: THE PREAMBLE (1867)

That under and subject to the Constitution of the Federated Provinces, the executive authority of the Lieutenant Governor of Lower Canada and Upper Canada respectively shall be administered by each of such Officers according to the well understood principles of the British Constitution.

On motion of John A. Macdonald [Kingston, Attorney-General West and Minister of Militia], seconded by George-Étienne Cartier [Montreal East, Attorney-General East], The said Resolution was amended,

By inserting the words “provisions of the” after the word “the,” where it occurs the first time.

And the Question being put, That this House doth concur in the said Resolution;

That under and subject to the provision of the Constitution of the Federated Provinces, the executive authority of the Lieutenant Governor of Lower Canada and Upper Canada respectively shall be administered by each of such Officers according to the well understood principles of the British Constitution.

—the House divided:—And it was resolved in the Affirmative.

And the Question being put, That this House doth concur, in the Third Resolution;—

The Great Seal of each Province of Lower Canada and Upper Canada, shall be the same or of the same design, in each of the said Provinces, as that used in the said Provinces respectively, at the time of the existing Union, until altered by the Local Government.

—the House divided:—And it was resolved in the Affirmative.

On the fourth resolution,

That there shall be a Local Legislature for Lower Canada, composed of Two Chambers, to be called the Legislative Council and the Legislative Assembly of Lower Canada.

Antoine-Aimé Dorion [Hochelaga] recited the arguments of the Attorney-General West [John A. Macdonald] in favor of a single chamber in Upper Canada, and continue that all questions are important relating to commerce, currency, banking and public works, generally, were transferred to the General Government. If the duties of the Local Government were only to be municipal, it appeared to him that one chamber would be sufficient for Lower Canada. He then viewed the subject from this financial point, contending that in the interests of economy there should be no Legislative Council in Lower Canada. The object of the motion he would lay before the House was to do away with the second chamber in Lower Canada, adopting the same principle as was to be applied to Upper Canada.

After further remarks he moved an amendment in accordance with the above.

That all the words after “That,” to the end of the Question, be left out, and the words “the said Resolution be committed to a Committee of the whole House, to provide that, in order to simplify and diminish the cost of Legislation, the Legislature of Lower Canada be not composed of two Houses, whereof one shall be appointed by the Governor, and called the Legislative Council, but

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that it consist of one Chamber only, to be elected by the people, as is proposed for the Legislature of Upper Canada,” inserted instead thereof.

Maurice Laframboise [Bagot] *seconded the amendment.*

Thomas D’Arcy McGee [Montreal West, Minister of Agriculture and Statistics] said it was now nearly two years since the great scheme of Confederation had been placed before the public in a coherent shape. During these two years the hon. gentleman and his friends had taken every means—secret and open, to defeat its accomplishment. They had to express themselves favorable to some plan of union, but they had never yet proposed it, and it was now on the detail of a detail that they had taken their stand; the hon. gentleman favors the proposal of a single Chamber for the Lower Canada Legislature, and upon that point he (Mr. McG.) would say a few words.

The principles of the British Constitution he desired to see carried out in its integrity, in the Local Governments as well as in the General, and if these could be carried out successfully in Upper Canada by a single chamber, it would be the first time. The people of Lower Canada, by adopting two chambers, were accepting the system which they knew would work well; those of Upper Canada were adopting an experiment, which they might have to abandon, and which, even if it succeeded there, it would not necessarily be applicable to Lower Canada. The people of Upper Canada were one people, speaking one language, strongly imbued with one general class of principles, and they might succeed in their experiment.

But Lower Canada had two distinct peoples, speaking different languages, having separate interests, and for the protection of these, it was desirable that their Legislative machinery should be framed on well tried principles. The spirit of conciliation which had been manifested in Lower Canada had shewn, that under the new constitution, both races with live harmoniously together. The hon. member had tried to belittle the functions of the Local Governments.

But let him consider some of the great questions with which they would have to deal. There was the subject of agriculture which surely was not an insignificant one. The subject of Education was also interested to them, and it was certainly a question of importance, and during as the population itself. While on this question, he would save them and attempt had been made to-night, to throw out a bill on a point of order.

He (Mr. McG.) had no responsibility for that bill, but he would say this, as he had said in 1863, that if any special grants or guarantees were given to the minority of Lower Canada, he should insist, whether in the Government or out of the Government, that equal privileges neither more nor less, be granted to the minority of Upper Canada, and he should like to see the man who could put forward a reasonable objection to the stand he took up on that question.

George Brown [Oxford South]—Does he wish to raise at the point now?

Thomas D’Arcy McGee [Montreal West, Minister of Agriculture and Statistics] merely alluded to it because, on a former occasion, the member for Lambton [Alexander Mackenzie] had said that he (Mr. McGee) had accepted the bill of 1863 as a finality. (*He then read from his speech in '63*, containing a similar declaration as to equal privileges and continued) this question of education would increase in importance as the country progressed, and he considered it one which should engage the serious attention of the Local Legislature.

He went over the matters within the jurisdiction of the Local Legislatures, and contended that their duties would in some degree be of more important than that of the General Legislatures, and hoped that a seat in them would be esteemed as a position of honor and responsibility.

The hon. gentleman must know that the Confederation of British North America was a foregone conclusion. It had been decided by this House and by the country. It was in pursuance of the policy of the empire; ever since the American war the question had been urged upon the country, by the necessities of its position, by the councils of the Imperial Government, and by every consideration of sound policy. The hon. member had now come forward at the eleventh hour, and catching the giant union by his shoe string was trying to trip him up. Mr. McGee reiterated that his argument that experience had hitherto shown the two chambers were inseparable from the successful working of the British constitution.

Maurice Laframboise [Bagot] said he rose with great diffidence to address the House in a language with which he was imperfectly acquainted, in reply to the hon. Minister of Agriculture [Thomas D’Arcy McGee], who is eloquence was so well known. He had given the House and most eloquent speech, but there was no argument in it, and no doubt he could be as eloquent on one side as the other. He (Mr. L.) then proceeded to argue against a nominated Upper Chamber, which would produce a dead lock in the government. The gentleman opposite wanted a Legislative Union, but they know very well they cannot get it, and so they provide an Upper House that they may bring about a dead lock, and so lead to a Legislative Union.

If Upper Canada can do with one chamber, why cannot Lower Canada? He had her no reason to prove that one Chamber was good for Upper Canada, and yet not good for Lower Canada. The hon. gentleman had spoken of the good feeling existing between the two races, but if there was so much good feeling, why all these precautions on the part of the British population? Why give them a school bill which the Lower Canadians would not touch? Why guarantee them so many constituencies that the parliament could not change? It was because they had no faith in that feeling. The good feeling was not stronger now than it was twenty years ago. He would like to hear one good reason why one House was good for Upper, but not good for Lower Canada.

Joseph Cauchon [Montmorency] regretted that the hon. gentleman had become the spokesman of those antipathies which had existed before the union. He thought every man ought to forget these distinctions of nationality. He was as good a French Canadian as the hon. member himself, but he denied that anyone had ever heard him (Mr. C.) utter a word against a man for his religion, or for his nationality. A great deal has been said about dead locks. Now there were dead locks every where had they not seen dead locks between the House of Lords but everyone knew that these dead locks were revolutionary, because they always lead to revolutionary measures to overcome them.

The reason why Upper Canada had not the two chambers, was because Upper Canada did not want to. That was a very good reason—they wish to try the experiment, but it was an experiment that had always failed wherever it had been tried. Mr. Cauchon then referred to the various governments which either had abandoned, or had never tried the single chamber system, and regret it exceedingly that Upper Canada was to try it, since it had failed everywhere else. Regarding the preservation of the French Canadian nationality, Mr. C. contended that as the larger body would absorb the smaller, the lower Canadians of French Canadian origin had a better guarantee

for their preservation of their language and institutions under Confederation then under any other system.

Christopher Dunkin [Brome] said there never had been a time since the Union when the great majority of the British population had not been on the same side of politics, and work with the great majority of the French Canadians—a fact that spoke strongly in favor of the good feeling which had been called in question period then as to the question of guarantees, why not guarantee that British minority in Lower Canada, when the Lower Canada majority was guaranteed in its institutions against the aggression of the whole British population of the country?

With regard to the question before the House, he was exceedingly glad that no new experiment was to be tried upon Lower Canada. He regarded a single chamber as inconsistent with the principles, or at all events, with the usages of the British constitution, and not in harmony with Responsible Government. The Republican sagacity of the United States had confined the single chamber system to the Territories, but whenever the Territories were raised to States, then the two chambers were introduced. Then the Local Government of Lower Canada would have more important functions to perform than that of any other of the Provinces.

By reference to the 33rd resolution of the Quebec scheme, it would be found that the control of the civil and criminal courts of all the Provinces, excepting Lower Canada, might be merged in the General Government, thus leaving a responsibility upon the Local Government of Lower Canada, which did not rest upon the others.

John Scoble [Elgin West] hoped the argument of the member for Brome [Christopher Dunkin] would not influence Upper Canadians against the single chamber.

Matthew Cameron [Ontario North] wished to understand the position of the members upon the question before casting his vote. He could not hold for one scheme for Upper Canada and an entirely different one for Lower Canada. If members were devoted up on this question, there were two others—the Lower Canada education bill, and the Upper Canada bill, should also be voted on in the same way. He hoped that some understanding would be arrived at, as he felt the position to be a very difficult one.

John Cameron [Peel] said it was perfectly impossible for them as members of one Legislature to leave questions to one section or the other, members must vote up on every question that comes before the House. It would be impossible to come to an agreement on the particular questions upon which they ought to abstain from voting.

He (Mr. C.) was in favor of two Chambers for Upper Canada, and he should support the same principle as applied to Lower Canada. He contended they ought to carry out the old constitution which had worked so well heretofore. The only argument he had heard in favor of a single Chamber was that Upper Canada had not twenty-four additional men to devote their attention to the duties of Legislative Councillors. With a population and intelligence of Upper Canada this argument was quite absurd, and when the question came up he meant to vote for two Chambers.

Richard Cartwright [Lennox & Addington] thought there ought to be means for revising the judgments of the single Chamber. He suggested that the Confederate Parliament be empowered to disallow any act of the Local Parliament of Upper Canada. If the House insisted on having only

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one Chamber, he believed his suggestion would have a good effect in acting as a check on hasty Legislation, but he would himself record his vote in favor of two Chambers for Upper Canada.

Joseph Blanchet [Lévis] *opposed, and Joseph Perrault [Richelieu]* *supported the amendment.*

Arthur Rankin [Essex] contended that the establishment of Confederation was altogether un-British, and therefore any argument drawn from that source had no proper bearing on the questions before the House. He approved of one Chamber for Upper Canada, but would rather have seen no Local Government at all. They were laying the foundation of a system which might lead to consequences similar to those that have been witnessed in the United States, growing out of the agitation of State rights. He opposed the application of two Chambers to the Legislature of Lower Canada, and holding views entirely differing from the member for Peel [John Cameron], he would vote against the government scheme for Lower Canada, and in favor of the Government scheme for Upper Canada.

James Cowan [Waterloo] could not consent to impose an expensive and mischievous system upon Lower Canada, and would vote for the amendment.

George-Étienne Cartier [Montreal East, Attorney-General East] said the Local Constitution for Upper Canada having a frame to suit the views of the people of that section, and the Lower Canada Constitution was framed to meet the views of the majority of the people of Lower Canada. It would be unfair of the Upper Canada members to force their system upon Lower Canada. He stated his opinion, that Upper Canada was trying a very dangerous experiment.

Some Hon. Members—Hear, hear.

George-Étienne Cartier [Montreal East, Attorney-General East]—It was the opinion of Lower Canada that the system of Responsible Government could be carried out better with two chambers than by one. The two chambers would protect the interests of the two races by preventing hasty legislation. The member for Essex [Arthur Rankin] had argued against making Local Legislatures so important, because of the question of State right against Federal right, but that could not occur with us, for the Imperial Parliament would enact both the Local and the Confederate Constitutions. He appealed to Upper Canada members to support the proposition agreeable to the majority of Lower Canada.

George Brown [Oxford South] would be glad to accept the arrangement if members from one section were excused from voting on resolutions affecting the other.

Several members—Oh! No members must vote!

Thomas Gibbs [Ontario South] said he saw no impropriety in members following the example of ministers, and supporting the schemes which had been framed to suit each Province. He could see no inconsistency in the course.

Thomas Ferguson [Simcoe South], said he thought the day of the double majority was over, and was very much surprised to hear the hon. member for South Oxford [George Brown] appealing to that principle. He held it to be the duty and privilege of members to vote upon any questions that came before the House. He regretted very much that Upper Canada was not to have the second

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chamber. He had always looked upon the Attorney General East [George-Étienne Cartier] as a man of generous principles, but what he had done tonight was the crowning active his generosity, for the second chamber had been given to Lower Canada, to protect the British population from the unjust action of his own countrymen, should they ever attempted.

It would ill become Upper Canada members to deprive the British population of Lower Canada of that protection. For himself he was opposed to double majority ideas in this House, and would vote for two chambers for Lower Canada and for Upper Canada, too, if the question came to a vote.

Thomas Parker [Wellington North] said he should vote up on this question according to his own convictions, without considering the views of the members for Lower Canada. They had not always abstained from imposing measures upon Upper Canada.

John White [Halton] thought a good deal of forbearance should be exercised in this manner. It was something more important than an ordinary question, and believing it to be the desire of a large majority of the people of Lower Canada to have two chambers, he should vote against the amendment.

The members were then called in and the house divided on the amendment, —

That all the words after “That,” to the end of the Question, be left out, and the words “the said Resolution be committed to a Committee of the whole House, to provide that, in order to simplify and diminish the cost of Legislation, the Legislature of Lower Canada be not composed of two Houses, whereof one shall be appointed by the Governor, and called the Legislative Council, but that it consist of one Chamber only, to be elected by the people, as is proposed for the Legislature of Upper Canada,” inserted instead thereof.

YEAS

Beggar
Bourassa
Brown
Burwell
Cameron (Ontario North)
Caron
Coupal
Cowan
Dorion (Drummond & Arthabaska)
Dorion (Hochelaga)
Dufresne (Iberville)
Fortier
Gagnon
Geoffrion
Holton
Houde
Labrèche-Viger
Laframboise
Lajoie

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Macdonald (Cornwall)

O'Halloran

Paquet

Parker

Perrault

Pope

Pouliot

Rankin

Ross (Prince Edward)

Rymal

Tremblay

Webb—31.

NAYS

Abbot

Alleyn

Archambeault

Beaubien

Bellerose

Blanchet

Bowman

Brousseau

Cameron (Peel)

Carling

Cartier (Attorney-General)

Cartwright

Cauchon

Chapais

Cockburn

Cornellier

Currier

De Boucherville

De Niverville

Dickson

Duckett

Dufresne (Montcalm)

Dunkin

Dunsford

Ferguson (Frontenac)

Ferguson (Simcoe South)

Galt

Gaucher

Gaudet

Gibbs

Harwood

Higginson

Huot

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Irvine
Jones (Leeds South)
Langevin
Le Boutillier
Macdonald (Attorney-General)
Macdonald (Glengarry)
Magill
McConkey
McDougall
McGee
McIntyre
Morris
Morrison
Oliver
Pinsonneault
Poulin
Poupore
Raymond
Rémillard
Robitaille
Ross (Champlain)
Ross (Dundas)
Scatcherd
Shanly
Smith (Toronto East)
Somerville
Stirton
Street
Taschereau
Thompson
Wallbridge (Hastings North)
Walsh
White
Wood
Wright (Ottawa County)
Wright (York East)—69.
—which was lost. —Yeas, 31. Nays, 69.

Then, the Question being put, That this House doth concur in the said Resolution;—

That there shall be a Local Legislature for Lower Canada, composed of Two Chambers, to be called the Legislative Council and the Legislative Assembly of Lower Canada.

The 4th resolution was then concurrent in.

On the 5th resolution being put,—

“SIMILAR IN PRINCIPLE” TO THE UK: THE PREAMBLE (1867)

That there shall be a Local Legislature for Upper Canada, which shall consist of One Chamber, to be, called the Legislative Assembly of Upper Canada.

John Cameron [Peel] *moved in amendment,*

That the Local Legislature of Upper Canada be composed of two chambers, to be called the Legislative Council and the Legislative Assembly of Upper Canada.

John Cameron [Peel] argued powerfully in favor of the continuance of the present system, and against the experiment of a single chamber, urging that the Legislative Council was necessary to the proper working of the system of responsible government.

Matthew Cameron [Ontario North], as a Conservative, desired to state his reasons for opposing the amendment of the member for Peel [John Cameron]. What argument had been urged by the Attorney General West [John A. Macdonald] in favor of a single chamber, which appeared to have escaped that hon. gentleman’s attention, the consideration of expense.

The cost of an Upper Chamber to Upper Canada would be serious, after all the ordinary sources of revenue had been handed over to the General Government. He [text missing] it as a farce, a mere mockery of the British Constitution, to give an Upper Chamber to a Legislature which would be nothing better than a large municipal body.

John Sandfield Macdonald [Cornwall] spoke in reply to the member for Peel [John Cameron], and in opposition to the principle of a nominated Upper House.

And the question being put on the amendment, —

That the Local Legislature of Upper Canada be composed of two chambers, to be called the Legislative Council and the Legislative Assembly of Upper Canada.

The members were then called in and the House was divided, —

YEAS

Messrs.

Cameron (Peel)

Cartwright

Currier

Dunkin

Ferguson (Simcoe South)

Gaucher

Gibbs

Huot

Morris

Poulin

Street

Smith (Toronto East)

“SIMILAR IN PRINCIPLE” TO THE UK: THE PREAMBLE (1867)

Wright (York East)—13.

NAYS

The rest of the House.

—when the amendment was lost. Yeas, 13; nays, 86.

Then, the Question being put, That this House doth concur in the said Resolution;—

That there shall be a Local Legislature for Upper Canada, which shall consist of One Chamber, to be, called the Legislative Assembly of Upper Canada.

The fifth resolution was then concurred in.

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August 15, 1866: Viscount Monck, Province of Canada, Legislative Council, pp. 93-94.
(click [HERE](#))

LEGISLATIVE COUNCIL

Wednesday, August 15, 1866

[...]

His Excellency the Governor General [Viscount Monck]—

[...]

[p. 94]

You can mark during that period, the firm consolidation of your institutions, both political and municipal, the extended settlement of your country—the development of your internal resources and foreign trade—the improvement and simplification of your laws—and, above all, the education which the adoption of the system of responsible government has afforded to your statesman in the well-tried ways of the British Constitution.

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