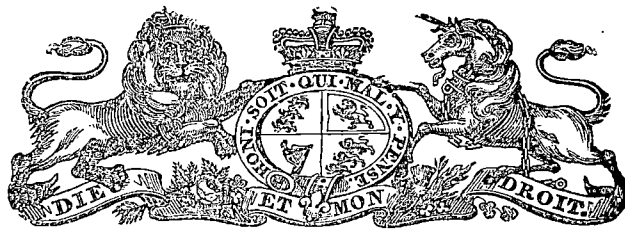


(No. 112.)



1891.

PARLIAMENT OF TASMANIA.

LEADING FACTS CONNECTED WITH
FEDERATION :

COMPILED FOR THE INFORMATION OF THE TASMANIAN DELEGATES
TO THE AUSTRALIAN FEDERAL CONVENTION, 1891.

Presented to both Houses of Parliament by His Excellency's Command.

ADDENDUM.

UNITED STATES.

Since this work was compiled information has reached the Colony that the Senate of the United States of America on 27th June, 1890, passed Bills for the admission of the Territories of Idaho and Wyoming to the Union. Whitaker's Almanac and Hazell's Annual for 1891 describe the Confederation as now consisting of 44 States. No particulars are to hand.

LEADING FACTS

CONNECTED WITH

FEDERATION.

COMPILED FOR THE INFORMATION OF THE TASMANIAN
DELEGATES TO THE
AUSTRALASIAN FEDERAL CONVENTION,
1891,
ON THE ORDER OF THE GOVERNMENT OF TASMANIA.

BY
THOMAS C. JUST.

TASMANIA:
PRINTED AT "THE MERCURY" OFFICE, HOBART.

1891.

ERRATA.

Page 25.—Line 3, for “feasable” read “feasible.”

Page 58.—In last line, for “November, 1877” read “November, 1777.”

Page 60.—Sixth line, for “38 States” read “42 States.”

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LEADING FACTS ON FEDERATION.

I. EARLY PROPOSALS FOR FEDERATION.

The Federation of the Australian Colonies was contemplated with the earliest conception of Colonial self-government. The idea was embodied in several clauses of the draft of "A Bill for the better Government of Her Majesty's Australian Colonies," submitted to the Imperial Parliament in 1849. The clauses were passed in the House of Commons by a majority of 98, but in the Lords they were struck out; and Earl Grey thus refers to the subject in his despatch, 30th August, 1850, to Governor Sir Charles A. Fitzroy, of New South Wales, when transmitting the Act :—

"The clauses giving power for the establishment under certain circumstances of a General Assembly for two or more of the Colonies were omitted from the Bill in its progress through the House of Lords. This omission was not assented to by Her Majesty's Government in consequence of any change of opinion as to the importance of the suggestions on this point which are contained in the Report of the Committee of the Privy Council; but it was found on examination that the clauses in question were liable to practical objections, to obviate which it would have been necessary to introduce amendments entering into details of legislation which there were no means of satisfactorily arranging without further communication with the Colonies.

"Her Majesty's Government have been the less reluctant to abandon for the present this portion of the measure which they proposed, inasmuch as even in New South Wales it appeared, as far as they could collect the opinion which prevails on the subject, not to be regarded as of immediate importance, while in the other Colonies objections had been expressed to the creation of any such authority.

"I am not, however, the less persuaded that the want of some such central authority to regulate matters of common importance to the Australian Colonies will be felt, and probably at a very early period; but when this want is so felt, it will of itself suggest the means by which it may be met. The several Legislatures will, it is true, be unable at once to give the necessary authority to a General Assembly, because the legislative power of each is confined of necessity within its territorial limits; but if two or more of these Legislatures should find that there are objects of common interest for which it is expedient to create such an authority, they will have it in their power, if they can settle the terms of an arrangement for the purpose, to pass Acts for giving effect to it, with clauses suspending their operation until Parliament shall have supplied the authority that is wanting. By such Acts the extent and objects of the powers which they are prepared to delegate to such a body might be defined, and limited with precision, and there can be little doubt that Parliament when applied to in order to give effect to an arrangement so agreed upon, would readily consent to do so.

* * * * *

"I have only, in conclusion, to assure you that in framing this measure and recommending it to Parliament, Her Majesty's Government have had no other object in view but that of establishing in the Australian Colonies a system of Government founded on the same principles of well regulated freedom under which the inhabitants of this country have enjoyed so large a measure of security and prosperity, and under which the British Empire has risen to so high a pitch of greatness and of power. It is my earnest and confident hope that by this Act of Parliament the foundation is laid upon which institutions may gradually be raised worthy of the great nation of British origin which seems destined rapidly to rise up in the Southern hemisphere, and to spread our race and our language, and carry

the power of the British Crown over the whole of the vast territory of Australia." (New South Wales "Votes and Proceedings," Session 1—1851.)

II. REPORT OF VICTORIAN SELECT COMMITTEE, 1857.

In the year 1857 the Legislative Assembly of Victoria appointed a Select Committee to enquire into and report upon the necessity for a Federal Union of the Australasian Colonies for Legislative purposes. The Committee consisted of Messrs. Charles Gavan Duffy (Chairman), John O'Shanassy, Moore, A. Michie, Foster, Horne, Griffith, Dr. Evans, Harker, E. Syme, and James McCulloch. This Committee brought up the following

REPORT.

The necessity of a Federal Union of the Australian Colonies for Legislative purposes, and the best means of accomplishing such an union if necessary, have been referred to the present Committee. They have given these questions of national polity the prolonged and deliberate consideration which their importance demanded.

On the ultimate necessity of a Federal Union, your Committee are unanimous in believing that the interest and honour of these growing States would be promoted by the establishment of a system of mutual action and co-operation among them. Their interest suffers, and must continue to suffer, while competing tariffs, naturalisation laws, and land systems, rival schemes of immigration and of ocean postage, a clumsy and inefficient method of communicating with each other and with the Home Government on public business, and a distant and expensive system of judicial appeal exist; and the honour and importance which constitute so essential an element of national prosperity, and the absence of which invites aggression from foreign enemies, cannot perhaps in this generation belong to any single Colony of the Southern group, but may, and we are persuaded would, be speedily attained by an Australian Federation representing the entire.

Neighbouring States of the second order invariably become confederates or enemies. By becoming confederates so early in their career the Australian Colonies would, we believe, immensely economise their strength and resources. They would substitute a common national interest for local and conflicting interests, and waste no time in barren rivalry. They would enhance the national credit, and attain much earlier the power of undertaking works of serious cost and importance. They would not only save time and money, but attain increased vigour and accuracy by treating the larger questions of public policy at one time and place: and in an assembly which, it may be presumed, would consist of the wisest and most experienced statesmen of the Colonial Legislatures, they would set up a safeguard against violence and disorder—holding it in check by the common sense and common force of the Federation. They would possess the power of more promptly calling new States into existence throughout their immense territory as the spread of population required it, and of enabling each of the existing States to apply itself without conflict or jealousy to the special industry which its position and resources render most profitable.

The time for accomplishing such a Federation is naturally a point upon which there are a variety of opinions, but we are unanimous in believing that it is not too soon to invite a mutual understanding on the subject throughout the Colonies. Most of us conceive that the time for union is come. It is now more than eight years since the Privy Council reported to Her Majesty that "the want of some general authority for the Australian Colonies began to be seriously felt." At present a Federal Assembly would not only have the control of a larger territory than any of the great Powers possess in Europe, but of a population exceeding that of several of the smaller sovereign States, and of a revenue which equals, or exceeds, the revenue of the Kingdoms of Belgium, Sweden and Norway, Hanover, Holland, Naples, Hungary, Turkey, Bavaria, Saxony, or Greece. Some of the most renowned

Federations in history had less population or wealth, and certainly possessed infinitely inferior agencies of Government than belong to an age of telegraphs and railways.

On the best means of originating such an union we are unanimous. No single Colony ought to take exclusive possession of a subject of such national importance, or venture to dictate the programme of union to the rest. The delicate and important questions connected with the precise functions and authority of the Federal Assembly, which present themselves on the threshold of the enquiry, can be solved only by a conference of delegates from the respective Colonies. The course we recommend, therefore, is that such a conference be immediately invited. To it will probably belong the duty of determining whether the plan of union to be submitted to the people shall propose merely a Consultative Council authorised to frame propositions for the sanction of the State Legislatures, or a Federal Executive and Assembly with supreme power on National and Intercolonial questions, or some compromise between these extremes, and to it also must be referred minor questions such as the following, which press for a decision :—

If a Consultative Council be adopted, can it act without the aid of Ministers charged to submit measures for its consideration? Is it desirable to constitute it a Court of Impeachment for the Colonies? Shall its deliberations be restricted to certain specified questions, and if so, to what questions?

If the plan embrace a Federal Legislature and Executive, is the Legislature to consist of one or two branches? Must an absolute majority of its members, or the representatives of a certain number of States, concur to make its decisions law? Are its laws to take effect directly on the entire population of Australia, or only after the assent of their respective States? Are they to be administered by the existing Colonial judicatures or by Federal Courts? If its orders are violated by any State of the Federation, how are they to be enforced? Shall it possess the power of taxation, or only of assessment on the respective States?

In either case—Where shall the Federal body sit, or shall it be rotatory? If the latter, shall the Governor of the State where it sits for the time being exercise the Royal prerogative on its Bills, or must they be sent to the Governor-General or Senior Governor?

These and similar questions must be determined before a coherent scheme of Federation can be framed, but we do not feel at liberty to offer any opinion upon any of them.

In order to invite a Conference of the Colonies it is necessary to make some specific propositions, and we therefore recommend :—

1. That the Legislatures of New South Wales, South Australia, and Tasmania be requested to select three Delegates each, two of whom might be members of Assembly and one member of Council, to meet three Delegates from this Colony.
2. That these Delegates assembled in Conference be empowered to frame a plan of Federation to be afterwards submitted for approval, either to the Colonial Legislatures, or directly to the people, or to both, as may be determined, and to receive such further Legislative sanction as may appear necessary.
3. That the expenditure incident to the Conference shall be borne by the respective Colonies in whatever proportions may be fixed by the Conference itself.
4. That the Conference shall hold its meetings in whatever place the majority of the Delegates may determine, their decisions being interchanged in writing within a month of their elections being completed.

If your Honorable House think fit to adopt these recommendations, it will be necessary to present an Address to His Excellency the Governor, praying that he may communicate with the Governors of the other Colonies named, requesting them to submit the proposal to their respective Legislatures for consideration.

And we further recommend that this Report be communicated by message to the other House, inviting their concurrence in the selection of Delegates for Victoria, in case the project is accepted by the other Colonies.

In conclusion, your Committee are fully convinced that a negotiation demanding so much caution and forbearance, so much foresight and experience, must originate in the mutual action of the Colonies, and cannot safely be relegated even to the Imperial Legislature.

Committee Room,
8th September, 1857.

III. PROCEEDINGS ON THE ABOVE REPORT.

On 9th October, 1858, Mr. William C. Haines, then Chief Secretary of Victoria, forwarded the above report to the various Colonies, with a covering letter, in which he said :—

“The experience of the last few years has shown that questions continually arise which involve not only the interests of each Colony individually, but in which any action taken by one may affect the welfare of all.

“In order to deal with these questions, Delegates appointed by the Governments of the different Colonies have met from time to time, and the result of their deliberations has been communicated to the respective Legislatures.

“The report which has been adopted by the Legislative Assembly of Victoria indicates a desire to invest the Delegates of the different Colonies with a more decidedly Representative character than that which belongs to nominees of the Government. Although this principle is not objectionable, it remains to be seen whether it can be satisfactorily carried into practice under the present circumstances of the Colonies.

“Should a Conference be held in accordance with the recommendations contained in the report, it will be the duty of its members to enter into this question, and to decide what change, if any, should be made in the mode of dealing with subjects affecting the Australian Colonies generally.”

Following this, letters were addressed to the Governors of the various Colonies, suggesting the appointment of a Conference, but no practical step was taken.

IV. THE AUSTRALIAN ASSOCIATION'S MEMORIAL TO THE SECRETARY OF STATE.

In June, 1857, Mr. James A. Youl, Hon. Secretary to the General Association for the Australian Colonies, circulated the following :—

To the Right Honorable HENRY LABOUCHERE, Her Majesty's Principal Secretary of State for the Colonies.

THE MEMORIAL of the GENERAL ASSOCIATION for the AUSTRALIAN COLONIES, adopted at a Meeting held in the City of London on the 31st day of March, 1857, WILLIAM CHARLES WENTWORTH, Esquire, late Member of the Legislature of New South Wales for the City of Sydney, in the chair,

RESPECTFULLY SHOWETH :

That, at the time the Constitution now in force for the Government of New South Wales was presented by its framers to the Legislature of that Colony, it was foreseen that a Federal Assembly would soon be an indispensable bond of union for all the Colonies forming the Australian Group, as the subjoined extract (marked A) from the report of the Committee appointed to prepare the Bill which resulted in that Constitution, will prove.

That the same conviction was strongly impressed upon Earl Grey, as Secretary of State for the Colonies, at a much earlier period; as clauses for the establishment of a Federal Assembly were introduced by him into the previous Bill for the Government of the Australian Colonies, though these clauses were subsequently abandoned by His Lordship, from difficulties which occurred, or were suggested, in the progress of that measure through the House of Commons.

That the want of a Federal authority has been already felt in regard to the establishment of Lighthouses in Bass Straits, to the collection of Customs Duties on the River Murray, which intersects the three Colonies of South Australia, Victoria, and New South Wales, and to the construction of an Electric Telegraph between Adelaide and Melbourne.

That, although the Lighthouses so indispensable for the safety of numerous vessels that are constantly navigating Bass Straits, have, it is believed, at last been undertaken, under arrangements made after considerable delay, expense, and difficulty, among the Colonies bound, in justice, to contribute to their erection and support, and although the Electric Telegraph between Adelaide and Melbourne is about to proceed, under a similar arrangement, it is evident that all such arrangements must be uncertain and unsatisfactory, so long as the Federal sanction necessary for their legalisation is wanting.

That, although by a similar arrangement between the Governments of South Australia, Victoria, and New South Wales, the Customs Duties payable on commodities conveyed to those Colonies by the River Murray are collected in South Australia, and divided among the Governments of those three Colonies, the result of this clumsy contrivance is, that the duties only which are payable by law in the Colony of South Australia can be levied there, and that hence the Colonists of Victoria and New South Wales, consumers of those commodities, pay a greater or less amount of duty than are leviable by law in the Colonies to which they respectively belong, and in some instances pay duties on commodities not subject in their own Colonies to any duty at all.

That, under these circumstances, it is not to be wondered at that a strong feeling of discontent should be growing up among the inhabitants of these Colonies; from their being compelled to resort to such indirect, tedious, and illegal expedients in substitution of that Federal authority, without which their several constitutions must continue incomplete, as regards all measures and undertakings which require the joint action and co-operation of any two or more of them.

That the amount of inconvenience arising from this want of a Federal authority may be collected from the speech of the Hon. Mr. E. Deas Thomson, delivered by him on the 29th of October last, in the Legislative Council of New South Wales, in his capacity of Vice-president of the Executive Council, and as representing in that House the opinions of the Parker Ministry; in which speech there is an enumeration of seven matters requiring immediate Federal action. *Vide* extract B.

That in the subjoined extract from the Melbourne *Argus* of the 4th November last, an influential and widely-circulated paper in Victoria, the necessity for establishing at once a Federal Assembly is strongly insisted upon. *Vide* extract C.

That it is understood that this necessity has been strongly represented by the Government of South Australia; and it may be presumed, although Responsible Government is only just beginning to take effect in the Australian Colonies, that such representations have been general, from the Governors of the Colonies composing the Australian Group, to Her Majesty's Secretary of State for the Colonies.

That your Memorialists humbly conceive that it is the duty of the Imperial Government to anticipate the wants of its Colonies, to see that their Institutions keep pace with their wants, and not to defer an indispensable enactment like this, until grave inconveniences arise, and produce, as they assuredly must, universal dissatisfaction and complaint.

That a Federal Assembly can only originate in an Act of Parliament directly constituting such a body, or giving the Legislatures of the different Colonies, now

or hereafter composing the Australian group, or any two or more of them, a permissive power to form or join such a Federation, when, and as they may think fit.

That the latter course is that which your Memorialists would press upon your attention as the most desirable, if not the only practical course which can now be adopted; but that, in their opinion, a complete equality of representation, as between all the Australian Colonies, should be insisted upon, without reference to the extent of their population, in any Federal Assembly that may be formed.

That this principle of equality is quite as indispensable to the fair representation of these Colonies in a Federal Assembly, as it is to the fair representation of the several States of America in the Senate of that country; and that the adoption of any other principle would tend to the undue debasement and detriment of the weaker Colonies, and to the unfair exaltation and advancement of the stronger.

That, in the opinion of your Memorialists, a permissive Act of Parliament, which would enable any two or more of these Colonies to depute an equal number of persons to be selected by or from each Legislature to form a convention, with power to create a Federal Assembly, and to define, as far as possible, the various subjects to which this federal action should extend, is all the Parliamentary interference that is required; and that, in our opinion, this object would be accomplished by the passing of some such Bill as is subjoined (marked D).

That in the event of any jealousy arising in the Colonies in respect to the place for holding the Federal Assembly, or the power of any Governor to assent to or dissent from its acts, these jealousies, we submit, might be got rid of in the first instance by making the Assembly perambulatory (as suggested in the article from the *Argus*), and giving the veto to its acts only to the Queen; but as the Bill subjoined does not contemplate or allow any Federal Revenue, properly so called, to be at the immediate disposal of the Federal Assembly, and as it will be little more, under these circumstances, than a Court of Registry for its own acts, it is not conceived that the Colonies generally will feel much interest in its locality. The subjects it has to legislate upon are few and its Sessions will be short. Each Colony represented in this Assembly ought to bear a quota of the expense necessarily attendant upon it, as well as a just apportionment of the expenses attendant on those acts or measures in which such Colony may be interested.

That in the event of any supposed encroachments of authority by the Federal Assembly being resisted by any of the Colonies submitted to its jurisdiction, the Privy Council might be resorted to in order to settle any such difference, until the creation of a Court of Appeal for these Colonies generally, or, in the last instance, after the creation of such a Court.

That your Memorialists do not consider it necessary to go into further details, as they do not desire that Parliament should legislate directly on this subject, and the necessary details connected with the proper creation of a Federal Assembly will rest with the Convention to whom this power may be delegated by the Colonial Legislatures, which doubtless will select the most competent men they possess for the discharge of this very important function. The perfection, too, of such details, in the first instance, will be of less importance if that permissive Act of Parliament, which your Memorialists request you to bring in and pass with all convenient speed, shall contain a power enabling the Federal Assembly itself, after it shall be created, to supply any necessary details which may be omitted in its original constitution.

Signed, by order of the Meeting,

W. C. WENTWORTH, Chairman.

APPENDIX.

A.

One of the most prominent Legislative measures required by this Colony and the Colonies of the Australian Group generally, is the establishment at once of a

General Assembly, to make laws in relation to the Intercolonial questions that have arisen or may hereafter arise in them. The questions which would claim the exercise of such a jurisdiction appear to be as follow :—

- 1st. Intercolonial Tariffs and Coasting Trade.
- 2nd. Railways, Roads, Canals, etc., running through any two of the Colonies.
- 3rd. Beacons and Lighthouses on the Coast.
- 4th. Intercolonial Penal Settlements.
- 5th. Intercolonial Gold Regulations.
- 6th. Postage between the said Colonies and England.
- 7th. A General Court of Appeal from the Courts of such Colonies.
- 8th. A power to legislate on all other subjects which may be submitted to them by Addresses from the Legislative Councils and Assemblies of the other Colonies, and to appropriate to any of the above objects the necessary sums of money, to be raised by a per-centage on the Revenues of all the Colonies interested.

As it might excite jealousy if a jurisdiction of this importance were to be incorporated in the Act of Parliament which has unavoidably become a necessary part of the measures for conferring a Constitution on this Colony, in consequence of the defective powers given by Parliament to the Legislative Council, your Committee confine themselves to a suggestion that the establishment of such a body has become indispensable and ought no longer to be delayed; and to the expression of a hope that the Minister for the Colonies will at once see the expediency of introducing into Parliament, with as little delay as possible, a Bill for this express object.

W. C. WENTWORTH, Chairman.

Legislative Council Chambers, Sydney, 28th July, 1853.

B.

EXTRACT from the Honorable Mr. E. DEAS THOMSON'S Speech in the Legislative Council of New South Wales, on the 20th of October, 1856.

"The time, I look upon it, is not far distant when the Colonies will adopt some Federal arrangement, and by this means a Tariff congenial to all may be agreed upon. The Land system may, in the same manner, be settled upon a good and sound basis, so that the different Colonies may not be found endeavouring, as it were, to outbid each other. Another matter which ought also to be settled with Victoria is the management of the Gold Field; and I will here observe that it is the intention of the present Government, so far as it is concerned, to adopt the policy of Victoria, which was found to work so beneficially. The question of Postal Communication could also be settled upon a Federal basis, as could also the subject of International Railways. With reference to these, it is important that some settlement should be come to as to the gauge to be adopted. In cases where the Electric Telegraph passes through various Colonies it might prove a subject for Federal arrangement; but there is one still more important object, in which already some progress has been made, in obtaining the concurrence of the adjoining Colonies—that is, the settlement of Lighthouses on the Coast. Therefore there are *seven* great questions which ought to be submitted to some general Federal Assembly representing all the Australian Colonies."

C.

FEDERATION OF THE COLONIES.

(Taken from the Melbourne *Argus*, November 4, 1856.)

Something more than two years ago a series of letters appeared in the *Sydney Morning Herald*, under the signature of "John Adams," respecting the Federation of the Colonies of this hemisphere. The importance of this measure has been

demonstrated by experience. Since that time numerous illustrations have transpired of the inconvenience, loss, and obstruction which have resulted from the want of unity in the Australian Colonies. The question of Federation is not, however, unattended with serious difficulties. Its importance and desirableness is at once perceived—its practicability becomes a question involving many considerations, some which will be determined by time, and others which will rather gain additional strength by delay.

Whenever the question of Federation shall assume a practical shape, it must be determined where shall be the seat of Federal organisation, and where the place of meeting for the Legislature. The perambulating system may, perhaps, for a few years, meet the difficulty; but ultimately some definite locality must be chosen where we must deposit the staff of Federal power. It is probable that on the threshold the rival claims of different Colonies may create an obstacle not easily overcome. It is clear the Home Government is not in a position to establish Federal Government absolutely, and without the direct concurrence of the Colonies themselves. Whatever powers are deposited with the Federation must be abstracted from the local Legislatures. Having once confided to their management these powers, it would be a matter of complaint were they withdrawn, except by their own consent.

In any establishment of Federal Government population and wealth must both have their weight. It is quite clear that, if Federal Government were established without some balance, giving increased representation to remote localities, the objection which prompted the separation of all the surrounding Colonies from New South Wales would oppose their reunion under any local Government.

The necessity for some Federal system has been demonstrated so clearly by recent events that we presume no sensible man will deny it any longer. There are questions superior in moment to all others submitted to the Legislative body, which cannot be limited to geographical bounds. The late attempt to tamper with the price of land was particularly objectionable, inasmuch as it would interfere with the system established throughout the whole of these Colonies, and throw every Colony individually into a fever of dangerous, and, in the end, useless competition. It would have brought the various land funds down to nothing, and, for a time, placed the Colonies of Victoria and New Zealand, in relation to New South Wales, much in the position of rival coachmasters, who begin by lowering the rate, and go on until they take their passengers for love, and finally crown their liberality by presenting them with a glorious dinner. All this might be very amusing and exciting during its short-lived continuance, but could not certainly establish their credit, or give any confidence in those who dealt with the competing proprietors. What is true with reference to the coaching system, holds good in reference to competition of Colonies. They cannot gain by each other's ruin. Those who trust them when they are entering into wild and spiteful rivalry will only come in for a very small dividend. It is just for the same reason that the interference with the Tariff proposed by Mr. Cowper would be especially reprehensible. We have our Commercial system dove-tailed with that of every adjacent Colony; our capital goes further by the freedom and facility of transhipment; the mercantile houses themselves are to a very considerable extent but co-partneries. Thus, any tampering with our commercial system is not merely to be deprecated as a violation of free trade, and the imposition of a disproportionate burden upon labour, but especially as a disturbance of commercial confidence, the consequences of which cannot be possibly foreknown. We have already seen the importance of some arrangement to harmonise the Customs of the different Colonies. The pressure of this subject will increase when Moreton Bay is severed from New South Wales. The absurdity of that separation would be enormously augmented were the rival Governments to thwart each other in every other form of petty opposition, or, for the sake of gaining a few pounds only, to harass the border trade, and beset the rivers with custom-houses and preventive men. We shall have reproduced all the annoyances and follies of the Murray River, unless some arrangement be made beforehand to prevent such mischief.

There are innumerable other points of contact where the interests of the Colony unite, and where rival Governments have ingeniously established points of contradiction and collision. The postal arrangements, the establishment of lighthouses, the formation of Courts of Appeal, the means of common defence, the formation of great trunk lines of railroad, the establishment of Electric Telegraphs—all these are points where the interests of the Colonies are one. We are not prepared to say that Tasmania is so deeply concerned. Thus, any fellowship which that valuable dependency will accept must be defined by itself, and be of its own seeking. It is not at all desirable to thrust upon an island not connected necessarily with the Colonies of New Holland, a commercial and political system which perhaps she may not be inclined to prize.

Such are some of the great public reasons for seeking a combination of Colonial interests, and preventing that miserable and mischievous rivalry which will impoverish and obstruct them all. Were Federal Government established, its land system would be one; its securities would probably be valued at a higher price; its power to borrow in the London market would be augmented by its concurrent action; great works would be simultaneously and unitedly undertaken; the Customs Revenue would be apportioned by rules which would approach as near to equality as it is possible to do under a system where the loss and gain of the different Colonies depend upon the vigilance of the police or the expertness of smugglers.

The question however remains, how shall this Federation be effected? We believe it might be accomplished, first by the action of the Home Government. A law should be passed *enabling* the Colonies to enter into engagements for defined purposes—of course subject to the oversight and approval of the Crown. Having an enabling law and not a compulsory enactment, they could either allow the power to slumber, or put it in motion at their pleasure. If two Colonies—say Moreton Bay and New South Wales—chose to establish a Federation, it would be valid so far as their interests were concerned. If, acting in a liberal spirit, the Governments of New South Wales and South Australia co-operate there can be no question that Victoria would speedily join. At some future time, when the Federation had grown into its full proportion, the nice points, which are now enveloped in some difficulty, would admit of solution. It would then be determinable whether New South Wales, or Victoria, or some other place not yet known to fame, should be the seat of the federal system. Or it might ultimately be found possible to commit to each of the Governments the execution of the determinations of the general body, and thus avoid, for a time at least, anything more than the establishment of a mere chamber of registration, which might be also a high court of appeal.

All these are points which require elaboration, but nothing is more certain than that it is impossible for the Colonies to continue as they are—isolated and antagonistic—liable to have their commercial and land systems violently shaken, in order that a feeble Ministry may realise the political capital requisite to retain them in power.

D.

BILL TO EMPOWER THE LEGISLATURES OF THE AUSTRALIAN COLONIES TO FORM A FEDERAL ASSEMBLY.

WHEREAS it is expedient to empower the several Legislatures of New South Wales, Victoria, South Australia, and Tasmania, to form a Federal Assembly:
Be it therefore enacted, etc., as follows:—

1. Any two or more of the above-named Legislatures are hereby respectively empowered to select and depute any [*four*] persons, being Members of either of their Houses of Legislature, or not Members thereof, to form a Convention for the purpose of creating a Federal Assembly, with all necessary powers and incidents, and such Federal Assembly, when so created, shall have power, from time to time, to amend its Constitution, as occasion shall require.

2. Such Federal Assembly shall have full power and authority to make laws for such Federal Colonies, on the following subjects; viz., Tariffs, Lighthouses, gauges of connecting Railways, Navigation of connecting Rivers, Telegraphs communicating with any two or more Colonies, Postage between such Colonies, the upset or minimum price of Land, management of the Gold Fields, a common Coinage, Weights and Measures, General Defence, a Court of Appeal, Penal Settlements, and upon any other subject which shall be lawfully submitted to such Federal Assembly by an address from the Legislatures of the said Federal Colonies having an interest in the question so submitted.

3. The time and place of holding such Federal Assembly shall be fixed by the Governor-General [*or Senior Governor of the said Federal Colonies*], and the said Governor-General [*or Senior Governor*] shall also have the power to assent to or dissent from the acts of the said Federal Assembly; and such acts, notwithstanding such assent, shall be subject to the disallowance of Her Majesty in Council, at any time within one year after such assent thereto shall have been given.

4. The said Federal Assembly shall have power to appoint a President at the commencement of each Session thereof, and oftener, if a vacancy shall arise; and to fix the amount of its own expenses, and the salaries of its officers, by Acts to be passed from time to time and assented to as aforesaid. And all such expenses and salaries, and all other expenses incident to any Act or Acts of the said Federal Assembly, shall be apportioned by such Assembly among the respective Colonies represented in such Federal Assembly, in such proportions as such Assembly shall direct; and all such expenses shall be provided for by the respective Legislatures thereof accordingly.

5. In the event of any one or more of the said Australian Colonies not becoming Members of this Federation in the first instance, such Colony or Colonies, and any future Colony of the Australian group not now in existence, and not being a Penal Colony or settlement for, or consenting to, the reception of convicts or exiles from Great Britain or elsewhere, may join such Federation, and have the right of sending to the said Federal Assembly the same number of Representatives as shall be fixed for all the other Colonies represented in the said Federal Assembly. Provided the respective Legislatures of the Colony or Colonies so desiring representation therein shall pass an Act submitting such Colony or Colonies to the Federal jurisdiction of such Assembly.

The following is a copy of a letter received from the Right Honorable HENRY LABOUCHERE, Secretary of State for the Colonies, in reply to the Memorial from the "General Association to the Australian Colonies," requesting him to bring a Bill into Parliament, empowering those Colonies to form a Federal Assembly:—

SIR,

Downing-street, May 16, 1857.

I am directed by Mr. Secretary Labouchere to acknowledge a Memorial presented by you, as Chairman of the General Association for the Australian Colonies, urging on Her Majesty's Government the importance of introducing into Parliament a Bill for the purpose of enabling the Colonies now composing the Australian group to form a Federal Assembly for legislating on subjects of common interest to them, upon the principle of equality of the number of Delegates from each Province.

2. Mr. Labouchere has considered the statements and arguments of this Memorial with that attention which the great importance of the subject and the character of the signatures attached to it demanded.

3. He is fully sensible of the inconvenience which has already been felt in some instances in Australia from the want of any means of joint action by the several Colonies, and he is aware that inconvenience of this kind is likely to be experienced still more strongly in future unless some remedy be found for it.

4. Nevertheless, after weighing, to the best of his ability, the reasons for and against the scheme submitted to him, he has arrived at the decided opinion that Her

Majesty's Government would not in reality promote the object of the Memorialists by introducing such a measure as that of which the outlines are given in the Memorial, notwithstanding its purely permissive character.

5. Without entering into all the objections to which it appears to him exposed, it may be sufficient to say that he cannot think it at all probable that the several Colonies would consent to entrust such large powers to an Assembly thus constituted, or to be bound by laws imposing taxation (such as is involved, for instance, in tariff arrangements), or in the appropriation of money, which is involved in several of the subjects of Legislation suggested by the Memorialists; and, even if they were to consent in the first instance to the establishment of such a system, the further result would, in his opinion, very probably be dissension and discontent. He does not, therefore, think that Her Majesty's Government ought to introduce a measure of this character, although merely permissive in its provisions, unless they are convinced that there is a reasonable prospect of its working in a satisfactory manner. Mr. Labouchere would not consider himself warranted in making such a proposal unless he was both himself satisfied that it was founded on just and constitutional principles, and also that there was reason to believe that it was likely to be acceptable to the Colonies which were concerned in it.

6. Mr. Labouchere proposes to send copies of this Correspondence to the Governors of the several Australian Colonies for their information, and he will readily give his best attention to any suggestion which he may receive from those Colonies in reply, with a view to providing a remedy for defects which experience may have shown to exist in their institutions and which the aid of Parliament is required to remove. In the meantime he cannot but hope that even if any attempt to provide for their joint action in a regular and binding manner, by the establishment of some general controlling authority, should be found impracticable or premature, yet that much may be done by negotiation between the accredited Agents of the several Local Governments, the results agreed upon between such Agents being embodied in Legislative measures passed uniformly and in concert by the several Legislatures.

I am, Sir,

Your obedient servant,

HERMAN MERIVALE.

W. C. WENTWORTH, Esquire.

V. TASMANIAN ACTION.

In September, 1861, both Houses of the Tasmanian Parliament passed a resolution, "That an Address be presented to His Excellency the Governor, praying His Excellency to cause communication to be opened with the Governments of the several Australian Colonies, urging upon them the importance of immediate steps being taken to establish a Federal Assembly for the consideration and settlement of all Fiscal and other questions affecting the prosperity and welfare of the whole group."

Consequent upon this action, Mr. William Henty, then Colonial Secretary, addressed Mr. John O'Shanassy, then Chief Secretary of Victoria, who held out no prospect, at so late a period of the Victorian Session, that so grave and important a question could be entertained.

In June of the same year the Government of South Australia having suggested a Conference of Delegates from each of the Colonies "to consider the subject of a Uniform Tariff," Mr. John O'Shanassy suggested that the time of holding this Conference would be a favourable opportunity to consider the question of Australian Federation. The Conference met in Melbourne in March, 1862, the report containing the following paragraph:—"The subject of Australian Federation was not taken into consideration by the Conference, for, although the question has,

during some years, occupied the attention of several of the Legislatures, the Delegates had no instructions in the matter, and it did not seem probable that its discussion at present would be attended with any benefit."

VI. REPORT OF THE ROYAL COMMISSION APPOINTED BY THE VICTORIAN GOVERNMENT, 1870.

"TO HIS EXCELLENCY THE RIGHT HON. JOHN HENRY THOMAS VISCOUNT CANTERBURY, K.C.B., GOVERNOR AND COMMANDER-IN-CHIEF OF THE COLONY OF VICTORIA.

"We, the undersigned Commissioners, appointed under Letters Patent from the Crown, bearing date the 31st day of August, 1870, to consider and report upon the necessity of a Federal Union of the Australian Colonies for Legislative purposes, and the best means of accomplishing such a union, beg to submit to Your Excellency this our first Report :—

"1. The two questions referred to the Commission have been carefully and separately considered.

"I. ADVANTAGES OF A FEDERAL UNION.

"2. On the primary question of a Federal Union of the Australian Colonies, apart from all considerations of the time and method of bringing such a union about, there was a unanimity of opinion. The indispensable condition of success for men or nations is, that they should clearly understand what they want, and to what goal they are travelling, that life may not be wasted in doing and undoing; and as we are persuaded that the prosperity and security of these Colonies would be effectually promoted by enabling them to act together as one people under the authority of a Federal compact, they cannot, we believe, too soon come to an understanding upon this fundamental point.

"3. The difference in strength and prestige between isolated communities having separate interests and a National Confederation with a national policy, has been illustrated in the history of almost every great State in the world, and conspicuously in the history of States of which we share the blood and traditions. The effects of such a Confederation, when it is voluntary and equal, are felt throughout all the complicated relations of a nation's life, adding immensely to its material and moral strength. By its concentrated power it exercises an increased gravitation in attracting population and commerce. It multiplies the national wealth by putting an end to jealous and wasteful competitions, and substituting the wise economy of power which teaches each district to apply itself to the industries in which it can attain the greatest success. It enlarges the home market, which is the nursing mother of native manufactures. It forms larger designs, engages in larger enterprises, and by its increased resources and authority causes them to be more speedily accomplished. It obtains additional security for peace by increasing its means of defence; and, by creating a nation, it creates along with it a sentiment of nationality—a sentiment which has been one of the strongest and most beneficent motive powers in human affairs. The method, indeed, by which States have grown great is almost uniform in history: they gathered population and territory, and on these wings rose to material power; and with the sense of a common citizenship there speedily came, like a soul to the inert body, that public spirit by whose inspiration dangers are willingly faced and privations cheerfully borne in the sacred name of country.

"4. We cannot doubt that it is the destiny of the Australian Colonies to pursue a similar career, and their duty to prepare for it. They possess resources and territory which fit them to become in the end a great Empire; they are occupied by a population already larger than the population of many sovereign States, and they yield a revenue greater than the revenue of six of the Kingdoms of Europe; and we believe they share the sentiments, which may be noted as among the most subtle

and pervading influences of our century, the desire to perfect the union and autonomy of people of the same origin.

“II. BEST MEANS OF EFFECTING A UNION.

“5. The form which a Federal Union ought to assume, and the time at which it ought to be brought into operation, are subjects which must be reserved for a Conference of Colonial Delegates accredited by the respective Governments and Legislatures concerned.

“6. In approaching the second question referred to us, however—the best means of effecting a union—it is necessary to point out that a Federal compact for Legislative purposes may represent widely different ideas and measures of power. The Canadian Dominion furnishes the most perfect example of Federated Colonies. Canada, Nova Scotia, New Brunswick, and Prince Edward Island enjoyed constitutions substantially the same as ours, and were, consequently, under the control of Governments responsible only to the local Legislatures. For the purpose of attaining the increased vigour and authority which result from union, these Colonies agreed to abandon some of the powers enjoyed by the local Legislatures in favour of a general Parliament and Government authorised to act on behalf of all the Confederated Colonies. A constitution was framed accordingly, under which each Colony retains a local Legislature, possessing complete control over purely local interests, and over the public lands of the Colony, while the Parliament and the Executive of the Dominion are charged with what may be distinguished as national interests. We have printed in an Appendix the principal clauses of the Act of the Imperial Parliament creating the Dominion of Canada, from which the functions of the local and general Legislatures respectively may be seen in detail. On the other hand, there have been examples of a Federal Council having authority only on a few specified subjects, and on such other subjects as were afterwards from time to time referred to it by the local Legislatures. And there have been intermediate methods of more or less perfectly organised union. Opinion in the Colonies seems to be divided between these methods; and a decision can only be arrived at after much debate and negotiation.

“7. But there is a preliminary work to be done, upon which there would probably be a little difference of opinion. To effect a union of any kind, binding alike upon all, an Imperial Act is necessary. Such an Act might be a permissive one, and might authorise the Queen, by proclamation, to call into existence a Federal Union of any two or more of the Australian Colonies as soon as they passed Acts in their respective Legislatures providing, in identical terms, for the powers and functions to be exercised by the General Legislature, and the distribution of seats, and for the adjustment of the Colonial debts in case the nature of the union should render an adjustment necessary. The bases of these identical Acts would, of course, be determined by Conference between the Colonies.

“8. The Permissive Act ought to provide for the admission of Colonies not joining the Union in the first instance, and might also provide a mode of withdrawal upon certain notice for any Colony dissatisfied.

“9. We are distinctly of opinion that ‘the best means of accomplishing a union’ is to remove, by such an Act, all legal impediments to it without delay, and leave the Colonies to determine by negotiation among themselves, how far, and how soon, they will avail themselves of the power thus conferred on them.

“10. The Commission are disposed to regard it as part of the duty committed to them to prepare a Bill for transmission to the Imperial Parliament of the nature which they have indicated, and to ascertain by communication with the leading public men in the other Colonies whether they are disposed to co-operate in securing the sanction of the Imperial Parliament for it. While all questions of Intercolonial relations must be reserved for a Colonial Conference, it seems plain that, unless those who make a proposal of this nature give it practical shape, and take means to ascertain how far it will be acceptable, it may prove as barren of results as many proposals on the same subject which have preceded it. They intend, therefore, to print such a Bill with their second Report.

“III.—THE NEUTRALITY OF THE COLONIES IN WAR.

“11. A cognate question has been brought under the consideration of the Commission, as belonging to its general object—the existing relation of the Colonies to each other and to the Mother Country.

“12. The British Colonies from which Imperial troops have been wholly withdrawn present the unprecedented phenomenon of responsibility without either corresponding authority or adequate protection. They are as liable to all the hazards of war as the United Kingdom; but they can influence the commencement or continuance of war no more than they can control the movements of the solar system; and they have no certain assurance of that aid against an enemy upon which integral portions of the United Kingdom can confidently reckon. This is a relation so wanting in mutuality that it cannot safely be regarded as a lasting one, and it becomes necessary to consider how it may be so modified as to afford a greater security for permanence.

“13. It has been proposed to establish a Council of the Empire, whose advice must be taken before war was declared. But this measure is so foreign to the genius and traditions of the British Constitution, and pre-supposes so large an abandonment of its functions by the House of Commons, that we dismiss it from consideration. There remains, however, we think, more than one method by which the anomaly of the present system may be cured.

“14. It is a maxim of international law, that a sovereign State cannot be involved in war without its own consent, and that while two or more States are subject to the same Crown, and allies in peace, they are not, therefore, necessarily associates in war if the one is not dependent on the other.

“15. The sovereignty of a State does not arise from its extent, or power, or population, or form of government. More than a century ago Vattel formulated the principle now universally accepted, that a small community may be a sovereign State no less than the most powerful Kingdom or Empire, and that all sovereign States inherit the same rights and obligations.

“16. ‘Two sovereign States,’ says Vattel, ‘may be subject to the same prince without any dependence on each other, and each may retain its rights as a free and sovereign State. The King of Prussia is Sovereign Prince of Neufchatel in Switzerland, without the principality being in any manner united to his other dominions; so that the people of Neufchatel, in virtue of their franchises, may serve a foreign Power at war with the King of Prussia, provided that the war be not on account of that principality.’

“17. Wheaton and other modern public jurists have illustrated the same principle by the case of Hanover and England, which, though they were allied by personal union under the same Crown, were not necessarily associates in war, or responsible for each other. And the latest writers on international law cite the more modern and analogous case of the Ionian Islands, a State garrisoned by British troops, and having as chief magistrate a Lord High Commissioner appointed by the Queen, and which was, notwithstanding, adjudged before the British Court of Admiralty (on a private question arising) to constitute a sovereign State not associated with the United Kingdom in the Crimean War. The last chief magistrate but one of this sovereign State was since promoted to the Governorship of the Colony of New South Wales, and thence to the Governorship of the domain of Canada. The last Lord High Commissioner was transferred to the Governorship of the Dependency of Jamaica.

“18. Without overlooking the distinction between Colonies consisting of men of the same origin as the population of the United Kingdom, and States inherited by the Crown, like Hanover, or obtained by treaty, like the Ionian Islands, it is suggested for consideration whether the rule of international law under which they are declared neutrals in war would not become applicable to Colonies enjoying self-government by a single addition to their present power.

“19. The Colony of Victoria, for example, possesses a separate Parliament, Government, and distinguishing flag; a separate naval and military establishment.

All the public appointments are made by the local Government. The only officer commissioned from England who exercises authority within its limits is the Queen's representative ; and in the Ionian Islands, while they were admittedly a sovereign State, the Queen's representative was appointed in the same manner. The single function of a sovereign State, as understood in international law, which the Colony does not exercise or possess, is the power of contracting obligations with other States. The want of this power alone distinguishes her position from that of States undoubtedly sovereign.

"20. If the Queen were authorised by the Imperial Parliament to concede to the greater Colonies the right to make treaties, it is contended that they would fulfil the conditions constituting a sovereign State in as full and perfect a sense as any of the smaller States cited by public jurists to illustrate this rule of limited responsibility. And the notable concession to the interests of peace and humanity made in our own day by the Great Powers with respect to privateers and to merchant shipping renders it probable that they would not, on any inadequate grounds, refuse to recognise such States as falling under the rule.

"21. It must not be forgotten that this is a subject in which the interests of the Colonies and of the Mother Country are identical. British statesmen have long aimed not only to limit more and more the expenditure incurred for the defence of distant Colonies, but to withdraw more and more from all ostensible responsibility for their defence ; and they would probably see any honourable method of adjusting the present anomalous relations with no less satisfaction than we should.

"22. Nor would the recognition of the neutrality of the self-governed Colonies deprive them of the power of aiding the Mother Country in any just and necessary war. On the contrary, it would enable them to aid her with more dignity and effect ; as a sovereign State could of its own free will, and, at whatever period it thought proper, elect to become a party to the war.

"23. We are of opinion that this subject ought to be brought under the notice of the Imperial Government. If the proposal should receive their sanction, they can ascertain the wishes of the American and African Colonies with respect to it, and finally take the necessary measures to obtain its recognition as part of the public law of the civilised world.

(L.S.)	C. GAVAN DUFFY, Chairman.
"	FRANCIS MURPHY.
"	THO. HOWARD FELLOWS.
	(As to Parts I. and II.)
"	C. M'MAHON.
"	JOHN MACGREGOR.
"	J. F. SULLIVAN.
"	EDWARD LANGTON.
	(Except as to Part III.)
"	J. J. CASEY.
"	G. B. KERFERD.
"	GRAHAM BERRY.
"	JAS. GRAHAM."

" Town Hall, Melbourne, October 3, 1870.

VII. OPINIONS OF LEADING COLONIAL POLITICIANS.

The promised second report of the Commission with the proposed Draft Bill was never issued, but in 1871 the Government of Victoria caused the above report to be again circulated, with the opinions of some of the leading public men of the Colonies thereon.

Mr. Samuel Samuels, of New South Wales, concurred in the proposal to ask for a permissive Bill for effecting Federation.

Sir James Martin declined to concur with the Commission to take steps to make these Colonies independent States, instead of what they now are, and what Sir James sincerely hoped they would long continue to be, integral portions of the British Empire. . . . Sir James was of opinion that if the Imperial Government conceded to these Colonies the right to make treaties with Foreign Powers, such a concession would give them the right to remain neutral in time of war ; but, he said, this would be a practical severance of the ties binding the Colonies to the Mother Country—for this he was not prepared, and would resist it to the utmost. He had no doubt that England would protect her Colonies should the occasion become necessary.

The Hon. Henry Parkes (now Sir Henry) supported the application for a permissive Bill.

The Hon. Sir T. A. Murray, President of the Legislative Council of New South Wales, also approved of the application for a permissive Bill, but considered the neutrality question impracticable, for the simple reason "that no enemy who had the means or power to attack us would respect our neutrality."

The Hon. Mr. Foster, formerly Colonial Secretary of New South Wales, gave a qualified assent to the principles of Federation proposed, but thought the experiment should be made between two or more Colonies in the first instance, and that it would be prudent for remote and indifferent Colonies to await results before precipitating themselves into possible difficulties, or, at any rate, into novel and untried conditions from which it might be afterwards difficult if not impossible to withdraw.

The Hon. James Boucaut, Attorney-General of South Australia (now Mr. Justice Boucaut) approved the suggestions in the report, being deeply impressed with the want of mutuality in the present relationship of the Colonies with the Mother Country.

The late Hon. J. H. Barrow, Editor of the *S. A. Advertiser*, approved of the suggestions in the report, and promised to use his best efforts to popularise them.

The Hon. Mr. Strangways, late Attorney-General and Premier of South Australia, was of opinion that Federal Union could not then be effected, and that there was no chance of South Australia joining any such Union "until the Government and Parliament of Victoria exhibited more liberal views in their legislation affecting, directly or indirectly, the interest of her neighbours." Mr. Strangways considered the idea predominant in Victoria as to the basis of Federation, was "that all the other provinces are to adopt the Legislation of Victoria." This could not be. He thought the Colonies might be declared independent sovereign States, under certain conditions, the Queen of England still remaining Sovereign.

The Colonial Secretary of Queensland, on behalf of his Government, considered the proposal to form a Federal Union premature.

The Hon. Charles Lilly (ex Attorney-General) approved of the application for a permissive Act, but trusted it would be obtained without the meddlesome interference of "Colonial Society" in England.

The Chief Secretary of Western Australia wrote by direction of Governor Weld, approving of the closer relationship of that Colony with the other Australian Colonies, but, with a new system of Government to establish he was not in a position to state whether the principles embodied in the report of the Commissioners would be acceptable to his Legislative Council.

The Hon. Charles Meredith (Tasmania) reserved his opinion until better informed, and until he had an opportunity of reading the proposed Bill.

Mr. John Davies, M.H.A., of Tasmania, approved of the course recommended in part 2 of the report.

At the Intercolonial Conference which assembled at Sydney, January 18, 1881, the question of Federation was prominently considered, the result being the ultimate establishment of the present Federal Council on the lines adopted by the Australasian Convention held in Sydney in November and December, 1883.

VIII. THE TARIFFS AND THE LAND QUESTION.

When moving the resolutions of the above Convention in the Parliament of Tasmania on 9th July, 1884, the late Hon. W. R. Giblin said:—"Sir, the same document from which I have been quoting contains a very interesting fact, and a fact which explains very much indeed the present attitude of some public men in New South Wales towards Victoria in this matter. Victoria was represented at this Conference (1881) by Mr. Graham Berry, at that time the Premier of Victoria, and the same Mr. Berry was also a member of the recent Convention, together with Mr. Service, the present Premier, and Mr. Kerferd, the present Attorney-General of that Colony. The same gentleman (Mr. Berry) represented the Colony on each occasion. In 1881 the great difficulty in the Conference was the question of the tariff, and the following amended motion was put:—'That in the opinion of this Conference a joint Commission of all the Australian Colonies should be appointed to consider and construct a common tariff for the group.' In the constitution of this Commission, Victoria was to have three members, New South Wales only two. On that occasion the ayes were, New South Wales, South Australia, New Zealand, Queensland, Tasmania, and Western Australia; noes, Victoria. Then Mr. Palmer, of Queensland, moved:—'That it be an express instruction to such Commission that any common tariff must recognise fairly the interests and special circumstances of each Colony.' Ayes, the same as before; noes, Victoria. The conditions under which Victoria was then willing to unite with the other Colonies may be seen in a motion moved by Mr. Berry, and anyone acquainted with the areas of the different Colonies will understand the importance of the conditions, especially when the large extent of unalienated land in New South Wales and Queensland is considered. Mr. Berry moved:—'That inasmuch as a Federal Council should be endowed with some certain source of revenue, this Conference affirms the desirability of transferring all revenues from the sale and occupation of public lands situate in each and all the Colonies to such Federal Council.'

"On this motion Victoria voted 'aye;' the other Colonies, with the exception of Western Australia, which declined to vote at all, voted 'no.' Now, I quote this because I know that many people—as, for instance, Sir John Robertson—have pretended to see in the present zeal of Victoria for the cause of Federation a desire to appropriate the Crown lands of New South Wales. It is hardly possible to appreciate this objection until we remember that some three or four years ago proposals were actually made on the part of the representatives of Victoria to that effect, and these have naturally given rise to an idea that there was something more than met the eye in the present desire of Victoria to Federate. I do not hesitate to say that the fears thus expressed are utterly groundless. I have no hesitation in expressing the opinion that in the manner in which Victoria, especially through her able and patriotic Premier, the Hon. James Service, has worked during the last twelve months in this question of Federation, as far as we have had the opportunity of knowing, her conduct has been most unselfish and unprejudiced, and a credit to the Colonies as a whole; and there is one remark I might make to show hon. members that is the true view of the case. When hon. members peruse the provisions of the proposed Federal Council Bill they will no doubt be struck by a seeming anomaly, in the proposal that all the Colonies should be equally represented—that little Tasmania, with its 120,000 people, should have the same representation as the Colonies of Victoria and New South Wales, with their very much larger populations. This seems an anomaly, and yet the proposal for the equal representation of the Colonies in the Federal Council was made by the representatives of Victoria and New South Wales, although the representatives of the smaller Colonies were willing to agree to a differential representation of the different Colonies. I regard this as displaying a spirit of self-abnegation on the part of the larger Colonies, and I think it does them infinite credit."

In concluding a very able explanatory speech, Mr. Giblin said:—"Anything like a serious diversity of opinion in the object aimed at would be, I consider, a very

great calamity. (Hear, hear.) And I might also say that, although there may be minor differences of opinion, I hope and trust that hon. members will not press these minor objections, but look at the objects sought to be attained, and that, for the sake of bringing the English Government to move in the matter, the Colonies will unite. I trust, therefore, that hon. members will sink all minor questions of detail, and, following the example of Victoria, accept the Resolutions as a whole, and send forth another voice to help to accomplish this work of Federation. (Hear, hear.) I myself feel that the powers to be conferred upon the Federal Council are in many respects very inadequate, such as, for instance, as regards the question of a common tariff; but I say let us begin at the beginning: let us first have unity of action on points on which we are already agreed, and by obtaining that the Colonies will come to understand one another better, even on those points on which at present their opinions are widely divergent. I believe that the establishment of a Federal Council would be the beginning of very much better days for these Colonies of Australasia—(hear, hear)—which already form a ‘nation in the gristle’ (as has been said). With the formation of such a body our ideas would expand, and we would take a larger and better view of things than if our attention were confined to matters going on within the four quarters of our own little island. I believe the result would be to unite more closely together the ties which bind the Colonies one to another, and that it would also have the effect of cementing the attachment which has always existed between these Colonies and the Mother Country. (Hear, hear.) Before the recent Conference was held, I took exception to the expressions used by the Premiers of Victoria and Queensland, which appeared to me to show a desire for a speedy and complete separation from the Mother Country. I have not had the pleasure and advantage of speaking on the subject with Sir Thomas M’Ilwraith, but as for the Premier of Victoria, I am now convinced that a wrong construction was placed by me on his statements, and that in his affection to the Throne of Great Britain he is as loyal as any man in this House. I fully believe that the effect of a Federal Council, constituted by an Act of the Imperial Parliament, and to which each Colony would send its representatives, would enable us to speak with a more certain voice; that our representations would be more speedily met by the Home Government; and that the tie which now binds the affections of the Australian Colonies to the Mother Country, instead of being weakened and impaired, would be welded more closely together, drawing us still nearer both in sentiment and interest to the good old land from which we sprung. (Hear, hear.)”

Dr. Lang, in his book on Australian Independence, deals thus with the land question:—

“Another great point of difference between the future national Government of Australia and that of the United States is, that whereas the possession and management of the waste lands of the country are vested by the Constitution of the United States in the Federal Government, the waste lands of Australia would in all likelihood remain in the possession and under the exclusive management of the Provincial Parliaments respectively. I cannot see that such a system as that of the United States, in regard to the waste lands of the country, could be adopted with propriety, or even with safety, in Australia. The Provincial Governments would be quite competent to manage the waste lands within their respective boundaries; and I am confident they would never allow the funds accruing either from the management or the sales of these lands to be placed in a common Treasury, like that of the United States, to be divided rateably among the Provinces, according to the population of each, or applied to the general purposes of the National Government.”

IX. THE COLONIAL CONFERENCE, 1887.

Many Colonists looked forward to the question of Federation being discussed by the Colonial Conference which met in London in 1887, but it was not touched

upon. The Right Hon. Edward Stanhope, addressing the Colonial Governors in a circular despatch (25th November, 1886), said :—" I should deprecate the discussion at the present time of any of the subjects falling within the range of what is known as Political Federation. There has been no expression of Colonial opinion in favour of any steps in that direction, and Her Majesty's Government are of opinion that there would be no advantage in the informal discussion of a very difficult problem before any basis has been accepted by the Governments concerned. It might, indeed, be detrimental to the ultimate attainment of a more developed system of united action, if a question not yet ripe for practical decision were now to be brought to the test of a formal examination."

At the opening meeting of the Conference on the 4th April, 1887, the Marquis of Salisbury said :—" The business that brings you here to-day is of a peculiar character, due to the very peculiar character of the Empire over which the Queen rules. It yields to none—it is, perhaps, superior to all—in its greatness, in its extent, in the vastness of its population, and the magnificence of its wealth. But it has this peculiarity which distinguishes it from other Empires—a want of continuity; it is separated into parts by large stretches of ocean; and what we are here to-day for is to see how far we must acquiesce in the conditions which that separation causes, how far we can obliterate them by agreement and by organisation. I am not here now to recommend you to indulge in any ambitious schemes of constitution-making. (Hear, hear.) I saw in the papers (I do not know if it is true) that some of the most important Colonies have telegraphed to their representatives not to take part in any scheme of Imperial Federation. If that is so, I think those Colonies are only wise. That is a matter for the future rather than for the present. These are grand aspirations. I do not cast any kind of slur upon them by calling them 'aspirations'—on the contrary, these sentimental aspirations are not separated by any so deep a chasm as people think from actual practical undertakings. They are doubtlessly hazy now, but they are the nebulous matter that in course of ages—in very much less than ages—will cool down and condense into material from which many practical and business-like resolutions may very likely come. (Hear, hear.) But that is for the future and not for the present. We cannot emulate the German Empire in conducting all our Imperial affairs from one centre; whether we shall ever be able to do so I do not know: but for the present we must reconcile ourselves to conducting our own affairs, so far as domestic matters go, each in its own locality; and so far as our experience of that practice has gone, it has succeeded very fairly well. But there are other matters that are not quite so distant. Before the German Empire came to its present condition it had two forms of Union, both of which I think might be possible in an Empire such as ours, though both, perhaps, are not possible now. There was the Zollverein; the Customs Union, and there was the Kriegsverein, the union for military purposes. I fear that we must for the present put in the distant and shadowy portion of our task, and not in the practical part of it, any hope of establishing a Customs Union among the various parts of the Empire. I do not think that in the nature of things it is impossible; I do not think that the mere fact that we are separated by the sea renders it impossible. In fact, the case of Ireland, which has a Customs Union with England, shows that it is not impossible. But the resolutions which were come to in respect to our Fiscal policy forty years ago set any such possibility entirely aside, and it cannot be now resumed until on one side or the other very different notions with regard to Fiscal policy prevail from those which prevail at the present moment. I will pass that by, and merely point your attention to the Kriegsverein, which I believe is the real and most important business upon which you will be engaged; that is to say, the Union for purposes of mutual defence. (Cheers.) That is the business which the Conference has now before it. Of course, it is needless to point out that the defence of the Empire involves exertion on the part of somebody—exertion on the part of the Mother Country, and exertion on the part of the Colonies. Our interests are common, and it is for the purpose of concerting in a great measure how our common efforts may be directed to the most salutary and effective end for the purpose of defence that it is

so necessary that constant communication and consultation should go on between the various branches of the Empire.

Sir Henry Holland (now Lord Knutsford), referring to the case of Canada and Australia, said :—

“In 1837 there were the two provinces of Upper and Lower Canada. These were united in 1840, and Responsible Government was granted. In 1867 came the creation of the Dominion by Federation of Canada, Nova Scotia, New Brunswick, soon to be joined by British Columbia, and later on by Prince Edward Island.

“It is unnecessary, I am sure, to point out what weight and dignity have been added to the Empire by the creation of this great and flourishing Dominion, increased as it has since been by the addition of the vast North-Western Territory, through which now runs that remarkable achievement of British enterprise, the railway which has bound together the Atlantic and Pacific shores of the Dominion.

“As to Australasia, we may say in the words of a writer in the *Quarterly Review*, whose words I am glad to quote, as that writer was my father, that in the last fifty years ‘a nation has been created out of a wilderness, and a people have been ennobled by the gift of institutions which the struggle and experience of centuries have won for ourselves.’ Let me add that in no part of the world have the best features of our British institutions been more successfully reproduced, nor is there anywhere a warmer loyalty than that which adorns the independent self-reliance of the great Southern Colonies.”

The Hon. John Stokell Dodds, who, with the Hon. Adye Douglas, represented Tasmania at the above Conference, spoke as follows :—“I rise with feelings of extreme pleasure to offer, on behalf of the Colony of Tasmania, our thanks for the very cordial greeting which has been presented to the Colonial representatives; and I do so with the greater pleasure because it appears to me that to-day’s meeting distinctly marks a new departure in the policy which has been pursued by the Home Authorities in reference to the Colonies, and because we feel that there is now an attempt being made to draw us closer to the dear old mother-land, and that the day when the Australians may justly complain of the neglect of their representations on the part of the Imperial Government has passed away. There was a time, not very long ago, when the Colonists thought that Englishmen regarded them as acquaintances whom it was generally inconvenient to know, and with whom a closer acquaintance was undesirable. It appeared to them that Englishmen forgot, or at least but faintly remembered, that the English Colonies in Australia were peopled by men with English hearts and sympathies, and that we were at least endeared to England by ties of kindred and country; and when our representations were made and received with what we believed to be indifference, there was a feeling of depression passing through the minds of the Colonists, and it would not have been surprising if the results of that policy of indifference had been a feeling of estrangement and a desire rather to separate than to draw closer the bonds of union.

“But happily it was not so, the feeling of endearment towards England was too strong. The tie which binds Australia to England may be but a silken cord, but its threads are the enduring ones of deep-seated loyalty and affection. That loyalty has been acknowledged to-day.

“Although the subjects for consideration are so important in their character, yet they sink into comparative insignificance as compared with the higher results, which I hope will be achieved, of bringing closer the Colonies to the Mother Country. If we feel that we are recognised—and I assume that this meeting is a practical recognition of the fact that we are part and parcel of the Empire whose Queen rules in our hearts, and in whose destinies we desire to participate—if that feeling is made manifest, then I think the first step will have been achieved in that great work we all have in view, and that possibly we shall now lay the foundation of, that which we are all desirous to establish and perpetuate, the permanent unity of the Empire.

“And perhaps I may say on behalf of Tasmania, that in all movements which have had for their object the unification of the Empire, she has always been side by

side with those who have taken a foremost position in promoting them. As far back as the year 1858, Tasmania was found appointing Delegates to a Conference to be held in one of the larger Colonies of Australia, with the view of bringing about the Federal Union of the Australian Colonies. Tasmania is now in the Federal Council of Australia, and one of her representatives is a member of the Standing Committee of that Council; and the Colony rejoices at being able to take a part in this Conference, which eventually must result in the unification of this great Empire.

“But although much will be achieved by the Conference, there is much to be done. There appears to be still a desire upon the part of a great portion of the English people not to court the attention of the Colonies, not to draw closer the bonds of union. Even since I have been in this country, I have heard a British statesman—one who occupied a prominent position in the Government of which he was a member, and who is esteemed, and justly esteemed, by a large section of Englishmen—advise one of our Colonial representatives to sever all connection with the Mother Country. I hope it will not be so. Certainly in the Colony that I represent we do not desire anything of the kind; but we do desire that our representations shall be acknowledged, and, as I have already said, I think there is that acknowledgment given now. We desire a better understanding of the conditions of Colonial life, a more accurate knowledge of the conditions of the people of the Colony, and a better appreciation, if I may venture to say so, of the sentiments and aspirations which spring from our independent forms of Government and our rapidly developing and growing communities, that England should offer us opportunities for making known our wants and our requirements; that she should realise that Australia does not occupy a position of one weakly seeking help and protection, but that she is capable of acting for herself, and that she is now anxious to join with the Mother Country in securing a means of defence which will ensure her immunity from a foreign foe; that England should also realise the extent of the resources of the Australian Colonies, that she should recollect that there are large areas capable of absorbing and supporting millions of the surplus population of England; and that in relation to the rapid extension of our trade, the increase of our population, the growth of our institutions, and, above all, in the loyalty and affection which actuate everyone who lives upon Australian soil, Australia stands unrivalled amongst Her Majesty’s dominions.”

X. THE FEDERATION CONFERENCE OF 1890.

The Federation Conference held in Melbourne in February, 1890, was the last step towards Federal Union. The report has been so recently issued that it is unnecessary to do more than record the resolutions arrived at as follows:—

1. That in the opinion of this Conference the best interests and the present and future prosperity of the Australian Colonies will be promoted by an early Union under the Crown; and, while fully recognising the valuable services of the members of the Convention of 1883 in founding the Federal Council, it declares its opinion that the seven years which have since elapsed have developed the national life of Australia in population, in wealth, in the discovery of resources, and in self-governing capacity to an extent which justifies the higher act, at all times contemplated, of the union of these Colonies, under one Legislative and Executive Government, on principles just to the several Colonies.
2. That to the union of the Australian Colonies contemplated by the foregoing resolution, the remoter Australasian Colonies shall be entitled to admission at such times and on such conditions as may be hereafter agreed upon.

3. That the Members of the Conference should take such steps as may be necessary to induce the Legislatures of their respective Colonies to appoint, during the present year, Delegates to a National Australasian Convention, empowered to consider and report upon an adequate scheme for a Federal Constitution.
4. That the Convention should consist of not more than seven Members from each of the self-governing Colonies, and not more than four Members from each of the Crown Colonies.

XI. AUSTRALIA'S RESOURCES.

In 1870 a pamphlet was published in England by Mr. C. F. Hursthouse, of New Zealand, on the subject of Australasian Independence. The following is worth reproduction :—

“When the British Colonies in America raised the Stars and Stripes, their position, in regard to real power and resources and chances of maintaining the high station they had taken, was inferior to that of our six Australasian Colonies of to-day. And that, though Australasia, more distant from those old world stores of ‘Wilderness-subduing’ capital and labour which have done so much to create, to build up America, and also less favoured in natural gifts, could never aspire to blossom into so mighty an Empire as the great ‘Queen of the West,’ yet that Australasia, possessing a territory nearly as large as the whole of Europe; possessing even in these, her half infant days, a population soon exceeding 2,000,000 of the British race *(now 3,786,827); a public revenue of £10,000,000 *(now £27,558,497), with an export and import trade approaching £70,000,000 *(now together over £131,000,000); a climate embracing latitudes suitable for every domestic animal, every grain, grass, root, and fruit of the British Isles, with others, where flourish vine, olive, orange, mulberry, maize, cotton and tobacco plant; a Country possessing stores of gold, iron, copper, coal, timber, and exhaustless capabilities of supplying Europe with three great necessities, wool, meat, tallow; a Country possessing an immense ocean coast line, indented with harbours; holding a position isolated from all aggressive ‘annexing’ Powers, a position remote from all possible base of hostile operations, and yet nigh to the great marts and markets of India, China, and Japan, has, assuredly, that within her which, with man’s present improved arms and weapons for subduing the waste and ‘making the desert blossom like the rose,’ might soon expand her into one of the strongest and most flourishing of young nations which New or Old World has ever seen.”

XII. FEDERATION OR SEPARATION.

Mr. Westgarth, speaking before the Royal Colonial Institute in 1869, said :—

“How often we revel in great schemes of emigration, by which the excess of people here may, to mutual benefit, fill up the wastes of the Colonies. The necessities of the subject ever bring it back to us, and we always hope, spite of all past difficulties, for a system adequate to the wants in both cases. And who shall say that in the general race of modern progress this one question is to stand still, and to remain unsolved? But if we break from our Colonies, we at once throw up this noble national domain, its broad acres, and its virgin soil. We cede its millions of future homes, and lose all that cordial co-operation and guidance which we may ever expect from those our fellow-countrymen already there; and our dreams, our hopes, and our plans are at an end.

“Our age is especially characterised by an onward march of nations, and our English-speaking peoples are at the head of this grand race in all those substantial

* Compiler's Notes.

considerations that make up the idea of 'progress.' We must not halt, and still less lose ground, in such a busy throng. We are, in fact, so much used to the van of that progress as to feel out of place elsewhere. An honourable and inspiring rivalry pervades the world. The great transatlantic people, because they are our second selves, and planted out under a certain superiority of material circumstances, are already, with characteristic dash, full abreast of their parental nation; and we shall certainly be second in the race if we are severed from the uncramped areas and the fresh impetuous life of our Colonies.

"The British Empire, as it now stands, in point of geographical extent, of population, of power in its many-sided aspects, and of effective world-moving civilisation, is the greatest spectacle of its kind in history; and may we not heartily cherish the belief that a fabric so strikingly distinguished, so grand, and so useful, will be long maintained by its component members as one united nationality?"

XIII. THE VALUE OF THE COLONIES TO THE EMPIRE.

The following is an extract from a speech delivered in the House of Commons by W. Rathbone, Esq., Member for Liverpool:—" Who, then, wanted to part with the Colonies? Did the working classes? Could anybody mistake the meaning of those meetings which had been held within the last few months on the subject? The depth of feeling among the artisans on this subject was not yet fully appreciated by the country. Was it not manifest that our working classes looked upon the Colonies as their land of promise, and regarded those distant territories as the birthright, so to speak, of their sons and daughters? He could scarcely imagine how any sect of men could desire to see our great Confederation broken up at such a moment as the present. The general tendency of men at the present day was in quite the opposite direction. The tendency of the day was in favour of large nationalities, and the day of small nations was past. Could we shut our eyes to the fact that nationalities were everywhere endeavouring to group themselves into large States? Germany was forgetting her divisions, and grouping herself into one powerful State; Italy had happily almost accomplished the same work; and the races in the North were following out the same process. Why should we, at such a moment, in obedience to the opinions of any set of men, however enlightened, crumble up that great Empire which Providence had placed in our hands? It was surely our duty to take the opposite course, and carry out the work we were called upon, as a first-class nation, to fulfil. Could it be imagined that we should long remain a first-class Power if Colony after Colony were stripped from us? Could we, under such circumstances, long retain our grasp on India? We owed it as a duty to our own people not to shrink, from any feeling of laziness, from maintaining the proud position which we had acquired, and to keep open these outlets for our teeming populations; while we owed it also to the people of those new Continents, to whom it was a great advantage to have the admixture of our old civilisation and to start with our great traditions, not to break that tie which attracted to them the cultivated classes of this country, but which would cease to exist if they did not continue to be subjects of the same Crown. The question was a great and a large one; and it had, he thought, been very well put in a despatch lately sent to the Government by that distinguished man, Sir Philip Wodehouse, who spoke of responsible Government in the Colonies as meaning in the end independence, and therefore separation from the Mother Country. He believed Sir Philip Wodehouse was wrong; but, nevertheless, his deliberate expressions showed what opinions were afloat, and convinced him that the question of the relations between ourselves and the Colonies must be faced as a whole, and handled in a broad and comprehensive spirit. Now that was the point which he would entreat the House to consider very carefully, whether we were to look forward calmly and contentedly to the future sketched out in that despatch, or to use our best exertions to consolidate those semi-independent com-

munities into one great Empire with ourselves. It was no doubt the harder, but it was the more glorious task ; it was no doubt a difficult problem, and would require the exercise of all the statesmanship which the country possessed for its solution, but he hoped that no luxurious laziness, no timidity, no shrinking from labour, would induce the House to decline the noble work of reconstructing, and so far as things on earth could do so, of rendering everlasting our British Empire."

XIV. AUSTRALIA AND THE EMPIRE.

Young Australia may probably regard the following as rather calumnious, but it is given as the opinion of a recent visitor and particularly close observer :—

Major-General Strange, in the *United Service Magazine* for November, declares that of all the disunited States of Great Britain, Australasia appears to be the most disunited. Major-General Strange has travelled extensively in Australasia, and has listened to debates in every Legislature in the Colonies, and has spoken in New Zealand on the question of Imperial Federation. He thinks that the chief cause of the re-action against Imperial Federation in Australia is, first the abandonment of Northern New Guinea to the Germans, and secondly, the despatch of French recidivistes to New Caledonia. The only remedy against the occurrence of such difficulties would be the insistence by the Colonies of a voice in the foreign policy of the Empire. If Australia were to cut the painter her present population would be the richest and most defenceless people in the world, having no army, navy, arsenals, or ammunition sufficient for a week's fighting. Germany, he thinks, will inevitably annex Holland, and from Java and New Guinea would be strongly tempted to advance upon unprotected Australia. The new generation is much less patriotic, and the only chance of uniting the Empire is while the old Colonists still live. "History is not one of the subjects taught in the State Schools of Victoria, and but very little of it in the other Colonies. When speaking on this subject to a wealthy and cultivated Australian, a graduate at Oxford, I was told, 'They did not desire their young people to waste time over the histories of played-out old peoples, but to make history for themselves.' I got no clear answer to my query, What sort of history do you suppose will be made by a people who are not only ignorant of the history of the great race from which they sprang, but of all other races? I ask the reader to picture to himself the mind of a young person, almost devoid of historic knowledge, living in a far-off Colony, where nature assumes a somewhat monotonous aspect, where there are no historic associations. As our appreciation of general literature is mainly due to such historic knowledge, is it surprising that the young Australian of both sexes, though musical, is not an imaginative or reading person? Upon these practical but unimaginative people depend the future relations of their country to ours. The old Colonist is passing away, and is succeeded by his sons, who talk as if they, and not their fathers, had built up the marvellous growth of the Antipodes."

XV. OPINIONS OF THE AUTHOR OF "FRIENDS IN COUNCIL."

(From *Good Words* for December, 1870.)

"I now proceed to discuss the third branch of the subject—namely, the relation of the Colony to the parent State.

"There are five different conditions of this relation, two of which are thus stated :—

"There is that condition of a Colony which is complete in its union with the parent State—when the difference between the Colonist and the Citizen at home is a difference of distance only from the centre of Government. There are few, if any, perfect instances of this condition of a Colony ; but I would wish to

impress upon the reader that there is no reason in the nature of things why this condition could not be originated and maintained. Modern ways and means all tend to render it more feasible. The swiftness of communication and the general assimilation of manners and habits in modern times are greatly in its favour. Probably, had it been more tried, it would have had more to say for itself. I will hereafter return to a further consideration of it.

“There is the condition of Federation. Now Federation may be of two kinds. There is the Federation which exists only for the purposes of war, or, to put it more largely, for the purposes of dealing with foreign States. Again, there is the Federation which is of a much more intimate kind, and such as that which prevails among the respective States of the great American Republic—a Federation in which a certain community of law, privilege, and citizenship exists, and in which the several communities are knit together by common principles of thought and action. These communities may, or may not, have a central seat of Government. The principle of Federation is the same in both cases.

“Even the minor experiment has not been tried, of attaching a Council to the Colonial Office, composed of eminent Colonists returning to the Mother Country for a certain period, or of persons who have distinguished themselves in Colonisation, or of those who are versed in the study of the Colonies and Colonial administration. We have a similar body connected with the affairs of India; but we have never given to our Colonial administration the aid and security which such a Council would afford.”

XVI. ANGLO-SAXON FEDERATION.

ATLANTICA AND PACIFICA.

In a paper “On Imperial and Colonial Policy,” read by Mr. R. A. Macfie, M.P. for Leith, before the Social Science Association at Newcastle-on-Tyne, in 1870, he pointed out the great advantages which Great Britain had in the possession of splendid Colonies, and said:—“The philosophy and good sense of the case is, let Britons be content and grateful and keep together. Nationally we can hardly, if at all, be situated better than we are. . . . The earlier we make known our determination to hold the Colonies firmly, the better. There is no second unoccupied world for us to conquer and Colonise, Great Britain and the United States (inheritrix on a title we don’t care to dispute) own and possess all the fertile and accessible tracts of the globe.

“Observance of British antecedents, and consciousness of the nobleness of British policy, warrant us to believe, what other nations will not hesitate to admit, that the retirement of Great Britain from her place of pre-eminence and its opportunities, her relinquishment of the post which Providence and mankind assign her, would be a just and great and perpetual subject of world-wide lamentation. Why should we retire voluntarily and unnecessarily? We may hope, if not attacked too suddenly and by combined force, and if repressing impracticable meddlesomeness, to stand our ground.

“How much stronger will the Empire be by-and-bye, when, through judicious encouragement of emigration and presentment of facilities for the cultivation of waste lands, the Colonies shall have doubled the Empire’s population and strength! Friendship, or alliance, with such a Power as we shall then be, will and must be sought and valued. If the Anglo-Saxon, or rather—for we forget not the Celts—the English-speaking races, act in harmony, with no jealousies among themselves, they will form a coalition which no nation dare oppose, yet none need fear; for its power will never be exercised adversely to mankind. For this reason, if for no other, let the United States and our ‘United Empire’ act and feel towards each other as if the day may not be distant, and ought, by interchange of kind offices and reciprocation of courteous respect, to be accelerated, when both will be cemented in the warmest, as it will be the most natural and congenial, of alliances.

"Why may I not express, what I rejoice to discover is a cherished thought in many earnest and large hearts—hope, rising almost to anticipation, that the United States of America and 'the United States of the Britannic Empire' will, a century hence, be Federated together, as not merely geographically, but morally, a great 'Atlantica' and 'Pacifica'—*Atlantic*, as being the realisation of the fabled sustainer of the world in its place and order, by means of quiet, concentrated strength; and *Pacific*, as the keeper of the world's peace, by its diffused healthful influence.

"With the Germans, now in the ascendant, all these Federable States have the ties of blood-relationship and love of religious freedom and simplicity. With the French, the Celtic element in Scotland, Ireland, and Canada makes us akin. With the Russians, we will be close neighbours in the East and in the North, without adequate motive for jealousies and unworthy rivalries.

"Is this picture painted in too glowing colours? Is there no dark background? There may possibly be a hidden wish, in quarters where our type of civilisation, and liberty, and religion is feared and distrusted, that the United Kingdom should decline in influence. Some, with this in view, may insidiously favour disintegration. *Cavete canes*. Undoubtedly I have indulged my imagination by conceiving a bright future."

In an address delivered at Leith in 1868, Mr. Macfie said:—"I will speak of the British Empire as a whole. I look upon the face of the globe, and I find this is the day of great Empires. We have near us the great Empire of France, and a little further distance away the newly-constituted great Empire of Germany. We have beyond that the great Empire of Russia, and we have, more formidable still, the great nation of the United States of America. (Hear, hear.) Now, if the United Kingdom is to maintain its ground—to stand on an equal footing with these great Empires—I think we must not forget that it is necessary to maintain our magnitude also. We are possessed of vast territories, but, for good or for ill, these territories are widely scattered over various parts of the world. We are not so compact as any of these four Empires I have mentioned. Well, if we cannot be compact by being one great land, we may be compact by means of cordial unions between Britain and her Colonies. (Loud cheers.)

"It appears to me the time has come when we ought to consolidate the British Empire, and unite this country and these Colonies by some system of Federation, or some system of union, so that the great mass then will work together and act together, they and we finding the common fund of men and money requisite for Imperial purposes, and thus removing all prejudice that might exist in our minds against them. (Cheers.)

"I am anxious that while the Queen's dominions enjoy everywhere the blessing of tranquillity, prosperity, and loyalty, there should be instituted such a constitutional connection between the Mother Country and the Colonies as will consolidate the British Empire, and sustain its patriotism, strength, and power."

In a speech delivered in 1869, Mr. Macfie, in alluding to the probable separation of the Colonies from the Empire, repudiated indifference on the part of the British Government to the subsisting connection, and said:—"We would feel pain to part; but we are averse to claim the right and power which theoretically belongs to us to overrule their decisions and shape their destinies. We hail them now, not as Dependencies, but as parts of the same Empire, participants of our ancient and noble privileges, and sharers of our grand responsibilities. Both they and we see that in union is our strength. The bundle of rods must and will be kept together. Like the patriarch, we all say, and the Colonies most especially, 'With a staff we crossed the waters, and now we are become bands, strong and many, bound together as one.' When other States of the world are growing in number of subjects and extent of territory, it would be a matter for unbounded regret if the British Empire were to shiver into fragments. Therefore we will not part from one another, if it is possible, as we know it is, to maintain the union that has been so long enjoyed. Let us rather consult together how best to consolidate and weld or

fuse into one mass what is in nature congenial, and is already warm. Even now the comprehending of the Colonies in the census of British subjects, without including in the aggregate the vast population of India, shows that, in point of peopled territory, we are entitled to a proud, but I trust not abused, pre-eminence among the nations? To how much more, when we take into account the tendency of Anglo-Saxons and Anglo-Celts to multiply and replenish, in a few years may we expect to grow? I see no reason why we should not be able in half-a-century to count equal to the greatest Powers then sharing the beneficent domination of this earth.

"We at home require, however, to recall the Colonies to greater consciousness of the fact, and the value to themselves, of their British origin and connection. We and they require to re-constitute our reciprocal relationship, if not on a firmer, at least on a new basis. As for us, we must not merely appeal to our claims on them and their claims on us, but show ourselves worthy of their admiration and confidence. We must so act as to make them court amalgamation."

XVII. CONSOLIDATION OF THE EMPIRE.

The following letter was written by Mr. Macfie, M.P., to a prominent member of the Cabinet :—

Ashfield Hall, Neston,

5th September, 1870.

MY DEAR SIR,—In your obliging letter of 31st August, you well stated the aim of the policy, imperfectly understood by my Canadian correspondent, to be "strength, union, and consolidation." In my acknowledgment of the 1st inst., I readily assumed that this statesmanly object has regard not merely to the British Possessions in America, but to the whole Empire. I know from the declarations you and Lord Granville made in Parliament no longer ago than last session, that the unity and substantial integrity of the Empire it is the determination of the Government to maintain. I have already expressed my fear that the opportunity or possibility of perfecting and securing the strength and power of the Empire by consolidation in the form of Federal connection is slipping away. Every Mail that arrives from Australia and Africa furnishes additional ground for this fear. To-day I received from Queensland a letter, dated 11th July, in which my correspondent, a most intelligent member of the Parliament of the Colony, writes :—

"As regards politics, Australia seems on the whole not inclined to have a closer connection with the Mother Country than at present exists. The people seem quite satisfied with the privileges they possess, and I do not think they will like the idea of a Consolidation with the Empire. At a Congress at Melbourne (the proceedings of which are interesting to you), for the purpose of a Customs Union—the ideas are going in the direction of Independence altogether, and Confederation of the various Colonies."

The Independence my friend points at means disintegration of the Empire. Disintegration means weakness of the parts into which it would decompose. Such weakness of the United Kingdom is not mere national calamity from which there would be recovery, but an irreparable loss to the world. The people at home and, I am satisfied, the people in the Colonies—whatever a handful of theorists may have said in favour of it, or done in a direction towards it—are opposed in heart to the separation of the Mother Country from the Colonies, and of the Colonies from one another (if, indeed, they can be said to be opposed to a policy of rending, of which they have not only got no notice, but have not contemplated the possibility). I hope I may say the same is the case with the British Parliament. It is certainly so with the constituencies.

Events now hurry on so fast, and politicians have now so many surprises, that (allow me to say it, with great deference) the Government will be held justified in

the eyes of all men if it takes the initiative at once in proceeding to prevent, by anticipation, agitation or action intended to dismember. Such agitation may be the insidious work of enemies who see in the power of our country and the tendencies of the time influences on behalf of liberty and of mankind which they dislike; or, and this is the probability, it will be the natural expression of dissatisfaction with a state of mutual relations which the Colonies have outgrown. I do not wonder at the dissatisfaction. It must be met by a recognition of existing facts and prospective wants. The whole Empire, and not the United Kingdom only, must be independent or self-governing.

Some connection on the principle of equality and equity must be formed—call it a “Federation”—resembling in a good measure that by which the United States are bound together in strong happy oneness. If the alternative of such a connection with the Mother Country and the rest of the Empire, or separation and isolation, be presented now, there can be little doubt, or no doubt at all, *which* the several Colonies will prefer. As for the United Kingdom, I am convinced it is ripe for the proposition. Even if such had not been the case before the present dreadful war, the events of the last few weeks show all men that a nation’s strength depends in no small degree upon its numbers. Strip away the Colonies, what are we, where are we, in comparison with populous and growing nations like the United States, Russia, and Germany? With these great Powers, not ignoring France, it is desirable, for the peace and progress of the world, that the British Empire should be on friendly terms and in alliance. This we can best attain and maintain by entering into the relationship on a footing, with respect to population and power, which severance from the Colonies would put out of the question.

The equality and equity of which I speak, of course imply that each of the associated countries which constitute the Empire should subject itself, in respect to Imperial interests, to a central conjoint Administration, which should have the right to determine and legislate for peace or war, emigration and crown lands, and contributions of men and money for military and naval defence and armaments on the basis of population. Allow one remark more. When the Government and Parliament of the United Kingdom made over to their Canadian, Australasian, and African fellow-subjects the control or proprietorship of our magnificent heritage of vast and valuable unoccupied territories, neither contemplated that these should be alienated from the Empire, to whose whole people they belonged, and I trust, for the credit of British rulers and the good of the entire nation, will belong.

I have already suggested that the present juncture, when public attention is earnestly turned to the necessity of reviewing our system of defence and armaments, affords a ready occasion for a convention of Delegates from the more important Colonies, to consider that and other cognate questions. I am sure I rightly interpret the general sentiment and wish, when I most respectfully express hope that the step will be early taken by the Government. The great work you have accomplished on behalf of Ireland would be dwarfed by success in the not urgent and not less hopeful work which, I trust, you will have the gratification to begin and complete—the strengthening, uniting, and consolidating this noble and royal Empire by an expanded Constitution. I have the honour to be, etc.

XVIII. FEELING OF THE COLONIES TOWARDS THE MOTHER COUNTRY.

In 1870, when there was a possibility of the Mother Country being involved in a Continental war, the loyalty of the Colonies was strongly shown.

The Melbourne *Argus* of September 18 says:—“We share in the jealous affection which is cherished for the Mother Country by her children in all parts of the world. Her greatness is our greatness, her honour is our honour, her glory is our glory. We neither separate ourselves from her past history nor from her future fortune. . . . In the presence of a common danger men feel how much

stronger are the ties of kindred, the instincts of race, and the traditions and renown of a venerable Empire as motive force than the theories of closet philosophers or the doctrines of social parasites. . . . In the whole of these Colonies the Governments and the peoples have obeyed one impulse, and acknowledged one duty to be paramount over all others—that of maintaining the unity of the Empire, and defending ourselves against any enemy with whom England may engage in warfare. . . . If, happily, the storm shall blow over, and England shall maintain undisturbed her pacific relations with the other Great Powers, the precautions which have been forced upon us will not have been without their beneficial uses. We shall have been admonished of the duties which are annexed to the privilege of forming part of a great Empire, and we shall show the Mother Country with what cheerfulness we accept and discharge those duties. Nor must we omit to remind her of the reciprocal obligations which she owes to us.”

These obligations are defined to be, along with defence of her territories, “maintaining her naval supremacy,” and keeping “the silent highway” of the ocean “clear from all marauders.”

The *Melbourne Age* of the same date speaks thus :—

“A country which is liable to be warred upon must of necessity have the right to make peace. . . . The question we have raised will force itself upon the attention of the party in England which advocates the maintenance of the integrity of the Empire, as well as upon that which disavows all responsibility of the Parent State for its offshoots. It is impossible that the Colonists can remain content to be subjected to all the horrors and disabilities of war without a voice for or against its declaration. . . . The Empire cannot be held together in a state of semi-dislocation. The Colonies must either be integral parts of the Empire, or they must be free in all things. In the meantime we will do our duty as British subjects in the full hope that we shall not be looked upon and treated as subjects of an inferior grade, burdened with responsibility, but denied the possession of their corresponding rights.”

The *Montreal Gazette* wrote thus :—“It is well sometimes to glance away from interests of merely local value over the immense area which in every region of the world makes the sum total of that mighty Empire of which we form a part. To compare ourselves with our separated brethren of common allegiance, and to compare the British Empire with the other Great Powers of the world, is always instructive and often necessary. . . . She (England) is, in fact, much stronger than some of her statesmen seem to consider. The aggregate in extent of territory, in population, and wealth of her foreign possessions throws into the shade the Empire of Rome in its highest glory. . . . That such an Empire should be disintegrated and destroyed; that the triumphs and trophies of centuries should be made a prey for the first adventurer; that the Colonies won for England long ago by the bravest, and settled by the hardest of her sons, should now, when they are just beginning to be a source of benefit as well as honour, be thrown aside as useless—this is a policy which it is hard to believe that any British statesman should be found to sanction. The danger, however, is now overpast, and there is no longer any fear of so ill-omened an event as the dismemberment of our British household.”

The article thus closes :—

“The prosperity of one is the prosperity of all, and in the loving regard of all for each other and for the Motherland, lie the safety, glory, and prosperity of the Empire.”

Bishop Barry, in the *Nineteenth Century*, in reply to Dr. Bakewell, writing on the loyalty of the Colonists, takes exception to the term “Imperial Federation,” believing as he does, that the alternatives are “Empire” or “Federation.” But, says the Bishop: “Under whatever title, I hold it absolutely necessary that some true Federation between the Mother Country and her free Colonies should be realised, so that all shall have some share in determining the national policy, which

in its results must affect all. As Colonies grow—as the proportion of the inhabitants of the ‘Greater Britain’ outside the old Country increases, as it will certainly do—the only possible alternatives of Federation or Separation, of closer unity or fatal disintegration, will be more and more plainly forced upon us. Between them, if we have the choice, who would hesitate at any time?”

XIX. THE AUTHOR OF “GINX’S BABY” ON IMPERIAL FEDERATION.

In the *Imperial Review* for January, 1871, appeared an article on “Imperial Federalism,” by Mr. Edward Jenkins, M.P., author of “Ginx’s Baby,” from which the following is taken. After referring to a period of “Drift,” in which the Empire seemed “drifting to Imperial Dissolution,” he says:—

“I define Imperial Federalism to be: The doctrine of a legislative union, in the form of a Confederation, of each subordinate self-governing community which is now included within the British Empire. To preserve that Empire intact, on the ground that such a policy is not only Imperial, but dictated by the selfish interest of each constituent; to combine in some flexible and comprehensive system the great concourse of subordinate States whereof our empire is composed, for the benefit of all; and lastly, to confirm to every individual member of the Imperial Community those rights and privileges to which he is born—rights and privileges justly inalienable from himself or his children: these three things must be at once the aim and the reason for Imperial Federalism.

“The gravity of the questions depending on this doctrine, every day pressing more urgently for solution, must ere long drive it to the front rank of political movement. What shall our Empire be fifty years hence? What shall become of those sons and daughters gone from our bosom to far-off territories bearing with them a portion of our strength, our civilisation, our freedom, our love of Motherland? Who are to be the legatees of the vastest national estate ever accumulated in one sovereign hand? Are our Colonies destined to be our weakness or our strength—to sap or to solidify our power? Is it the wisest policy to smooth the way to Imperial dissolution, or our duty and policy together, by every honest means, by every honourable bond, to perpetuate Imperial integrity? Are the hopes of unborn generations most engaged in the maintenance of an united Empire, or the development of separate nations? Such, and a hundred other questions, crop up in the hitherto unexplored regions of the subject designated by me Imperial Federalism. . . .

“I have said that Federation exists already within the Queen’s dominions. In 1856 the proposal to Confederate the British North American Provinces is stated to have been regarded by Canadian statesmen ‘as visionary.’ In 1867 it was adopted throughout those vast provinces and by the Imperial Government. . . .

“In the West Indies, Sir Benjamin Pyne has recently been able to induce several islands to unite upon a Confederation scheme, which will receive the sanction of the Home Government.

“Following these accomplished facts, the principal of Federalism has naturally found its way to Australia, where, as we shall directly see, it has assumed a serious aspect. But the idea has not been allowed to float about and drop its seeds only on the extremities of the Empire. From them it has been borne home to ourselves, and has begun to germinate in Ireland. There, though perhaps fostered more by disaffection than the spirit of patriotism, it would yet be the most wanton prejudice to permit its infelicitous associations to distort our judgment of its political promises. It may, perhaps, hereafter be shown that some of the most urgent reasons for a Federation of the Empire lie at home, and are not only to be sought in the necessities or the aspirations of our Colonial provinces. . . .

“Turn where we will, we find Britain flourishing by the help of her own offspring—toiling, tilling, trading in and from her distant provinces. To every clime have her adventurous sons borne the civilisation along with the enterprise of their race.

Prairies and deserts have changed their features, and from their rich unnumbered acres has been brought the blessed food for millions at home. Nor this alone. The thoughtful workman here looks out with hopeful pride to communities of growing wealth and power, whose increasing necessities daily add to the demands for the products of his labour. They provide him with food, they provide him with staples of manufacture, they provide him with work, and they offer him, should he aim at higher things, the safest and most inviting field for his energies. To know that wherever he goes he still retains his English rights, still is safe under English protection, may at any time return and lie down to rest, a citizen in his English home—is not this to make him feel the true value of an Imperial destiny? Is not this to give courage to the men and women who otherwise would perish here in the hopeless rivalry of wretchedness? Is not this a true, righteous, practical thing to devise and confirm for the good of every living soul within these crowded kingdoms?

“How much we have to gain in time of peace by the Consolidation of Imperial connections it is needless here at any length to recall. The arguments used in support of emigration—the proofs adduced of mutual profit from intercourse and trade—are only strengthened when we consider their bearing under a more organised and complete union. Should a Federal system be devised, whereby every Colony has its rightful place and representation in the Imperial connection, whereby to every Colonist was assured Imperial citizenship, with all its resultant rights of protection and freedom, it is impossible but that the ideal distinctions between ‘Home’ and ‘the Colonies’ would vanish away. Instead of hearing ignorant men among the uninstructed classes, and unwise men among the instructed classes, speak of an emigrant as ‘an exile,’ and our birthright estates beyond the seas as ‘foreign lands,’ we should know no difference between England, Scotland, Ireland, Canada, and Australia, except the divisions of space, and no boundary of ‘Home’ other than the limits of our Empire. . . .

“The timidity of wealth, as well as that of thinking labour and personality, to which I have already alluded, partly arises from the uncertainty of our relations to our Colonies, which, along with considerable ignorance regarding the Colonies themselves, makes the capitalist hesitate to trust his money in Colonial enterprises. If Canada is likely to become independent, if New Zealand is any day to go off in a pet, who can foresee what the value of their securities, or their railways, or their public works or private speculations will be? But confirmed in Federal union, with ultimate resort to Federal courts, with more constant intercourse and a permanent official representation at the Imperial capital—with the whole system of our English business expanded, its banks, trades, companies, agencies, communicating and acting together within the Empire as they now do within Great Britain—we foresee in Federalism a promise of development for our wealth hitherto unconceived by the most dreamy worshipper of Plutus. And the possibility has been concluded by the steam and telegraph, which have destroyed the obstacles of distance. The Colonies also would gain their advantage from the new relation, in the ready inflow of capital for all purposes of development.

“Not only in this way would the wealth of the Empire be quickened into more general circulation, but from the Imperial point of view Federalism promises to settle in the happiest way the difficulties arising through the unequal incidence of the burthens of Imperial expense. I do not here advert to the National Debt—a subject which would need special arrangements under any system of Federation. One of the prime conditions of Federation would be that the charges in matters of common interest should be equally borne, those of more immediate concern to any member of the Confederacy being left to the adjudication of its local Government. Under this arrangement Englishmen in England could no longer complain that they were unfairly taxed for the benefit of Englishmen in America, or Africa, or Australia; for even granting that at any period any single member of the confederacy should need peculiar assistance, its constant contribution to the

Imperial exchequer would in the end more than outweigh the temporary obligation. . . .

"A Senate or Parliament of representatives from every province, deliberating in public, and acting on the decision of the majority, would of necessity satisfy all the objections to the present system. All other schemes, such as that of a representative Colonial Council, Colonist Ministers, limited representation in the Imperial Parliament, and so forth, dwindle before the practical simplicity of Federal union. . . ."

XX. THE OTHER SIDE OF THE QUESTION.

In a well-written pamphlet entitled "The Future of the Empire," recently published by Mr. Alexander Gordon, he fairly states the case against Imperial Federation, and referring to the Future of the Colonies, advocates Independence and Alliance with Great Britain, rather than Imperial Federation.

"Many other suggestions and propositions have been forthcoming for the purpose of strengthening the bonds which now exist between the Mother Country and the Colonies, and it may be said of nearly all of them that they are good just in so far as they are (*a*) compatible with existent relationships, and (*b*) when they do not involve any extensive schemes of so-called Imperial Federation, (*c*) when they are intended chiefly to strengthen the ties of good feeling and brotherhood which now happily unite the self-governing Colonies to the parent State, and (*d*) when they ever keep in view the probability of a time arriving when the Colonies will be fit for, and will claim, their independence. This last point does not, however, imply that the immediate separation of the Colonies from England is to be advocated as a desirable event; to propound such a policy would be alike foolish and criminal; on the contrary, the chief thing to be borne in mind is the present necessity for strengthening and consolidating the ties which are in operation, with a view to producing in the Colonial mind continued satisfaction with existing arrangements, remembering also that 'the British Empire is as much a unit to day as it ever will be, because it is as much a unit as it is desirable that it should be. There is loyalty throughout it to the central power, because there is satisfaction with the existing state of affairs.' That satisfaction must, if possible, be increased and extended.

"Such, then, is the alternative policy which an opponent of Imperial Federation may advocate. It has no mysterious glamour to recommend it; it has no marvellous virtue such as is supposed to surround the sweeping and gorgeous proposals of the Imperial Federation League and its devotees. It is simply this: continue to follow the present course, but with greater precision, kindness, and wisdom than in the past. Such, it is humbly submitted, is the prudent and statesmanlike policy for the present necessity. But what is the goal to be kept in view? And in that sense, what is the alternative course which can be contemplated in preference to any schemes for the Federation of the Empire? It is, as already stated more than once, (*a*) eventual independence of the self-governing Colonies, and (*b*) a probable alliance of the whole of the English-speaking peoples; an alliance from which the greatest of all English-speaking peoples, the citizens of the United States, would not be excluded. It will, no doubt, be said that the conception of such a great alliance is, like the vision of an Imperial Federation, to which it is opposed, an illusion constituted of such stuff as dreams are made of, and perchance this may indeed be the case. Even in such an event, the establishment of a number of free and independent nations in different parts of the world, unhampered in their destiny, and unchecked in their progress by the discussion of great social and political questions, which are sure to agitate—and tremendously agitate—the Old World, would be a decided and unmistakable boon. Why should there not be the great United States of Australia as well as the great United States of America?

"Moreover, it is known that in the history of the world, similar alliances to that which has been described have been neither uncommon nor always shortlived; and,

while there has been no parallel to that incorporation of States which would be constituted by a British Imperial Federation, those who advocate and look forward to a future alliance of all the branches of the scattered English folk, do not dream of what is absolutely new in the inter-community of nations, but of something which is even now in different parts of the world a living and powerful reality. One's faith in the possibility of a vast alliance depends to a large extent upon the trust which one feels able to repose in the binding influences arising from community of race, language, literature, and religion; but it is difficult to imagine how any person who believes in the practicability of Federation, where the probabilities of friction would be infinite in their variety, can hesitate to cherish the assurance of the definite possibility of this alliance, where the opportunities of friction would be reduced to a very low proportion indeed. But even assuming that it is beyond human power to say whether the final issue will be Imperial Federation of the British Empire, or a free alliance of all English-speaking peoples, or neither the one nor the other, surely it were well to postpone any decision at all, and for the English nation rather to unite upon the prosecution of a policy which is now in actual existence, and upon the advantages of which there is no serious, if any, difference of opinion. For the future may very well be left to take care of itself. Our concern is with the present; our duty is to do that which we can feel sure is right, in preference to attempting what may possibly be wrong; to maintain the well-known path, unless we are certain of having found a better one, cherishing the spirit of hope, and of enthusiasm, without which there never would have been a mighty British Empire to sustain and prolong. The last word upon this subject may well be spoken in the familiar lines:—

“ ‘The future hides in it
Gladness and sorrow;
We press still thorow,
Naught that abides in it
Daunting us--Onward!’ ”

XXI. HOW THE QUESTION SHOULD BE APPROACHED.

Alexander Hamilton, the American statesman, in his introductory letter in the *Federalist* (edition 1852), after stating the necessity for a new constitution, and reviewing the probable obstacles to be encountered, remarks (page 9):—“ It will be equally forgotten that the rigour of Government is essential to the security of liberty, that in the contemplation of a sound and well-informed judgment, their interests can never be separated, and that a dangerous ambition more often lurks behind the specious mask of zeal for the rights of the people, than under the forbidding appearances of zeal for the firmness and efficiency of Government. History will teach us that the former has been found a much more certain road to the introduction of despotism than the latter, and that of those men who have overturned the liberties of Republics, the greatest number have begun their career by paying an obsequious court to the people, commencing demagogues and ending tyrants. . . .

“ Happy will it be if our choice should be directed by a judicious estimate of our true interests uninfluenced by considerations foreign to the public good. (Page 7.)

“ It has been my aim, fellow-citizens, to put you upon your guard against all attempts, from whatever quarter, to influence your decision in a matter of the utmost moment to your welfare, by any impression other than those which may result from the evidence of truth.” (Page 9.)

The Constitution of the United States was framed under similar circumstances to those which should mark the formation of the Constitution of United Australasia. Mr. John Jay thus describes the Convention of Philadelphia:—

"This Convention, composed of men who possessed the confidence of the people, and many of whom had become highly distinguished by their patriotism, virtue and wisdom, in times which tried the souls of men, undertook the arduous task. In the mild season of peace, with minds unoccupied by other subjects, they passed many months in cool, uninterrupted and daily consultations, and finally, without having been awed by power, or influenced by any passion, except love for their country, they presented and recommended to the people the plan produced by their joint and very unanimous Councils." (*Federalist*, page 12.)

XXII. ADVANTAGES OF ONE STRONG GOVERNMENT.

Mr. John Jay, in the *Federalist*, page 19, says :—"As the safety of the whole is the interest of the whole, and cannot be provided for without Government, either one or more or many, let us enquire whether one good Government is not, relative to the object in question, more competent than any other given number whatever.

"One Government can collect and avail itself of the talents and experience of the ablest men, in whatever part of the Union they may be found. It can move on uniform principles of policy. It can harmonise, assimilate, and protect the several parts and members, and extend the benefits of its foresight and precautions to each. In the formation of treaties it will regard the interests of the whole, and the particular interests of the parts as connected with that of the whole. It can apply the resources and powers of the whole to the defence of any particular part, and that more easily and expeditiously than State Governments or separate Confederacies can possibly do, for want of concert and unity of system. It can place the Militia under one plan of discipline, and by putting their officers in a proper line of subordination to the Chief Magistrate, will in a manner consolidate them into one corps, and thereby render them more efficient than if divided into thirteen (States), or into three or four distinct independent bodies."

Discussing "various difficulties and inconveniences" likely to arise under separate Governments, Mr. Jay says :—"One Government watching over the general and common interest, and combining and directing the powers and resources of the whole, would be free from all these embarrassments and conduce far more to the safety of the people."

XXIII. UNION OF ENGLAND AND SCOTLAND—QUEEN ANNE'S LETTER.

"Queen Anne, in her letter of the 1st July, 1706, to the Scotch Parliament, makes some observations on the importance of the Union then forming between England and Scotland which merit attention. Here is a brief extract (*Federalist*, page 21) :—

"An entire and perfect union will be the solid foundation of lasting peace : it will secure your religion, liberty, and property ; remove the animosities amongst yourselves and the jealousies and differences betwixt our two kingdoms. It must increase your strength, riches, and trade ; and by this union the whole Island, being joined in affection, and free from all apprehensions of different interests, will be *enabled to resist all its enemies*. . . .

"We most earnestly recommend to you calmness and unanimity in this great and weighty affair, that the union may be brought to a happy conclusion, being the only effectual way to secure our present and future happiness, and disappoint the designs of our and your enemies, who will doubtless, on this occasion, *use their utmost endeavours to prevent or delay this Union*."

XXIV.—COLONIES OR STATES.

The venerable New South Wales politician, Dr. Lang, published in 1870 a work favouring Colonial Independence. In the dedication his aim is thus stated :—

“ The settlement of the great question that is now virtually submitted for our decision, viz., as to whether we and the Colonies to the northward are to remain for an indefinite period mere Colonies of Britain, or to assume the noble position of a Sovereign and Independent State on the Pacific Ocean, with a territory extending from Cape Howe to Cape York, and the City of Sydney for its capital, as the Queen of the Isles of the Western Pacific.

“ You will see from this volume that it is the law of nature and the ordinance of God, that full-grown Colonies, like ourselves, should assume such a position as I have indicated at the earliest possible period, for the benefit of their Mother Country as well as for their own.

“ You will also see that from Great Britain’s ignoring, or rather wilfully shutting her eyes to this great fact, her Colonisation system for the last two hundred and fifty years—so far from meriting the praise which ignorance and self-glorification have so often bestowed upon it—has been nothing less than an enormous political blunder, an offence of very serious magnitude in the eyes of Heaven, and a loss of incalculable amount, not only to herself and her Colonies, but to the human race.

“ You will likewise see that the Mother Country, tacitly recognising this great political blunder of the past, has at length expressed her willingness that we should at once assume such a position as I have indicated, and has intimated her meaning in the matter in the most significant manner, by the withdrawal of her troops from all these Australian Colonies.

“ You will see, moreover, that there is an urgent necessity at present for our immediately taking the step I have recommended, from the critical state of things in the rich and beautiful Isles of the Western Pacific, that naturally look to us as their guide and protector.

“ And you will see finally that by assuming the high and highly influential position that thus awaits us—by taking our place at once in the family of nations, with the entire concurrence of Her Majesty’s Government—we may be the means of relieving our beloved Mother Country, in a comparatively short period, of not less perhaps than half a million of her redundant population, without expense either to herself or to us, and planting them as British Colonists in the multitude of the Isles.”

Referring to Mr. Wakefield’s theories, Dr. Lang says :—

“ With all his acuteness, Mr. Wakefield has confounded two things that are essentially distinct from each other, viz., ‘ the love of England,’ and the ‘ love of her Empire,’ or Government, in the sense of a strong desire to be, or to continue, under it. The love of England—meaning the love of the country, of its people, of its institutions, and of its prosperity—is a generous and manly feeling, which, I am most happy to admit with Mr. Wakefield, is the characteristic of *all British Colonies*; and so far from there being anything either strange or unaccountable in it, as Mr. W. seems to imagine, it is the most natural thing in the world. For, according to the Scotch proverb, ‘ Blood is thicker than water,’ or, in other words, ‘ we shall always be more kindly-affectioned towards our *own* kindred, our *own* country, our *own* race, than towards mere strangers or foreigners,’ *provided always that no disturbing element shall have intervened*, as in the case of the War of Independence in America.

“ But Mr. Wakefield is decidedly in the wrong in taking it for granted, as he does, that this love of England, which is both natural and universal in British Colonies, necessarily implies a desire to live under her *Government*, as mere Dependencies of her Empire.

“ As separate and independent communities, the present Australian Colonies would be comparatively insignificant, and would have no weight or influence in the

family of nations ; but seven such provinces combined, with the whole eastern coast-line towards the Pacific as the measure of their Empire, would at once form the first Power in the Southern Hemisphere."

Dr. Lang thus refers to the relationship subsisting between Great Britain and the Colonies :—

"There is a time when the youth is no longer to be *under tutors and governors*. He attains his majority. . . .

"There is certainly no law requiring a young man to claim entire freedom from all parental control when he attains his majority ; and if he chooses to remain in his father's house and assist him in his business, that is his own affair, and is supposed to be matter of private arrangement between his father and himself, with which no law can interfere. . . .

"As time wears on, and the new interests with which he has become identified are multiplied and strengthened, this feeling gradually ripens into a spirit of what may perhaps be designated *Colonial nationality*. His native land gradually fades from his view, and his interest in its peculiar objects becomes fainter and fainter. The particular Colony, or group of Colonies, to which he belongs, engrosses all his affections.

"So far indeed from the feeling of nationality being a mere matter of the imagination, it constitutes a bond of brotherhood of the most influential and salutary character, and forms one of the most powerful principles of virtuous action. Like the main-spring of a watch, it sets the whole machinery in motion. Like the heart, it causes the pulse of life to beat in the farthest extremities of the system. It is the very soul of society, which animates and exalts the whole brotherhood of associated men. . . .

"Must it be held a crime for the Australian Colonist, who has come forth in the vigour of manhood to this far land, to labour earnestly for the freedom and independence of his adopted Country, and to identify himself, in reality as well as in imagination, with the coming glories of that great nation of the future of which he forms a part ?

"In one word, nationality, or their entire freedom and independence, is absolutely necessary for the social welfare and political advancement of the Australian Colonies. Give us *this*, and you give us everything to enable us to become a great and glorious people. Withhold *this*, and you give us nothing. . . ."

XXV. THE AMERICAN AND ENGLISH SYSTEMS COMPARED.

Referring to the American Union as exemplified in the New England States, Dr. Lang says :—

"Surely, then, if the art of Colonisation has been lost, as it seems to have been, in old England, it has been found again in New England ; for I question whether even the ancient Greeks ever surpassed the New Englanders in that noble art, that *heroic work*.

"What, then, is the reason—for there surely must be some adequate reason—for the prodigious difference in the two results ? Why, the answer is plain and obvious to the meanest capacity. America, like the ancient Greeks, gives her Colonies freedom and independence from the first ; whereas Great Britain, until a very recent period, uniformly withheld anything like manly freedom from her Colonies, treated them with the coldest neglect and the grossest injustice, and harassed and oppressed them in every possible way with the incubus and the curse of her Colonial Office. Yes ; instead of insulting her Colonies by offering them what certain *soi-disant* Colonial reformers in England think it would be a great deal indeed for Great Britain to offer hers—viz., municipal independence—which signifies allowing them to manage for themselves in all little matters, and leaving all

important ones to be managed for them at home, or, in other words, the Colonial Office—instead of insulting her Colonies by offering them municipal independence, America gives them at once complete independence; that is, the entire control of all matters affecting their interests, as men and as citizens, in every possible way. In short, America realises the *beau idéal* which the ancient Locrians indignantly reminded the Corinthians was the implied condition of their own emigration—she makes her Colonies in every respect like herself; she treats her Colonists not as her slaves or subjects, but as her equals.”

XXVI. MODES OF FEDERATION. A CONFEDERATE REPUBLIC.

(*Montesquieu.*)

In Number IX. of the *Federalist*, Mr. Alexander Hamilton, treating of the utility of Union as a safeguard against domestic faction and insurrection, makes the following apposite quotation from Montesquieu’s *Spirit of Laws*, Vol. I., Book IX., Chap. 1 :—

“It is very probable that mankind would have been obliged, at length, to live constantly under the Government of a single person, had they not contrived a kind of constitution that has all the internal advantages of a Republican, together with the external force of a Monarchical Government—I mean a Confederate Republic.

“This form of Government is a convention by which several smaller *States* agree to become members of a *larger* one, which they intend to form. It is a kind of assemblage of societies, that constitutes a new one, capable of increasing by means of new associations till they arrive at such a degree of power as to be able to provide for the security of the united body.

“A Republic of this kind, able to withstand an external force, may support itself without any internal corruption. The form of this Society prevents all manner of inconveniences.

“If a single member should attempt to usurp the supreme authority, he could not be supposed to have equal authority and credit in all the Confederate States. Were he to have too great influence over one, this would alarm the rest. Were he to subdue a part, that which would still remain free might oppose him with forces independent of those which he had usurped, and overpower him before he could settle in his usurpation.

“Should a popular insurrection happen in one of the Confederate States, the others are able to quell it. Should abuses creep into one part, they are reformed by those that remain sound. The State may be destroyed on one side, and not on the other; the Confederacy may be dissolved, and the Confederates preserve their sovereignty.

“As this Government is composed of small Republics, it enjoys the internal happiness of each, and with respect to its external situation, it is possessed, by means of the association, of all the advantages of large Monarchies.”

Mr. Hamilton says :—“The definition of a Confederate Republic seems simply to be ‘an assemblage of societies,’ or an association of two or more States into one State. The extent, modifications, and objects of the Federal authority are mere matters of discretion. So long as the separate organisation of the members be not abolished, so long as it exists by a constitutional necessity for local purposes, though it should be in perfect subordination to the general authority of the Union, it would still be, in fact and in theory, an Association of States or a Confederacy. The proposed (American) Constitution, so far from implying an abolition of the States Governments, makes them constituent parts of the National Sovereignty, by allowing them a direct representation in the Senate, and leaves in their possession certain exclusive and very important portions of the sovereign power. This fully corresponds, in every rational import of the terms, with the idea of a Federal Government.”

XXVII. CHARACTER OF THE AMERICAN CONSTITUTION.

At the time of framing of the American Constitution much discussion took place as to the "conformity of the plan to Republican principles," the character of the Constitution, and generally as regarded the powers of the Convention. Madison, in No. XXXIX. of the *Federalist*, says :—"In order to ascertain the real character of the Government, it may be considered in relation to the foundation on which it is to be established ; to the sources from which its ordinary powers are to be drawn ; to the operation of those powers ; to the extent of them ; and to the authority by which future changes in the Constitution are to be introduced.

"On examining the first relation, it appears on one hand that the Constitution is to be founded on the assent and ratification of the people of America, given by deputies elected for the special purpose ; but on the other, that this assent and ratification is to be given by the people ; not as individuals composing one entire nation, but as composing the distinct and independent States to which they respectively belong. It is to be the assent and ratification of the several States, derived from the supreme authority in each State—the authority of the people themselves. The Act, therefore, establishing the Constitution, will not be a *National*, but a *Federal Act*."

"That it will be a Federal, and not a National Act, as these terms are understood by the objectors, the act of the people as forming so many independent States, not as forming one aggregate nation, is obvious from this single consideration, that it is to result neither from the decision of a *majority* of the people of the Union ; nor from that of a *majority* of the States. It must result from the unanimous consent of the several States that are parties to it, differing no otherwise from their ordinary assent than in its being expressed, not by the Legislative authority, but by that of the people themselves. Were the people regarded in this transaction as forming one nation, the will of the majority of the whole people of the United States would bind the minority ; in the same manner as the majority in each State must bind the minority ; and the will of the majority must be determined either by a comparison of the individual votes, or by considering the will of the majority of the States, as evidence of the will of a majority of the people of the United States. Neither of these rules has been adopted. Each State in ratifying the Constitution is considered as a Sovereign body, independent of all others, and only to be bound by its own voluntary act. In this relation, then, the new Constitution will, if established, be a *Federal* and not a *National Constitution*.

"The proposed Constitution, therefore, even when tested by the rules laid down by its antagonists, is in strictness neither a National nor a Federal Constitution, but a composition of both. In its foundation it is Federal, not National ; in the resources from which the ordinary powers of the Government are drawn, it is partly Federal and partly National ; in the operation of these powers it is National, not Federal ; in the extent of them again it is Federal, not National ; and finally, in the authoritative mode of introducing amendments, it is neither wholly Federal nor wholly National."

XXVIII. MR. WILLIAM FOSTER, AGENT-GENERAL FOR NEW SOUTH WALES, ON THE FALLACIES OF FEDERATION.

(Paper read before the Royal Colonial Institute, Tuesday, January 23, 1877.)

Mr. Foster, in the first place, distinguishes between Imperial and Intercolonial Federation—that is, between a Federal Union of the Colonies with the Mother Country, and the Federation of a group or groups of conterminous Colonies. To Imperial Federation he is not opposed when the proper time arrives for such a partnership—when, in short, the growth and importance of the Colonies may render it convenient, if not imperative, to give them a voice and influence in Imperial affairs. Intercolonial Federation, on the other hand, he conceives to be not an

Imperial, but in every sense of the word a Colonial or local question, which the Colonies should be left to settle for themselves, without the "uncalled for interference of the Imperial Government." If amongst any set of Colonies a desire for Federation should spontaneously arise, they should of course be free to carry out their wish; but it is not, in his opinion, the duty of the British Government to suggest or encourage the policy of Colonial Federation, a policy which appears to him opposed to Imperial and Colonial interests, for the following reasons:—

1st. That it would probably afford facilities for Imperial taxation, or, in other words, for obtaining contributions from Colonial revenues towards general purposes, such as the expenses of war, or expenditure for the apparent benefit or regulation of commerce.

2nd. That Colonial Federation would be the prelude, not to Imperial Federation, but to Imperial dismemberment; in other words, that it would be in its spirit antagonistic to Imperial Unity, and would more or less tend to the disintegration of the Empire.

3rd. That at present every Colony has its own interests in its own keeping, but that under a Colonial Federation local interests affecting, or supposed to affect, general interests, would be determined by a majority of votes. "The weakest would then go to the wall, and the interests and feelings of remote and insignificant portions of the Federation would be sacrificed to those of the dominant majority, real or apparent."

4th. That Colonial Federation can effect nothing that is not attainable by the respective Colonies in their present condition, as all the benefits proposed to be conferred upon groups of Colonies by Federation could be attained by each Colony "with its present administrative machinery, by means of arrangement or negotiation with its neighbours, as has already been done by some of the Australian Colonies in the cases of postal rates, and subsidies, and border customs."

XXIX. THE "SYDNEY MORNING HERALD" IN REPLY.

The *Sydney Morning Herald*, April 24th, 1877, in an able article on "Australian Federation," combats the arguments in Mr. Foster's paper. Dealing with reasons 1 and 2, the writer admits that "as a matter of abstract justice, there can be no doubt that British subjects residing in Australia are as much bound as British subjects residing in Yorkshire to contribute, in proportion to their number and means, towards the expenditure necessary for the maintenance of the Empire at large—towards such common charges, for example, as the army, navy, diplomacy, and the interest of the national debt." But he continues:—"The Colonial Taxation Act, passed by Parliament in 1778, recognised the broad principle that for the future representation must accompany taxation, and since then British subjects in the Colonies have not been required to contribute their quota to the general charges of the Empire. Before such a contribution can again be asked for, Imperial Federation must in some form or another be conceded, so that representatives from the Colonies may make a part of that 'common consent in Parliament' without which, by the fundamental laws of the realm, no subject 'can be compelled to contribute to any tax, tallage, aid, or other like charge.'"

Proceeding to show that it would be easier for the Imperial Government to negotiate with a Federal group of Colonies than with each Colony separately, the writer says:—

"As has already been shown, these increased facilities for taxation could not be availed of until that Imperial Confederation of which Mr. Foster is himself a strenuous advocate were first conceded in some form or another, and all probability of disintegration thereby eliminated."

Regarding Mr. Foster's third objection that under a Colonial Federation local questions affecting general interests would be determined by the majority of votes,

in lieu of the present arrangement, under which each Colony has its own interests in its own keeping," etc., the writer proceeds, "let us define precisely

XXX. WHAT INTERCOLONIAL FEDERATION MEANS.

"It means simply *joint* action in matters of *common* concern. It means agreement amongst a group of conterminous Colonies that questions of common interest shall be surrendered by each to be dealt with by a common Administration and Legislature, in which each Colony would be represented according to its numbers and importance. Purely local matters in each Colony would remain, as before, exclusively under the jurisdiction of the Colonial Legislatures. The settlement of what questions should be local or Colonial, and what Federal, would be a matter for arrangement during the establishment of Federation; but the broad principle would be recognised that each Colony would surrender to the Federal Legislature the management of questions which, extending beyond the limit of its own jurisdiction, could not be dealt with in their entirety by that Colony. If a question, then, affects the interests of several Colonies—if it is to them a matter of common concern—how can it be more fairly decided than by a majority of votes within the area interested? Is not this the principle which governs all associations of interests, whether great or small? Why should not Federal questions be settled by a Federal majority in the same way as Colonial questions are settled by a Colonial majority, and in the same way as county, parochial, or municipal questions are settled by the wishes of the majority in each shire, parish, or borough?"

"But if the principle of ruling by majorities be not conceded, it will be impossible to advance beyond the autonomy of individual holdings. If it be conceded, why draw the line at the area of a Colony instead of at that of a Federation of Colonies?"

As to Mr. Foster's remaining objection that Colonial Federation would not be worth the amount of trouble and expense involved in the change, seeing that it could accomplish nothing which is not already attainable by the administrative machinery now existing in each Colony, and his reference to postal subsidies and border customs, the writer says:—

"Two more unfortunate examples could scarcely have been selected. The attempt to settle, by Conference, our ocean mail services in the manner most beneficial to the whole Continent has resulted in the southern, eastern, and northern Colonies each subsidising separate services, almost in opposition to, or at all events, without attempt at concert with, each other. The convention, too, made between New South Wales and Victoria, with a view of avoiding the actual collection of Customs' duties on the Murray has broken down, and the Customs' collections are again in full operation along the boundary between the two Colonies."

XXXI. VOLUNTARY CONFERENCES.

On this subject the writer says:—

"It is sometimes urged (1) that questions such as these could be as well arranged between the Colonies by negotiation as by Federation; and (2) that if such arrangement is at present impeded by local jealousies and rivalries, such impediments would not in any way be removed by Federation, but would still prove an obstacle to a satisfactory settlement."

Making the broad assertion that all attempts to settle matters of common concern between the Colonies had resulted in failure, he continues:—

"The causes of failure are inherent. The minority at a Conference are not bound by the decisions of the majority. The decisions of the majority are not binding on their respective Legislatures. The votes are taken by Colonies; and

thus Western Australia and Tasmania, with their populations of 25,000 and 100,000, have as much weight in voting as New South Wales and Victoria, with their aggregate populations of a million and a-half. The members, again, do not come to the Conference free to deliberate and decide upon the facts and arguments which may be laid before them, but merely as delegates, with the foregone conclusions of their respective Governments written within the four corners of their briefs. Each is generally bent on obtaining some special advantage for his own Colony—'grinding his own tomahawk,' as it is called—and collectively they have never given evidence of any feeling of community of interest, or of any desire to co-operate for the general good."

The action of various Conferences is then referred to in detail. As to—

XXXII. LOCAL JEALOUSIES.

It is written:—"If local jealousies and rivalries interfere at present with voluntary arrangements between the Colonies, the same feelings would exist after Federation, and would still present an obstacle to a satisfactory decision on matters of common concern. But such a plea overlooks the main difference between the conditions of the two cases. In one case the almost hopeless condition of unanimity is required; in the other, the majority would prevail. Besides, it overlooks what may be laid down as an axiom, that under systems of representative Government external rivalries and jealousies influence Legislation or Administration, whilst internal rivalries are rendered comparatively nugatory. The conclusion to be deduced from this is that when external and internal relations become interlaced, the best mode of dealing with them is to enlarge the area of association."

Instances are given of rivalries between Municipalities and Colonial Cities, and the matter is thus summed up:—

"If New South Wales and Victoria were provinces of one Federation, such questions as through railways and ocean mail services would be under the control of the Federal Parliament, and special railway fares to divert traffic from one city of the Union to another, and regulations for the capricious detention of mail steamers in any port, in opposition to their own and the general interests, would be as impossible as similar proceedings would be at present within any one Colony. The jealousies of Sydney and Melbourne would no doubt continue, but their influence in Federal Legislation and Administration would be inoperative, in the same manner as the mutual rivalries of Sydney and Newcastle are now neutralised under the Colonial system."

"So far, then, from local jealousies being likely to prove as great an obstacle to the settlement by a Federal Government of matters of common concern as they are at present to voluntary arrangements between the Colonies, it has been shown that the system of Federal Association contains within itself the natural palliative for such rivalries. Indeed, it would do more. It would not only counteract the evil effects of local jealousies, but would diminish the intensity of such feelings. Defences, military and naval forces, the mint, ocean mail services, telegraphic cables, Intercolonial railways, and other large public works and undertakings would no longer be subjects for mere provincial congratulation, but would be the common possessions of the whole dominion, in the honour and glory of which every Colonist would have an equal share."

XXXIII. A CONSTITUTIONAL POINT.

The first resolution passed by the Conference on 14th February, 1890, expressed the opinion "that the best interests and the present and future prosperity of the Australian Colonies will be promoted by an early union under the Crown," . . .

viz., "the union of these Colonies under one Legislative and Executive Government on principles just to the several Colonies."

In the discussion which took place on Mr. Foster's paper at the Royal Colonial Institute on 1st February, 1877 (R. C. Institute proceedings, Vol. VIII., P. 119), Mr. Abrahams raised a Constitutional point which may require consideration in seeking to give effect to the above resolution. He said:—"The effect of proposing Federal Government *qua* the Colonies alone was to interpose between the Colonial Governments of New South Wales, Victoria, Tasmania, New Zealand, and Queensland, an Institution, viz., a Federal Congress, unknown to the British Constitution—an Institution which upon all Imperial questions would intercept the communications between the Crown and the British Executive. Such a proposal was, in his opinion, a direct violation of their Charters, and this was one of the strong objections which Australia would have if ever that question was mooted." . . . "At the same time that they tried the temper of the Colonists as to whether they would submit to any such new-fangled system, they ought to moot the question here in England, and see whether England, Scotland, and Ireland would go into a Federation of that kind, under which, so far as Imperial affairs were concerned, they were to abandon their Cabinet Ministers and all their old-fashioned Institutions, even the exclusive functions of a Prime Minister, and place all the affairs of the Empire in the hands of a Congress. If they did not persuade them to that, then they would introduce into the Colonies by Colonial Federation an Institution which was unknown to the British Constitution."

XXXIV. POWERS OF THE FEDERAL AND LOCAL PARLIAMENTS.

The *S. M. Herald*, April 24th, 1877, thus summarises the subjects which would, in the event of a Federation of these Colonies, be in all probability transferred to the Federal Parliament from the Colonial Legislatures. . . . Looking to the Colonial Federations which have been accomplished, as well as to those which have been proposed in different parts of the Empire, it seems probable that in the event of two or more Colonies forming an Australian Dominion, it would, here as elsewhere, be found convenient that the following subjects should be placed under the Legislative authority of the Federal Parliament:—

1. The Public Debt, and the borrowing of money on the Public Credit.
2. Customs and other Federal Taxation.
3. The Regulation of Trade and Commerce.
4. Postal and Telegraphic Services.
5. The Census and Statistics.
6. Militia, Military and Naval Service, and Defences.
7. Navigation and Shipping, Beacons, Buoys, and Lighthouses.
8. Quarantine.
9. Currency and Coinage, Legal Tender, Banking, Incorporation of Banks, and the Issue of Paper Money.
10. Bankruptcy and Insolvency.
11. Weights and Measures.
12. Patents of Invention and Discovery.
13. Copyrights.
14. Naturalisation and Aliens.
15. Marriage and Divorce.
16. The Criminal Law, except the Constitution of Courts of Criminal Jurisdiction, but including the Procedure in Criminal Matters.
17. Immigration (concurrent with Colonial Legislatures.)
18. Public Works and Undertakings of the following classes:—

- (a.) Lines of steam and other ships, railways, telegraphs, canals, and other works and undertakings connecting one Colony with any other or others of the Colonies, or extending beyond the limits of one Colony.
- (b.) Lines of steamships and telegraph cables between any part of the Federal Union and any British or foreign country.
- (c.) Such works as, although wholly situated within one Colony, are declared by the Federal Parliament to be for the general advantage of the Union, or for the advantage of two or more of the Colonies.

The subjects which would probably then remain under the exclusive authority of the Colonial Legislatures may be enumerated as follows:—

1. The borrowing of money on the sole credit of the Colony.
2. Direct taxation within the Colony, in order to the raising of a revenue for Colonial purposes.
3. The Management and Sale of Public Lands.
4. Public Prisons.
5. Hospitals, Asylums, Charities, and Eleemosynary Institutions.
6. Municipal Institutions.
7. Shop, saloon, tavern, auctioneer, and other licenses, in order to the raising of a revenue for Colonial, Local, or Municipal purposes.
8. Local works and undertakings, other than those specified under Federal subjects.
9. The Incorporation of Companies with Colonial objects.
10. The Solemnisation of Marriage in the Colony.
11. Property and civil rights in the Colony.
12. The Administration of Justice in the Colony, including the Constitution, maintenance, and organisation of Colonial Courts, both of Civil and Criminal Jurisdiction, and including procedure in civil matters in those Courts.
13. The imposition of punishment by fine, penalty, or imprisonment, for enforcing any law of the Colony made in relation to any matter coming within any of the classes of Colonial subjects.
14. Education.
15. Immigration (concurrent with Federal Parliament).
16. Generally, all matters of a merely local or private nature in the Colony.

This classification of subjects would of course be open to re-arrangement by the contracting Colonies; but it will be seen that the principle upon which it is framed is this:—That purely local questions are left, as at present, to the jurisdiction of the local Legislatures, whilst subjects of common concern are transferred to the jurisdiction of a Federal Parliament, in which all the Colonies would be represented in proportion to their population. The classification provides, also, it will be seen, so far as is practicable, for local administration, in cases even in which it may be necessary to lay down common principles. Thus, for example, whilst a uniform criminal law and procedure would be instituted by Federal legislation, the civil law and procedure would be left for local settlement; and the administration of justice in both branches, including the Constitution, maintenance, and organisation of the Courts, would be under the exclusive authority of the Colonial Legislatures. In like manner, the laws of marriage and divorce, which obviously should be similar amongst conterminous Colonies, would be subjects for central legislation, but the solemnisation of marriage in each Colony, and the Constitution, maintenance, and organisation of Divorce Courts, would be matters of local arrangement.

Mr. James Madison, in No. XLI. of the *Federalist*, reviews the powers proposed to be vested in the American Union by the Constitution, and states briefly, as follows, the objects to which they relate:—"1. Security against foreign danger. 2. Regulation of the intercourse with foreign nations. 3. Maintenance of harmony and proper intercourse between the States. 4. Certain miscellaneous objects of general utility. 5. Restraint of the States from certain injurious Acts. 6. Provision for giving due efficacy to all these powers."

XXXV. POWERS MUST BE CO-EXTENSIVE WITH THE OBJECTS OF GOVERNMENT.

The question as to the powers of the Federal and States Governments was fully discussed at the time of the framing of the American Constitution. Mr. Hamilton, in Number XXIII. of the *Federalist*, referring to the necessity for a powerful and energetic Government to preserve the Union, says:—

"This enquiry will naturally divide itself into three branches. The objects to be provided for by the Federal Government; the quantity of power necessary to the accomplishment of those objects; the persons upon whom that power ought to operate. . . . The principal purposes to be answered by union are these: The common defence of the members; the preservation of the public peace, as well against internal convulsions as external attacks; the regulation of commerce with other nations and between the States; the superintendence of our intercourse, political and commercial, with foreign countries.

"The authorities essential to the care of common defence are these: To raise armies; to build and equip fleets; to prescribe rules for the government of both; to direct their operations; to provide for their support. These powers ought to exist without limitation, because it is impossible to foresee or to define the extent or variety of national exigencies, and the correspondent extent and variety of the means which may be necessary to satisfy them. The circumstances which endanger the safety of nations are infinite, and for this reason no constitutional shackles can wisely be imposed on the power to which the care of it is committed. This power ought to be co-extensive with all the possible combinations of such circumstances, and ought to be under the direction of the same councils which are appointed to preside over the common defence. . . . This is one of those truths resting upon axioms as simple as they are universal—the *means* ought to be proportioned to the *end*; the persons from whose agency the attainment of any *end* is expected ought to possess the means by which it is to be attained. . . .

"If the circumstances of our country are such as to demand a compound instead of a simple—a Confederate instead of a sole government, the essential point which will remain to be adjusted will be to discriminate the *objects*, as far as it can be done, which shall appertain to the different provinces or departments of power, allowing to each the most ample authority for fulfilling *those* which may be committed to its charge. Shall the union be constituted the guardian of the common safety? Are fleets and armies and revenues necessary for this purpose? The Government of the union must be empowered to pass all laws, and to make all regulations which have relation to them. The same must be the case in respect to commerce, and to every other matter to which its jurisdiction is permitted to extend. Is the administration of justice between the citizens of the same State the proper department of the local Government? These must possess all the authorities which are connected with this object, and with every other that may be allotted to their particular cognisance and direction. Not to confer in each case a degree of power commensurate to the end, would be to violate the most obvious rules of prudence and propriety, and improvidently to trust the great interests of the nation to hands which are disabled from managing them with vigour and success."

XXXVI. AUSTRALIA'S WEAKNESS AND AUSTRALIA'S STRENGTH.

In 1888 the Victorian branch of the Imperial Federation League offered a prize of twenty-five guineas for the best essay on the advantages of Imperial Federation. It was won by Mr. Henry D'Esterre Taylor, and the following is quoted from the essay :—

"Independent communities, small, wealthy, and isolated present a very tempting prey for Powers of superior might to absorb. Each of Britain's Colonies, taken separately, presents all the advantages and all the weaknesses calculated to arouse the cupidity of aggressive Powers, and each can to-day see the thorns being planted in her path which will harass her in the future. We see how our interests in connection with the New Hebrides are treated *even now* while we are still a part of the British Empire. If 'Australia' was only a name for a number of petty independent States, she would have to put up with very much less consideration—probably with none at all. This very question would contain a capital pretext for a quarrel, which, unless the Mother Country they had separated from stepped in to save them, would, in fact, if not actually in name, speedily subject them entirely to the influence of France. They would be 'independent' States dominated by a fortress containing the worst villains in the whole world. Look at Canada, with the United States and its unconcealed aspirations on the one frontier, and a Russian Colony on the other; the Cape with her bitter experiences of late years, when she had to be assisted by Imperial armies; India, with Russia creeping nearer at every favourable opportunity, also depending entirely on an Imperial defence; and talk to the winds about Colonies maintaining their own independence. Australia owes her present favourable position to the expanse of ocean lying between her and her possible enemies, and with statesmanlike forethought this barrier might have surrounded her for ever. But, with culpable carelessness, a nest of possible enemies has been allowed to surround her. The Russians at Vladivostock, and the French at New Caledonia, have established powerful military and naval stations. Since Imperial Federation has become a prominent question Germany has taken up a position in New Guinea, and dominates Samoa, while America attempted to secure one at Mare Island, where French influence now seems paramount, the expressed object in each case being to secure a good harbour. These settlements must also be expected to develop a naval and military character of a threatening description. Australia will then find herself liable to sudden attacks from many directions, a knowledge which must have a strong influence on her policy in the future.

"Each Colony has an extensive seaboard, and such surroundings would be sufficient to necessitate a naval expenditure, which, except for sheer self-preservation, each would positively refuse to undertake. Admiral Tryon has reported that, if war breaks out, a sea-going fleet will be indispensable even now, to engage an enemy before he approaches our shores. It would be our first line of defence, without which any others might be found practically useless. England provides it for us now. Apart from Imperial Federation who will do so? If we had to pay for it ourselves, and for a military expenditure of equal proportions, the taxation necessitated would be both ruinous and unbearable. Again, the people would never submit to Continental methods of raising efficient disciplined forces—forces which could not be procured by separated Colonies in any other way.

"If ever Russia had control of the resources of India, and command of the Mediterranean (and a successful war against Great Britain would give her both), our position would be critical in the extreme. The enormous wealth which she would then possess would give her a new and overpowering influence in Europe. Her vast hordes of fighting men would render her irresistible from mere numbers. Her position with regard to Australia, cutting its connection with Europe, would enable her to overshadow our interests, our commerce, and our policy. Nay, our very existence as independent communities would almost presage a war with her in the future. We should then have to fight against enormous odds to maintain that

open communication with the rest of the world necessary for our existence, or Russia would add these Colonies to the subject nations ornamenting her barbaric crown.

"But these various communities, allied with and united to a Power which has maintained its position through long ages, would be free from such anxieties. They would not be called upon to face such burdens, such dangers, or such enemies. As independent States each would be compelled to undertake the whole of its defence against all comers. As a portion of a Federated Empire each will only have to contribute a small share towards the defence of the whole, and in the way she will least feel the contribution. Indeed, we are hardly asked for this, as Britain will be satisfied if each undertakes a portion only of its own defence. If we are independent when our quarrels come they will be fought on our own shores. As part of a Federated Empire, whose chief strength, as now, would be on the seas, our perils would be faced almost before they threatened us, our battles fought far away from our homes; and principally by allies who had hurried from every quarter of the globe to assist in mutual protection against all such threatened dangers.

"The extraordinary progress made by Britain's Colonies shows what enormous influence they would enable the Federated Empire to wield. In Australasia alone it has been officially computed that the population will exceed $18\frac{3}{4}$ millions in 50 years, and will amount to 108 millions in 100 years. If allowed to exist as independent States till this latter period, they will probably present to the world one, perhaps two, first-class Powers, and some others of minor importance. Each will have its separate aims, interests, and policies (as, indeed, they have now), like a second Europe, and like the United States, or the Bulgarias, will be almost certain to be at conflict within themselves, or with their great progenitor sooner or later. Ties of race, language, sympathy and tradition are all powerful to solidify an united people, but have been powerless to overcome the self-interests of separated ones. United by such ties, cemented by a national sentiment, interest, ambition, feeling, and purpose, a Federated Empire would form one vast racial Confederation far in advance of any other 'first-class Power,' as we now conceive the term. She would be enabled to influence the policy of the world in the interests of liberty, peace, progress, civilisation, and Christianity. She would not appear as a military Power ready to fight for glory or for conquest alone, but as one prone to cultivate the arts of peace, to advance the cause of freedom; and as one whose wishes could not be ignored. She would possess the underlying strength which would secure for her proposals that grave consideration and respect which is usually secured by the knowledge of a sufficient power to enforce them lying behind.

"Supposing the European Powers to maintain their present rate of progression, this Federated Empire, from the immense population she could fall back on, could place armies in the field exceeding in numbers those of the four great military Powers of Europe combined. Her enormous wealth would enable her to maintain her naval armaments on a similar scale. No other nation has any prospect of attaining such a place in the world's affairs. They have nothing to Federate with, no outside strength to add to their own, and, it may be added, no possibility of internal development which would enable them to aspire to it. Holding such a commanding position, her people would be for ever free from even the shadow of that enormous taxation for warlike purposes, which is such an overwhelming burden on other Powers, which is eating into the heart of their existence, and which even now threatens to force wars on peoples who feel themselves unable to bear the strain much longer. No Powers could go to war with each other without at least securing her neutrality. Her mediation could always be secured in the interests of peace, and the dream of the political millenniumist—Peace for ever!—be brought within the bounds of realisation. Able to command such a large measure of peace; wielding such an influence in the world's affairs, we might also hope to find emerge from it, *in time*, that greater, nobler scheme of Race Federation in which all English speaking peoples should form one great whole."

XXXVII. CONSTITUTION OF A FEDERAL ASSEMBLY AND THE QUESTION OF DEFENCE.

PAPER on the Benefit of the Colonies being Members of the British Empire, by J. Dennistoun Wood. R. C. Institute proceedings, Vol. VIII., P. 19, November 11, 1876.

"Federation of the Empire necessarily implies a union of all the members of it for Imperial purposes—first and foremost among which is the defence of the Empire by sea and land. The Federal Assembly must therefore necessarily have the power of authoritatively determining in what proportion Britain and the various Colonies should contribute towards that defence, and a body whose functions should be limited to merely offering advice would be scarcely more dignified or useful than those impotent bodies, the Convocations of the Provinces of Canterbury and York. To this Federal Assembly Britain and her Colonies should send representatives on equal terms, in proportion to their population. . . . In my opinion these representatives should be appointed, and be removable by the Governments of Great Britain and the various Colonies, or Confederated groups of Colonies, for under any other system a Colony might find that its representative in the Federal Assembly was following a line of policy opposed to the wishes of a majority of the Colonial Legislature, and I can conceive no circumstance which would put a greater strain upon the Federal system. Thus, suppose that a majority of Conservatives were returned to the Federal Assembly by Britain while a Conservative Ministry held office, and that after a general election for Britain, at which a majority of Liberals were returned, the Conservative Ministry was turned out, the Liberal Government and majority would submit with impatience to see Britain still represented by a Conservative majority in the Federal Assembly."

On the question of defence Mr. Wood proceeds:—"Probably the army, which would be under the direct control of the Executive responsible to the Federal Assembly, would, at all events in time of peace, be small. The Federal Assembly might determine that every Country or Colony should raise a military force in proportion to its population, and having laid down the general principles for the regulation and discipline of those forces might safely, to a great degree, leave the carrying out of the details to the separate Governments. I am advocating nothing which has not been found practicable elsewhere. Thus, the troops of Bavaria have their own distinctive uniform, and are local troops in time of peace, though during war they are at the disposal of the German Empire. Even the Imperial Navy might be, to a considerable extent, localised. The Navy, besides being our most formidable weapon in time of war, has important duties to discharge in keeping the police of the seas. The contribution of the African Colonies towards the support of the Imperial Navy might, to some extent, consist in supplying cruisers for the suppression of the slave trade. Hong Kong and the Straits Settlements might be charged with the prevention of piracy on the eastern coast of Asia. The Australian Colonies might be required to superintend the carrying out of the Imperial Laws regulating the emigration of Polynesian labourers, and I doubt not that suitable local employment might be found for a branch of the Imperial Navy, closely associated with the Dominion of Canada.

"If a statesman, when his country is engaged in war, succeeds in inducing some other country to become her ally, his services are considered not less meritorious than those of the General who has won a battle. What praise shall not the statesman justly earn who shall inaugurate a policy which shall for ever secure to England faithful allies in every quarter of the globe? Remembering that the population of the United States has risen in a century from three to forty millions, who will venture to say that the alliance of our Colonies will not, even fifty years hence, be all important to Britain? In such an alliance I see, as I have said on another occasion, the potentiality of Empire beyond the dreams of ambition. . . .

"Imperial Federation is in no way inconsistent with the Federation of a group of Colonies. On the contrary it would be much easier to arrange with a Federation, such as is the Dominion of Canada, than with a number of insignificant Colonies to which the idea of any kind of Federation was wholly novel."

XXXVIII. FEDERAL DEFENCE.

Captain J. C. R. Colomb is a recognised authority on the subject of the Defence of the Empire, and in a lecture on the "Distribution of our War Forces," delivered before the Royal United Service Institution, in 1869, (?) he laid down the principles which should guide Imperial strategy. As these have a direct bearing on Federal Defence, the following extracts are worthy of reproduction. Referring to the Defence of the Colonies he said :—

"I think it may fairly be assumed that in the matter of National Defence we are bound to look to the general welfare of the Empire, but when we remember the vast extent of our territories, scattered as they are over the face of the globe, it is manifestly impossible to take the whole burden of their defence upon our own shoulders. It is reasonable to say that those Colonies and Dependencies whose geographical position and natural advantages do not entitle them to be considered as military positions necessary for the general safety of the Empire, must defend themselves. There are many places which, for the sake of our communications, we must strain every nerve to hold against all odds, but to the rest of our possessions we are compelled by limited means to say, 'Defend yourselves from direct attack; we can do no more than guard the communications which are common to us all.' We should say this because it is useless and wrong to hold out hopes of military assistance which in their hour of danger we should have to withdraw, and it is evident that if we can secure these highroads to ourselves, and consequently to them, they would, with the sole exception of Canada, be virtually excluded from the possibility of attack."

Then, having argued against holding Canada by defending its frontier with British troops, he said :—

"By all means, in peace and war, let us give to our North American Provinces, and to all our other dominions, all the assistance we can in the shape of experienced officers and military equipment, but do not let us risk our regular forces in the direct defence of any portion of our territory the possession of which is not essentially necessary to the safety of the State. Let us guard against the military blunder of leaving our communications and our whole position exposed in order to defend small and, in a purely military sense, valueless posts. Let Canada, and all our Colonies and territories unnecessary to the Empire as military posts, fully and clearly understand that we will never suffer them to be wrested from the Mother Country; that any attempt to do so will bring down upon the aggressor the vengeance of England, but that they must rely on themselves for protection from direct assault, in order to leave the regular forces of the United Kingdom free to act in such a manner as will best make that vengeance felt."

"The communications of the Empire being the common property of all its component parts, it follows that their security is an Imperial necessity, and that our first duty towards our Colonies and Possessions is to provide means by which the roads between us and them may be kept open. For this purpose the fleet is, of course, the engine to employ; but, in order to enable it to act, it must be divided into parts, these being distributed in different quarters of the globe, the strength of each part being in proportion to the forces against which it would probably have to contend, and to the interests it has to protect. As each fleet constantly requires stores, repairs, and reserves of men, the protection of our communications would not be accomplished by the judicious distribution of the Navy, unless means are devised for securing to each fleet the power of self-support; therefore each must

be provided with a head-quarters, or base of operations, where all these things, so essential to its vigorous action, are to be found.

"It has been truly stated that it is wiser to concentrate the resources of a country on the fortifications of the principal arsenals, so as to secure them against capture, than to expend the same resources on many comparatively unimportant points, which, from their isolation and weakness, invite attack and afford cheap victories. Now, viewing the whole Empire as a country exposed to attack, it may be said that it would be better to turn our resources to the purpose of securing points which command our communications, than to fritter them away in attempting to defend a variety of unimportant positions. How far we have hitherto acted upon this principle may be gathered from the fact that the estimated Imperial Military expenditure upon our Colonies and Dependencies for the year 1864-5, amounted to about £3,500,000, and of this sum only about £1,300,000 was expended on the outposts I have named. Now, if these positions are lost to us the safety of our communications is gone. That being the case, we could do little to assist any of our distant Possessions in time of need. Why then expend nearly two-thirds of our available resources upon unimportant points which would afford 'cheap victories,' while but one-third is spent upon positions the loss of which would involve the whole Empire in a state of commercial and military paralysis?"

XXXIX. NAVAL POWER—ITS INFLUENCE ON NEUTRALITY.

In No. XI. of the *Federalist* Mr. Hamilton refers to the utility of the Union in respect to commerce and a Navy, and referring to the probable action of European nations and possible dangers to American commerce, says:—"A further source for influencing the conduct of European nations towards us, in this respect, would arise from the establishment of a Federal Navy. There can be no doubt that the continuance of the Union, under an efficient Government, would put it in our power, at a period not very distant, to create a Navy, which, if it could not vie with those of the great maritime Powers, would at least be of respectable weight if thrown into the scale of either of two contending parties. . . . A few ships of the line, sent opportunely to the reinforcement of either side, would often be sufficient to decide the fate of a campaign, on the event of which interests of the greatest magnitude were suspended. Our position is in this respect a very commanding one. . . . A situation so favourable would enable us to bargain with great advantage for commercial privileges. A price would be set not only upon our friendship, but upon our neutrality. . . . But in the reverse of this eligible situation, we shall discover that the rivalships of the parts would make them checks upon each other, and would frustrate all the tempting advantages which nature has kindly placed within our reach. In a State so insignificant, our commerce would be a prey to the wanton intermeddlings of all nations at war with each other; who, having nothing to fear from us, would, with little scruple or remorse, supply their wants by depredations on our property as often as it fell in their way. *The rights of neutrality will only be respected when defended by an adequate Power. A nation despicable by its weakness forfeits even the privilege of being neutral.*"

XL. COMMERCIAL DEFENCE.

Major Clarke, writing on the "Navy and the Colonies," sets forth the advantages which the Australian Colonies reap from remaining part of the Empire. He summarises them as follows:

"1. Their commerce, which is their very life, will receive the protection of the greatest naval power of the world. 2. The necessary standard of the local defences of their ports is reduced to a minimum. They require to be able to resist a cruiser raid, and no more; since no hostile fleet can reach them in force, except on condition

of defeating and destroying strong British squadrons. 3. Military establishments, calculated to resist an expeditionary force, need not be maintained. 4. Rumours of French or German aggression in the Pacific need not involve them in increased military expenditure, and the waste which all scare-measures invariably entail. 5. Difficulties with China imply work for the Foreign Office at home, and nothing more. 6. The Cape, the first halting-place of their main war trade route, is part of themselves. 7. Protected coaling-stations capable of sheltering their trade stand ready all over the world, without entailing the smallest burden on their finances. 8. At the worst, war-insurance rates will only be those which the Mother Country might have to pay, and would diminish as soon as the naval might of the Empire had gained time for full development. What would be the insurance rates demanded of a South American Republic at war with a great naval power?"

XLI. THE FISCAL SYSTEM. FREE TRADE OR PROTECTION.

In referring to the benefits considered likely to arise from Federation, Mr. Foster says (see R.C. Institute Proceedings, Vol. VIII., P. 96):—

"It is confidently expected by our Federal theorists that, under Federation, rational views of taxation would prevail, free trade flourish, and that Victoria in particular would abandon its perverse proclivities in favour of protection. But in New South Wales, especially in Sydney and other of the larger cities or towns, there is a large party in favour of protection, and unless great pains were taken—for the success of which we have no guarantee, and the propriety of which may be doubted—to counteract or prevent the preponderance of large cities or towns in the Federal Legislature, the populations of these large cities or towns would exert a more than proportionate influence upon Federal legislation. At any rate they would exert a corresponding influence, and the protective party in Victoria could not fail to recruit itself considerably from the other Colonies. And looking at the decidedly protective tendencies of modern democracy, it seems to me reasonable to hold it an open question whether Australian Federation would advance the interests of free trade. Thus to the Victorian protectionist the prospect of free trade would furnish an unanswerable argument against Federation, while, on the other hand, free traders have reason to fear lest Federation may only assume another and more aggravated form, namely, its virtual extension to all the neighbouring Colonies, and the limitation of free trade simply to the Federal group.

To this the *Sydney Morning Herald* replies (April 24th, 1877):—"As to his observations upon a uniform Customs' tariff, it is only necessary to point out that agreement upon the general principles of such taxation must precede and not follow Federation. All the Colonies interested must first agree either upon a protective system, as in America, of internal free trade with taxation upon imports from without, or upon a free trade system, as in the United Kingdom, under which specific import duties would be levied upon articles of general consumption, with corresponding excises upon the same articles when locally produced—the one system taxing trade, the other consumption. Until, therefore, Victoria is converted to a free trade policy, or can convert her neighbours to one of protection, there can be no Federal union between them. This is a vital question which must be agreed upon in advance, and could not, as Mr. Foster appears to imagine, be left to be fought out afterwards."

XLII. ADVANTAGES OF FREE TRADE.

In No. XI. of the *Federalist* Mr. Hamilton says:—"An unrestrained intercourse between the States themselves will advance the trade of each, by an interchange of their respective productions, not only for the supply of reciprocal wants, but for exportation to foreign markets. The veins of commerce in every

part will be replenished, and will acquire additional motion and vigour from a free circulation of the commodities of every part. Commercial enterprise will have much greater scope from the diversity in the production of the different States. When the staple of one fails from a bad harvest or unproductive crop, it can call to its aid the staple of another. The variety not less than the value of products for exportation contributes to the activity of foreign commerce. It can be conducted upon much better terms with a large number of materials of a given value, than with a small number of materials of the same value arising from the competition of trade and from the fluctuations of markets. Particular articles may be in great demand at certain periods and unsaleable at others, but if there be a variety of articles it can scarcely happen that they should all be at one time in the latter predicament; and on this account the operation of the merchant would be less liable to any considerable obstruction or stagnation. The speculative trader will at once perceive the force of these observations, and will acknowledge that the aggregate balance of the commerce of the United States would bid fair to be much more favourable than that of the Thirteen States without union, or with partial union. . . . An unity of commercial as well as political interests can only result from an unity of Government."

XLIII. FEDERAL TAXATION.

(See R. C. Institute Proceedings, Vol. XVII., P. 319.)

Mr. F. P. Labilliere, at a Conference held in connection with the Colonial and Indian Exhibition, presided over by the Duke of Manchester, on Friday, 28th May, 1886, read a paper on Imperial Federation, and, dealing with the question of the Unity of the Empire, said:—

"The sentiment of unity must evolve the practical principle of Imperial Federation, which 'will realise itself,' by this Country and the Colonies succeeding in producing such an effective Federal Government as will meet their joint requirements, and be in harmony with their views and institutions—a Government which will safeguard all their common interests without interfering with their provincial affairs."

Having expressed his views as to arriving at an equitable basis of Representation, Mr. Labilliere proceeded to deal with the subject of Taxation for Federal purposes, and said:—

"Taxation should of course be adjusted so that its burden should be equally borne. The Federal Constitution might even specify certain sources of revenue to be either wholly or partially reserved for taxation by the Parliament of the Empire. A very few items would be quite sufficient for the purpose, and everything else could be left to be taxed by the Provincial Parliaments. These need suffer no curtailment of their powers, except in so far as certain rights of general taxation might be reserved to the Parliament of the Empire. Suppose, for example, tobacco, wines, and spirits were thus set apart, they alone would yield a very large Imperial revenue. An Income Tax not to exceed 3d. in the pound would also bring in considerable sums from all quarters of the Empire. It can easily be seen that if it were desirable to limit the taxing powers of the Federal Parliament, ample margin could be given to enable it to raise, even from a very few items, sufficient revenue for purposes of peace or war."

XLIV. SIR ALEXANDER STUART'S OPINION.

To this the late Sir Alexander Stuart, K.C.M.G., replied:—

"I compliment the able author of the paper on his having avoided very skilfully many difficult points which, it seems to me, will require a considerable degree of

time to smooth down before we can see our way to that perfect union which we all desire. For instance, Mr. Labilliere lays down as one of the essential conditions 'an equitable system of taxation to raise Imperial revenue.' I am afraid that is just one of those stumbling blocks which must, if enlarged upon, cast back for a long period, that which we all so much desire. He has enumerated certain articles which must be made the subject of taxation by this Imperial Parliament. So far so good. They are articles which are fairly distributed amongst consumers of the British race. But I cannot help remarking that there is nothing upon which our fellow-Colonists are so touchy, I may say, as any interference with their Fiscal arrangements. Freedom in this respect is an essential part of our Constitution. . . . We have struggled for years for this liberty, and assailed the Colonial Office continually until we got it. It is, after all, one of the essential points of British freedom that a community like ours shall be entitled to tax themselves and dispose of the taxation as they choose, and once having obtained that right I do not think the Colonists are at all likely to listen to any proposal that involved their parting with any portion of it. I am quite aware, of course, that if there is to be an Imperial Parliament or a Federal Council all parts of the Empire must join in defraying the expense that will be involved, but I do not think it is necessary that Colonies should in any degree have the power of taxation taken out of their own hands. Let the expenditure, whatever it be, be fixed on some equitable principle. Population alone is hardly an equitable test, neither is extent of country. But a combination of various elements must be devised, upon which an equitable apportionment must be made, and then let each Colony understand that, it being a consenting party to this Federal Council, it must bear a certain proportion of the cost, and let it do this in its own way. At the present moment we have taken a partial step in this direction. Many of us have an extreme desire that the British navy should be strengthened in our respective seas, and some of us have offered to pay the additional expense involved in doing so . . . but we would never dream of parting with the right to tax ourselves in order that the British Admiralty might strengthen its resources by putting its hands into our pockets. We say we will find the money. It is no matter to you how we find it. Some people consider that the most successful country will be that which has no Customs' taxes whatever. Others think that indirect taxation is the best. Let each of us, according to our views, tax ourselves in whatever way we like for this one object. Be it ours only to know what our share of the expenditure is to be, and be it our duty to defray that portion of the expenditure."

XLV. TAXATION OR QUOTAS.

The question of National and State Taxation was one of the most important which occupied the attention of the framers of the American Constitution, the following on the subject is therefore of the utmost importance :—

Mr. Alexander Hamilton, in Number XXI. of the *Federalist*, says :—

"The principle of regulating the contributions of the States to the common Treasury by Quotas is another fundamental error in the Confederation. Its repugnancy to an adequate supply of the national exigencies has been already pointed out, and has sufficiently appeared from the trial which has been made of it. I speak of it now solely with a view to equality among the States. Those who have been accustomed to contemplate the circumstances which produce and constitute national wealth must be satisfied that there is no common standard or barometer by which the degrees of it can be ascertained. Neither the value of lands nor the numbers of the people, which have been successively proposed as the rule of State contributions, has any pretension to being a just representative. If we compare the wealth of the United Netherlands with that of Russia or Germany, or even of France, and if we at the same time compare the total value of the lands and the aggregate population of the contracted territory of that Republic, with the

total value of the lands and the aggregate population of the immense regions of either of those kingdoms, we shall at once discover that there is no comparison between the proportion of either of these two objects and that of the relative wealth of those nations. If the like parallel were to be run between several of the American States, it would furnish a like result. Let Virginia be contrasted with North Carolina, Pennsylvania with Connecticut, or Maryland with New Jersey, and we shall be convinced that the respective abilities of those States in relation to revenue bears little or no analogy to their comparative stock in lands or their comparative population. The position may be equally illustrated by a similar process between the counties of the same State. No man acquainted with the State of New York will doubt that the active wealth of King's County bears a much greater proportion to that of Montgomery than it would appear to do if we should take either the total value of the lands or the total numbers of the people as a criterion.

"The wealth of nations depends upon an infinite variety of causes. Situation, soil, climate, the nature of the productions, the nature of the Government, the genius of the citizens, the degree of information they possess, the state of commerce, of arts, of industry; these circumstances, and many more too complex, minute, or adventitious, to admit of a particular specification, occasion differences hardly conceivable in the relative opulence and riches of different countries. The consequence clearly is that there can be no common measure of national wealth, and, of course, no general or stationary rule by which the ability of a State to pay taxes can be determined. The attempt, therefore, to regulate the contributions of the members of a Confederacy by any such rule cannot fail to be productive of glaring inequalities and extreme oppression.

"This inequality would of itself be sufficient in America to work the eventual destruction of the Union if any mode of enforcing a compliance with its requisitions could be devised. The suffering States would not long consent to remain associated upon a principle which distributed the public burthens with so unequal a hand; and which was calculated to impoverish and oppress the citizens of some States, while those of others would scarcely be conscious of the small proportion of the weight they were required to sustain. This, however, is an evil inseparable from the principle of quotas and requisitions.

"There is no method of steering clear of this inconvenience but by authorising the National Government to raise its own revenues in its own way. Imposts, excises, and, in general, all duties upon articles of consumption, may be compared to a fluid which will in time find its level with the means of paying them. The amount to be contributed by each citizen will, in a degree, be at his own option, and can be regulated by an attention to his resources. The rich may be extravagant, the poor can be frugal, and private oppression may always be avoided by a judicious selection of objects proper for such impositions."

In chapter XXX. of the *Federalist*, the same writer refers to the necessity for giving the Federal Government "power to provide for the support of the national forces," including "the expense of raising troops, of building and equipping fleets, and all other expenses connected with military arrangements and operations." Also "provision for the support of the National Civil List, for the payment of the national debts contracted, or that may be contracted, and in general for all those matters which will call for disbursements out of the National Treasury. . . . Money is with propriety considered as the vital principle of the body politic; as that which sustains its life and motion, and enables it to perform its most essential functions. A complete power, therefore, to procure a regular and adequate supply of revenue, as far as the resources of the community will permit, may be regarded as an indispensable ingredient in every Constitution. From a deficiency in this particular one of two evils must ensue: either the people must be subjected to continual plunder, as a substitute for a more eligible mode of supplying the public wants, or the Government must sink into a fatal atrophy, and in a short course of time perish."

He again denounces the system of quotas and requisitions as prescribed in the articles of Confederation, and argues in favour of allowing the National Government "to raise its own revenues by the ordinary methods of taxation authorised in every well-ordered Constitution of Civil Government." He then proceeds to deal thus with the question of

NATIONAL AND STATE TAXATION.

"The more intelligent adversaries of the new Constitution admit the force of the above reasoning, but they qualify their admission by a distinction between what they call *internal* and *external* taxation. The former they would reserve to the State Governments, the latter, which they explain into commercial imposts, or rather duties on imported articles, they declare themselves willing to concede to the Federal head. This distinction, however, would violate that fundamental maxim of good sense and sound policy which dictates that every *power* ought to be proportionate to its *object*, and would still leave the general Government in a kind of tutelage to the State Governments inconsistent with every idea of vigour or efficiency. Who can pretend that commercial imposts are, or would be, alone equal to the present and future exigencies of the Union? This resource alone, upon the most approved scale, would not even suffice for present necessities. Future necessities admit not of calculation or limitation, and upon the principle more than once adverted to, the power of making provision for them as they arise ought to be equally unconfined. I believe it may be regarded as a position, warranted by the history of mankind, that *in the usual progress of things the necessities of a nation, in every stage of its existence, will be found at least equal to its resources.*

"If the opinions of those who contend for the distinction which has been mentioned were to be received as evidence of truth, one would be led to conclude that there was some known point in the economy of national affairs at which it would be safe to stop, and to say, thus far the ends of public happiness will be promoted by supplying the wants of Government, and all beyond this is unworthy of our care and anxiety. How is it possible that a Government, half-supplied and always necessitous, can fulfil the purposes of its institution; can provide for the security, advance the prosperity, or support the reputation of the Commonwealth? How can it ever possess either energy or stability, dignity or credit, confidence at home or respectability abroad? How can its administration be anything else than a succession of expedients, temporising, impotent, disgraceful? How will it be able to avoid a frequent sacrifice of its engagements to immediate necessity? How can it undertake or execute any liberal or enlarged plans for the public good?"

Mr. Hamilton next pictures the effects of such a situation in the very first war in which the country might happen to be engaged, pointing out that national danger under such circumstances would drive the Government to the expedient of diverting the funds already appropriated from their proper objects to the defence of the State. He says:—"In the modern system of war nations the most wealthy are obliged to have recourse to large loans. But who would lend to a Government that prefaced its overtures for borrowing by an act which demonstrated that no reliance could be placed on the steadiness of its measures for paying? The loans it might be able to procure would be as limited in their extent as burdensome in their conditions. They would be made upon the same principles that usurers commonly lend to bankrupt and fraudulent debtors—with a sparing hand, and at enormous premiums."

"The power of creating by its own authority new funds from new objects of taxation, would enable the National Government to borrow as far as its necessities might require. Foreigners, as well as the citizens of America, could then reasonably repose confidence in its engagements; but to depend upon a Government that must itself depend upon thirteen other Governments, for the means of fulfilling its contracts, when once its situation is clearly understood, would require a degree of credulity not often to be met with in the pecuniary transactions of mankind, and little reconcilable with the usual sharp-sightedness of avarice."

The substance of the positions taken up by the framers of the American Constitution is thus stated :—

1. "A Government ought to contain in itself every power requisite to the full accomplishment of the objects committed to its care, and the complete execution of the trusts for which it is responsible ; free from every other control but a regard to the public good, and to the sense of the people."
2. "As the duties of superintending the National defence, and of securing the public peace against foreign or domestic violence, involve a provision for casualties and dangers to which no possible limits can be assigned, the power of making that provision ought to know no other bounds than the exigencies of the nation and the resources of the community."
3. "As revenue is the essential engine by which the means of answering the national exigencies must be procured, the power of procuring that article in its full extent must necessarily be comprehended in that of providing for those exigencies."
4. "That as theory and practice conspire to prove that the power of procuring revenue is unavailing when exercised over the States in their collective capacities, the Federal Government must, of necessity, be invested with an unqualified power of taxation in the ordinary modes."

It is further laid down "that a *concurrent jurisdiction* in the article of taxation was the only admissible substitute for an entire subordination in respect to this branch of power of State authority to that of the Union. Any separation of the objects of revenue that could have been fallen upon would have amounted to a sacrifice of the great *interests* of the Union to the *power* of the individual States. The Convention thought the concurrent jurisdiction preferable to that subordination ; and it is evident that it has, at least, the merit of reconciling an indefinite Constitutional power of taxation in the Federal Government, with an adequate and independent power in the States to provide for their own necessities."

MADISON'S VIEW.

Mr. James Madison, in Number XLI. of the *Federalist*, taking a general view of the powers proposed to be vested in the Union, says :—"The power of levying and borrowing money, being the sinew of that which is to be exerted in the national defence, is properly thrown into the same class with it. . . . I will address one additional reflection only to those who contend that the power ought to have been restrained to external taxation—by which they mean taxes on articles imported from other countries. It cannot be doubted that this will always be a valuable source of revenue, that for a considerable time it must be a principal source ; that at this moment it is an essential one. But we may form very mistaken ideas on this subject if we do not call to mind in our calculations that the extent of revenue drawn from foreign commerce must vary with the variations, both in the extent and the kind of imports ; and that these variations do not correspond with the progress of population, which must be the general measure of the public wants. As long as Agriculture continues the sole field of labour, the importation of manufactures must increase as the consumers multiply. As soon as domestic manufactures are begun by the hands not called for by agriculture, the imported manufactures will decrease as the numbers of people increase. In a more remote stage the imports may consist in a considerable part of raw materials, which will be wrought into articles for exportation, and will therefore require rather the encouragement of bounties than to be loaded with discouraging duties. A system of Government meant for duration ought to contemplate these revolutions, and be able to accommodate itself to them."

XLVI. THE SEAT OF GOVERNMENT.

The first article of the American Constitution gives Congress the power "to exercise exclusive legislation in all cases whatsoever over such district (not

exceeding ten miles square)* as may by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of Forts, Magazines, Arsenals, Dockyards, and other needful buildings."

Mr. Madison, in No. XLIII. of the *Federalist*, says:—"The indispensable necessity of complete authority at the seat of Government carries its own evidence with it. It is a power exercised by every Legislature of the Union, I might say of the world, by virtue of its general supremacy. Without it, not only the public authority might be insulted, and its proceedings be interrupted with impunity, but a dependence of the members of the general Government, on the State comprehending the seat of the Government, for protection in the exercise of their duty, might bring on the National Councils an importation of awe or influence equally dishonourable to the Government and dissatisfactory to the other members of the Confederacy. This consideration has the more weight, as the gradual accumulation of public improvements at the stationary residence of the Government would be both too great a public pledge to be left in the hands of a single State, and would create so many obstacles to the removal of the Government as still further to abridge its necessary independence. The extent of this Federal district is sufficiently circumscribed to satisfy every jealousy of an opposite nature. And as it is to be appropriated to this use by the consent of the State ceding it; as the State will no doubt provide in the compact for the rights and the consent of the citizens inhabiting it; as the inhabitants will find sufficient inducements of interest to become willing parties to the cession; as they will have had their voice in the election of the Government which is to exercise authority over them; as a municipal Legislature for local purposes derived from their own suffrages will, of course, be allowed them, and as the authority of the Legislature of the State, and of the inhabitants of the ceded part of it, to concur in the cession, will be derived from the whole people of the State, in their adoption of the Constitution, every imaginable objection seems to be obviated."

(The above refers to the Federal district of Columbia.)

"The necessity of a like authority over forts, magazines, etc., established by the general Governments is not the less evident. The public money expended on such places, and the public property deposited in them, require that they should be exempt from the authority of the particular State. Nor would it be proper for the places on which the security of the Union may depend to be in any degree dependent on a particular member of it. All objections and scruples are here also obviated by requiring the concurrence of the States concerned in every such establishment."

XLVII. CLASS REPRESENTATION.

When the Constitution of America was under discussion, an objection was raised that "the House of Representatives was not sufficiently numerous for the reception of all the different classes of citizens, in order to combine the interests and feelings of every part of the community." In reply to this, Mr. Hamilton, in No. XXXV. of the *Federalist*, says:—"The idea of an actual representation of all classes of the people by persons of each class is altogether visionary. Unless it were expressly provided in the Constitution that each different occupation should send one or more members, the thing would never take place in practice. Mechanics and manufacturers will always be inclined, with few exceptions, to give their votes to merchants in preference to persons of their own professions or trades. Those discerning citizens are well aware that the mechanic and manufacturing arts furnish the materials of mercantile enterprise and industry. Many of them, indeed, are

* The district of Columbia now embraces an area of about 72 square miles (Statesman's Year Book, 1890.)

intimately connected with the operations of commerce. They know that the merchant is their natural patron and friend, and they are aware that however great the confidence they may justly feel in their own good sense, their interests can be more effectually promoted by the merchant than by themselves. They are sensible that their habits of life have not been such as to give them those acquired endowments, without which, in a deliberative assembly, the greatest natural abilities are for the most part useless, and that the influence and weight, and superior acquirements of the merchants, render them more equal to a contest with any spirit which might happen to infuse itself into the public councils unfriendly to the manufacturing and trading interests. These considerations, and many others that might be mentioned, prove, and experience confirms it, that artisans and manufacturers will commonly be disposed to bestow their votes upon merchants, and those whom they recommend. We must therefore consider merchants as the natural representatives of all those classes of the community.

"With regard to the learned professions little need be observed; they truly form no distinct interest in society, and, according to their situation and talents, will be, indiscriminately, the objects of the confidence and choice of each other, and of other parts of the community.

"Nothing remains but the landed interest; and this, in a political view, and particularly in relation to taxes, I take to be perfectly united, from the wealthiest landlord down to the poorest tenant. No tax can be laid on land which will not affect the proprietor of thousands of acres, as well as the proprietor of a single acre. Every landholder will therefore have a common interest to keep the taxes on land as low as possible; and common interest may always be reckoned upon as the surest bond of sympathy. But if we even could suppose a distinction of interest between the opulent landholder and the middling farmer, what reason is there to conclude that the first would stand a better chance of being deputed to the National Legislature than the last? . . . Where the qualifications of the electors are the same, whether they have to choose a small or a large number, their votes will fall upon those in whom they have most confidence; whether these happen to be men of large fortunes, or of moderate property, or of no property at all."

XLVIII. THE LAWS AND A COURT OF APPEAL.

On 26th August, 1870, a Royal Commission was appointed by His Excellency Viscount Canterbury, Governor of Victoria, "to consider and report upon the expediency of inviting the co-operation of the several Colonies of Australasia for the following purposes:—1. To provide for the extradition of offenders from one Colony to another. 2. To provide means whereby the effect of insolvency or the granting of probate or letters of administration in one Colony shall be extended to all. 3. The adoption of a system whereby execution may issue in any Colony upon the registration of the judgment of the Supreme Court of any other Colony. 4. The establishment of a Court of Appeal." The Commission consisted of Sir Francis Murphy, M.P., Hons. J. A. Fraser, T. H. Fellowes, C. G. Duffy, G. Higinbotham, Jno. Macgregor, G. B. Kerferd, J. J. Casey, and C. P. Smith, M.S.P.

In April, 1871, this Commission, after communication with their Honors the Judges of the several Supreme Courts throughout Australasia, brought up a most valuable report, and the recommendations embraced in the first and third sections thereof have already been to some extent covered by the more recent Legislation of the Federal Council of Australasia. Valuable recommendations were made in regard to insolvency and the granting of letters of probate, but so far these have not been adopted. In reference to a Court of Appeal, the Commission recommended the establishment of such a Court; to consist of "one Judge from each Colony, and that the Court should sit in each Colony successively, or at such places as may be determined upon as occasion required, and that the quorum be regulated in

proportion to the number of Colonies that appointed Judges." Further, that "on pronouncing judgment by the Court of Appeal, similar machinery might be employed in carrying out its decisions as is now used with respect to appeals to the Privy Council." Respecting the chartered rights of the subject, the Commissioners say :—

"Another question arises as to how far the Court of Appeal is to be one of final determination, excluding the appeal to Her Majesty-in-Council. We deem it advisable to leave to the Legislature of each Colony to determine that question for itself, by empowering the Colonies to enact suitable laws, providing the cases in and the terms upon which an appeal may be had to the Queen."

XLIX. THE UNITED STATES OF AMERICA.

HOW THE CONSTITUTION WAS FORMED.

A brief sketch of the circumstances which led up to the American Revolution may be of interest. In 1763 the irritation against England began during the short-lived Ministry of George Grenville. The British settlements in North America then numbered 13 Colonies, with a population of nearly 2,000,000. The bearing of the Seven Years War upon their security was used as a pretext for calling on the Colonists to contribute to the burden it had entailed. The Colonists sternly refused to submit to the imposition of taxes. In March 1765 Grenville carried through Parliament a Bill imposing stamp duties on the American Colonists. The Colonial Assemblies, headed by Virginia, took up the attitude of resistance, and a General Congress was summoned, which met at New York. On the representations of this Congress, backed by the eloquence of Pitt and the decisive evidence of Benjamin Franklin, the Stamp Duties Act was repealed, but this was neutralised by another Act asserting the power of Parliament to bind the Colonies "in all cases whatever." Meanwhile a new Ministry had been formed under Lord Rockingham (10th July, 1765), and all the duties were taken off except the duties on tea. In 1773 an Act was passed which enabled the East India Company to send their teas duty free into all our Colonial settlements, and this led to the first overt act in the American Revolution. The Colonists believed this was but a scheme to prepare the way for their unlimited taxation, and they resolved at all hazards to prevent the landing of the tea. On 16th December, 1763, the cargo of three ships in Boston Harbour was seized by armed men and thrown into the sea. This created great excitement in England, and despite the denunciations of Chatham, Burke, and Charles James Fox, the Boston Port Bill and the Massachusetts Government Bill were passed through both Houses of Parliament with their doors locked, restricting the Charters of the Colonies. A further Bill was also passed requiring the Governor of Massachusetts to send persons accused of crime there to England for trial. General Gage arrived at Boston as Governor, March 13th, 1774, charged to carry these enactments into effect by force of arms. A Congress of representatives from the English Colonies met at Philadelphia on 5th September in the same year, set forth their grievances in a petition to His Majesty, and begged him to grant them peace, liberty, and safety. They agreed to become reconciled on the repeal of all the obnoxious Statutes, but the Government had resolved to reduce them by force of arms, and in 1775 the war broke out, the disastrous results of which to Great Britain are matters of history. On the 29th May, 1775, the second Continental Congress, composed of Delegates from the several Colonies, met at Philadelphia, and constituted the United States of North America. The War of Independence was carried on under the general direction of this Congress, Washington being made Commander-in-Chief of the American Forces.

The national existence of the United States commenced 4th July, 1776, when the Declaration of Independence was passed by the Delegates of the 13 original States. This was followed by the adoption of the Articles of Confederation on 15th November, 1777. Articles of peace between Great Britain and America were

drawn up at Paris, 30th November, 1782, in which the United States were acknowledged Independent; and on 3rd September, 1783, a definitive treaty was signed at Versailles. The Independence of the States was immediately recognised by the chief European powers, and American Ambassadors received at their Courts. Treaties of Amity and Commerce were also concluded between America and France, Holland, Sweden, Denmark, Spain, and Russia.

The Rev. E. Edwin Hall, in his History of the States, says:—"The Confederation of the States which had given to the resolves of Congress the force of law, proved to be inadequate for the purposes of an efficient Government to meet the claims against the United States, to provide for the public debt, to raise revenue, and to harmonise the jarring interests of the different States. The difficulties attending the formation of a new Government were not less than those of achieving Independence. The period of the Confederation continued until March 4th, 1789, when the present Constitution was ratified, which has secured the prosperity of the nation, and stands as an illustrious proof of the wisdom of the Fathers of the Revolution, and a model for other nations in the pursuit of freedom."

Montgomery, in his "Leading Facts of American History," says:—

"At last (1787) a Convention of fifty-five Members was held at Philadelphia to make a new Constitution—one that should form a *more perfect* union. Washington presided at this Conference, and a majority of the State Legislatures sent their chief men to take part in it. The Convention held a secret session of nearly four months, and had many stormy debates before the Articles of the new Constitution could be agreed on. At one time Franklin, Hamilton, Madison, and other eminent men, nearly despaired of any successful result. At last the great work was accomplished, and the Constitution was adopted. After the Convention had accepted the new Constitution, it was sent to the different States to get their acceptance. Many of the people were strongly opposed to it. They thought it gave the National Government too much power, but in time all the States decided to adopt it. The man who did the most to convince them of the wisdom of such a course was Alexander Hamilton, of New York. When the City of New York celebrated the adoption of the Constitution (1788) a ship on wheels, representing a "Ship of State," or the Union, was drawn through the streets by ten milk white horses. Hamilton's name was painted in large letters on the platform upholding the vessel."

The original 13 States which adopted the Constitution, and made Washington the first President by their unanimous vote in February 1789, were—

New Hampshire.
Massachusetts.
Rhode Island.
Connecticut.
New York.
New Jersey.
Pennsylvania.
Delaware.
Maryland.
Virginia.
North Carolina.
South Carolina.
Georgia.

In 1803, Louisiana was purchased from the French for 15,000,000 dollars; in 1821 Florida was ceded to the United States by Spain in compensation for spoliation on American Commerce for 5,000,000 dollars. The province of Texas in Mexico was seized by a body of adventurers, aided by the slaveholding States, and was held by them for the purpose of extending the system of slavery. The province was annexed to the United States and this led to a war with Mexico. Under the treaty of peace which followed, Mexico granted to the United States the line of the Rio Grande as a boundary and also ceded New Mexico and California. The War of

Secession, when eleven of the slave-holding States sought to secede from the Union, commenced in 1861. The history of the struggle is well known, the Union was victorious, the slaves in all the States and Territories were liberated, and slavery forever prohibited in the United States. The Constitution adopted by 13 States in 1789 has indicated, in all the vicissitudes of a century, the wisdom of those who framed it, and is adequate for all the purposes of good Government for the 38 States which now constitute the Union.

L. INTEGRAL CONSTITUENTS OF THE NATION.

In addition to the 42 States there are 5 (five) Territories with organised Governments; the district of Columbia, the seat of Government under the exclusive jurisdiction of Congress, the unorganised Territories of Alaska and the Indian Territory. These constitute the political divisions of the United States.

LI. GENERAL GOVERNMENT OF THE UNITED STATES.

The General Government of the United States consists of three branches :—the Executive, the Legislative and the Judicial. The Executive power is vested in a President, who, with a Vice-President, is elected for a period of four years by a College of Electors chosen for that purpose by the people of the several States, each State returning as many electors as it has senators and representatives in Congress. The electors are chosen by popular vote at an election held every four years on the Tuesday next after the first Monday in November. The electors thus chosen meet in each State on the first Wednesday in December, and cast their votes for President and Vice-President. The certificates of these votes are opened by the President of the Senate on the second Wednesday of February in the presence of the two Houses of Congress, when the votes are counted and the result declared. The official term of the officers declared elected begins on the 4th March following. In case of the removal, death, resignation, or inability of the President, the Vice-President succeeds to his office. When there is no election of President by the people from the fact that no candidate has a majority of electoral votes, the House of Representatives chooses a President from the three having the highest number of votes, the representatives of each State together casting one vote. The President may be removed on impeachment for high crimes and misdemeanours. He is Commander-in-Chief of the Army and Navy, and of the Militia of the several States, when called into the service of the general Government. With the advice of the Senate he has power to make treaties, appoint ambassadors, judges of the supreme court, and other public officers of the United States, whose appointment is not otherwise provided for by the Constitution. The President and Vice-President must be native-born citizens, 35 years of age, and 14 years resident within the United States. The President is assisted by a Cabinet of seven Ministers, called the Secretaries of State, of the Treasury, of the Interior, of War and of the Navy, the Attorney-General, and the Postmaster-General. These are the heads of the seven executive departments of the Government, who are nominated by the President and confirmed by the Senate. Annual reports are made to Congress through the President by the chiefs of the departments above-named, communicating all important facts respecting the commercial, financial, and economic transactions of the whole country at home and abroad.

The Legislative branch of the Government consists of a Congress, composed of a Senate and House of Representatives. The Senate consists of two Senators from each State, chosen by the respective legislatures for six years, and the body is so divided as to the times of election that one-third of the whole number goes out of office every two years. The vice-President of the United States is the President of the Senate *ex officio*, and the Senate elects a President *pro tempore* to serve in his

absence. A Senator must be 30 years of age, 9 years a citizen of the United States, and at the time of his election resident within the State for which he is chosen. The House of Representatives is composed of members chosen for two years by the people of each State. They must be 25 years of age, and citizens of the United States 7 years, and at the time of their election resident within the States for which they are chosen. The number of members of this body is determined by law, and they are apportioned among the several States according to their representative population. Congress has power to lay and collect taxes, imposts and excises, which must be uniform in all the States, to borrow money, to regulate commerce with foreign nations and among the several States, to coin money, to provide for the common defence and general welfare, to declare war, to originate all Bills relating to revenue, and to exercise exclusive jurisdiction over the district of Columbia. Congress can make no law for an establishment of religion or for prohibiting the free exercise thereof, or for abridging the freedom of speech or of the Press, or the right of the people peaceably to assemble, and to petition the Government for the redress of grievances.

The Judicial Branch of Government consists of a Supreme Court with a Chief Justice and eight associate Justices, Circuit Courts, District Courts, and the Court of Claims. There are also the Supreme Court of the District of Columbia and the Territorial Courts. The Judges of all the Federal Courts are appointed for life by the President with the consent of the Senate, but they may be removed for cause. Besides these Federal Courts and Judges, each State has its separate judiciary.

The executive power of each organised territory is vested in a Governor appointed for four years by the President with the consent of the Senate. A Secretary is appointed for the same period in the same manner. The Legislative power consists of a Council and House of Representatives chosen by the people for two years. A delegate to Congress is elected by the people in each territory for two years, who is entitled to speak in the House but not to vote.

Each individual State has a Government for the regulation of local and internal affairs, consisting of a Governor, Senate, and House of Representatives. All powers not expressly granted by the Constitution to the Federal Government, nor prohibited to it by the States, are reserved to the States respectively. The form of Government in the several States is, and must be, Republican, and substantially the same, differing only in unimportant details of their Constitution, such as the duration of terms of office, the mode of appointing Judges of the several Courts and the amount of their salaries. The territory of all the States is divided into counties, having in each Courts of Justice, and such local officers as the common interests demand. In many of the States the counties are divided into townships, averaging six or eight miles square, which form important Civil districts and Corporations. The larger towns are incorporated as cities and boroughs which have Municipal Governments.

LII. APPORTIONMENT OF REPRESENTATION.

In some of the later Constitutions of the United States the maximum number of Senators is fixed; but the actual number is left subject to Territorial divisions, as for instance one for each county or Senatorial district; and the number becomes subject to variation with each periodical census of the population.

In several cases the Houses of Representatives are apportioned among the several counties on a ratio. For instance, in Pennsylvania the ratio is obtained by dividing the population of the State, as ascertained by the most recent United States Census, by two hundred. Every county containing less than five ratios shall have one representative for every full ratio, and an additional representative when the surplus exceeds half a ratio; but each county shall have at least one representative. Every county containing five ratios or more shall have one representative for every full ratio. Every city containing a population equal to a ratio shall elect separately its proportion of the representatives allotted to the

county in which it is located. Every city entitled to more than four representatives, and every county having over one hundred thousand inhabitants, shall be divided into districts of compact and contiguous territory, each district to elect its proportion of representatives according to its population, but no district shall elect more than four representatives.

LIII. HOMESTEAD LAWS.

In many of the States of America the actual homesteads of the inhabitants are exempt from civil process. As an example, take the Constitution of South Carolina, Sec. 32 :—

“The family homestead of the head of each family residing in this State, such homestead consisting of dwelling house, outbuildings and lands appurtenant, not to exceed the value of one thousand dollars, and yearly product thereof, shall be exempt from attachment, levy, or sale, on any mesne or final process issued from any court. To secure the full enjoyment of said homestead exemption to the person entitled thereto, or to the head of any family, the personal property of such person of the following character, to wit: Household furniture, beds and bedding, family library, arms, carts, waggons, farming implements, tools, neat cattle, work animals, swine, goats, and sheep, not to exceed in value in the aggregate the sum of five hundred dollars, shall be subject to a like exemption as said homestead: and there shall be exempt in addition thereto all necessary wearing apparel. *Provided*, that no property shall be exempt from attachment, levy, or sale, for taxes or for payment of obligations contracted for the purchase of said homestead, or the erection of improvements thereon. *Provided further*, that the yearly products of said homestead shall not be exempt from attachment, levy, or sale for the payment of obligations contracted in the production of the same.”

The States in which the homestead exemption existed up to 1878 were Alabama, Arkansas, California, Colorado, Florida, Georgia, Illinois, Kansas, Michigan, Mississippi, Nevada, North Carolina, Ohio, Tennessee, Texas, Virginia, and West Virginia.

LIV. MARRIED WOMEN'S PROPERTY.

In sixteen States up to 1878, the separate property of married women was specially protected under the Constitutions. Take South Carolina as example. Art XIV. Sec. 8, enacts, “The real and personal property of a woman, held at the time of her marriage, or that which she may thereafter acquire, either by gift, grant, inheritance, devise or otherwise, shall not be subject to levy and sale for her husband's debts, but shall be held as her separate property, and may be bequeathed, devised or alienated by her, the same as if she were unmarried. *Provided* that no gift or grant from the husband to the wife shall be detrimental to the just claims of his creditors.

The States adopting this law, are—Alabama, Arkansas, California, Florida, Georgia, Kansas, Louisiana, Maryland, Michigan, Mississippi, Nevada, North Carolina, Oregon, South Carolina, Texas and West Virginia.

LV. THE UNITED STATES.

HISTORICAL DATES.

NOTE.—The following has been compiled from a work entitled *The Federal and State Constitutions, Colonial Charters and other Organic laws of the United States, compiled under an order of the United States Senate by Ben. Perley Poore, clerk of*

printing records, 1878. This is the latest edition available in the Colonies. The references are to pages of the second edition of the above work.

For particulars of existing State Constitutions see appendix.

The 13 original States of the Union are marked thus.*

ALABAMA.

Alabama (named from the Indian, signifying a place of rest) was originally settled by the French in 1702. The area of the State of Alabama was ceded to the United States by the States of Georgia and South Carolina and Spain. A strip of land twelve miles wide across the northern part of the State, and adjoining the southern boundary of the State of Tennessee, ceded by the State of South Carolina, was a portion of the territory south of the River Ohio, afterward transferred to the Mississippi Territory. The south western corner of the State, between the Perdido River and the State of Mississippi, and between the 31st parallel and the Gulf of Mexico, ceded by Spain, became a portion of the Mississippi Territory.

DATES.—Proprietary Charter of Carolina, 1663 (pp. 1382-1390). Proprietary Charter of Georgia, 1732 (pp. 369-377). Constitution of Georgia, 1777 (pp. 377-383). The Territorial Government of Mississippi, 1798 (pp. 1049-1050). The Territorial Government of Alabama, 1817 (p. 27). Treaty with Spain, ceding Florida, 1819 (pp. 308-312). Enabling Act for Alabama, 1819 (p. 29). Constitution of Alabama, 1819 (p. 32); ditto of 1865, (p. 48); ditto of 1875 (p. 76).

ARKANSAS.

This State was originally settled by the French about the year 1690. It was named from the Indian word *Kansas*, signifying smoky water, and the French *arc*, a bow. The area of the State of Arkansas was ceded by France to the United States and became a part of the Territory of Louisiana and then of the Territory of Arkansas.

DATES.—Treaty ceding Louisiana 1803 (pp. 687-690). The District of Louisiana 1804 (pp. 691-695). The Territory of Louisiana 1805 (pp. 697-698.) The Territory of Missouri (pp. 1097-1101.) The Territorial Government of Arkansas 1819 (p. 99). Constitution of Arkansas 1836 (p. 101). Enabling Acts and ordinance of acceptance 1836 (p. 116-119). Constitution of Arkansas, 1864 (p. 120-134). Ditto, 1868 (p. 134-154). Ditto, of 1874 (pp. 154-184).

CALIFORNIA.

California was first discovered by the Spaniards in 1542, and they began to establish Missions there in 1769. The name is derived from the Spanish, and first occurs in a Spanish work of fiction (1510). It was there given to an imaginary island abounding in gold. After the Mexican Revolution in 1824, it formed a province of that Republic until 1846, when the inhabitants and emigrants from the United States established an Independent Government. The Treaty of Guadalupe Hidalgo brought it within the limits of the United States, and it was then governed by the commanding officer of the military force stationed there, acting as provisional Governor.

DATES.—Treaty of Guadalupe Hidalgo, 1848 (p. 185). Constitution of California, 1849 (pp. 195-207). Act for Admission of California, 1850 (p. 207). Amendments to Constitution of 1849 (p. 208).

COLORADO.

The area of the State of Colorado was ceded to the United States by France; the State of Texas and Mexico. That ceded by France was part of the original territories of Nebraska and Kansas. Texas and Mexico ceded parts of Kansas and the territory of New Mexico. Mexico also ceded part of the territory of Utah. For boundaries see note to page 212 of Poore's work on the Constitutions. The State was named from the Spanish red or coloured (referring to the colour of the rocks). It was settled by the Americans about 1859.

An enabling Act for Colorado being admitted to the Union was passed March 21st, 1864. A State Constitution, formed by a Convention held in 1864, under the provisions of this Act, was submitted to the voters of Colorado and rejected; but a second Constitution, formed by a second Convention held in August, 1865, was submitted to the voters of Colorado on the 5th September, 1865, and was ratified by a majority of 105. Congress at the ensuing session passed an Act for the admission of Colorado into the Union, which was vetoed by President Johnson, May 15, 1866. A second Bill passed by Congress for the admission of Colorado into the Union was also vetoed by President Johnson, January 29th, 1867. A Constitution was adopted at a Convention which met at Denver, December 20th, 1875, and completed its labours March 14th, 1876. It was submitted to the people of Colorado and ratified July 1st, 1876. The President of the United States issued his Proclamation, August 1st, 1876, declaring that the fundamental conditions imposed by Congress had been ratified, and that the admission of the State into the Union was complete.

DATES.—Treaty ceding Louisiana, 1803 (pp. 687-689). Convention between United States and Texas, 1838 (pp. 1763 - 1764). The Treaty of Guadalupe Hidalgo, 1848 (pp. 185 - 194). The Territorial Government of Colorado, 1861 (pp. 212-217). Enabling Act for Colorado, 1875 (pp. 217-219). Constitution of Colorado, 1876 (pp. 219-248).

CONNECTICUT*

So named from the Indian—Long River. First settled by the English about 1635.

A provisional Government was instituted under a commission from the General Court of Massachusetts (March 3rd, 1636) to eight of the persons who "had resolved to transplant themselves and their estates unto the river Connecticut," "that commission taking rise from the desire of the people that removed, who judged it inconvenient to go away without any frame of Government—not from any claim of the Massachusetts of jurisdiction over them by virtue of patent." Springfield withdrew in 1637 from the Association, and the remaining towns—Windsor, Hartford, and Wethersfield—formed a voluntary compact or Constitution, known as "the fundamental orders of Connecticut," on 14th January, 1638-39.

The Colonies of Hartford and Newhaven continued separate until they accepted the Charter of 1662 from King Charles, April 20th, 1665. An attempt was made in 1687 to repeal this Charter, but the Colonists refused to surrender it, and after the accession of William and Mary, 1689, it was again recognised. The Constitution of 1776 continued this Charter as the organic law of the State. The last Constitution of 1818 was framed by a Convention which met at Hartford in August, 1818, and was adopted by the people 5th October, 1818, receiving 13,918 votes against 12,361 votes.

DATES.—Fundamental orders of Connecticut 1638-39 (pp. 248-252). Charter of Connecticut, 1662 (pp. 252-257). Constitution of 1776 (pp. 257-258); ditto of 1818 (pp. 258-269).

DELAWARE*

Originally settled by the Swedes in 1638—named in honour of Lord Delaware.

The province of Pennsylvania was granted to William Penn under letters patent by King Charles II., March 4, 1680, and "the territories" thereto belonging, including the counties of Newcastle, Kent, and Sussex upon Delaware, were likewise granted to William Penn by James, Duke of York and Albany, 24th August, 1682. By the Charter of Delaware 1701, Penn consented to the separation of the Territories for Legislative purposes, and in 1776 the first Constitution of the Delaware State was framed by a Convention which assembled at Newcastle, August 27th, 1776, in accordance with the recommendation of the Continental Congress after the Revolution that the people of the Colonies should form Independent State Governments. It was proclaimed September 21st, 1776. A second Constitution of 1792 was framed

by a Convention which met at Newcastle in June, 1792, and it was put in operation without having been submitted to the people. This was amended by a Convention which met November 8th, 1831.

DATES.—Charter of Delaware 1701 (pp. 270-273). Constitution of Delaware 1776 (pp. 273-278); ditto of 1792 (pp. 278-288). Amendment to Constitution of 1792 (p. 288). Constitution of 1831 (pp. 289-303).

FLORIDA.

The Peninsula of Florida was discovered by Christopher Columbus in the fifteenth century, on an Easter Sunday, and named by the Spaniards *Pascua-florida*—Flowery Easter, hence Flowery or land of Flowers. It was settled by Spaniards in 1565. Under the Commission and Prerogatives granted to Columbus constituting him Don, Admiral, Viceroy, and Gouverneur of the lands he might discover and conquer, Spain claimed and exercised ultimate dominion over her possessions in America, on the rights given by the discovery of America under this Commission, and the Bull of Pope Alexander conceding America to Spain. Florida was ceded to the United States by a Treaty concluded February 22nd, 1819. Complications had arisen under previous treaties with France. Congress passed a joint resolution, approved January 15th, 1811, declaring that the United States, under the peculiar circumstances of the existing crisis, could not, without serious inquietude, see any part of this disputed territory pass into the hands of any foreign power, and that a due regard to their own safety compelled them to provide, under certain contingencies, for the temporary occupation of the disputed territory, they, at the same time declaring that the territory should in their hands remain subject to future negotiation. An Act of Congress, approved on the same day, authorised the President to take possession of and occupy all and any part of the territory lying east of the river Perdido, and south of the State of Georgia and the Mississippi Territory, in case an arrangement had been, or should be, made with the local authority of the said territory for delivering up the possession of the same or any part thereof to the United States, or in the event of an attempt to occupy the said territory or any part thereof by any foreign Government. This determined action led to the ceding of Florida, as above stated. There have been several Constitutions, that of 1868 was framed by a Convention held under the reconstruction laws of Tallahassee, January 20th, 1868, which ignored the Constitution of 1865, and completed its work February 25th, 1868. It was submitted to the people in May 1868, and ratified by 14,520 votes against 9,491 votes.

DATES.—Prerogatives granted to Christopher Columbus (pp. 304-5). Bull of Pope Alexander conceding America to Spain (pp. 305-307). Treaty between Spain and the United States, 1795 (pp. 307-308). Treaty with Spain ceding Florida 1819 (pp. 308-312). Territorial Government of Florida 1822 (pp. 313-316). The Constitution of Florida 1838 (pp. 317-331). Enabling Act for the State of Florida, 1845 (pp. 331-332). Constitution of 1861 (p. 332); ditto of 1865 (pp. 332-346); ditto of 1868 (pp. 347-364). Amendments (pp. 365-368).

GEORGIA.*

Georgia was included in a proprietary Charter granted to the Lords proprietors of Carolina in 1662-63, for which a provincial Charter was substituted in 1719. It was named in honour of George II. The Charter of Georgia as an Independent Colony was granted in 1733 to a Company organised by James Oglethorpe, Esq., who desired to provide in the new New World homes for indigent persons. This Charter was surrendered June 20th, 1752, and a provincial Government, with a Governor and Council, was substituted on the recommendations of the Lords Commissioners for Trade and Plantations.

There have been five Constitutions:—1. 1777 framed by a Convention assembled at Savannah, October 1st, 1776, in accordance with the recommendation of the Continental Congress that the people of the Colonies should form Independent State Governments. Unanimously agreed to February 5th, 1777.

2. 1789, framed by a Convention assembled at Augusta, November 4, 1788. ratified by a Convention chosen for the purpose January 4, 1789. This was amended by a Convention which met at Louisville, May 16, 1795. Amendments not submitted to the people.

3. 1798, framed by a Convention which met at Louisville, May 8, 1798. This Constitution went into effect in October of same year, without having been submitted to the people. Amended at various times up to 1849, amendments not being submitted to the people.

4. 1865. A Convention called by Provisional Governor James Johnson met October 20, 1865, repealed the Ordinance of Secession, October 30, and submitted this Constitution to the people November 7, 1865. It was ratified, receiving 17,699 votes.

5. 1868, framed by a Convention called by order of Major-General Meade, which met at Atlanta, December 8th, 1867. Submitted to the people March 11th, 1868. Ratified by 89,007 against 71,309 votes. There have been various amendments.

DATES.—Charter of Georgia 1732 (pp. 369-377). Constitution of 1777 (pp. 377-383); ditto of 1789 and amendments (pp. 384-387); ditto of 1798 and amendments (pp. 388-401); ditto of 1861 (revision) (p. 401); ditto of 1865 (pp. 402-411); ditto 1868 (pp. 411-426).

ILLINOIS.

The Illinois territory was originally settled by the French in 1682, and took its name from the union of an Indian and French word, signifying "Tribe of men." Illinois was formerly a territory included in the Charter of Virginia, and was ceded to the United States by an Act passed in accordance with the recommendation of Congress, that the several States of the Union having claims to waste and unappropriated lands in the Western Country should make a liberal cession of the same for the common benefit of the Union. The Legislature of Virginia passed this Act December 20th, 1783, conveying to the United States all the rights of the Commonwealth of that State to the territory north-west of the River Ohio. Special provisions were made as to the use and navigation of the River Ohio (q.v.)

DATES.—Virginia Act of Cession, 1783 (pp. 427-428). Deed of Cession, 1784 (p. 428). The North-west Territorial Government, 1787 (pp. 429-432). Act of Ratification, 1788 (p. 433). North-west Territorial Government, 1789 (p. 433); ditto, 1800 (p. 434). Territorial Government of Illinois, 1809 (p. 435). Enabling Act for Illinois and Acceptance, 1818 (pp. 436-439). The Constitution of Illinois, 1818 (pp. 439-449). Admission to the Union, 1818 (p. 449). Constitution of Illinois, 1848 (pp. 449-470); ditto of 1870 (pp. 470-495).

INDIANA.

This territory was also first settled by the French in 1702. It was ceded by Virginia to the United States, and authorised by Congress to form for themselves a State Government, and to assume such name as they might deem proper. Under one of their Constitutions, adopted in 1851, stringent provisions were made against the admission of negroes and mulattoes into the State, contracts with such persons were declared void, and fines were prescribed against persons encouraging them in any way. The Courts of Indiana, however, declared this article (the 13th) repugnant to the Constitution of the United States.

DATES.—Virginia Act of Cession, 1783 (pp. 427-428). Deed of Cession, 1784 (p. 428). North-west Territorial Government, 1787 (pp. 429-432). Virginia Act of Ratification, 1788 (p. 433). North-west Territorial Government, 1789 (p. 433). The Territorial Government of Indiana, 1800 (pp. 434-435); ditto 1809 (pp. 435-436-497). Enabling Act for Indiana, 1816, and ordinance accepting same (pp. 497-499). Constitution of Indiana, 1816 (pp. 499-512). Resolution of Congress, admitting State to the Union, 1816 (p. 512). Constitution of 1851 (pp. 512-527).

IOWA.

The Americans settled this territory about 1833, and named it from the French form of an Indian word applied by the Sioux to the "Gray Snow Tribe," and meaning the "Drowsy" or the "Sleepy Ones." It was originally a territory of Missouri, not included within the boundaries of the State of Missouri. The first Constitution was adopted at a Convention which met at Iowa city, May 4th, 1846, and completed its labours May 19th, 1846; ratified by the people August 3rd, 1846, by 9,492 votes against 9,036 votes. Iowa was admitted to the Union December 28th, 1846. The Constitution of 1857 was adopted by a Convention at Iowa, March 6th, 1857, and ratified August 3rd by 40,311 against 36,681 votes.

DATES.—Territorial Government of Michigan, 1834 (p. 528). The Territorial Government of Iowa, 1838 (pp. 528-533). Enabling Acts for Iowa, 1845 (pp. 534-535). Boundaries Act Iowa, 1846 (p. 535). Constitution Act, 1846 (pp. 536-551). Act admitting State of Iowa, 1846 (p. 551). Constitution Act, 1857 (pp. 552-567).

KANSAS.

Kansas (from the Indian, "Smoky Water") was at one time part of the Territories of Missouri and Texas, and after the admission of those States to the Union what is now known as Kansas had no distinct Government. Its history dates back to the Cession of Louisiana by France in 1803. It obtained a Territorial Government in 1854; and the first Constitution was framed by a Convention which met at Topeka, October 23rd, 1855, and completed its labours November 2nd, 1855. Ratified by the people December 15th, 1855, by 1,731 votes against 46. In 1857 a new Constitution was adopted, containing an Article (VII.) in favour of slave holding. This Constitution was adopted at a Convention which met at Lecompton, September 5th, 1857, adjourned for a month, and completed its labours November 7th, 1857. It was immediately forwarded to President Buchanan. The clause sanctioning slave holding was submitted to the people of Kansas, and ratified December 31st, 1857, receiving 6,226 as against 589 votes. The entire Constitution, with its conditional propositions, was submitted to the people of Kansas by its advocates and by its opponents, and each claimed the support of a majority. It was claimed that on the 21st December, 1858, the Constitution with slavery was ratified, receiving 6,143 votes against 589 for the Constitution without slavery; and it was also claimed that on the 4th of January, 1859, the Constitution was rejected, receiving 138 votes for it with slavery, 24 votes for it without slavery, and 10,126 votes against it. At the same time a Convention met at Mineola, March 23rd, 1858, adjourned to Leavenworth, March 25th, 1858, and completed its labours April 3rd, 1859. It was claimed that it was submitted to the people of Kansas on the third Tuesday of May, 1858, and ratified, receiving 4,346 votes against 1,257 votes. Section 6 of the 12th Article of this Constitution declared, "There shall be no slavery in this State, and no involuntary servitude, unless for the punishment of crime, whereof the parties shall have been duly convicted." In 1859 yet another Constitution was adopted at a Convention which met at Wyandotte, July 5th, and completed its labours July 29th, 1859. This contained the no-slavery clause. It was submitted to the people of Kansas, October 4th, 1859, and ratified, receiving 10,421 against 5,530 votes. Various amendments were made up to 1876, when the Constitution was again ratified.

DATES.—The Territorial Government of Kansas, 1854 (pp. 569-580.) Constitution of Kansas, 1855 (pp. 580-598); ditto of 1857 (pp. 598-613); ditto of 1858 (pp. 613-629); ditto of 1859 (pp. 629-645).

KENTUCKY.

This State derives its name from the Indian—"as the head of a river;" or meaning, according to other authorities, "The dark and bloody ground."

Kentucky was originally settled by the whites as a Colony of Virginia, but after the Revolutionary War the settlers demanded an Independent Government under the following provisions in the first Constitution of Virginia:—"The western

and northern extent of Virginia shall in all other respects stand as fixed by the Charter of King James I. in the year 1609, and by the public treaty of peace between the Courts of Great Britain and France, in the year 1763, unless by Act of this Legislature one or more Governments be established westward of the Alleghanny Mountains." It was not, however, until there had been ten successive Conventions elected by the people of the "district," and four successive Enabling Acts passed by the Legislature of Virginia, that Kentucky was allowed to enter the Federal Union as an Independent State, on an equality with those which had established themselves as a nation. The first Constitution was adopted by a Convention which met at Danville, April 2nd, 1792, and completed its labours 19th April, 1792. This was not submitted to the people for ratification.

A Convention met at Frankfort, July 22nd, 1799, completing its labours August 7th, 1799, and produced the Constitution of that year, which took effect January 1st, 1800, without having been submitted to the people for ratification.

The third Constitution was framed by a Convention which met at Frankfort, October 7th, 1849, completing its labours June 11th, 1850. This was submitted to the people, and ratified by 71,563 votes against 20,302 votes.

DATES.—The three Charters of Virginia, 1606-1609, 1611-12 (pp. 1888-1902). Constitution of Virginia, 1776 (pp. 1910-1912). The territory south of the Ohio, 1790 (pp. 646). Act admitting Kentucky into the Union 1791 (p. 646). Constitution of Kentucky, 1792 (pp. 647-656); ditto, 1799 (pp. 657-688); ditto, 1850 (pp. 668-686).

LOUISIANA.

The lower Mississippi Valley, over which France exercised sovereignty by right of discovery in 1673, was called after Louis XIV. "The Province of Louisiana," of which New Orleans was the capital, and was governed by officials sent from France without any Charter. Louis XIV. granted a monopoly of trade and commerce for the term of fifteen years to Anthony Crozart, September 14, 1712, but it was surrendered in less than two years. A similar grant was made to the "Company of the West," subsequently the "Company of the Indies," controlled by John Law, September 6th, 1717, which was surrendered in 1730. France ceded that portion of the province of Louisiana lying east of the Mississippi River and the city of New Orleans to Spain, November 3rd, 1762, although Spanish rule was not asserted until August 18th, 1789. It was retroceded to France by the Treaty of San Ildefonso, October 1st, 1800, which was confirmed by the Treaty of Madrid, March 21st, 1801. France ceded Louisiana to the United States by the Treaty of 1803, which was laid before Congress by President Jefferson at a session which he had called for the 17th October of that year. After stating in a message the negotiations which had resulted in the purchase of the sovereignty of Louisiana, he said:—"Whilst the property and sovereignty of the Mississippi and its waters secure an independent outlet for the produce of the Western States, and an uncontrolled navigation through their whole course, free from collision with other Powers and the dangers to our peace from that source, the fertility of the country, its climate and extent, promise in due season important aids to our Treasury, an ample provision for our posterity, and a wide spread for the blessings of freedom and equal laws."

The Treaty providing for the purchase of Louisiana by the United States was ratified at Washington, October 21st, 1803, and the Commission appointed under it took formal possession December 20th, 1803, when Governor Claiborne issued a proclamation declaring that the Government previously exercised over the province by Spain and by France had ceased, and that of the United States was established over the same. An Act of Congress creating six per cent. stock to the amount of 11,250,000 dollars, for the purpose of carrying out the agreement with France for the purchase of Louisiana, was approved November 30, 1803.

What was known as the Territory of Louisiana (1805) is not included in the present State of Louisiana, which was originally the territory of New Orleans.

Louisiana has had six Constitutions, as follows :—

1st.—Constitution of 1812, framed by a Convention which met at New Orleans November, 1811, and completed its labours January 22nd, 1812.

2nd.—Constitution of 1845. Framed by a Convention which met at Jackson, August 5th, and adjourned to New Orleans August 24th, 1844. It resumed its labours at New Orleans January 14th, 1845, completing them May 16th, 1845. The Constitution was ratified by the people November 5th, 1845.

3rd.—Constitution of 1852. Framed by a Convention which met at Baton Rouge July 5th, and completed its labours July 31st, 1852. Ratified by people November 1st, 1852.

4th.—Constitution of 1861. A State Convention which met at New Orleans passed an Ordinance of Secession on 25th December, 1860, but refused by a vote of 84 against 45 to submit it to the people. In March, 1861, this Convention amended the State Constitution of 1852 by inserting the words "Confederate States" in place of "United States," with a few other unimportant changes. These amendments were not submitted to the people.

5th.—Constitution of 1864. This Constitution was formed by a Convention which met at New Orleans (under the auspices of General Banks, then commanding the military department of the Gulf), April 6th, 1864, and completed its labours July 23rd, 1864. It was submitted to the people in September and ratified by a vote of 6,836 against 1,566. The State Government organised under it was not recognised by Congress.

6th.—Constitution of 1868. This was formed by a Convention called under the Reconstruction Acts of Congress, which met at New Orleans in December, 1867, and completed its labours March 2nd, 1868. It was submitted to the people on the 17th and 18th August, 1868, and ratified by a vote of 66,152 against 48,739. This was amended at various times up to 1874.

DATES.—Treaty ceding Louisiana, 1803 (pp. 687-689). Convention between the United States of America and the French Republic, 1803 (p. 689). Act for taking possession of Louisiana, 1803 (p. 690). The Territories of Louisiana and Orleans, 1804 (pp. 691-695). The Territorial Government of Orleans, 1805 (pp. 696-697). The Territory of Louisiana, 1805 (pp. 697-698). Enabling Act for Louisiana, 1811 (pp. 699-700). Constitution of Louisiana, 1812 (pp. 700-709). Act for the admission of Louisiana to the Union, 1812 (pp. 709-710). Act enlarging the limits, 1812 (p. 711). Constitution of Louisiana, 1845 (pp. 711-725); ditto of 1852 (pp. 725-739); ditto of 1861 (p. 739); ditto 1864 (pp. 740-755); ditto 1868, with amendments (pp. 755-772).

MAINE.

Maine (or the Main Land) was first Colonised in 1603, under "the Charter of Acadia," which was granted by Henry IV. of France to Pierre du Gast, Sieur de Monts, a Protestant member of his suite. It embraced the whole of North America, between the 40th and 46th degrees of latitude. An expedition fitted out under it visited Passamaquoddy Bay in 1604, and another explored the Coast of Maine in 1605, entering the Penobscot, Kennebec and Saco Rivers. In 1606 it was determined to make a permanent settlement at Port Royal, and no further attempt was made to plant Colonies under this Charter within the limits of the present State of Maine. The French in Canada, however, maintained friendly relations with the Penobscot Indians, and had several Missionary and trading stations among them, until Great Britain took possession of the Country under the Treaty of Paris of 1673.

Under the First Charter of Virginia, 1606, James I. of Great Britain gave the lands along the North American Coast between the 34th and 45th degrees of north latitude to two companies, one of which had its head-quarters at London, and the other at Plymouth, England. The Plymouth, or second company, at once commenced Colonising the Coast of New England, which was especially assigned to it. The first Colony was planted on the Peninsula of Sabino, at the

mouth of the Kennebec River, August 19th, 1607, by George Popham. Strachey says:—"They fully finished the fort, trencht and fortifyed yt with 12 pieces of ordnance, and built 50 houses therein, besides a church and a storehouse, and the carpenters framed a pretty pinnace of about some 30 tonne, which they called the Virginia." Popham, "who brought into these wilds English laws and learning, and the faith and the Church of Christ," died February 5th, 1608, and was buried at Sabino. A fort which was erected near the spot by the United States Government in 1862 perpetuates the event by bearing the name of "Fort Popham."

In 1621 a grant was made by King James I. to the Earl of Stirling, who claimed that he was entitled to land on the Coast of Maine, afterwards granted to the Plymouth Company. By the King's direction that Company issued a patent to William Alexander, Earl of Stirling, "for a tract of the main land of New England, beginning at Saint Croix, and from thence extending along the sea coast to Pemaquid and the river Kennebeck" (see indication of the rights and titles of Alexander, Earl of Stirling).

A Grant of the Province of Maine was given in 1639 under a Charter granted by Charles I. to Sir Fernando Gorges, confirming a patent which had been given by the Plymouth Company, under the Charter of 1606, to Sir Fernando Gorges and Captain John Mason, dated August 10th, 1622. Gorges established a Government under it, which was broken up by his death in 1647. Sir Fernando Gorges' grandson, Fernando Gorges, sold and gave a deed of the Province of Maine, March 13th, 1677, to John Usher, a merchant of Boston, for £1,250. In the same year Usher gave a deed of the same territory to the Governor and Company of Massachusetts Bay.

The second Charter of Massachusetts Bay (1691) incorporated the provinces of Maine and of Acadia or Nova Scotia, with the Colonies of Massachusetts Bay and of Plymouth, into "one Royal Province, by the name of the Royal Province of Massachusetts Bay." The right of Government thus acquired over the "District of Maine" was exercised by Massachusetts until 1819.

Massachusetts, by an Act of her Legislature passed June 19th, 1819, submitted the question of separation to the people of Maine who, on that date, gave 17,091 votes in favour of forming an Independent State, against 7,132 votes. The Constitution was formed by a Convention which met at Portland, October 11th, 1819, and completed its labours October 29th, when it adjourned until January 5th, 1820, to receive the votes of the people on their work at a special election. The result was the ratification of the Constitution, which received 9,040 against 796 votes, in addition to the illegal or unseasonable votes, of which there were 985 for ratification against 77. This Constitution was amended from time to time up to 1876. The State of Maine was admitted into the Union March 3rd, 1820.

DATES.—The Charter of Acadia, 1603 (pp. 773-774). First Charter of Virginia, 1606 (pp. 1888-1893). The Grant to the Earl of Stirling, 1621 (pp. 74-82). Grant of the Province of Maine, 1639 (pp. 774-783); ditto 1664 (pp. 783-785); ditto 1674 (pp. 786-788). Second Charter of Massachusetts Bay, 1691 (pp. 942-954). Constitution of Maine, 1820, with amendments from 1834 to 1876 (pp. 788-809). Cession of Maine by Massachusetts, 1820 (p. 809). Admission of Maine to the Union, 1820 (p. 810).

MARYLAND.*

Sir George Calvert, visiting Virginia as one of the Royal Commissioners to whom the Government of that Colony was entrusted under the second Charter of 1609, explored the upper portions of Chesapeake Bay, and on his return petitioned Charles II. to grant him lands for the establishment of a Colony there. He died before the Charter granted him was executed, and it was issued to his son, Cæcilius Calvert, Lord Baltimore, who named it in honour of Queen Henrietta Maria. The Charter remained in force until the Revolution of 1776, when the people declared Maryland an Independent State, and the first Constitution was framed by a Convention of Delegates which met at Annapolis August 14th, 1776, and completed its

labours November 11th, 1776. It was not submitted to the people, but remained in force with amendments made by the Legislature up to 1851, when a new Constitution was adopted by a Convention which met at Annapolis on November 4th, 1850, and completed its labours on May 13th, 1851. This was ratified by the people June 4th, 1851. A third Constitution was framed at Annapolis by a Convention which sat from April 27th to September 6th, 1864. This was ratified by the people on 12th and 13th October by the following vote:—Home vote, 27,541 for, 29,536 against, and 61 blank. Soldiers' vote 2,633 for and 263 against. Majority in favour 375. The soldiers' vote Constitution remained in force a little over two years, and another Convention met at Annapolis on May 8th, 1867, sitting until August 17th. They framed another Constitution, which was ratified by the people by 27,152 against 23,036 votes.

DATES.—Charter of Maryland, 1632 (pp. 811-817). Constitution of 1876 (pp. 817-837); ditto of 1851 (pp. 837-859); ditto of 1864 (pp. 859-888); ditto of 1867 (pp. 888-920).

MASSACHUSETTS.*

The Blue Hills near Boston gave the name to this State, the Indian word Massachusetts signifying "the Great Hill." In remarks on the State of Maine reference has been made to the first Charter of Virginia of 1606, under which King James I. gave certain lands to two Companies, the one having its head-quarters at London, and the other at Plymouth, England. The London Company received a new Charter in 1609 as the South Virginia Company, and the Plymouth Company was re-organised in 1620 "for the planting, ruling, ordering, and governing of New England in America." The "Pilgrims" who landed at New Plymouth had procured, before leaving Europe, a grant of land from the London or South Virginia Company, but had subsequently decided to establish a Colony in New England. Before leaving the ship which brought them across the Atlantic, they drew up and signed a solemn compact, wherein they declared they had undertaken, for the glory of God and advancement of the Christian Faith, and the honour of our King and Country, a voyage to plant the first Colony in the northern parts of Virginia, and bound themselves to constitute and frame just and equal laws, ordinances, etc. They obtained several successive Letters Patent from the Plymouth Company, but none of them were confirmed by the Crown, and in 1691 the Plymouth Colony was annexed to Massachusetts Bay. Lord Sheffield, in January, 1623, gave a patent to the New England Company for the location of a Colony at Cape Anne. It was established, but did not thrive, and a new Charter, that of Massachusetts Bay, was obtained March 4th, 1628-9. The officers provided for in it were appointed at Plymouth, in England, but under a resolution adopted by the Company, August 29th, 1629, the seat of Government was transferred to Massachusetts. The Charter of 1629 was cancelled by judgment of the High Court of Chancery in England, June 18th, 1684, and a new Charter was granted 1691. The first State Constitution was framed by a Convention which met at Boston, September 1st, 1779, and after several adjournments completed its labours March 2nd, 1780. It was submitted to the people and ratified by more than two-thirds of those who voted. It was amended from time to time up to 1863. A Convention which met at Boston May 7th, 1853, and completed its labours on August 1st, framed a new Constitution, but this was not ratified by the people, receiving 63,222 votes against 68,150 votes.

DATES.—First Charter of Virginia, 1606 (pp. 1888-1893). The Charter of New England, 1620 (pp. 921-931). The Agreement between the "Pilgrim" Settlers at New Plymouth, 1620 (p. 931). The Charter of Massachusetts Bay, 1629 (cancelled) (pp. 932-942). The New Charter of Massachusetts Bay, 1691 (pp. 942-954). The Explanatory Charter, 1726 (pp. 954-956). Constitution of Massachusetts, 1780 (pp. 956-980).

MICHIGAN.

According to some authorities Michigan was a French settlement in 1670. The name is Indian, and signifies a weir or dam of twigs for catching fish. It is also

interpreted "Great Water." The French established a Colony at Detroit in 1702. This was ceded to Great Britain, with all the other French possessions east of the Mississippi River, by the treaty of Paris, February 10th, 1763, and was annexed by Royal proclamation to the British Colony of Quebec. It was relinquished to the United States by Great Britain by the treaties of 1782-83, although a British garrison was maintained until 1796. Under several Territorial Acts the boundaries of Michigan have been changed at various times. The first State Constitution was framed by a Convention called by the Territorial Legislative Council, which met at Detroit from May 11th to June 29th, 1835. This was ratified by the people November 2nd, 1835, and laid before Congress by President Jackson in a special message December 9th, 1835. Certain conditions were imposed by Congress, and submitted to a Convention which met at Ann Arbor, September 26th, 1836, and rejected them. They were, however, accepted by a second Convention which met at the same place on December 15th of the same year, and Michigan was admitted to the Union January 26th, 1837.

A second Constitution was adopted by a Convention which met at Lansing from June 3rd to August 15th, 1850, and this was ratified by a vote of 36,169 against 9,433. This has undergone various amendments up to 1876.

DATES.—Virginia Act of Cession, 1783-1784 (see Illinois, pp. 427-428). The North-west Territorial Government, 1787 (pp. 429-432). Virginia Act of Ratification, 1788 (p. 433). North-West Territorial Government, 1789 (p. 433). The Territorial Government of Indiana, 1800 (pp. 434-435); ditto of Michigan, 1805 (p. 982). Constitution of Michigan, 1835 (pp. 983-995; ditto of 1850 (pp. 995-1019).

MINNESOTA.

This State takes its name from the Indian word signifying cloudy or whitish water. Part of its area was embraced in the North-west Territory ceded to the United States by Virginia in 1783, and another part in the territory of Louisiana purchased from France in 1803. It was subsequently successfully included within the boundaries of seven distinct territories until its present State limits were defined. It was first settled by the Americans in 1819, and obtained its distinct Territorial Government in 1849. Its Constitution was framed by two distinct Conventions, each of which met July 13th, 1857, completing their labours August 29th, 1857, having mutually agreed to submit the same Constitution to the people. This was ratified by 36,240 votes against 700, and Minnesota was admitted to the Union February 26, 1858.

DATES.—Virginia Act of Cession, 1783 (Illinois, pp. 427-428). Various Territorial Governments from 1787 to 1838 (p. 1021). Territorial Governments of Minnesota, 1849 (p. 1,022). Enabling Act for Minnesota, 1857 (p. 1,027). Constitution of Minnesota, 1857 (p. 1,029).

MISSISSIPPI.

Named from the Indian Great and Long River, or Father of Waters, was originally settled by the French in 1716. A portion of its area was successively under the rule of Great Britain, Spain, and France before the United States took possession in 1798. Georgia then claimed jurisdiction over Alabama and Mississippi, but ceded her rights upon payment of 1,250,000 dollars out of the proceeds of the sale of public lands therein. The first Constitution of Mississippi was framed by a Convention which met at Washington from July 7th to August 15th, 1817, being ratified by the people at a special election. In 1832 a second Constitution was framed by a Convention which sat at Jackson from September 10th to October 26th, and was also ratified by the people. Ordinance and Constitutional amendments were adopted by another Convention called by the Provisional Governor in 1865. The amended Constitution remained in force until 1868, when a new one was framed by a Convention called under the Reconstruction Act of Congress, which met at Jackson from January 7th to May 15th, 1868. When first submitted to the people this Constitution was rejected by nearly 7,000 votes, but

when submitted a second time, November 30th and December 1st, 1868, it was adopted.

DATES.—Proprietary Charters of Carolina and Georgia 1663-1732. Territorial Government of Mississippi, 1798 (p. 1,049). Constitution of 1817 (pp. 1054-1067); ditto of 1832 (pp. 1067-1080); ditto of 1868 (pp. 1081-1096).

MISSOURI.

Named from the Indian word signifying Muddy, or Muddy River, was first settled by the French at Fort Orleans, near Jefferson City, in 1719. It was originally part of the territory of Louisiana, ceded in 1803, and was erected into a separate territory in 1812. The first Constitution was framed by a Convention which sat at Saint Louis June 12th to 19th, 1820, and the State was admitted to the Union March 2nd, 1821. A new Constitution adopted by a Convention in 1845 having been rejected by the people, that of 1820 was amended from time to time until 1865, when a Convention was called at Saint Louis, and adopted a Constitution which was ratified by the people June 6th, 1865. Ten years later, August, 1875, another Convention met at Jefferson City, and adopted a Constitution which was ratified by 90,600 against 14,362 votes.

DATES.—Treaty ceding Louisiana 1803 (pp. 687-690), see p. 1,097. Missouri Enabling Act, 1820 (p. 1,102). Constitution of 1820 (pp. 1104-1136); ditto of 1865 (pp. 1136-1165); ditto of 1875 (pp. 1165-1199).

NEBRASKA.

An Indian name signifying Water Valley or Shallow River, was obtained by the United States under the Treaty of Guadalupe Hidalgo, made with Mexico in 1848. It was first settled by the Americans in 1847 at Bellevue, near Omaha. An Enabling Act was passed in 1864, and the Territorial Legislature framed a Constitution which was completed February 9th, 1866, and ratified by the people. Congress imposed certain conditions, the chief of which was "there shall be no denial of the elective franchise, or of any other right to any person by reason of race or colour, excepting Indians not taxed." This was accepted by the Legislature, and Nebraska was admitted to the Union March 1st, 1867. The Constitution of 1875 was framed by a Convention which met at Lincoln June 12th, and was ratified by the people October 12th, 1875.

DATES.—(See p. 1,200). Constitution of 1866-67 (pp. 1203-1212). Admission Act 1867 (p. 1,213). Constitution 1875 (pp. 1214-1235).

NEVADA.

This State derives its name from the Spanish *Sierra Nevada*—snowy mountain ridge. It was ceded by Mexico under the Treaty of Guadalupe Hidalgo, 1848, and settled by the Americans in 1850. It was originally included under the Territorial Government of Utah, but became a separate territory in 1861. An Enabling Act was passed in 1864, a Constitution adopted in the same year, and the State admitted to the Union March 21st, 1864.

DATES.—Treaty of Guadalupe Hidalgo, 1848 (pp. 185-194). Territory of Utah, 1850 (p. 1,236). Territory of Nevada, 1861 (p. 1,240). Enabling Act, 1864 (p. 1,245). Constitution of 1864 (p. 1,247).

NEW HAMPSHIRE.*

So named by Sir Ferdinand Gorges in honour of Hampshire in England, was first settled by the English in 1629 under a grant made by the President and Council of New England to Captain John Mason. The Settlements sought the protection of Massachusetts in 1641 and enjoyed it until 1675, when Robert Mason, a grandson of John Mason, obtained a Royal Decree, under which four years later a Colonial Government, with a President, a Council, and a House of Burgesses were established. No Charter was given to the Colony and its Government was only continued during the King's pleasure. At a Congress held at Exeter, July 5th, 1776, it was voted "that the Congress take up Civil Government," and thereupon a

Constitution was framed and adopted, but not submitted to the people. A Convention met at Concord, June 10th, 1777, and framed a Constitution which was submitted to the people at their Town Meetings in 1779 and rejected. A new Convention was called which met at Exeter, June 12th, 1781, and framed another Constitution, which was submitted to the people at their Town Meetings for approval or amendments. So numerous were the amendments suggested, and so difficult was it to reconcile conflicting opinions, that the Convention did not complete its labours until October 31st, 1783. The Constitution thus discussed, amended, and approved in detail by the people of New Hampshire in their Town Meetings, assembled under the supervision of the Convention, was inaugurated June 2nd, 1784. It lasted about eight years, when another Convention was assembled at Concord, September 7th, 1791, and sat until September 5th, 1792, producing another Constitution, which was ratified at the polls. This Constitution has been amended by various Conventions up to 1877.

DATES.—New Hampshire Grant, 1629-1635 (pp. 1270-1274). Commission for New Hampshire, 1680 (pp. 1275-1279). Constitution of 1776 (p. 1,279); ditto, 1784 (pp. 1280-1293); ditto, of 1792 (pp. 1294-1309).

NEW JERSEY.*

This State, named in honour of Sir George Carteret, Governor of the British Island of Jersey, was first settled by the Dutch Colonists of the New Netherlands, 1617. It was originally part of the province of Maine granted by Charles II. to James, Duke of York. He in turn made a grant of the territory, now known as New Jersey, to John Berkeley and Sir George Carteret in 1664. Concessions were made from time to time by the Lords proprietors of New Jersey up to 1702, when they surrendered their rights to the Crown. The re-united province of New Jersey was thenceforth governed by Royal Governors, the people ever insisting upon their rights as established in the "Concessions" until the Revolution. Then came the Constitution of 1776, framed by a Convention assembled in accordance with the recommendations of the Continental Congress that the people of the Colonies should form independent State Governments. The preamble of this Constitution set forth that "Whereas all the Constitutional authority ever possessed by the Kings of Great Britain over these Colonies or their dominions was, by compact, derived from the people, and held of them, for the common interest of the whole society; allegiance and protection are, in the nature of things, reciprocal ties, each equally depending upon the other, and liable to be dissolved by the other being refused or withdrawn. And whereas George the Third, King of Great Britain, has refused protection to the good people of these Colonies, and, by assenting to sundry Acts of the British Parliament, attempted to subject them to the absolute dominion of that body, and has also made war upon them in the most cruel and unnatural manner, for no other cause than asserting their just rights—all civil authority under him is necessarily at an end, and a dissolution of Government in each Colony has consequently taken place." This Constitution was amended in 1877 by substituting the words "State" and "States" for "Colony" and "Colonies," and New Jersey was one of the original States of the Union. An amended Constitution was framed by a Convention which met at Trenton in May, 1844, ratified by the people in August, 1844, and amended up to 1876.

DATES.—Royal Grants to the Duke of York, 1664-1674 (pp. 783-788). Grant of New Jersey, 1664. Concessions by the Lords Proprietors, 1664-1665. Constitution of New Jersey, 1776 (p. 1310). Constitution of 1844 amended to 1876 (pp. 1314-1327).

NEW YORK.*

This State was originally settled by the Dutch in 1622. They had begun to settle trading-posts on the Hudson river in 1613, and claimed jurisdiction over the territory between the Connecticut and the Delaware rivers, which they called New Netherlands. The Government was vested in "The United New Netherland Company," chartered in 1616, and then in the "Dutch West India Company,"

chartered in 1621. The rule of these Companies was not a success, and in 1649 a Convention of the settlers petitioned the "Lords States General of the United Netherlands" to grant them "suitable Burgher Government such as their High Mightinesses shall consider adapted to this Province, and resembling somewhat the Government of Our Fatherland," with certain permanent privileges and exemptions, that they might pursue "the trade of our country as well along the coast from Terra Nova to Cape Florida as to the West Indies and Europe, whenever our Lord God shall be pleased to permit."

The Directors of the "Dutch West India Company" resented this attempt to shake off their rule, and wrote their Director and Council at New Amsterdam:—"We have already connived as much as possible at the many impertinences of some restless spirits, in the hope that they might be shamed by our discreteness and benevolence, but, perceiving that all kindnesses do not avail, we must therefore have recourse to God, to nature, and the law. We accordingly hereby charge and command your Honors, whenever you shall certainly discover any clandestine Meetings, Conventicles, or Machinations against our States' Government, or that of our country, that you proceed against such malignants in proportion to their crimes."

The Duke of York (afterwards James II.) had purchased in 1663 the grant of Long Island and other Islands on the New England Coast, made in 1635 to the Earl of Stirling, and in 1664 he obtained from King Charles the Second a grant of a considerable portion of the province of Maine. A subsequent grant was made to him in 1674, to perfect his title. In 1664 he equipped an armed expedition, which took possession of New Amsterdam, which was henceforth named New York, in honour of the Duke. This conquest was confirmed by the Treaty of Breda in July, 1667. In July, 1673, a Dutch fleet re-captured New York, and held it until it was restored to the English by the Treaty of Westminster in February, 1674. The original grants to the Duke of York are in the New York State Library.

The first Constitution of New York, dated Kingston, April 20th, 1777, sets out that "Whereas the many tyrannical and oppressive usurpations of the King and Parliament of Great Britain on the rights and liberties of the people of the American Colonies had reduced them to the necessity of introducing a Government by Congresses and Committees, as temporary expedients, and to exist no longer than the grievances of the people should remain without redress," and "Whereas his Britannic Majesty, in conjunction with the Lords and Commons of Great Britain, has, by a late Act of Parliament, excluded the inhabitants of these United Colonies from the Protection of his Crown," etc., therefore

RESOLVED.—"That it be recommended to the respective Assemblies and Conventions of the United Colonies, where no Government sufficient to the exigencies of their affairs has been hitherto established, to adopt such Government as shall, in the opinion of the Representatives of the People, best conduce to the happiness and safety of their constituents in particular, and America in general."

Among other things the Constitution sets out, that "When in the course of human events it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth the separate and equal station to which the laws of Nature, and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation," and then the Constitution sets out clearly some twenty or thirty of the grievances of the Colonists, and proceeds to put the future Government into form.

This Constitution was framed by a Convention which met at White Plains, July 10th, 1776, and, after repeated adjournments and changes of location, terminated its labours at Kingston, Sunday evening, April 20th, 1777, when the Constitution was adopted with but one dissenting vote. It was not submitted to the people for ratification.

A second Constitution was framed by a Convention which assembled at Albany August 28th, and completed its labours November 10th, 1821. It was ratified in February, 1822, receiving 74,732 votes against 41,402 votes.

A third Constitution was adopted by a Convention which met at Albany from 1st June to October 9th, 1846, and was ratified in November, 1846, receiving 221,528 votes against 92,436 votes. This was amended at various times up to 1874. In this Constitution the question of equal suffrage to coloured persons was submitted separately for adoption in 1846, and rejected by a vote of 85,306 to 223,834. It was again submitted in 1860 with the like result, the vote being 197,503 to 337,984. The same question was placed before the people at the election for or against a new Constitution framed in 1867 and submitted in 1868, and answered negatively by a vote of 282,403 to 249,802. Every male citizen of the age of 21 years is now entitled to vote if he has otherwise complied with the conditions of the law.

DATES.—Grants to the Duke of York, 1664-1674 (pp. 783-788). Constitution of 1777 (pp. 1328-1340); ditto of 1821 (pp. 1341-1351); ditto 1846 (pp. 1351-1378).

NORTH CAROLINA.*

The first step in the work of English Colonisation in America is marked by the granting of a special Charter of discovery to Sir Walter Raleigh by Queen Elizabeth. Under this five voyages were made without the discovery of any permanent settlement. In 1630 a grant was made to Sir Robert Heath, who was Attorney-General to Charles I., and Bancroft says, "There is room to believe that in 1639 permanent plantations were planned, and perhaps attempted by his assign," but the patent was declared void in 1663 because the purposes for which it had been granted had never been fulfilled. Following this the Charter of Carolina, 1663, was granted by Charles II. to the Earl of Clarendon, the Duke of Albemarle, and six others, who were "excited with a laudable and pious zeal for the propagation of the Christian faith, and the enlargement of our Empire and dominions," etc., and who were anxious to establish a Colony in America. In the same year they planted a Colony at Albemarle, and named the province in honour of the Monarch, deriving the name from *Carolus*, the Latin for Charles. A second Charter was granted in 1665. The Fundamental Constitutions of Carolina were framed in 1669 by John Locke, Author of the Essay on the "Human Understanding," and amended by the Earl of Shaftesbury previously known as Anthony Ashley Cooper. These Constitutions were only partially put into operation and were abrogated by the Lords proprietors in April 1693. By the Mecklenburgh resolutions, adopted by a Convention of Delegates from the County of Mecklenburgh, assembled at Charlotte, May 20th, 1775, the Colonists declared themselves a free and independent people, and a "Congress" elected and chosen for that particular purpose assembled at Halifax November 12th, 1776, and framed the first Constitution, which was not submitted to the people for ratification. The Constitution was revised in 1861, and an Ordinance prohibiting slavery in North Carolina was passed in 1865. In 1868 a new Constitution was adopted, and the amended Constitution of 1876 was framed by a Convention assembled at Raleigh in September and October of that year. It was ratified by the people by 122,912 against 108,829 votes.

DATES.—Original Charters, 1584-1663 (pp. 1379-1397). The Fundamental Constitutions of North Carolina, 1669 (pp. 1397-1408). Mecklenburgh Resolutions, 1775 (p. 1408). Constitution of 1776 (pp. 1409-1419); ditto of 1868 (pp. 1419-1435). Amended Constitution, 1876 (pp. 1436-1451).

OHIO.

The territory east of the Mississippi and north of the Ohio, and west of Pennsylvania, which had been under the jurisdiction of the Province of Quebec before the Revolution, was claimed by Virginia, which State formally ceded its claims to the Federal Government upon condition that it should be formed into States. The States of Massachusetts, Connecticut, and New York also ceded, at different times, claims to jurisdiction over western lands under their respective Colonial Charters. In this territory the Americans in 1788 settled the State of "Ohio," which in the Indian language means "beautiful river." An Enabling Act

and the first Constitution were passed in 1802, and on November 30th of that year Ohio was admitted to the Union. A Convention sat at Columbus from May to July, 1850, to frame a new Constitution, but owing to the cholera adjourned to Cincinnati, where its labours were completed March 10th, 1851. This was ratified by the people by 12,663 votes against 109,699 votes.

DATES (see p. 1452).—Enabling Act 1802 (p. 1453). Constitution 1802 (pp. 1455-1465). Recognition of Ohio, 1803 (p. 1464). Constitution, 1851 (p. 1465-1481).

OREGON.

This State derives its name either from the Indian word, meaning river of the West, or from the Spanish wild Marjoram, which grows there in abundance. It was settled by the Americans in 1811, and in 1818 a Convention was entered into with Great Britain, which left the rivers and navigation free and open to the ships of both powers for a term of 10 years. A similar Convention was entered into with Russia in 1824, leaving the Pacific Ocean and the Coasts either for navigation or fishing, free to the high contracting parties. To avoid the state of doubt and uncertainty prevailing as to the sovereignty and Government of the territory on the North-west coast of America, a Treaty was concluded in 1846, fixing the boundaries of the United States Territory at the 49th parallel of North latitude. In the year 1848 a Territorial Government for Oregon was framed, and on March 3rd General Joseph Lane, the first Territorial Governor, arrived and put the Government into operation, replacing the Provisional Government established by the Colonists in 1841. A new Constitution was framed and ratified in 1857, and Oregon was by a special Act of Congress admitted into the Union February 14th, 1859.

DATES.—Convention with Great Britain, 1818. Convention with Russia, 1824. Treaty with Great Britain, 1846 (pp. 1482-1484). Territorial Government of Oregon, 1848 (pp. 1485-1491). Constitution of Oregon, 1857 (pp. 1492-1507). Admission Act, 1859 (p. 1,507).

PENNSYLVANIA.*

The province of Pennsylvania was originally settled by the Swedish West India Company in 1625. This company, which was established under the patronage of King Gustavus Adolphus, founded the first agricultural Colonies on the banks of the Delaware River, although the Dutch had previously established trading posts there, which had been destroyed by the Indians. The Swedes acquired, by successive purchases from the Indian chiefs, "all the lands extending from Cape Henlopen to the Great Falls of Delaware." It was also asserted when John Oxenstiern went to England in 1631 as Swedish Ambassador, Charles I. ceded to Sweden all the pretensions that the English had upon the Delaware Valley, which consisted merely in the right of first discovery. Historians have never found the Treaty, and the cession is regarded as doubtful.

The original British Charter of the province of Pennsylvania was made by Charles II. in 1681 to William Penn, the Quaker, a son of Admiral Penn, who had large claims against the King for cash advances made, and services rendered by his father. The debt was cancelled by the grant of the extensive Province of Sylvania, or, as the King insisted on having it called, Pennsylvania. To perfect his title, William Penn purchased, in August, 1682, a quit-claim from the Duke of York to the lands west of the Delaware River, embraced in his patent of 1664, and on taking possession of his domain he still further strengthened his title by re-purchasing his lands from the Indians, who were so pleased that they styled him the Great Onas, and swore that they would "live at peace with Onas and his children so long as sun and moon should endure." Penn's Conference with the Indians on the Saximaging, the "locality of the Kings," under a mighty elm tree, has been several times pictured by our best artists, Benjamin West's picture being well known. The great elm tree stood for a hundred and thirty years, an object of veneration to the people.

Penn granted liberal concessions to the settlers in his province, and the frame of a Government was agreed upon in England in 1682, which was amended in 1683,

and again in 1696. A Charter of Privileges was granted by Penn in 1701, with the approbation of the General Assembly, and remained in force until the Revolution. Constitutions were framed by Conventions, and agreed to in 1776 and 1790 respectively, the State being admitted to the Union December 12th, 1787. A new Constitution was framed in 1837 by a Convention which met in May at Harrisburgh, and afterwards concluded its labours at Philadelphia, February 22nd, 1838. A fourth Constitution was framed by Convention in 1873, and ratified by 293,564 votes against 109,198 votes.

DATES.—Articles of Swedish West India Company 1625, and Charter of Pennsylvania, 1681 (p. 1,509). Penn's Concessions 1681 (p. 1,517). Frame of Government 1682, 1683, and 1696 (pp. 1518-1540). Constitution of Pennsylvania, 1776 (pp. 1540-1548); ditto of 1790 (pp. 1548-1557; ditto 1833 (pp. 1557-1570); ditto 1873 (pp. 1570-1593).

RHODE ISLAND.*

Rhode Island was named either from a fancied resemblance of the Island to the Isle of Rhodes in the Mediterranean, or from the Dutch Rood or Red Island. It was first settled in 1636 by Roger Williams, and other Immigrants who had suffered persecution in Massachusetts, and who established at Providence "A pure democracy, which for the first time guarded jealously the rights of conscience by ignoring any power in the body politic to interfere with those matters which alone concern man and his Maker."

A patent for the Providence Plantations was issued in 1643. The Commonwealth of England claimed the right in 1651 to appoint a Governor for Rhode Island and Providence Plantations, with a Provincial Council to be elected by the freeholders, and accepted by himself. After the restoration an agent was sent to England, who obtained a special Charter from Charles II. This was superseded in 1842 by the Constitution of Rhode Island, which had joined the Union in 1790. This Constitution was amended up to 1864.

DATES.—Patent of 1643 (p. 1594). Charter of 1663 (p. 1595). Constitution of Rhode Island, 1842 (pp. 1603-1614).

SOUTH CAROLINA.*

South Carolina was originally settled under the Charter of 1663 (see North Carolina) and was one of the States which declared their Independence at the time of the Revolution. A Constitution was framed by the "Provincial Congress" of South Carolina and adopted March 26th, 1776. It was not submitted to the people for ratification. The preamble of this Constitution very fully sets out the grievances as between the Colonists and Great Britain, and expresses a hope that a reconciliation may be brought about "upon just and constitutional principles;" its provisions were, therefore, of a temporary character. In 1778, the United Colonies having declared their Independence, a new Constitution was framed by the General Assembly of South Carolina, by which it was passed as an Act March 19th, 1778, although it did not go into effect until November, 1778. It was soon afterwards declared by the Supreme Court of South Carolina that both the Constitution of 1776 and the Constitution of 1778 were simply Acts of the General Assembly, which that body could repeal or amend at pleasure. The Constitution remained in force, however, until June 3rd, 1790, when a Convention which had assembled at Columbia completed its labours and gave the State a new Constitution, although it was not submitted to the people for ratification. This was amended and revised at various times up to 1861. In 1865 a Convention called by Provisional Governor Benjamin F. Perry, which assembled September 13th, repealed the Ordinance of Secession and framed another Constitution; this was not submitted to the people for ratification. This lasted until 1868 when another Constitution was framed by a Convention (called by Major-General Canby under the Reconstruction Acts of Congress), and which met at Charleston January 14th, 1868, and completed its labours March 17th, 1868. It was submitted to the people April 14th and 16th, 1868, and ratified by 70,558 votes against 27,288 votes.

DATES.—Original Charters, 1663-1665. First Constitution, 1776 (p. 1615). Constitution of 1778 (pp. 1620-1627); ditto of 1790 (pp. 1628-1637); ditto of 1865 (pp. 1637-1645); ditto of 1868 (pp. 1646-1663).

TENNESSEE.

The State of Tennessee—named from the Indian, the river of the big bend—is within the limits of the territory granted by Queen Elizabeth to Sir Walter Raleigh (see North Carolina, p. 1379), and of the subsequent land grants made by Charles II. to the Lords proprietors of Carolina. As it became settled it was recognised as a portion of North Carolina, but the pioneers as early as 1772 asserted the right of Self-government, and the Constitution of what was known as the "Watanga" Government was the first-written compact for civil rule anywhere west of the Alleghany Mountains. A few years afterwards North Carolina succeeded in exercising her rights of sovereignty, and in 1784 she offered to cede her lands west of the mountains to the United States, but the offer was not accepted, and was withdrawn. This led the "pioneers" to form for their personal security a Government known as the "State of Frankland." There was an indisposition manifested, however, to rebel against North Carolina, and a "Declaration of Rights" and "Constitution" which were submitted at a Convention were rejected, while the Constitution of South Carolina, slightly modified, was adopted (see Ramsay's Annals of Tennessee, p. 323-334). The powers of an Independent State Government, however, were exercised until North Carolina, by a conciliatory policy, resumed her jurisdiction, and then, February 25th, 1790, ceded that portion of her territory west of the mountains to the United States. The people then agreed to form the Free and Independent State of Tennessee, and a Convention was assembled at Knoxville, January 11th, 1796, which framed a Constitution, completed February 6th, 1796. It was not submitted to the people for ratification. The Act admitting the State to the Union was approved June 1st, 1796. A new Constitution was framed by a Convention which met at Nashville from May 19th to August 30th, 1834. This was ratified by 42,666 votes against 17,691 votes. In 1861 Tennessee was "seized upon and taken possession of by persons in hostility to the United States, and the inhabitants were declared in Insurrection by Act of Congress. The State had therefore to be restored to the Union by a Special Act of Congress, which passed July 24th, 1866, and recited that the people of the said State "did on 22nd February, 1865, by a large popular vote, adopt and ratify a Constitution of Government, whereby slavery was abolished, and all ordinances and laws of secession and debts contracted under the same were declared void," etc. Another new Constitution was framed by a Convention which assembled at Nashville January 10th, 1870, and completed its labours February 22nd, 1870. It was submitted to the people March 26th, 1870, and was ratified by 98,128 votes against 33,872 votes.

DATES.—Cession of Tennessee to the United States, 1790 (p. 1664). Constitution of 1796 (pp. 1667-1676). Act of Admission to Union, 1796 (p. 1676). Constitution of 1834 (pp. 1677-1694). Act of Restoration to Union, 1866 (p. 1694). Constitution of 1870 (pp. 1694-1711).

TEXAS.

The name of this State is derived from an Indian word, meaning friends. The first Colony of Europeans within the present limits of Texas was planted by a Frenchman, Robert Cavalier, Le Sieur de la Salle, near the entrance of Matagorda Bay, February 18, 1685. La Salle had found his way from Canada to the Mississippi River, and had descended it to the Gulf of Mexico in 1682, returning the way he came. Going back to France he fitted out a naval expedition, and sailed July 24, 1684, from La Rochelle, for the mouth of the Mississippi. Failing to find it, he established a Colony at Matagorda Bay, which was short-lived. In 1686 the Marquis of Laguna, then Viceroy of Mexico, sent an armed expedition to take possession of the country, and in 1691 Don Domingo Teran was appointed Governor

of Coahinla and Texas, with instructions to establish agricultural Colonies under military rule. France, however, never ceded her claim to Texas, and it having been transferred to the United States by the treaty of 1803, ceding Louisiana and its dependencies, the controversy was continued until closed by the Treaty of Guadalupe Hidalgo, 1848.

Coahinla and Texas were two North-eastern Provinces of Mexico not having sufficient population to entitle them to enter the Mexican Union as separate States, so they were united as "The State of Coahinla and Texas," and a State Congress framed a Constitution, which was proclaimed March 11th, 1827. In 1833 Texas became an Independent State of the Mexican Union, but when this was overthrown by General Antonio Lopez de Santa Anna, and other military chieftains, in 1836, Texas executed a Declaration of Independence, which was adopted by a Convention assembled at Washington, on the Brazos River, March 1st, 1836. The people deemed it "to be their right, during the disorganisation of the Federal system and the reign of despotism, to withdraw from the Union, to establish an Independent Government, or to adopt such measures as they may deem best calculated to protect their lives and liberties." In the same declaration they offered "their support and assistance to such members of the Mexican Confederacy as will take up arms against military despotism." An *ad interim* Government was at once established, and a Constitution framed, which came into effect March 17th, 1836, and thus Texas became an Independent Republic. Complications arose in 1838 as to boundary limits with the United States. It was held that the new Republic of Texas was bound by the Treaty entered into between America and the United Mexican States in 1828, when Texas formed a part of the said United Mexican States. A Convention was concluded which settled the boundaries, and in 1845, by joint resolutions of the Congress of the United States, and the consent of the people of Texas, the Republic was annexed and admitted as one of the States of the American Union (December 29th, 1845). The Constitution then adopted remained in force until in February, 1861, Texas seceded from the Union, joining the Southern Confederacy. In 1866 a new Constitution was framed by a Convention assembled at Austin in March and April. This was ratified by the people in June by 34,794 votes against 11,235, and complied with the requirements of Congress as to the abolition of slavery and the civil rights of Freedmen, etc. In 1868 a Convention was called, under the Reconstruction Acts of Congress, by Major-General Hancock, and met at Austin, June 1st, 1868, and, after two adjournments, completed its labours in December. It was submitted to the people on November 30th and December 1st, 1869, and ratified by 72,395 votes against 4,924 votes. This Constitution was laid before Congress and an Act passed March 30th, 1870, re-admitting Texas to representation on certain fundamental conditions. A further Constitution was framed by a Convention and ratified by the people in 1876.

DATES.—Constitution of the Republic of Mexico, etc. (pp. 1,712). Constitution of Coahinla and Texas, 1827 (pp. 1727-1747). Constitution of the State of Texas, 1833-1835 (pp. 1747-1752). Declaration of Independence and Constitution of 1836 (pp. 1752-1763). Convention between United States and Texas, 1838 (p. 1763). Annexation and consent thereto, 1845 (pp. 1764-5). Constitution of 1845 (pp. 1767-1783). Admission to the Union, 1845 (p. 1783). Secession 1861 (p. 1784). Constitution of 1866 (pp. 1784-1801). Constitution of 1868 (pp. 1801-1823). Constitution of 1876 (pp. 1824-1856).

VERMONT.

The State of Vermont (from the Indian "green mountains") was originally claimed by Massachusetts, New Hampshire and New York, and at the commencement of the Revolutionary struggle she not only sought Independence from British rule, but from the State of New York, which claimed sovereignty over the territory to the west bank of the Connecticut River, and from New Hampshire, which contested the claims of both New York and Vermont. In March, 1781, Massachusetts assented to the Independence of Vermont, which adjusted her

difficulties with New Hampshire in 1782, but it was 1790 before New York consented to her admission to the Union. The first Constitution was framed by Convention in 1777, affirmed by the Legislature and declared to be part of the laws of the State in 1779 and 1782. This provided for the election at intervals of seven years, commencing in 1785, of a "Council of Censors," who should not only enquire whether the Constitution had been preserved inviolate during the last septenary, and whether the Government had been faithfully exercised, but should propose such amendments to the Constitution as they might deem proper, and call a Convention to meet for the adoption or rejection of them. A new Constitution was thus adopted in 1786, ratified by the Legislature and declared to be part of the laws of the State in March, 1787. The State was admitted to the Union February 18th, 1791. In 1793 a New Constitution was adopted, which has been amended by the Council of Censors at their septennial sessions up to 1870.

DATES.—Constitution of Vermont, 1777 (pp. 1857-1865); ditto, 1786 (pp. 1866-1875). Admission to the Union, 1791 (p. 1875). Constitution of 1793 (pp. 1875-1887).

VIRGINIA.*

So named in honour of Queen Elizabeth, the "Virgin Queen"—was part of the territory included in the grant to Sir Walter Raleigh of 1584, referred to under the head North Carolina. It was first settled in 1607 under a Charter granted by King James to Sir Thomas Gates, Sir George Somers and others, which Charter was renewed and extended in 1609 to "the Treasurer and Company of Adventurers and Planters of the City of London, for the first Colony in Virginia." A further Charter of 1611-12 extended the jurisdiction of the Company to the Islands contiguous to the coasts. The first Bill of Rights and Constitution were formulated in June, 1776, and remained the law until 1830, when a new Constitution was framed by a Convention which assembled at Richmond in that year. This was ratified by the people by 26,055 votes against 15,563 votes, and remained the law until 1850, when another Constitution was formulated and ratified by 67,562 votes against 9,938 votes. At the period of secession Virginia was undecided for some time, but on February 13, 1861, Eastern Virginia joined the Confederacy; the Western part of the State refused to secede, and later became a separate State under the name of West Virginia. After the war a new Constitution was framed by a Convention which assembled at Alexandria February 13, 1864, composed of delegates from such portions of Virginia as were then within the Union lines, and had not been included in the recently formed State of West Virginia. This was adopted on April 11, 1864, and was not submitted to the people for ratification. Under it slavery was for ever abolished, but the State objected to the 14th amendment of Congress to the Constitution, which made the negro a citizen, and qualified him to hold office. A Convention was called under the Reconstruction Acts of Congress, which assembled at Richmond July, 1867, and completed its labours April 7, 1868, framing a new Constitution, which was not, however, submitted to the people until July 6, 1869, when clauses relating to the test oath and to disfranchisement, which were separately submitted, were rejected, and the remainder of the Constitution was ratified by 210,585 votes against 9,136 votes. It was not until 1870 that the State was re-admitted to the Union, and could send its representatives to Congress.

DATES.—Original grant and Charters (pp. 1888-1908). Virginia Bill of Rights and First Constitution, 1776 (pp. 1908-1912). Constitution of 1830 (pp. 1912-1919); ditto of 1850 (1919-1937). Secession, 1861 (p. 1937). Constitution of 1864 (pp. 1937-1952); ditto of 1870 (pp. 1953-1976).

WEST VIRGINIA.

This State was formed in 1861, of the Western Counties of Virginia which had not seceded from the Union, and it was at first proposed to call it the State of Kanawha. The first Constitution was framed by a Convention which assembled at Wheeling November 26th, 1861, and completed its labours February 18th, 1862.

It was submitted to the people of the counties named April 3rd, 1862, being ratified by 28,321 votes against 572 votes. The consent of the body recognised by the Federal Government as the Legislature of Virginia was given, and Congress then passed an Act, approved December 31st, 1862, providing for the admission of the new State upon condition of the adoption of an amendment by the people represented in Convention. This was done and the State was admitted, with the amended Constitution, 31st December, 1862. A Convention assembled at Charleston in 1872 framed another Constitution, which was ratified on August 22nd by a considerable majority of the people's votes.

DATES.—Formation of State and first Constitution, 1861-63 (pp. 1977-1992). Admission Act, 1862 (p. 1992). Constitution of 1872 (pp. 1993-2019).

WISCONSIN,

Or "the wild and rushing river," applied by the Indians to the rapids of the Wisconsin, was first settled by the French in 1669. Its first Territorial Government was established 1836, and ten years later an Enabling Act was passed. Under this a Constitution was framed, under which it was proposed to admit the State to the Union; but the people rejected it and a new Convention was called, which assembled at Madison December 15th, 1847, and framed another Constitution, which was ratified in 1848, and the State admitted to the Union on March 3rd of that year. This Constitution was amended up to 1874.

DATES.—References to various Acts of Cession, etc. (p. 2020). Territorial Government of Wisconsin, 1836 (p. 2021). Enabling Act, 1846 (pp. 2025-2027). Constitution of 1848 (pp. 2028-2050).

THE FOUR NEW STATES.

On the 1st October, 1889, the people of North Dakota, South Dakota, Montana, and Washington adopted their several Constitutions, elected their State officers, chose Members of Congress, and elected the four Legislatures which will send eight new United States Senators to Washington. Particulars of the new Constitutions are not yet obtainable in the Colonies, but they will be found doubtless much upon the same lines as those of States previously admitted to the Union. The *Philadelphia Weekly Press* represents as "giant children these four baby States; giants in territory, advanced toward maturity in development, social and industrial, and their population growing with startling rapidity. . . . Immigration is pouring into them all in an ever-increasing stream. Cities are rising like magic from the plains. These four new Empires are being peopled and subjected to the rule of civilisation with a rapidity which can only be explained by the fact that nature leaps to meet the embrace of labour. . . ." The writer tells graphically how States are made in America. He says:—"The legal process of State-making has been going on ever since the last Congress passed the Enabling Act, the Democrats, who had so long stood in the way, being forced at last to yield to the overwhelming demand for justice to the Territories. The States all had to make themselves before admittance to the Union. First the Territorial Governors called elections to choose delegates to Constitutional Conventions. All these Conventions began their work on the appropriate date of July 4th. They were all required to adopt the Federal Constitution and to make State Constitutions republican in form, without distinction in civil or political rights on account of race or colour, securing religious freedom and providing for public schools. Within these limitations each Convention has made a Constitution to suit itself. The next step is the ratification of these Constitutions by the people on October 1st. At the same time State officers and representatives in Congress will be elected. This done the President has only to proclaim that the law has been obeyed and the four new States are born. . . ."

NORTH DAKOTA.

There is little that is new in the North Dakota Constitution. The Bill of Rights has all the usual provisions, but one clause is novel. It repudiates State Sovereignty and declares that "the State of North Dakota is an inseparable part

of the American Union, and the Constitution of the United States is the supreme law of the land." Trial by jury remains inviolate—all citizens have the right "to obtain employment wherever possible." Vote-trading in the Legislature is made bribery. Legislative sessions are limited to sixty days. Local special legislation is prohibited as in Pennsylvania. The Governor has all the usual powers, and can pardon without the intervention of a Pardon Board. Only the Legislature can pardon treason. The Governor can veto parts of Appropriation Bills. There are the usual requirements of suffrage, and women can vote at school elections. Railway discrimination is left to the Legislature. The Prohibition issue is met by a prohibitory article, which the people are to vote upon apart from the Constitution.

SOUTH DAKOTA.

The Constitution on which the people voted yesterday (says the Press) was prepared by a Convention four years ago. It has been twice approved by popular vote in anticipation of the action of Congress, but it is none the less necessary that it be approved again. The Constitution is criticised as containing too much Legislation. The people seem to like it, however, as it contains everything. Clauses providing for prohibition, women's suffrage, and minority representation have to be voted on separately. In seventeen sections the Constitution hedges about the magnificent endowment for school purposes of 1280 acres in every township. In the Bill of Rights it is declared:—"In all trials for libel, both civil and criminal, the truth, when published with good motives and for justifiable ends, shall be a sufficient defence." Special Legislation, bribery, vote-trading, and the use of gubernatorial patronage are all specially forbidden.

WASHINGTON.

In making its Constitution the chief question in Washington was one that did not concern the other States. It is a local question, but it is big enough to be of general interest. This is the ownership of the tide lands. Puget Sound, with its long miles of water front and its high tides, has about 200,000 acres of tide-land susceptible of cultivation. Some 30,000 acres already reclaimed yield enormous crops of grass and grain, 100 bushels of oats to the acre, for example. Now, the new Constitution affirms the right of the State to these lands, and serious conflicts between "squatters" and the authorities are likely to result. Another matter that the new Constitution attempts to settle is the present control of the lumber business by a trust. The mills are allowed to produce only so much as high prices will absorb. The Constitution uses the strongest language in forbidding combinations to fix the price or limit the production of any commodity. In other respects the Constitution is not peculiar. The people were to vote separately on the questions of prohibition, women's suffrage, and the fixing of the State capital.

MONTANA.

This is the largest of "the new States, known as the State of minerals, cattle, and agricultural land yet undeveloped." Particulars of the new Constitution are not at present obtainable.

HUBBARD'S DIRECTORY.—A concise history of the States and Territories of the Union, specially written by distinguished pressmen resident within them, and accompanied by very complete statistical information, will be found in Vol. I. "Hubbard's Newspaper and Bank Directory of the World."

LVI. CANADA.

The Dominion of Canada was constituted on the 29th March, 1867, by the passage of a Bill through the Imperial Parliament "For the Union of Canada, Nova Scotia, and New Brunswick, and the Government thereof, and for purposes connected therewith." This Act was brought into force by Royal Proclamation May 27th, 1867.

The Act was the result of proceedings very similar to those now being carried on in Australia. The following is from a summary published by the Melbourne

Age, February 6th, 1890 :—On the 10th October, 1864, the Quebec Conference was begun. Delegates were present from the provinces of Canada, Nova Scotia, New Brunswick, Prince Edward Island and Newfoundland. The session lasted 18 days, and as the result of the deliberations a basis of Confederation was agreed upon in a series of 72 resolutions. The scheme was thus launched for discussion in the various provinces, the Delegates having undertaken to submit the resolutions to their respective Legislatures, and to use every legitimate means to ensure the adoption of the scheme. Prince Edward Island and Newfoundland eventually declined to enter the Union. Differences between the other three provinces cropped up, but these were finally adjusted by a Conference held in London in December, 1866. In February, 1867, Lord Carnarvon introduced the Bill, which was assented to as above described.

THE SCHEME OF FEDERATION.

The Act authorised Her Majesty in Council to declare by proclamation that on and after a certain day the Provinces of Canada, Nova Scotia, and New Brunswick should form one Dominion, under the name of Canada. Provision was made for the admission of Prince Edward Island, British Columbia, Newfoundland and the North-west Territories into the Union. British Columbia was admitted in 1871, and Prince Edward Island in 1873; in 1870 the North-west Territories were ceded to Canada, and in 1886 a further Imperial Act was passed to enable the Dominion to provide for the representation of territories not forming part of any province. The two last-mentioned Acts greatly increased the Legislative Powers of the Dominion, and enabled the creation of several new provinces. At present the Dominion of Canada consists of seven organised provinces, one organised district, and a vast extent of territory sparsely inhabited.

The following is from the "Colonial Year Book," 1890 (p. 130) :—

"The Executive Government is vested in the Crown, and is exercised by a Governor-General (now Lord Stanley, of Preston, G.C.B.), appointed by the Queen, assisted by a Privy Council chosen and summoned by himself. The seat of Government is Ottawa. The Constitution is similar in principle to that of England."

LEGISLATURE.

The supreme Legislative power is vested in a Parliament, consisting of the Queen, a Senate, and a House of Commons. The Senate consists of 80 members, nominated for life by the Governor-General, and so chosen that 24 belong to Ontario and 24 to Quebec, and the remainder to the other provinces of the Dominion. The qualification for Senator is the possession of property, 4,000 dollars, age of 30 years, and residence within the province for which he is appointed. The House of Commons consisted originally of 181 elected members, and has been raised by additions on the accession of new Provinces, and by the increase in population to 215; 92 representing Ontario, 65 Quebec, 21 Nova Scotia, 16 New Brunswick, 5 Manitoba, 6 British Columbia, 6 Prince Edward Island, and 4 the Territories. The basis on which the number of members allotted to each province is regulated is that Quebec shall always have 65, and the other Provinces a proportional number according to their population at each decennial census. There is no property qualification. Each member of the Senate and of the "House of Commons" receives 10 dollars a day if the session does not exceed 30 days, or 1,000 dollars in the aggregate if the session be beyond 30 days. A Parliament lasts five years, if not sooner dissolved. Election is by ballot, with a Franchise almost equal to Manhood Suffrage. The session usually extends from February to May.

ELECTORAL QUALIFICATION.

The Members of the House of Commons are elected by Constituencies, with a uniform Franchise for the whole Dominion. A vote is given to every male subject of the full age of 21 years, being the owner, tenant, or occupier of real property of the actual value in Cities of 300 dollars, in Towns of 200 dollars, and elsewhere of

150 dollars, or of the yearly value wherever situate of not less than 2 dollars per month, 6 dollars per quarter, 12 dollars half-yearly, or 20 dollars per annum, or is resident in any Electoral district with an income from earnings or investments of 300 dollars per annum, or is the son of a farmer, or any other owner of real property which is of sufficient value to qualify both father and such son, or is a fisherman, and owner of real property which, with boats, nets, and fishing tackle, amounts to 150 dollars, actual value. The qualifications for voting at Provincial elections vary in the several provinces. Voting is by ballot.

LIEUTENANT-GOVERNOR.

For each province there is a Lieutenant-Governor, appointed by the Governor-General, and holding office during pleasure, but not removable within five years of appointment, except for cause assigned. He receives a salary, fixed and provided by the Dominion Parliament, and is assisted by an Executive Council, usually composed of the chief provincial officials.

Each province has a "Legislative Assembly," and in Quebec, Nova Scotia, New Brunswick, and Prince Edward Island, there is also a Legislative Council, constituting a second Chamber. The Provincial Legislatures possess the power of altering their Constitutions. During the last Session of the Dominion Parliament (1889), an Act was passed providing for a Legislative Assembly in the North-west Territories, to consist of 22 elected members and three legal experts appointed by the Government. Each Assembly is to continue for three years. Four Members are selected by the Lieutenant-Governor to form with him an advisory Council on matters of finance.

SUBSIDIES.

(Colonial Office List, 1889.)

The Dominion Government assumed the provincial debts existing at the time of the Union, and agreed to pay to each Province an annual subsidy at the rate of 80 cents per head, according to the census of 1861, except that the subsidy of New Brunswick and Nova Scotia is to increase each census until the population in each case reach 400,000. Each Province also receives an annual allowance for Government and for interest on the amount by which its debt at the Union fell short of the authorised amount.

NOTE.—Several of the Provinces have now large surpluses from which they draw interest.

The Dominion Parliament has exclusive legislative power in all matters except those specifically delegated by the Constitution to the Provincial Legislatures, and the Canadian Constitution is in this respect the reverse of that of the United States.

The framework of the Constitution Act is briefly as follows:—The Dominion Parliament has a general power to make laws for the peace, order, and good Government of Canada; and certain subjects are in addition specifically assigned to it. This legislative power is limited in two ways: (1) by the indirect reservation of certain matters to the Imperial Parliament, and (2) by the powers assigned to the Provincial Legislatures. Whenever a dispute arises regarding the validity of a Provincial Act, the first question the Court has to decide is this: Does the subject matter fall within any of the matters assigned to the provinces? If it does not, then the Act is *ultra vires*; but if it does, then this second question arises: Whether the *prima facie* right of the province to pass the Act is not overborne by the powers given to the Dominion, or reserved indirectly to the Imperial Parliament?

That the whole sphere of legislation has not been surrendered by the Imperial Parliament is clear from the following restrictions on the legislative powers of the Dominion and the provinces:—

1. The Dominion has only a limited power of altering its Constitution. It cannot apparently abolish either of the Houses of Parliament, nor can it alter the number or qualifications of senators, nor increase or diminish the number of

representatives in the House of Commons, except within narrow limits. A province has greater power in these respects than the Dominion.

2. After granting a Constitution to a new province the Dominion Parliament cannot alter it.

3. No protective duties can be imposed as between the provinces.

4. Lands and public property belonging to Canada or the provinces cannot be taxed.

5. Acts of the Parliament of Great Britain and Ireland, existing in any of the provinces at the time of the Union can only be repealed, abolished, or altered by Imperial Legislation.

6. The seat of the Government can be changed only by the Queen.

In the Act of 1867 the attempt was made to classify the powers of the Dominion and provincial Legislatures respectively. Twenty-nine classes of subjects were specified over which the Dominion was to have exclusive authority, and fifteen classes of subjects over which the Legislature of a province is to have exclusive authority. These will be found enumerated in the sections from the British North American Act, quoted below.

The various powers shared by the Dominion and Local Legislatures may be conveniently classified under the following 17 heads :—

1. The amendment of the Constitution.
2. Extension and formation of provinces.
3. Treaties.
4. Public property.
5. Public debt and taxation.
6. State management and administration.
7. Administration of justice.
8. Status.
9. Education.
10. Property and civil rights.
11. Trade and commerce.
12. Monopolies.
13. Money and banking.
14. Agriculture.
15. Immigration.
16. Local affairs.
17. Alteration of laws existing at the time of the Union.

DOMINION CONTROL.

The next important subject in regard to the Canadian Constitution is the control of the Provinces by the Dominion. The Governor-General and Privy Council or Ministry of the Dominion have within very definite limits a certain degree of control over the Provincial Legislatures. 1. The Lieutenant-Governors are appointed and are removable by the Governor-General, acting on the advice of his Ministers. The Lieutenant-Governor is therefore a Dominion officer, and is responsible to the Dominion Government for the proper discharge of his duties. The Dominion Ministry in its turn is responsible to the House of Commons, and in this way the House can control the conduct of the Lieutenant-Governors. 2. Every Act passed by the Provincial Legislatures must be transmitted to the Governor-General, who may within one year disallow the same. All Acts are referred by the Governor-General to the Minister of Justice for report, and in such report Acts open to objection are usually classified—(a) as being altogether illegal or unconstitutional ; (b) as illegal or unconstitutional in part ; (c) in cases of concurrent jurisdiction, as clashing with the legislation of the Dominion, or (d) as affecting the interests of the Dominion generally. When deemed advisable, the local government has an opportunity of considering and discussing the objections taken, and the local Legislature has also an opportunity of remedying the objections found to exist. The power of disallowance by the Governor-General, acting on the advice of the

Minister of Justice, has been sparingly used. For example, out of 6,000 Provincial Acts passed up to 1882, only 33 were disallowed. From 1883 to 1887, inclusive, only 15 Acts were disallowed.

MUNICIPAL.

"In all the provinces Local Self-Government has been developed to the fullest extent. In Ontario the system is to be found in the most complete and symmetrical form, towards which the others closely approximate. The organisation comprises :—

1. Townships or rural districts of eight or ten square miles, with a population of 3,000 to 6,000, administered by a Reeve and four Councillors.
2. Villages with a population of 750 governed like the township.
3. Towns with a population over 2,000 governed by the Mayor and three Councillors for each ward if there are less than five wards, and two Councillors if more than five. The Reeves, Deputy-Reeves, Mayors and Councillors are all elected annually by the ratepayers.

Above these stands the County Municipality, consisting of the Reeves and Deputy-Reeves of the townships, villages and towns within the county, one of these who presides being called "Warden" of the county. Alongside the county stands the city with a population of over 10,000, governed by a Municipal body of Mayor and three Aldermen for every ward, with powers and functions akin to those of counties and towns combined. The Councils have power to levy rates, create debts, promote agriculture, trade or manufactures or railways; powers relating to drainage, roads, cemeteries, public schools, free libraries, markets, fire companies, preservation of the peace, etc.

LVII. THE BRITISH NORTH AMERICAN ACT.

(Sections from Act 30 Victoriae, Cap. 3, Creating the Dominion of Canada.)

IV. LEGISLATIVE POWER.

17. There shall be one Parliament for Canada, consisting of the Queen, an Upper House styled the Senate, and the House of Commons.

18. The privileges, immunities, and powers to be held, enjoyed, and exercised by the Senate, and by the House of Commons and by the members thereof respectively, shall be such as are from time to time defined by Act of the Parliament of Canada, but so that the same shall never exceed those at the passing of this Act held, enjoyed, and exercised by the Commons House of Parliament of the United Kingdom of Great Britain and Ireland, and by the members thereof.

19. The Parliament of Canada shall be called together not later than six months after the Union.

20. There shall be a Session of the Parliament of Canada once at least in every year, so that twelve months shall not intervene between the last sitting of the Parliament in one Session and its first sitting in the next Session.

THE SENATE.

21. The Senate shall, subject to the provisions of this Act, consist of seventy-two members, who shall be styled senators.

22. In relation to the Constitution of the Senate, Canada shall be deemed to consist of three divisions:

1. Ontario;

2. Quebec;

3. The Maritime Provinces—Nova Scotia and New Brunswick;

which three divisions shall (subject to the provisions of this Act) be equally represented in the Senate as follows:—Ontario by twenty-four senators; Quebec by twenty-four senators; and the Maritime Provinces by twenty-four senators, twelve thereof representing Nova Scotia and twelve thereof representing New Brunswick.

In the case of Quebec, each of the twenty-four senators representing that province shall be appointed for one of the twenty-four electoral divisions of Lower Canada specified in Schedule A to Chapter I. of the Consolidated Statutes of Canada.

23. The qualifications of a senator shall be as follows :—

- (1.) He shall be of the full age of thirty years.
- (2.) He shall be either a natural-born subject of the Queen, or a subject of the Queen naturalised by an Act of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland, or of the Legislature of one of the provinces of Upper Canada, Lower Canada, Canada, Nova Scotia, or New Brunswick before the Union, or of the Parliament of Canada after the Union :
- (3.) He shall be legally or equitably seized as of freehold for his own use and benefit of lands or tenements held in free and common socage, or seized or possessed for his own use and benefit of lands or tenements held in francallén or in roture, within the province for which he is appointed, of the value of Four thousand dollars, over and above all rents, dues, debts, charges, mortgages, and incumbrances due or payable out of or charged on or affecting the same :
- (4.) His real and personal property shall be together worth Four thousand dollars over and above his debts and liabilities.
- (5.) He shall be resident in the province for which he is appointed.
- (6.) In the case of Quebec, he shall have his real property qualification in the Electoral division for which he is appointed, or shall be resident in that division.

24. The Governor-General shall from time to time, in the Queen's name, by instrument under the great seal of Canada, summon qualified persons to the Senate; and, subject to the provisions of this Act, every person so summoned shall become and be a member of the Senate and a senator.

25. Such persons shall be first summoned to the Senate as the Queen by warrant under Her Majesty's Royal sign manual thinks fit to approve, and their names shall be inserted in the Queen's Proclamation of Union.

26. If at any time on the recommendation of the Governor-General the Queen thinks fit to direct that three or six members be added to the Senate, the Governor-General may by summons to three or six qualified persons (as the case may be), representing equally the three divisions of Canada, add to the Senate accordingly.

27. In case of such addition being at any time made, the Governor-General shall not summon any person to the Senate, except on a further like direction by the Queen on the like recommendation, until each of the three divisions of Canada is represented by 24 senators, and no more.

28. The number of senators shall not at any time exceed seventy-eight.

29. A senator shall, subject to the provisions of this Act, hold his place in the Senate for life.

30. A senator may by writing under his hand addressed to the Governor-General resign his place in the Senate, and thereupon the same shall be vacant.

31. The place of a senator shall become vacant in any of the following cases :—

- (1.) If for two consecutive sessions of the Parliament he fails to give his attendance in the Senate.
- (2.) If he takes an oath or makes a declaration or acknowledgment of allegiance, obedience, or adherence to a foreign power, or does an act whereby he becomes a subject or citizen, or entitled to the rights or privileges of a subject or citizen, of a foreign power.
- (3.) If he is adjudged bankrupt or insolvent, or applies for the benefit of any law relating to insolvent debtors, or becomes a public defaulter.
- (4.) If he is attainted of treason or convicted of felony or any infamous crime.

- (5.) If he ceases to be qualified in respect of property or of residence ; provided, that a senator shall not be deemed to have ceased to be qualified in respect of residence by reason only of his residing at the seat of the Government of Canada while holding an office under that Government requiring his presence there.

32. When a vacancy happens in the Senate by resignation, death, or otherwise, the Governor-General shall by summons to a fit and qualified person fill the vacancy.

33. If any question arises respecting the qualification of a senator or a vacancy in the Senate the same shall be heard and determined by the Senate.

34. The Governor-General may from time to time, by instrument under the great seal of Canada, appoint a senator to be Speaker of the Senate, and may remove him and appoint another in his stead.

35. Until the Parliament of Canada otherwise provides, the presence of at least fifteen senators, including the Speaker, shall be necessary to constitute a meeting of the Senate for the exercise of its powers.

36. Questions arising in the Senate shall be decided by a majority of voices, and the Speaker shall in all cases have a vote, and when the voices are equal the decision shall be deemed to be in the negative.

THE HOUSE OF COMMONS.

37. The House of Commons shall, subject to the provisions of this Act, consist of One hundred and eighty-one members, of whom eighty-two shall be elected for Ontario, sixty-five for Quebec, nineteen for Nova Scotia, and fifteen for New Brunswick.

38. The Governor-General shall from time to time, in the Queen's name, by instrument under the great seal of Canada, summon and call together the House of Commons.

39. A senator shall not be capable of being elected or of sitting or voting as a member of the House of Commons.

* * * * *

50. Every House of Commons shall continue for five years from the day of the return of the writs for choosing the House (subject to be sooner dissolved by the Governor-General), and no longer.

51. On the completion of the census in the year One thousand eight hundred and seventy-one, and of each subsequent decennial census, the representation of the four provinces shall be re-adjusted by such authority, in such manner, and from such time, as the Parliament of Canada from time to time provides, subject and according to the following rules :—

- (1.) Quebec shall have the fixed number of sixty-five members :
- (2.) There shall be assigned to each of the other provinces such a number of members as will bear the same proportion to the number of its population (ascertained at such census) as the number sixty-five bears to the number of the population of Quebec (so ascertained) :
- (3.) In the computation of the number of members for a province a fractional part not exceeding one-half of the whole number requisite for entitling the province to a member shall be disregarded ; but a fractional part exceeding one-half of that number shall be equivalent to the whole number :
- (4.) On any such re-adjustment the number of members for a province shall not be reduced unless the proportion which the number of the population of the province bore to the number of the aggregate population of Canada at the then last preceding re-adjustment of the number of members for the province is ascertained at the then latest census to be diminished by one-twentieth part or upwards.
- (5.) Such re-adjustment shall not take effect until the termination of the then existing Parliament.

52. The number of members of the House of Commons may be from time to time increased by the Parliament of Canada, provided the proportionate representation of the provinces prescribed by this Act is not thereby disturbed.

* * * * *

VI. DISTRIBUTION OF LEGISLATIVE POWERS.

POWERS OF PARLIAMENT.

91. It shall be lawful for the Queen, by and with the advice and consent of the Senate and House of Commons, to make laws for the peace, order, and good government of Canada, in relation to all matters not coming within the classes of subjects by this Act assigned exclusively to the Legislatures of the Provinces; and for greater certainty, but not so as to restrict the generality of the foregoing terms of this section, it is hereby declared that (notwithstanding anything in this Act) the exclusive legislative authority of the Parliament of Canada extends to all matters coming within the classes of subjects next hereinafter enumerated, that is to say—

- (1.) The public debt and property.
- (2.) The regulation of trade and commerce.
- (3.) The raising of money by any mode or system of taxation.
- (4.) The borrowing of money on the public credit.
- (5.) Postal service.
- (6.) The census and statistics.
- (7.) Militia, military and naval service, and defence.
- (8.) The fixing of and providing for the salaries and allowances of civil and other officers of the Government of Canada.
- (9.) Beacons, buoys, lighthouses, and Sable Island.
- (10.) Navigation and shipping.
- (11.) Quarantine and the establishment and maintenance of marine hospitals.
- (12.) Sea coast and inland fisheries.
- (13.) Ferries between a province and any British or foreign country, or between two provinces.
- (14.) Currency and coinage.
- (15.) Banking, incorporation of banks, and the issue of paper money.
- (16.) Savings banks.
- (17.) Weights and measures.
- (18.) Bills of exchange and promissory notes.
- (19.) Interest.
- (20.) Legal tender.
- (21.) Bankruptcy and insolvency.
- (22.) Patents of invention and discovery.
- (23.) Copyrights.
- (24.) Indians, and lands reserved for the Indians.
- (25.) Naturalisation and aliens.
- (26.) Marriage and divorce.
- (27.) The criminal law, except the constitution of courts of criminal jurisdiction, but including the procedure in criminal matters.
- (28.) The establishment, maintenance, and management of penitentiaries.
- (29.) Such classes of subjects as are expressly excepted in the enumeration of the classes of subjects by this Act assigned exclusively to the Legislatures of the provinces.

And any matter coming within any of the classes of subjects enumerated in this section shall not be deemed to come within the class of matters of a local or private nature comprised in the enumeration of the classes of subjects by this Act assigned exclusively to the Legislatures of the provinces.

EXCLUSIVE POWERS OF PROVINCIAL LEGISLATURES.

92. In each province the Legislature may exclusively make laws in relation to matters coming within the classes of subjects next hereinafter enumerated, that is to say—

- (1.) The amendment from time to time, notwithstanding anything in this Act, of the Constitution of the province, except as regards the office of Lieutenant-Governor.
- (2.) Direct taxation within the province in order to the raising of a revenue for provincial purposes.
- (3.) The borrowing of money on the sole credit of the province.
- (4.) The establishment and tenure of provincial offices and the appointment and payment of provincial officers.
- (5.) The management and sale of the public lands belonging to the province and of the timber and wood thereon.
- (6.) The establishment, maintenance, and management of public and reformatory prisons in and for the province.
- (7.) The establishment, maintenance, and management of hospitals, asylums, charities, and eleemosynary institutions in and for the province, other than marine hospitals.
- (8.) Municipal institutions in the province.
- (9.) Shop, saloon, tavern, auctioneer, and other licenses in order to the raising of a revenue for provincial, local, or municipal purposes.
- (10.) Local works and undertakings other than such as are of the following classes :—
 - (a.) Lines of steam or other ships, railways, canals, telegraphs, and other works and undertakings connecting the province with any other or others of the provinces, or extending beyond the limits of the province.
 - (b.) Lines of steam ships between the province and any British or foreign country.
 - (c.) Such works as, although wholly situate within the province, are before or after their execution declared by the Parliament of Canada to be for the general advantage of Canada or for the advantage of two or more of the provinces.
- (11.) The incorporation of companies with provincial objects.
- (12.) The solemnisation of marriage in the province.
- (13.) Property and civil rights in the province.
- (14.) The administration of justice in the province, including the constitution, maintenance, and organisation of provincial courts, both of civil and criminal jurisdiction, and including procedure in civil matters in those courts.
- (15.) The imposition of punishment by fine, penalty, or imprisonment for enforcing any law of the province made in relation to any matter coming within any of the classes of subjects enumerated in this section.
- (16.) Generally all matters of a merely local or private nature in the province.

EDUCATION.

93. In and for each province the Legislature may exclusively make laws in relation to education, subject and according to the following provisions :—

- (1.) Nothing in any such law shall prejudicially affect any right or privilege with respect to denominational schools which any class of persons have by law in the province at the Union.
- (2.) All the powers, privileges, and duties at the Union by law conferred and imposed in Upper Canada on the separate schools and school

trustees of the Queen's Roman Catholic subjects shall be and the same are hereby extended to the dissentient schools of the Queen's Protestant and Roman Catholic subjects in Quebec.

- (3.) Where in any province a system of separate or dissentient schools exists by law at the Union or is thereafter established by the Legislature of the province, an appeal shall lie to the Governor-General in Council from any Act or decision of any provincial authority affecting any right or privilege of the Protestant or Roman Catholic minority of the Queen's subjects in relation to education.
- (4.) In case any such provincial law as from time to time seems to the Governor-General in Council requisite for the due execution of the provisions of this section is not made, or in case any decision of the Governor-General in Council on any appeal under this section is not duly executed by the proper provincial authority in that behalf, then and in every such case, and as far only as the circumstances of each case require, the Parliament of Canada may make remedial laws for the due execution of the provisions of this section and of any decision of the Governor-General in Council under this section.

* * * * *

VIII.—REVENUES ; DEBTS ; ASSETS ; TAXATION.

102. All duties and revenues over which the respective Legislatures of Canada, Nova Scotia, and New Brunswick before and at the Union had and have power of appropriation, except such portions thereof as are by this Act reserved to the respective Legislatures of the provinces, or are raised by them in accordance with the special powers conferred on them by this Act, shall form one Consolidated Revenue Fund, to be appropriated for the public service of Canada in the manner and subject to the charges in this Act provided.

LVIII. MEXICO.

REPUBLICA MEXICANA.

The original Federal Constitution of the United Mexican States was formulated in the year 1824 by the General Sovereign Congress of the Nation, "in order to establish and fix its political independence, establish and confirm its liberty, and promote its prosperity and glory." The Constitution is in seven "Titles," subdivided into "Sections" and "Articles."

Title 1 declares the Mexican Nation Free and Independent for ever, defines its boundaries, and names the Roman Catholic Apostolic religion as the perpetual religion of the State, prohibiting any other. (This has been modified by more recent amendments of the Constitution, the Church and State are now independent, and other religions are tolerated).

Title 2 declares the form of Government to be "Republican, Representative, Popular, Federal." It divides the country into States and Territories, and fixes the Supreme Powers as the Legislative, Executive and Judicial.

Title 3: Of the Legislative power, its nature, and the mode of exercising it. Sections 2 and 3 describe the mode of election, etc., of the House of Representatives and Senate. Section 4 treats of the individual functions of both Houses, and the prerogatives of Members. Section 5, treating of the faculties of the General Congress, is all important, and provides that (Article 49) "The laws and decrees which emanate from the General Congress shall have for object, First, to sustain the National Independence and provide for the National Security and preservation of its exterior relations. Second, to preserve the Federal Union of the States, and the peace and public order of the interior of the Federation. Third, maintain the Independence of the States amongst themselves in all that relates to their interior

Government, in conformity to the Constitutional Act and this Constitution. Fourth, sustain the proportional equality of obligations and rights which the States are entitled to before the law. Article 50 declares in detail the exclusive faculties of the General Congress. Section 6 relates to the formation of the laws. Section 7, the time, duration, and place of the Sessions of the General Congress.

Title 4 treats of the supreme executive power of the nation; duration of office of President and Vice-President, attributions of the President and restrictions of his faculties; of the Council, of the Government, and of the despatch of Government business.

Title 5 deals with the Judicial Power of the Confederation, the various Courts and their attributions, and in section 7 lays down general rules to which all the States and territories in the Federation shall conform in the administration of justice.

Title 6 deals with the individual Government of the States. Section 2 gives the obligations of the States, and section 3 restricts the powers of the States, providing that none of them can:—"First, establish, without the consent of the General Congress, any tonnage duty or other post duty. Second, impose without the consent of the General Congress, contributions or duties on importations or exportations, whilst the law does not regulate it as it must do. Third, hold at no time a permanent troop nor vessels of war without the consent of the General Congress. Fourth, enter into any agreement or compact with any foreign power, nor declare war against them, resisting in case of actual invasion, or in such danger as will not admit of delay, giving immediate notice thereof to the President of the Republic. Fifth, enter into any agreement or compact with other States of the Federation without the previous consent of the General Congress, or its posterior approbation if the transaction was upon the regulation of limits."

Title 7 relates to the observance, interpretation, and amendment of the Constitution and Constitutional Act.

(The full text of the above Constitution will be found under "Texas," Poore's Federal and State Constitutions, Part 2, pp. 1712-1727.)

The following is compiled from the Statesman's year book:—

The present Constitution of Mexico bears date February 5th, 1857, with subsequent modifications down to October, 1887. By its terms Mexico is declared a Federative Republic, divided into States—19 at the outset, but at present 27 in number, with 1 territory and the Federal district—each of which has a right to manage its own local affairs, while the whole are bound together in one body, politic by fundamental and Constitutional laws.

POWERS.

The powers of the Supreme Government are divided into three branches: The Legislative, Executive, and Judicial.

CONGRESS.

The Legislative Power is vested in a Congress, consisting of a House of Representatives and a Senate.

EXECUTIVE.

The Executive power is vested in a President and six Secretaries of State, heads of the Departments of Justice, Finance, the Interior, War and Navy, Foreign Affairs, and Public Works.

HOUSE OF REPRESENTATIVES.

Representatives elected by the suffrage of all respectable male adults, at the rate of one member for 40,000 inhabitants, hold their places for two years. The qualifications requisite are to be 25 years of age, and a resident in the State.

SENATE.

The Senate consists of 56 members, 2 for each State of at least 30 years of age, who are returned in the same manner as the deputies.

PAYMENT OF MEMBERS.

The members of both Houses receive salaries of 3,000 dollars a year.

THE PRESIDENT.

The President is elected by electors, popularly chosen in a general election, holds office for four years, and, according to an amendment of the Constitution in 1887, may be elected for two consecutive terms of four years each.

MEETINGS OF PARLIAMENT.

Parliament meets annually from April 1st to May 30th, and from September 16th to December 15th, and a permanent Committee of both Houses sits during the recess.

LIX. THE LEEWARD ISLANDS.

These comprise the Islands of Antigua, Montserrat, St. Christopher (St. Kitts), with Nevis and Anguilla, Dominica, and the Virgin Islands, all of which were constituted a single Federal Colony by an Act passed in the Imperial Parliament in the session of 1871 (34 and 35 Vic., c. 107). By the Federal Act, No. 2, of 1882, St. Kitts and Nevis, with Anguilla and their respective dependencies, were united into one Presidency.

(Note.—Colonial Year Book, 1890, and Colonial Office List for Statistics, separate descriptions of Islands, etc.)

Under the Act of 1871 one Executive and one Legislative Council, under one Governor, were constituted for the six (now five) Presidencies. As reconstituted by the Federal Act of 1882, the Legislative Council now consists of ten elective and ten nominated members. Four elective members are chosen by the elective members of the Island Council of Antigua, two by those of the Elective Council of Dominica, and four by the non-official members of those of St. Kitts and Nevis. They must be and continue members of their respective Island Councils. The nominated members appointed by the Queen are the Colonial Secretary, the Attorney-General, the Auditor-General, and the President of St. Kitts and Nevis, with five unofficial members, one from each of the Island Councils, and another member of one of them who acts as President.

The Legislative Council has concurrent legislative powers with the local Legislatures on certain subjects specified in the Act, such as matters of property, mercantile and criminal law, and the law relating to status and procedure in the maintenance of a general police and convict establishment, quarantine, postal and telegraph affairs, questions of currency, audit and weights and measures, education, and the care of lunatics, all matters relating to immigration, and its own constitution and procedure. Any Island Legislature is, in addition, competent to declare other matters to be within the competency of the general Legislature. Any Island enactment on such subjects is void if repugnant to an enactment of the general Legislature, or may at any time be repealed or altered by one.

The Council meets once a year, at a place notified by proclamation (usually St. John, Antigua), and no Council lasts more than three years.

The expenses of the Federal establishments are voted by the Council and apportioned among the Presidencies, Antigua bearing five-sixteenths; Dominica, three-sixteenths; Montserrat, one-sixteenth; St. Kitts and Nevis, three-eighths, and the Virgin Islands one-sixteenth.

The Council has power to alter its Constitution by an ordinary Act, to be reserved for the Queen's pleasure, and the Queen has power at any time to include any other West India Island in the Federation upon joint addresses from both Houses.

LX. SWITZERLAND.

The following is from *Hazell's Annual*, 1889 :—A Republic composed formerly of several independent allied States, but since 1848 a United Confederacy. Area 15,892 square miles; estimated population in 1886, 2,940,602. New census taken 1st December, 1888. The Constitution of 1874 vests supreme Legislative and executive authority in two Chambers—viz. (1) a State Council of 44 Members, chosen two for each Canton for three years by the 22 Cantons of the Confederation; and (2) a National Council of 145 Delegates of the Swiss people, chosen also for three years, directly, one deputy for every 20,000 of the population. The United Chambers form the Federal Assembly, to which is confided the Supreme Government. The Executive authority is deputed to a Federal Council of seven Members, elected for three years by the Assembly, the President and Vice-president of which are the first Magistrates of the Republic. A Supreme Tribunal, independent of, although elected for six years by the Assembly, adjudicates upon disputes between the Federal Government and the Cantons, the individual Cantons, and all appeals civil and criminal. Each Canton is sovereign, subject to the Federal Constitution, possessing its local Government, varied in detail, but based on the absolute sovereignty of the people; in some of the smaller Cantons the whole male population in assembly make their laws and appoint their officials. In the larger Cantons the people by universal suffrage appoint representatives. One unique characteristic of the Republic and its Cantons is the direct influence exercised by the people, to the consequent exclusion of the representative principle. It is shown in the smaller Cantons by the direct popular Legislation of the assembled male inhabitants, and in the Federation and larger Cantons by the almost universal adoption and frequent exercise of the so-called Referendum, which may be shortly described as follows :—When a law has been passed, the minority (exceeding a certain fixed minimum) is entitled to demand that the law in question shall be submitted to and confirmed by the direct vote of the citizens; *e.g.*, although the Constitution abolished capital punishment it was decided by a popular vote taken in 1879 that each Canton should be at liberty to re-enact the infliction of such penalty. There is no state religion, but complete religious liberty. The Cantons maintain order among the various religious bodies, and no bishopric can be established without the approbation of the Republic. Education is free and compulsory.

From Adams and Cunningham's "Swiss Confederation, 1889," the following is taken :—

"Dating from the perpetual alliance of 1291 (known as the League of the three Communities), Switzerland now counts nearly six centuries of Republican Government. It is therefore hardly necessary to remark that her ancient Republic differs from modern ones, such as those of France or the United States.

* * * * *

The object of the Confederation is declared to be to insure the Independence of the Country against foreign nations, to maintain internal tranquillity and order, to protect the liberty and rights of the Confederated citizens, and to increase their common prosperity.

The powers of the several branches are thus stated :—

1. MATTERS IN WHICH THE CONFEDERATION IS SUPREME.

- (a) The sole right of declaring war and of concluding peace, as well as of making alliances and treaties with foreign States.
Cantons make treaties between each other on matters of public economy affecting themselves, but the Confederation reserves the right of supervision.
- (b) The control of the army.
- (c) The entire postal and telegraph system of the country.
- (d) Coining money and controlling the issue and repayment of bank notes.

- (e) Manufacture and sale of war-powder.
- (f) Manufacture and sale of spirituous liquors.
- (g) The system of weights and measures.
- (h) The levy of import and export duties.
- (i) Regulation of matters pertaining to civil capacity, copyright, bankruptcy, and patents.
- (j) Measures connected with sanitary police in connection with dangerous epidemics.
- (k) Expulsion of foreigners.

The Confederation has also optional rights, to create Universities or other establishments for superior education, or to subsidise them.

2. MATTERS IN WHICH THE CANTONS, NOT BEING LIMITED BY PROVISIONS IN THE FEDERAL CONSTITUTION, ARE SOVEREIGN.

- (a) Civil law (except as to civil capacity of persons).
- (b) The law of land and land rights.
- (c) Criminal law, administration of civil and criminal justice, including the organisation of tribunals.
- (d) Cantonal and local police.
- (e) The organisation of the Communes.
- (f) Public works in general.
- (g) The organisation of schools except where the Confederation steps in by virtue of the Constitution (all primary instruction is provided by the Cantons, and it is obligatory and gratuitous in the public schools).

The general administration of justice is left in the first instance to the Cantons, but certain matters are reserved for the exclusive cognizance of the Federal Tribunal.

Although every particular alliance or treaty of a political nature is forbidden to the Cantons, they can conclude Conventions with each other, called Concordats, respecting matters of legislation, administration, and justice, so long as these do not contain anything contrary to the Confederation or to the rights of other Cantons.

3. MATTERS WHICH, BEING PROPERLY WITHIN THE DOMAIN OF THE CANTONS, HAVE BEEN PLACED UNDER THE CONTROL OF THE CONFEDERATION.

- (a) Public works for the benefit of the whole or a considerable part of Switzerland.
- (b) Supervision of dykes and forests.
- (c) Enactments as to fishing and shooting.
- (d) The construction and working of railways, granting concessions for the same, etc.
- (e) Power to forbid concessions for railways which might injure the military interests of the Confederation.

In regard to matters *a* and *b*, the Cantons concerned are charged with the execution of works ordained by the Confederation; where they neglect or refuse to fulfil their obligations the Confederation steps in and does the work.

The Constitution declares that all Swiss are to be equal before the law.

Imprisonment for debt is abolished.

The freedom of establishing himself upon any point of Swiss territory is guaranteed to every Swiss citizen upon certain conditions.

Liberty of conscience and of belief is declared to be inviolable, and the free exercise of worship is guaranteed within the limits compatible with public order and decency.

The Federal sovereignty makes itself felt more or less in numerous matters throughout the Confederation, such as foreign relations, the army, public works, weights and measures, means of communication (railways, posts, telegraphs, and telephones), customs and public instruction. But in most cases its power is limited

to a general controlling supervision ; the Confederation lays down the principles, and the Cantons provide for the execution of the necessary measures. Posts, telegraphs, telephones, and customs are, however, wholly administered by the Federal officials.

Revision of the Constitution (total or partial) can take place at any time. When one of the Chambers decree it, but the other withholds its assent, or when fifty thousand Swiss citizens, having the right to vote, demand revision, the question whether the Constitution shall be revised or not is submitted to the Swiss people. If the majority of citizens participating in this popular vote or Referendum pronounce in the affirmative, the two Chambers are renewed in order to frame the desired measure of revision, and when this is adopted by them the popular vote is once more taken.

The revised Federal Constitution comes into force when it has been accepted by the majority of Swiss citizens at the Referendum, and by the majority of the States, the vote of a half Canton being counted as half a vote, and the result in each Canton or half Canton being considered as the vote of the State.

"It may safely be affirmed that the present Constitution meets with general favour in Switzerland. . . . On the whole it is popular in the country. Those who favour centralisation regard it as a station on their road, whilst the Federalists consider it to be a wall against the encroachments of centralisation. Still it seems certain, as already indicated, that more power must come gradually into the hands of the Confederation. The diversity of legislation in different Cantons is clearly productive of much inconvenience and even confusion, and besides the Federal laws passed since 1874, others destined to effect uniformity in regard to bankruptcy, to criminal matters by a code of universal application, and to other subjects of a general character, are either being discussed in the Chambers or are in contemplation.

REFERENDUM AND INITIATIVE.

Much discussion having taken place of late as to the adaptability of the Swiss Referendum and Initiative to Colonial Institutions, the following from Adams and Cunningham's book will be of interest :—

"Referendum and Initiative are two political institutions peculiar to Switzerland. They are the children of Democracy, whose powerful weapons they have become.

"Referendum means the reference to all vote-possessing citizens, either of the Confederation or of a Canton, for acceptance or rejection, of laws and resolutions framed by their representatives.

"The Referendum is of two kinds, compulsory and optional. It is compulsory in certain Cantons, where all laws adopted by the Grand Council or other representative body of a Canton must be submitted to the people, and optional where limited to those cases in which a certain number of voters demand it. . . .

"In Federal matters there are now two Referendums. The first was established by the Constitution of 1848, and was limited to one point, viz., the revision of that Constitution. All such revisions became subject to a compulsory appeal to the people, and the articles relating to this matter were reproduced in the revised Constitution of 1874. But, as we have seen, the latter also contains an article, extending the exercise of the popular vote when demanded by 30,000 citizens of eight Cantons to all Federal laws and all resolutions of a general nature which have passed the Chambers. These two Referendums, the one compulsory and the other optional, are exercised by the collective vote of the citizens of the whole Confederation. By the Cantonal Referendum, whether compulsory or optional, many important local matters are submitted to the collective vote of the citizens of the particular Canton interested, and the institution is now to be found all over

Switzerland, except where there is still a *Landsgemeinde*, and in Friburg, where the Ultramontane majority are perhaps a little prone to deprecate changes."

* * * * *

"A sufficient period has elapsed to allow the people of Switzerland to form an opinion of the working and results of the popular vote. As regards the former, nothing could be more simple. All the voter has to do is to deposit in the urn his voting paper with either 'Aye' or 'No' written upon it. As to the moral effect which the exercise of this Institution has had upon the people, we are assured that it is admitted to be salutary even by adversaries of democratic Government. The consciousness of individual influence, as well as the National feeling, is declared to have been strengthened, and the fact of a large, and on several occasions increased participation of the people in the vote, is quoted as tending to prove that their interest in political questions is growing keener.

"The application of the Referendum as worked in Switzerland, and the issues raised by it, are so easy to understand, and, in most cases at all events, are so independent of party manoeuvres, that public opinion acquiesces at once in the result, and the general feeling entertained in the country with reference to a particular question finds its accurate and, for the time, final expression. Extreme measures, whether radical or re-actionary, have no chance whatever of being accepted by the people, who, while in a manner fulfilling the functions of a second chamber, have infinitely more weight than any such body usually possesses, even if it be thoroughly representative and chosen by universal suffrage."

The other side of the picture is thus shown :—

"There are, of course, opponents of the Referendum. They argue that a number of measures which can properly and advantageously be discussed and settled in the Chambers are of such a nature that they ought not to be left to the decision of all the vote-possessing citizens. For instance, they consider a law treating of higher education, or establishing a Federal Court of Bankruptcy, as much too abstruse to be laid before the whole people, and they would prefer to leave such subjects to be dealt with by the two Federal Chambers at Bern. There is no doubt that the Federal Referendum has diminished the importance of the discussions upon laws and general resolutions in the Chambers, and of these bodies themselves in the eyes of the people. It would not be surprising if the deputies were to feel at times less earnestness in their work, since they know that, after all, the measures adopted by them, however necessary, are at the mercy of the popular vote, so that their decision need not be final, and all their time and trouble may be thrown away. The Referendum does not extend to foreign relations, and there would clearly be a difficulty in referring a treaty with another country to the vote of the people."

INITIATIVE

Is the right granted to any single voter or body of voters to initiate proposals for the enactment of new laws, or for the alteration or abolition of existing laws. It is essentially a powerful engine in a democratic direction. By means of it Legislative bodies, mostly composed of persons belonging to the well-to-do class, can be compelled by the people to take up and put to a vote matters which, without it, would in all probability never be brought to the front. But it is an institution still in its infancy, and requiring development. Those who belong to the above class have no special desire for reforms, which would principally be used against what they deem to be their interests, whilst those in a lower sphere are not yet sufficiently well organised to make effective use of their right to initiate legislation. There is, moreover, great difficulty in embodying this right in a form at once simple and efficacious.

"It is an important fact, which cannot be too strongly insisted upon, that both Referendum and Initiative are Institutions which have grown up gradually in the

Cantons, spreading from one to another till all, with the exceptions already mentioned, possess either a compulsory or an optional Referendum, and in two instances both, whilst a number have introduced Initiative."

LXI.—THE RESULTS OF FEDERATION.

During the months of March and April, 1890, a series of articles on "National Unity" appeared in the leading Australian and Tasmanian newspapers. They were from the pen of Mr. G. R. Parkin, a recent visitor from Canada, and told the story of Canadian Confederation. The events which led up to the appointment of the Quebec Convention were described; the difficulties encountered by the Convention and the methods by which they were overcome were shown; the hostility of political parties to the resolutions of the Convention and the tardy acquiescence of some of the provinces were fully dealt with, and the results of nearly a quarter of a century's experience of Federal Government carefully summed up. The articles may be consulted by reference to the files of leading Australian Journals, or of the *Hobart Mercury*, commencing 29th March, 1890. Mr. Parkin's account of the results of the Canadian Union are worth re-publishing. He says:—

In summarising the results which have come directly from the Union, its effect upon trade and the internal prosperity of the country therefore demands a first place. The abrogation of the reciprocity treaty with the United States in 1866 had a far different effect from what was expected in that country, where leading public men openly expressed the opinion that it would force Canada into annexation. On the contrary, every thought was turned towards the development of inter-provincial trade, and extraordinary efforts were made to promote it, with a success which has made Canada self-sufficing and self-reliant to an extent that has surpassed the expectation of the most sanguine. With the proclamation of the Act of Union the tariff line between the uniting provinces was broken down entirely, and trade now flows in absolute freedom from the Atlantic to the Pacific. Within a very few years the intercolonial railway, the construction of which had been made a condition of Confederation, was completed between Halifax and Quebec, a distance of about 700 miles, and became the first link in the trans-continental connection, and a great artery of trade between the maritime provinces and those on the St. Lawrence. The results have been remarkable. Not only has traffic gradually developed till this line is now taxed to its utmost capacity in order to deal with it, but two other more direct lines have been constructed to satisfy the demands for connection between the inland provinces and the sea-board, while at the same time the coasting trade of the Gulf of St. Lawrence has largely increased. Although the statistics of traffic which has no Custom-house check are difficult to fix with accuracy, the Dominion statistician, after careful study, estimates, in some late contributions to Canadian journals, the inter-provincial trade thus developed between the Eastern Provinces at 55,000,000dol., equal to 16 times the amount of trade of this character done in the first year of Confederation, and 27 times the amount done in the year previous to Confederation. Taking into account the trade which has grown up between the St. Lawrence division (Ontario and Quebec) and the new western prairie country, he fixes the whole volume of inter-provincial exchange between the three great sections of the country at 80,000,000dol., exclusive of what takes place between Ontario and Quebec, or between the different maritime provinces. Thus Confederation has secured for Canada a very considerable degree of commercial independence. In spite of tariff restrictions a large volume of trade still goes on with the United States, and Canada would gladly see this enlarged, but she need no longer stand in the position of a dependent and humble suitor for commercial favours from her great neighbour, and steadily repudiates any commercial union which has even a suspicion of tendency towards political connection.

The Intercolonial Railway was completed in 1876, and the country turned its

attention to a larger undertaking. In May, 1881, was turned the first sod of the Canadian Pacific Railway to unite the St. Lawrence with the Pacific Ocean. In November, 1885, the last spike was driven, marking the conclusion of the greatest feat in railway building of modern times, when we consider the obstacles to be overcome and the time in which the work was accomplished. Nothing but the concentrated effort of a united Canada could have grappled with such a task, and the energy with which it was effected indicates the new spirit with which political union and a sense of national strength has filled the country. When the project was hinted at in the Quebec Conference as a possible enterprise of the future, the suggestion was looked upon as the merest dream of enthusiasm. In 1885 it was an accomplished fact. Beyond these two main efforts at railway construction so much more has been done that the 2,258 miles of line completed at the time of the Union in 1867 have now been increased to nearly 14,000 miles. In 1868, the first year after Confederation, the paid-up railway capital of the country was rather more than 160,000,000dol., in 1888 it had increased to more than 727,000,000dol. During the same period the Dominion Government has spent more than 30,000,000 dol. in perfecting the canal system, which, completing the connection between the St. Lawrence and the great Lakes gives to Canada the most important extent of inland navigation that is to be found anywhere in the world, extending as it does a distance of 2,400 miles from the head of Lake Superior to the Atlantic Ocean.

To carry on these great efforts for internal development taxed the energies even of the united provinces to the utmost. To meet the pressing necessity of raising unusually large revenues, and in the belief that it would still further consolidate the national sentiment of the Dominion as well as increase its prosperity, a great change in the commercial relations of the country was now made. In 1879 the "National Policy" of Protection was adopted. In addition to other reasons which influenced their resolution, Canadians believed that their industries were under a peculiar pressure from the great "combines" of the American manufacturers, who made Canada a "slaughter market" for their surplus manufactures. To-day a majority of Canadians believe that protection has ministered to the prosperity of the country, and this is coupled with the further belief that for them it could only be so in a Confederated Canada which gave a sufficiently wide area of internal Freetrade and an adequate market for manufactures.

Previous to the adoption of the national policy there was a constant flow of population towards the great manufacturing centres of the States in search of that variety of employment which Canada itself did not afford. That tendency has now been largely checked, and instead, population is rapidly gathering around centres of home industry.

The manufacture of cotton, agricultural implements, and railway plant, the refining of sugar, and many other industries, have already attained great proportions, and in every direction capitalists invest their money more readily from the certainty that they can at least command the whole of Canada as a market. That the national policy has done much to consolidate national sentiment, and make the country self-sufficing, admits, I think, of no doubt. Without it, moreover, the great system of public works entered upon at the time of Confederation could scarcely have been carried to completion. In another way Confederation has made the execution of these works possible without laying on the people an excessive burden of taxation. The acquisition and opening up of the North-west gave value to a great public domain which was previously comparatively worthless. Grants of this land to assist railway companies have largely taken the place of subsidies in cash, and after all the country has done in the form of public works, the debt of Canada to-day, including the considerable provincial liabilities assumed at Confederation, is not more than £12 per head, or if the assets actually paying interest be deducted, the nett debt is under £10 per head of the population. The provincial debts assumed at the time of the Union were mostly contracted at high rates of interest. With the improvement in public credit consequent upon Confederation the General Government has effected a large saving by paying off these debts by

bonds of its own issue on much more favourable terms. Canada was the first Colony to float a loan at $3\frac{1}{2}$ per cent., and the only one which has yet done so at 3 per cent., the actual rate paid in the latter case being no higher than 3.27 per cent.

Internal improvement in finance and trade has given a great stimulus to external activity. Steamship lines across the Atlantic multiply to meet the growing demands of trade, and the development of great shipping ports on the seaboard has fairly begun. Across the Pacific the commerce of the country is also feeling its way, and already the Pacific Railway has become a chief route for the transport of tea from China and Japan not only to Canada but to the Eastern States. In another year this line will have an adequate service from swift steamships now under construction, and will become a great postal route from Britain to Japan and China. To supplement the work already begun on the Pacific, it has now become an object of Canadian ambition to form a line of postal and commercial connection between the Dominion and Australasia. Thus, in many directions, the new energy of the country is making itself felt. So far as material progress is concerned the hopes entertained by the framers of Confederation have been more than realised.

But I pass on to other considerations ; Canada's gain in political prestige since 1867 is among the most important results of Union. An English Cabinet Minister said to me some time since that one of the most striking changes in British politics which he had observed during the last ten years was the extent to which Canadian advice was freely accepted in Imperial Councils. There is no doubt that the statesmanship displayed in devising the scheme of Union, and the combined energy and prudence shown in working it out, greatly impressed the British imagination, and gave a new idea of the political forces which were growing up in the Colonies. It certainly gave Canada a new status in the Empire. Practically, she has now won a recognised right to be represented on equal terms with the Motherland in all negotiations in which her interests are primarily involved. In the important Fishery Treaty of 1871 Sir John Macdonald sat with the British and United States representatives on the Commission which met at Washington. In the later treaty of 1888 Sir Charles Tupper held the same position as joint Commissioner for Britain with Mr. Chamberlain to arrange the questions at issue. At the time when I write this the Canadian Minister of Marine has just been summoned to Washington to assist the British Ambassador in conducting the negotiations connected with the Behring Sea difficulty. The Canadian High Commissioner in London has on more than one occasion been appointed by the Imperial Government with full power to act in commercial negotiations carried on at Madrid affecting Canada and Spain. In past times Canada suffered much at the hands of diplomatists sent out to represent Britain, but who, through ignorance or indifference, surrendered Canadian rights. That danger exists no longer. Perhaps the first great diplomatic success achieved by Britain in dealing with the United States was in the Halifax award of 1877, when for the first time Canadian interests were adequately guarded by representatives of her own. It can safely be said that since Confederation enabled the public men of Canada to speak of the national affairs with the united voice of five millions of people, they have not fixed upon or urged any marked line of policy in connection with affairs in America which has not been fully supported by the British Government.

This practical dominance of the national policy in one quarter of the world is effected quietly, steadily and without any great effort at self-assertion. It comes naturally from the moral weight of the country's new position.

The political influence of the provinces when separate was exerted not merely in a desultory way, but often in conflicting directions. Political consolidation has produced, if not unanimity of opinion, at least unanimity of national decision. British statesmen do not now have to ask at half a dozen centres of political influence or agitation, as they had to do before Confederation, what course Canada proposes to take in any given case. The change has greatly simplified and harmonised the conditions of national life.

The High Commissioner who now represents Canada in Britain is one of her foremost statesmen, second only in influence to the Premier himself. Practically he is a Canadian Cabinet Minister, resident in London, and deputed with large and responsible powers to keep in direct touch with the Imperial Government. His position is admittedly one of the most influential and important in the Empire. Liable at any time to be called back to take a leading part in Canadian politics, his position is distinctly representative, and therefore entirely different from that of an Agent-General or provincial representative.

The gain in political prestige has another illustration. When the country was still split up into small disconnected provinces, it was not to be expected that statesmen with the highest political training, or with a great career open to them in Britain, would accept the governorships. The fact that the Dominion has had as Governors-General in succession Lord Monck, Lord Dufferin, the Marquis of Lorne, Lord Lansdowne, and Lord Stanley, proves how great a change has taken place in this respect, and that a Confederated group of Colonies like the Canadian Dominion can always command the services of statesmen of Cabinet rank. There is nothing in the British North American Act which would prevent a Canadian from being appointed to this high post, but neither popular feeling nor the inclination of Canadian statesmen themselves has hitherto favoured such a course.

The decisive change of political status involved in Confederation is shown by the powers which Canada exercises over the vast regions of the North-West. The right of the people who are gradually filling up this territory to varying degrees of self-government is determined absolutely by the Parliament of the Dominion, which thus exercises the quasi Imperial prerogative of assigning Constitutions and political form to regions as large as European States. The future of the country is thus left entirely in Canadian hands, and it is to be observed that the Imperial Government, far from feeling impatience at such a disposition of authority, has shown its satisfaction at being relieved of an onerous responsibility.

The political and commercial development of this great national domain in the North-West is among the influences which have operated most powerfully in giving cohesion to the Dominion. The common interest taken in its management has done much to break down old differences. The North-West promises to be the solvent of provincialism. The settlers from the older provinces there think only of being Canadian, and form a national nucleus for the emigration which comes from the old world. What the entrance upon the Mississippi Valley and the Western Prairies was to the United States, the opening of the North-West under Confederation has been to Canada. It lifted the spirits of the people by awakening them to a consciousness of the great possible future before them. It made them feel that they alone were responsible for that future. It gave the dignity which comes from breadth of national idea and a sense of greatness. New and varied fields for enterprise were opened up. Since the East and West were linked together it has gradually dawned upon Canadians that they own the greater half of the North American Continent, and that the resources of their country match its extent. They have found that the Dominion possesses the most valuable sea and fresh water fisheries in the world, the widest extent of forest available for commerce, the largest area of good and unoccupied wheat land on the globe, three of the most important coal areas in existence, and an extent of sea coast and inland navigable waters so great as to have made the commercial navy of the country, even when its development has only begun, already rank fifth among the nations of the world.

It must be remembered that Canada is a country which has had to rely for her prosperity upon the slow and steady growth of industrial pursuits. She has never had great gold deposits to cause a rush of population or an abnormal flow of capital to her shores. On the other hand she is not subject to periods of inflation or feverish speculation. Her wealth is the result of strenuous toil, but it remains fixed in the most permanent forms, and distributed with comparative evenness throughout the mass of the population. Of the 5,000,000 of Canadians, 4,000,000 are native born, and in few countries is love of their native soil a more striking

characteristic of the population, French and British. In the days of provincial separation there was a tendency towards contented stagnation. Out of this the whole spirit of the country has been raised by Confederation, which added to the love of the soil a just pride in the present and potential greatness of the country and an enthusiasm for their general welfare. This strengthening and elevation of the national spirit seems to me the noblest result of Canadian unity, and the chief source even of material advantage. The self-respect which has been engendered at home has commanded an infinitely increased respect from abroad. The deep and often sympathetic interest with which the development of Canada is now watched in the United States furnishes a striking contrast to the contemptuous disregard of earlier provincial days.

It would be idle to say that the union of the provinces has done away with every difficulty in Canadian Government. The problems which arise from differences of race and religion remain, and history proves that they may be very lasting in their influence.

But the difficulties between Upper and Lower Canada, which at one time seemed insuperable, and made good government impossible, have been largely overcome. The necessary appeal to the wider tribunal of a United Canada has compelled opponents to depend on reason more and passion less. As the principles of autonomy in local Government become thoroughly settled, the causes of friction in the General Parliament are removed. Canada presented conditions which subjected the merits of a Federal system to a crucial test, and the result in good Government, as well as in material success, have fully justified the national effort and the provincial sacrifices which the attainment of a united Government involved.

Common sense and patriotism seem to be all that is now required to carry on the national system without undue friction. In close proximity to the great American Republic, Canadians have every opportunity of comparing the working of their own Federal Government with that of their neighbours. They have no reason to fear the comparison. With an Executive responsible to Parliament, and a Parliament responsible to the people, the Canadian knows that he has a more Democratic form of Government than where, as in the United States, the Executive is appointed for a term of years by the President, and is directly responsible to him alone, while his system thus gives him a swift appeal to the popular will on all questions of public policy, it at the same time saves him from the bitter quadrennial contests which cannot end otherwise than in placing the leader of a party in the place of supreme executive power, while enjoying complete freedom, and exclusive control of all internal affairs, the Dominion retains its position as an integral part of the greatest empire in the world, in whose counsels its voice is heard with a constantly increasing weight.

The Canadian is therefore politically content, and his content is largely the result of Confederation.

The consolidation of the great groups of Colonies throughout the empire appears to be on the direct line of natural political development. But natural though it is, the history proves that so great an end cannot be gained without much effort, without resolution on the part of statesmen, and a self-sacrificing spirit of patriotism among the people. National unity and the blessings which flow from it have never been purchased at a less price.

LXII. FEDERATION AND AUSTRALASIAN CUSTOMS DUTIES.

A leading proposition in connection with the Federal movement is that there should be Free-trade as between the Colonies, and it is important to ascertain how much revenue would be lost under such circumstances. To get at this the Import and Export Returns of the several Colonies have had to be consulted. While this work was going on a similar task was undertaken by Mr. F. H. Bruford, of the Victorian Customs Department, who published the result of his researches in the *Argus* of

10th January, in an article entitled "A basis for an Australian Customs Union." Dealing with the six Australian Colonies, and omitting New Zealand, Mr. Bruford estimated that the revenue lost to the Colonies would equal the amount collected on the produce of the Colonies, and this he stated at £390,943.

The compiler of this work has had a return very carefully prepared, which includes New Zealand, and shows the following result :—

RETURN OF CUSTOMS DUTIES.

Colony.	English and Foreign.	Colonial.	Less Draw-backs and Miscellaneous Charges.	Total.
	£	£	£	£
New South Wales	1,586,558	327,652	8,627	1,905,583
Tasmania	110,179	199,623	2,450	307,352
New Zealand	183,616	1,227,656	2,207	1,409,065
Queensland	919,588	427,614	434	1,346,768
Western Australia	113,400	54,592	—	167,992
Victoria	2,554,892	335,827	—	2,890,719
South Australia	427,197	161,169	62,573	525,793
	5,895,430	2,734,133	76,291	8,553,272

The Government Statistician of Tasmania (Mr. R. M. Johnston) has also been engaged in an examination of the same figures, and has arrived at the conclusion that the duties on Colonial produce would represent about 7 per cent. of the total Customs, which would place the amount for the seven Colonies at £598,729, or, without taking New Zealand into account, £500,095.

The manner in which the Customs Statistics are compiled renders it almost impossible to arrive at anything like an accurate conclusion, a fact which is admitted in the following paragraph published by the *Argus* on the very day that Mr. Bruford's letter appeared :—

"The officers of the Customs department have reported to the Minister of Trade and Customs that grave errors have been made in the tables of statistics, owing to the carelessness of importers and exporters in entering their goods. Frequently goods are shipped without entries having been passed, and the country credited as being the place from which the goods came is often merely the result of conjecture on the part of junior clerks employed by importers. Mr. Langridge has given instructions that entries containing erroneous or insufficient information must be rejected, and intends to put into operation the provisions of the Customs Act relating to the forfeiture of goods shipped without proper entry. Merchants will be notified of these facts, so that no plea of ignorance may be advanced."

Having elements so imperfect to work with, any calculations must be purely approximate, but it may be accepted as not far from the truth, that should a Federal Government take over the Colonial Customs revenues, establishing Freetrade between the members of the Federation, the amount they would have at disposal on a trade equal to that of 1889 would be about £8,000,000 in round numbers including New Zealand.

Mr. Bruford's paper is as follows :—

LXIII. A BASIS FOR AN AUSTRALIAN CUSTOMS TARIFF.

[By F. H. BRUFORD.]

(From *Argus*, 10th January, 1891.)

The main purpose of a Customs Union is comprised in the first proposition—That there shall be free trade between the Colonies that are parties to the union. Before such a proposition can be adopted it is necessary to find out how the Colonies would be affected as regards their revenue.

To ascertain the loss, the following table has been compiled:—

Colonies.	Duty Collected on Foreign Goods, 1889.	Duty Collected on Colonial produce, 1889.	Total Duty Collected on all Goods, 1889.
	£	£	£
Queensland	387,908	73,885	461,793
New South Wales	272,278	89,302	361,580
Victoria	112,573	150,212	262,785
South Australia	152,382	40,456	192,838
Western Australia	53,819	18,987	72,806
Tasmania	182,886	18,101	200,987
Total	1,161,846	390,943	1,552,789

In this table and all through this paper New Zealand has been left out and treated as a foreign country for reasons obvious to all students of the history of the Federation movement.

The revenue lost to the Colonies would be the amount collected on the produce of the Colonies. The duty on foreign produce interchanged would still be paid in one or other of the ports, and no more than that is paid now. It is very essential to remember this fact, because it has been overlooked by the statesmen who have dealt with the question, and the mistake has led them to very erroneous conclusions. Queensland collects £104,000 on tobacco, and £54,000 on tea imported from the neighbouring Colonies, and would collect the same amount under inter-colonial free trade. These goods have been shipped under bond, and have not contributed one penny to any revenue but hers, and the same may be said of all other foreign goods, with the exception of a few small articles, upon which duty may be paid in more than one place. It is quite impossible that any considerable trade could be done in goods paying two duties. The equal facilities with which the Colonies can import direct from foreign countries would effectually prevent this, and the drawback laws provide a ready way of escaping the double payment. No doubt a few manufactured articles made up partly of duty-paid material are sent from Colony to Colony, and the duty on such material might be twice paid, but this would not be sufficient to affect to any great extent the following estimate.

Calculated on the above basis, the total loss to the whole of the Colonies by the establishment of intercolonial free interchange would be only £391,000 for a trade equal to that of the year 1889, and the smallness of this sum, as shown by figures now set forth for the first time, is very surprising. Sir Samuel Griffith said at the Federation Conference of February last, that "without Customs revenue from intercolonially imported goods the aggregate income of each Colony would be diminished by at least half a million sterling." Sir J. G. Lee Steere estimated the loss at two millions for all the Colonies, including New Zealand. Mr. Macrossan, mistaking Sir Samuel Griffith, and speaking as if he had said the *total* loss instead of the loss to *each Colony*, thought the amount too small, and estimated it at one million. The actual amount, according to the figures here given, is £390,943.

As the value of this statement depends upon the credence to be given to the figures, it is necessary to show how they have been arrived at. The total duty on intercolonial imports has been taken from the tables of interchange published by the various Colonies, and can be checked by anyone who will go through the long process of picking out of those tables the quantities under each head, and calculating the duties, and adding them together. As, however, the loss to the Colonies has been shown not to depend upon this column, it has not been thought necessary to append a detailed statement.

The duty collected upon Australian produce is the most important column, and it must be said that this is to some extent an estimate, but it is an estimate formed in such a manner as to be very reliable. If the published statistics could have been trusted, the figures given could be treated as absolutely accurate. The tables of imports do not distinguish between foreign and Colonial produce, but the tables of exports do so. With the assistance of these a fair division of any item into foreign and Colonial may be made. In the foregoing statement the exports of all the exporting Colonies have been consulted to ascertain with regard to each item imported how much of it is home produce, and a table of the details is appended hereto.

It is the export statistics of all the Colonies that have been found untrustworthy. In almost every instance they record a smaller quantity as having been exported to any one Colony than is recorded in such last-mentioned Colony as having been imported. For this reason the import tables, which must necessarily be correct, have been taken as a basis, and the amounts of the discrepancies between the two sets of tables have been divided into foreign and Colonial produce in the same proportion as the remainder. In all such articles as grain, hardwood, green fruit, butter, etc., the whole of the duty collected has been set down as on Colonial produce, and allowance has been made for goods passing through one Colony to another, and so being excluded from the column "home produce," although they may be actually Colonial produce.

If the figures are even approximately correct, it is evident that the loss to the revenue by Free Trade amongst the parties to the Union would be so small that it need not stand in the way of such a Union being formed. A slight increase in the duties on spirits and tobacco would cover the whole deficiency, or the amount could easily, if necessary, be raised by light excise duties, which the different industries could easily bear, seeing that they would have a free market in all Australia, protected—if the tariff proposals which follow are adopted—against the rest of the world. It must be borne in mind, too, that this is not additional taxation; imposts are simply imposed in place of those abolished. In short, any loss to the revenue would result in an equal gain to the people.

But will there be a loss at all? Is it possible that when the sawmill proprietor can place his mill on whichever side of the Murray may suit him, when the fruit-grower can plant his trees where the climate and soil are most favourable, and when the miner can buy his machinery, without restriction, in whatever city may have a stock for sale, there will not be increased wealth and prosperity, and that this will not lead to increased imports? No statistics deal with this phase of the question. The gain is incalculable, but perhaps it is none the less real. It is not, however, the purpose of this paper to deal with possibilities, but to show that a Customs union can be established on the known facts.

It follows as a corollary to the first proposition that there shall be a common Customs tariff for all the Colonies included in the union, otherwise all goods would be imported into that Colony in which the rate was lowest, and be sent thence to their destination.

It is proposed to form the first tariff in the following manner:—Each article shall be liable to import duty at the average of the rates imposed by the different Colonies, after allowing to each Colony a voice effective in proportion to the quantity of such article imported from foreign ports by such Colony. Thus say A.

imports £5,000, value at 25 per cent.; B imports £2,000, value at 15 per cent.; C imports £3,000, value free; the rate would be—

5

×

25

=

125

2

×

15

=

30

3

×

0

=

0

—

10

155

155 ÷ 10 = 15½ per cent.—the proposed rate.

But in case of such calculations resulting in complicated fractions in the rates, the nearest convenient rate shall be adopted.

The tariff so formed shall be considered as tentative only, and as soon as a Federal Power shall be constituted, it shall be moved to amend and simplify the list.

It must be borne in mind that this tariff is proposed purely as a *modus vivendi*. It is not claimed that it is in itself either a convenient, simple, or wise measure. On the other hand it is admittedly inconvenient, complicated, and in many respects unwise, but it possesses these three advantages, which can be gained in no other way:—

1. It can be mathematically demonstrated that, given the same trade, it will produce exactly the same aggregate revenue as the present tariffs.
2. It is absolutely fair in this respect, that no colony will give up more of its principles than its neighbours.
3. Each Colony will preserve, to a large extent, its rate on the goods that it most largely imports from foreign ports.

The imports from Australian Colonies have not been included because they will produce no duty under this scheme.

Only a Federal Government can properly form a common tariff, but it has been so often said that a Customs Union must precede a complete Union that any measure that can be adopted to bridge over the time until a competent body can legislate upon the matter must be of value. The question of free trade and protection has been rigorously excluded from the calculation, but it is at once plain that if New South Wales determines to adhere to free trade and Victoria to her 35 per cent. list, every attempt at a complete and even comprehensive scheme of inter-colonial free interchange must necessarily fail. These two Colonies, which are at the two opposite limits in respect to their tariffs, are more largely affected than the others, which have pursued an intermediate policy. Nevertheless, as power has been given to them in proportion to the amount of their imports, nothing that can be done to do them justice has been omitted.

The proposed tariff is so much like those of most of the other Colonies, that they can have no objection to it on the score of change of policy.

Whilst this tariff would produce exactly the same aggregate amount as those now in force, it would not give to each separate colony its present revenue. Again it is necessary to resort to a table to explain the effect:—

Colony.	Total Value of Imports (without Coin or Bullion), 1889.	Gross Amount of Duty Collected 1889.	Percentage.
	£	£	£
Queensland	5,637,398	1,346,768	23 17 9
New South Wales	19,645,836	1,905,883	9 14 0
Victoria	23,674,132	2,890,719	*12 3 10
South Australia	6,679,428	588,366	8 16 2
Western Australia	818,127	167,992	20 10 8
Tasmania	1,611,035	309,761	19 4 6
Total	58,065,956	7,209,489	12 8 4

* Victoria paid away in drawbacks £120,000, which reduces the percentage to £11 14s. 2d.

From this it would appear that as the total duty was in 1889 £12 8s. 4d. per cent. on the total value of the imports, and would be the same under the proposed tariff, South Australia, New South Wales, and Victoria would gain by the change to an average tariff, whilst Queensland, Western Australia, and Tasmania would lose revenue. This is not an unmixed evil; surely the people of Queensland, who pay nearly 24 per cent. duty all round, are too heavily taxed at the Custom-house. The loss to them would not be actually so great as these figures show, because, as has been before stated, each Colony would to some extent preserve its own rate on those goods of which it imports most, and in every case the taxation remitted would go to the people of the Colony affected. There would be no actual loss or gain.

It is impossible to separate these proposals completely from the general question of Federation. So much depends upon whether the duties are to be paid into a National revenue, or whether they are to be retained by each Colony. At first sight it would appear that it is almost a necessity that a common tariff should be administered by a central authority; otherwise difference of practice would inevitably arise. Under the simplest tariff it would be almost impossible to follow the same course unless all decisions as to how doubtful articles should be classed were given by one body, and the inconsistencies would be very much more numerous under a complicated system. Both methods have, however, been advocated, and it is not within the scope of this paper to say which is the wiser. The issue depends upon such questions as whether the responsibility for the National debt shall be given to a Federal Government.

It would appear also very inconvenient that the power of Customs taxation should be given to a central body, whilst the duty of expending the money should be in the hands of the local Parliaments. It would be difficult to make both ends meet if a Colony could not decide upon, nor even know, how much it would raise from Customs. It could not enter into contracts or undertake public works if the revenue upon which it depended for payment was liable at any time to be curtailed by the vote of a Federal Government.

It is necessary, however, to prepare for the contingency of each Government having for its share the revenue collected in its ports, and for this purpose the following proposition is made:—that Tasmania and Western Australia shall be entitled to receive from each Colony in the Union payment equal to the amount of duty at the rate imposed by the common tariff on all goods not produced in the Colonies belonging to the Union imported from such Colony, and shall pay to such Colony an amount equal to the duty on all such goods exported thereto.

It has been already shown what the aggregate loss to the Colonies would be by the establishment of Intercolonial Freetrade, but it is possible that the deficiency might fall much more heavily upon one Colony than on another. The justice of the system is based upon the supposition that each Colony shall receive the duty on the goods consumed within its borders, and it must now be shown why Tasmania and Western Australia are to be treated differently from the other Colonies. The reason is that a very much larger proportion of the trade of these two smaller Colonies is of an Intercolonial character, and as they stand somewhat in the position of retail dealers in the larger markets of their neighbours, they might buy duty-paid goods and so suffer a loss, the amount of which would go into the coffers of the port in which they might buy. It will thus be seen that the sum to be paid by, say, Victoria to Tasmania would be no loss to Victoria. It would simply be handing over the extra amount which she had collected, owing to the new proposals. The payment is confined to the duty on foreign goods which, under the present system, are shipped under bond or for drawback, so that there would be nothing taken from the amounts which are now collected, but only from those which might be collected.

To show why these Colonies are differentiated from the rest as regards treatment a reference should be made to the following table:—

Colony.	Gross Amount of Duty Collected 1889.	Gross Amount of Duty on Foreign Produce from the Australian Colonies, 1889.	Percentage.
	£	£	
Queensland	1,346,768	387,908	28 $\frac{1}{2}$
New South Wales	1,905,883	272,278	14 $\frac{1}{2}$
Victoria	2,890,719	112,573	3 $\frac{1}{5}$
South Australia	592,078	152,383	25 $\frac{4}{5}$
Western Australia	167,992	53,819	32
Tasmania	309,761	182,886	59

From the above it will be seen that Tasmania and Western Australia have the largest amount of intercolonial trade in foreign goods, and although it is very unlikely that much of the duty on such goods would be paid in the other Colonies, it might still be sufficient to make a considerable difference in their smaller revenues. The above proposals would entirely do away with any chance of loss to them.

It may be asked why Queensland, which has 28 per cent. of intercolonial trade in foreign goods, should not be similarly treated. The reason is that the duties on goods for Queensland are more likely to be paid in Queensland. It has already been shown that of the £388,000 she collects on foreign goods from the other Colonies no less than £158,000 is on tobacco and tea, and there is no doubt that merchants would not lose the interest on the duty on such articles by paying it in Melbourne and Sydney. Moreover, her importers are in a large way of business, and would, as a rule, prefer to clear their own goods at their own ports. The same remarks apply to South Australia, but are not to the same extent applicable to Tasmania and Western Australia. Queensland also would have a great counterbalancing advantage in having a free market for her high-dutied products—sugar and rum—upon which she could easily levy excise.

The next thing to consider in this connection is the effect of the border trade. A quantity of merchandise is sent annually from Victoria to New South Wales across the Murray, and unless the objectionable system of border Customs were continued, the duty thereon would have to be paid in Victoria. It must not be forgotten that any Federation which left a Custom-house on the inland border would not be deemed satisfactory by any true friend of the cause. It therefore remains to be seen whether any payment should be made for the undoubted advantage which Victoria would gain from this source. Figures which will show the exact amount of duty which would be paid to the wrong Colony in this matter are not published, but no doubt the particulars are easily obtainable in the Sydney Custom-house. It is gathered, however, that the duty collected at the New South Wales Murray ports on goods from Victoria was about £67,000 in 1889, and it may be guessed that not more than three-quarters, or about £50,000, was on foreign produce. There were probably no foreign articles crossing in the opposite direction to counterbalance this account, and it must be looked upon as a prospective loss to New South Wales and gain to Victoria under the proposed system. The trade across the other borders is probably not nearly so great, except in home produce, and may be left out of the calculation.

If this were the only factor to be considered in making an arrangement between Victoria and New South Wales, the matter might at once be settled by Victoria

paying over a sum to be agreed upon, but there is the large trade by sea to consider. There is the stock tax (£40,000), which Victoria is surrendering. There will be so many questions not connected with Customs, such as national debts and national wealth, to be brought into the common partnership, that the £50,000 falls into insignificance, and no person will be able to calculate within a much wider margin than this the balance of advantages, or say on which side it will be. It is therefore not thought that this should be paid simply because its amount can be ascertained when so many larger debits and credits are incalculable, and must for ever remain unadjusted.

All these difficulties relating to the advantages and disadvantages to each Colony disappear at once if the Customs duties go into a common fund, to be divided according to population—or on any other basis that may be adopted—or if they go to make the revenue which a Federal Government must necessarily obtain from one source or another. If, therefore, an adjustment amongst the Colonies cannot be decided upon, there remains the expedient of handing over the collections to be disposed of in this manner. There does not appear on the surface any unsurmountable obstacle to the appointment by the Colonies, pending complete Federation, of a board to administer the common tariff and divide the proceeds upon defined lines, and this is thought to be far preferable to the foregoing propositions, which, as before stated, are formed only to meet the contingency of some such arrangement not being agreed to. The following proposal is accordingly advocated, and, should it be adopted, the preceding will be annulled:—"That a board shall be appointed by the Colonies joining the Union to administer a common tariff, and divide the duties collected between the Colonies on the basis of population." Originality is not claimed for these proposals. Some of them have been spoken of from time to time by persons who were not in a position to judge of their effect. All that is claimed is that it has been shown that an arrangement on some such lines is practicable, and can be entered into without delay and without danger. No doubt improvements and additions, and perhaps radical changes, will be made, but if this be the means of demonstrating the possibility of achieving a Union, its purpose will have been attained. It is put forward by one who looks upon the small and temporary loss of Customs revenue which any Colony may suffer as of the lightest weight when balanced in the scale with the birth of an Australian nation. With this high object in view any reasonable arrangement would be better than none at all. The lion which has been said to stand in the path may be overcome by other means, but if it has been shown that he can, in one way, be overcome, it will no longer be possible to stand fearful—a forward move must be made.

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APPENDIX A.

STATISTICS bearing on the question of AUSTRALASIAN FEDERATION, TO December, 1889. Compiled from Official Records by THOMAS C. JUST.

COLONY.	DATE OF SETTLEMENT. [®]	AREA IN SQUARE MILES AND ACRES. [®]	LANDS.			POPULATION.	REVENUE.	EXPENDITURE. (Ordinary and Loans.)	MILITARY AND DEFENCE EXPENDITURE. (From General Revenue and Loans.)	INTERCHANGE†.												
			Alienated.	Crown.	Cultivated.					United Kingdom and Foreign Countries.		New South Wales.		Tasmania.		New Zealand.		Queensland.		Western Australia.		
										Imports.	Exports.	Imports.	Exports.	Imports.	Exports.	Imports.	Exports.	Imports.	Exports.	Imports.	Exports.	
NEW SOUTH WALES ..	1788	309,175 miles } 197,872,000 acres }	acres. ..	acres. ..	acres. ..	1,122,200	£ 9,063,397	£ 9,250,271	£ 56,440 ^b	£ 12,216,938	£ 12,570,441	£ ..	£ ..	£ 505,590	£ 174,852	£ 1,195,090	£ 416,824	£ 4,667,780	£ 1,747,853	£ ..	£ ..	
TASMANIA	1803	26,375 miles } 16,774,000 acres }	43,166,434	154,705,566	1,164,475	151,480	678,909	2,365,999 ^c	10,368	573,956	251,851	192,764	431,741	..	..	63,157	33,300	840	6509	..	..
NEW ZEALAND	1814	104,235 miles } 66,710,320 acres }	4,717,520	12,060,480	488,354	620,279 ^a	3,991,919	3,981,721	57,521	5,189,965	7,193,594	492,682	1,069,196	41,694	59,554	..	..	19,167	136,503	..	4476
QUEENSLAND	1824	668,224 miles } 427,663,360 acres }	19,940,983	46,769,337	1,560,605	406,658	3,440,249	3,594,625	481,346 ^c	3,334,891	2,568,519	1,829,892	3,930,437	17,053	1425	115,541	11,567	105,951 ^f	826,640 ^f	20	444	
WESTERN AUSTRALIA ..	1829	975,920 miles } 624,588,800 acres }	15,461,475	412,201,855	247,073	43,698	442,725	1,727,035 ^c	11,558 ^b	483,158	613,834	10,693	100	..	..	25	..	702	..	..	..
VICTORIA	1834	87,884 m les } 56,245,760 acres }	3,782,980	620,805,820	117,833	1,118,028	8,675,990 ^b	135,112 ^c	3697	15,862,906	8,712,680	6,326,440	2,114,034	418,053	493,766	882,600	356,212	189,072	358,272	90,654	83,673	
SOUTH AUSTRALIA	1836	903,425 miles ¹ } 578,192,000 acres }	22,581,334	33,664,426	2,627,262	324,484	2,270,433	3,737,298 ^c	6520 ^b	2,753,760	3,975,631	3,047,542	2,209,312	36,338	8491	29,093	26,312	97,752	248,524	43,016	169,899	
		sq. m. acres	3,075,238 1,968,050,240	120,454,830	1,847,595,410	9,070,479	3,786,827	28,563,222	28,170,120 10,072,815	..	40,420,574	35,886,550	11,900,013	9,754,820	1,018,728	738,088	2,285,506	844,215	5,081,264	3,324,301	133,690	258,492

COLONY.	INTERCHANGE†—continued.								CUSTOMS DUTIES (Approximate.) ^k				TAXATION PER HEAD OF MEAN POPU- LATION.	PUBLIC DEBT, AND PER HEAD.	ACCRUED SINKING FUNDS, 31ST DECEMBER.	BANK DEPOSITS. (Ordinary.)	ASSESSED VALUE OF PROPERTY.		RAILWAYS. Miles open.	RAILWAYS. Miles under Construc- tion.	TELEGRAPHS. Miles open (of line).
	Victoria.		South Australia.		Totals.		Per Head of Population.		English and Foreign.	Colonial.	Less Drawback and Miscel- laneous Charges.	Total.					Annual.	Capital.			
	Imports.	Exports.	Imports.	Exports.	Imports.	Exports.	Imports.	Exports.													
	£	£	£	£	£	£	£ s. d.	£ s. d.	£	£	£	£	£ s. d.	£	£	£	£	£			
NEW SOUTH WALES ..	2,419,038	5,385,300	1,858,621	2,999,664	22,863,057	23,294,934	20 7 4	20 15 1	1,586,558	327,652	8627	1,905,583	2 8 6	46,646,449 = (£41 11s. 4d.)	..	33,777,143	7,009,575	127,212,046	2283	10	10,732
TASMANIA	773,918	717,290	6400	19,166	1,611,035	1,459,857	10 16 6	9 16 2	110,179	199,623	2450	307,352	2 16 9	5,019,050 = (£32 9s. 0d.)	103,181	3,958,848	1,102,397	21,390,784	374	67	1980
NEW ZEALAND	532,609	826,828	20,980	49,114	6,297,097	9,339,265	10 5 4	15 4 6	183,616	1,227,656	2207	1,409,065	3 8 1	37,162,891 = (£59 18s. 3d.)	1,320,359	11,528,424 ^d	2,329,085	66,517,542	1912	176	4874
QUEENSLAND	422,430	347,475	226,784	49,802	6,052,562 ^e	7,736,309 ^e	15 4 10	19 9 8	919,588	427,614	434	1,346,768	3 16 4	25,840,950 = (£63 10s. 11d.)	..	10,182,388	4,240,189	55,974,196	2064	571	9456
WESTERN AUSTRALIA ..	126,097	39,163	197,452	108,294	818,127	761,391	19 0 0	17 13 8	113,400	54,592	..	167,992	4 10 3	1,371,981 = (£29 15s. 9d.)	70,365	837,694	"	"	499	302	2961
VICTORIA .....	..	..	633,035	616,097	24,402,760	12,734,734	22 2 0	11 10 8	2,554,892	335,827	..	2,890,719	3 7 11	37,367,027 = (£33 8s. 5d.)	..	38,768,936	12,931,526	187,558,511	2341	558	3992
SOUTH AUSTRALIA	789,780	584,304	2170 ^c	36,892 ^c	6,804,451	7,259,365	21 6 10	22 15 4	427,197	161,169	62,573	525,793	2 4 7	20,435,500 = (£62 19s. 7d.)	..	6,822,501	2,520,112	50,402,240	1756	55	5511
	5,063,872	7,900,360	2,945,442	3,679,029	68,849,089	62,585,855	..	..	5,895,430	2,734,133	76,291	8,553,272	..	173,843,848	1,493,905	105,875,934	..	..	11,229	1739	39,506

* Vide Colonial Office List.

† Includes transshipments and re-exports to and from England and other Countries.

^a Exclusive of 41,969 Maoris.

^b The Revenue and Expenditure of Victoria are for year ending 30th June.

^c Loan Expenditure.

^d Exclusive of Government deposits.

^e Port Darwin trade.

^f Includes Live Stock overland—Imports, £105,951. Exports, £826,640.

^g Not furnished.

^h From Loans.

ⁱ South Australia—Area of whole Colony. Area of South Australia proper, 379,805 miles.

^j Not including permanent artificially sown grasses.

^k Compiled from the general Import Statistics of the several Colonies. The particulars given in such Returns are not complete, consequently the figures are only approximate.

SHEET No. 1.

COUNTRY.	Provinces or Presidencies.	Date of Federation, or admitted to Union.	Executive Government.	Legislature.								Qualification of Members.				Payment of Members.	Electoral Qualification.				Duration of Parliaments.	Area. Square Miles.	Population, Estimated, 1889.	Revenue.	Expenditure.	Remarks.	
				Federal Council or Senate.		House of Commons.		Legislative Council.*		House of Assembly.*		Council or Senate.	House of Commons.	Legislative Council.	House of Assembly.		Council or Senate.	House of Commons.	Legislative Council.	House of Assembly.							
				Nominee.	Elected.	Nominee.	Elected.	Nominee.	Elected.	Nominee.	Elected.																
AMERICA. United States of— Federal Republic. <small>The 13 original States are marked * Year of Settle- Date of last Ratified or ment. Constitution. amended up to, 1711 1875. ...</small>	States, 42.....	17 September, 1787.....	President, Vice President, and 7 Secretaries of State	...	84	House of Representatives. ...		330	9 years' citizenship & residence in State	Senator £1000 (5000 dols.) per annum and travelling expenses	Chosen by States Legislature	Senators elected for 6 years. A "Congress" lasts 2 years	3,501,404	61,000,000	387,050,058 dols.	321,062,786 dols.	On basis of last Census, 1 representative to every 154,000 inhabitants.
	STATES. <small>(Those named in Italics acceded in 1890-91.)</small> ALABAMA	4 December, 1818.....	Governor, 5 Secretaries of State, and Sheriff, elected for 2 years	...	...	...	...	...	33	...	100	...	...	27 years of age, inhabitant of State, 1 year of County	3 years citizen, 21 years of age, 1 year's residence	4 dols. a day and 10 cents. a mile travelling expenses	...	...	Male citizens of U.S., 21 years of age, 1 year's residence	2 years	50,722	By Census, 1880, 1,362,794	...	...	Representatives elected for 2 years, Senators for 4 years, half retiring biennially.
1085	1874	...	ARKANSAS	15 June, 1836.....	Governor and 4 Secretaries of State, for 2 years	...	...	...	...	...	30/35	...	73/100	25 years of age, 2 years' residence in State	21 years of age, 2 years' residence in State	As fixed by law from time to time	...	...	Male citizens of U.S., 21 years of age, 12 months' residence in State, 6 months in County, 1 month in Ward	2 years	52,198	802,564	...	...	Ditto.
1769	1849	1871	CALIFORNIA	9 September, 1850.....	Governor, Lieut.-Governor, and 5 Secretaries of State, elected for 4 years	Numbers not fixed. Senate to be not less than one-third nor more than half representatives		Ditto	21 years of age, 6 months' residence in State, 3 months in District	2 years	158,981	864,086	Ditto.	
...	1876	...	COLORADO.....	4 July, 1876.....	Same, elected for 2 years	...	...	...	...	...	26	...	49	...	Both Houses. 25 years of age, 12 months' residence in County or District	4 dols. per diem and 15 cents. a mile travelling expenses	...	...	Ditto. (See Remarks)	2 years	104,500	194,649	...	...	Ditto.
1633	1818	1875	CONNECTICUT.....	9 January, 1788.....	Governor, Lieut.-Governor, 2 Secretaries of State, and Controller of Accounts, elected annually	8/24	...	Census basis. (See re-marks)	(See Remarks)	Not mentioned	(See Remarks)	1 year	4750	622,683	Ditto.	
1627	1831	1875	DELAWARE *	7 December, 1787.....	Governor and Secretary of State, elected for 4 years	3 for each County	...	7 for each County	(See Remarks)	As fixed by law from time to time	(See Remarks)	2 years	2120	146,654	DELAWARE.—Senators elected for 4 years. <i>Qualification of Members.</i> —Senators must be 27 years of age, and possessed of 200 acres of land, or an estate equal to £1000 annual value ; must be 3 years a citizen of the State, and 1 year an inhabitant of the County. Representatives : 24 years of age, a citizen or inhabitant of the State for 3 years, or of the County for 1 year. <i>Suffrage.</i> Every free white male citizen, 22 years of age, having 1 year's residence in State, the last month in the County for which he claims to vote, and having paid a County tax; and every free white male citizen 21 years of age, and under 22 years, without payment of tax.	
1565	1868	1875	FLORIDA.....	3 March, 1845.....	Governor, Lieut.-Governor, and 8 Secretaries of State, for 4 years	...	...	...	...	...	(See Remarks)		...	...	(See Remarks)	Not mentioned	...	...	(See Remarks)	2 years	59,268	267,351	...	...	FLORIDA.—The State Legislature consists of a Senate and Assembly, known as the "Legislature of the State of Florida." The Senate consists of not less than one-fourth nor more than one-half the number of the Assembly. Senators are elected for 4 years, half retiring biennially. The Assembly is formed on a Census basis. Each County returns 1 representative at large, and 1 for every 1000 registered votes, but not more than 4 for one County. The Legislative and Electoral qualifications are the same, viz. every male citizen of the United States of the age of 21 years, having 1 year's residence in the State, the last 6 months in the County. All have to take the oath of allegiance.
1733	1868	...	GEORGIA *	2 January, 1788.....	Governor and 4 Secretaries of State, for 4 years	...	...	...	...	...	44	...	175	25 years of age, 2 years in State and 1 in District.	21 years of age, 1 year in State, 6 months in County	To be fixed by law from time to time	...	...	Male citizens 21 years of age, 6 months in State, 1 month in County	2 years	58,000	1,339,048	...	...	Senators elected for 4 years. Half retire biennially.
1720	1870	...	ILLINOIS	3 December, 1818.....	Governor, Lieut.-Governor, and 4 Secretaries of State for 4 years	...	...	...	...	...	50	...	150	25 years of age, 5 years resident in State, 2 years in County	21 years of age, same residence	5 dols. per diem, and 10 cents a mile travelling, 50 dols. a Session for incidentals	...	...	Male citizens 21 years of age, 1 year in State, 90 days in County, 30 days in District	2 years	55,410	3,078,769	...	...	Two years, both Houses.
1690	1851	1873	INDIANA	11 December, 1816.....	Governor, Lieut.-Governor, and 3 Secretaries of State for 4 years	...	...	...	...	...	50*	...	100*	25 years of age, 2 years in State, 1 year in County	21 years of age, same	To be fixed by law from time to time	...	...	Male citizen 21 years, 2 years in State	2 years	33,809	1,978,362	...	...	Senators elected for 4 years ; half retire biennially.
1833	1857	...	IOWA	18 December, 1846.....	Governor, Lieut.-Governor, and 3 Secretaries of State for 2 years	...	...	...	...	...	50*	...	100*	25 years of age, 1 year in State, 60 days in County	21 years of age, same	3 dols. per diem, 3 dols. for every 20 miles travelled, and as fixed by law	...	...	Male citizen 21 years, 6 months in State, 60 days in County	2 years	55,045	1,624,620	...	...	
1850	1859	1876	KANSAS	29 January, 1861.....	Governor, Lieut.-Governor, and 5 Secretaries of State, for 2 years	...	...	...	...	...	33*	...	100*	21 years of age, and 6 months' residence in State	...	3 dols. per diem, 15 cents a mile travelling, 150 dols. a Session maximum	...	...	White male citizens 21 years of age, 6 months' residence in State	1 year	81,318	995,966	...	...	Senators elected for 2 years ; Representatives 1 year.
1775	1850	...	KENTUCKY.....	1 June, 1792.....	Governor, Lieut.-Governor, and 5 Ministers, for 4 years	...	...	...	...	...	38	...	100	30 years of age, 6 years in State, 1 year in District	24 years of age, 2 years resident in State, 1 year in County or City	3 dols. a day and 12½ cents a mile travelling	...	...	White male citizens 21 years of age, 2 years in State, 1 year in District	2 years	37,680	1,648,708	...	...	Senators elected for 4 years ; half retire biennially.
1690	1808	1870	LOUISIANA.....	8 April, 1812.....	Governor, Lieut.-Governor, and 3 Ministers, for 4 years	...	...	...	...	...	36	...	90/100	25 years of age, 1 year in State, 10 days Parish	21 years of age, same	8 dols. a day, not to exceed 60 days	...	...	Male citizens 21 years of age, 1 year's residence in State, last 10 days in Parish for which he votes	2 years	41,346	940,103	...	...	Ditto.
1625	1820	1876	MAINE	4 March, 1820.....	Governor and Council of 7 elected for one year, also Secretary of State and Treasurer	...	...	...	...	...	20/31	...	100/200	25 years of age, 5 years citizen of U.S., 1 year of State, 3 months District	21 years of age, same	Fixed by law from time to time, travelling expenses ensured	...	...	21 years of age, 3 months' residence	1 year	35,000	648,945	...	...	Senators and House of Representatives elected for 1 year.
1634	1867	1875	MARYLAND *	28 April, 1788.....	Governor and 3 Ministers, for 4 years	...	...	...	...	...	25	...	Delegates 87 Representatives 240	25 years of age, 3 years' residence, last year in County	...	5 dols. a day and not exceeding 20 cents a mile travelling Actual expenses to and from Legislature	...	...	21 years of age, 1 year in State, 6 months in District	2 years	11,124	934,632	...	...	Senate elected for 4 years ; half retire biennially. General Assembly consists of Senate and House of Delegates.
1620	1780	1863	MASSACHUSETTS *	6 February, 1788.....	Governor, Lieut.-Governor and Council of 8 elected annually	...	...	...	...	...	40	...	...	...	...	(See Remarks)	...	...	(See Remarks)	1 year	7800	1,788,013	...	...	A property qualification was formerly required for Senators and Representatives, but this was annulled by the Amendments to the Constitution of 1840. The present qualification seems to be the same as for an Elector, viz.—Male citizens of the United States 21 years of age, able to read the Constitution in English, 1 year's residence in the State, and the last 6 months in the District for which he claims to vote. Number of Representatives settled on a Census basis.
1670	1850	1876	MICHIGAN	26 January, 1837.....	Governor, Lieut.-Governor, and 4 Ministers, for 2 years	...	...	...	...	...	32	...	64/100	Male citizens, 21 years of age, 3 months' residence in State, 10 days in Township or Ward	...	3 dols. per diem, 2 dols. extra to Peninsula Members, 10 cents a mile travelling	...	...	Same as for Members	2 years	56,451	1,636,335	...	...	Members are only required to be citizens of the United States and qualified Electors of their Districts.
1843	1857	1875	MINNESOTA.....	26 February 1858.....	Governor, Lieut.-Governor, and 4 Ministers, for 2 years	...	...	...	...	...	37	...	80	Every male citizen of United States 21 years of age, 1 year's residence in State, and 6 months preceding election in District for which elected	...	3 dols. per diem, or as fixed by law from time to time	...	...	Every male citizen of the United States 21 years of age, 1 year's residence in United States, 4 months' residence in the State of Minnesota, Indians and persons of mixed blood subject to examination	To be prescribed by law	83,531	780,800	...	...	Senate, 1 Member for every 5000 inhabitants. House of Representatives, 1 Member for every 10,000 inhabitants.
1716	1868	1875	MISSISSIPPI.....	10 December, 1817.....	Governor, Lieut.-Governor, and 3 Ministers, for 4 years	...	...	...	...	...	28	...	139	Male citizens 25 years of age, 1 year residence in State, 1 month in County, take oath of allegiance in District	21 years of age, 6 months in State, 1 month in County, take oath of allegiance	To be fixed by law from time to time	...	...	Male citizens 21 years of age, 6 months in State, 1 month in County, and take oath of allegiance	2 years	47,156	1,131,502	...	...	
1764	1875	...	MISSOURI.....	2 March, 1821.....	Governor, Lieut.-Governor, and 5 Ministers, for 4 years	...	...	...	...	...	34	...	Census basis not fixed	Male citizens 30 years of age, 3 years a qualified voter of the State, 1 year inhabitant of District	Male citizens 24 years of age, 2 years a qualified voter of the State, 1 year inhabitant of County	5 dols. per day for 70 days, 1 dol. a day rest of Session, travelling allowance, and 30 dols. a Session incidentals	...	...	Male citizen 21 years of age, 1 year residence in State, 60 days in District	2 years	65,350	2,168,804	...	...	
1864	1889	...	MONTANA.....	1 October, 1889.....	Particulars not to hand	143,776	160,000		
...	1875	...	NEBRASKA.....	1 March, 1867.....	Governor, Lieut.-Governor, and 6 Ministers, for 2 years	...	...	...	...	...	30/33	...	84/100	...	Same as for Electors, (q.v.) 1 year's residence in District	3 dols. a day, 10 cents a mile travelling expenses	...	...	Male citizens 21 years of age, 6 months' residence in State	2 years	75,995	452,433	...	...	
1860	1864	...	NEVADA	21 March, 1864.....	Governor, Lieut.-Governor, and 5 Ministers, for 4 years	(See Remarks.)		...	...	...	...	...	...	Same as for Electors	To be fixed by law, 60 dols. a Session for incidentals	...	...	Male citizens 21 years of age, 6 months' residence in State, 30 days in County	2 years	104,125	62,265	...	...	The "Legislature of the State of Nevada" consists of a Senate and Assembly. Representation is fixed on a Census basis, and it is provided that the Senate shall number not less than one-third nor more than one-half the Assembly.	
1623	1792	1877	NEW HAMPSHIRE*.....	21 June, 1788.....	Governor and 5 Councillors, elected annually	...	...	...	...	...	12	Census basis. No. not fixed.	...	30 years of age, freehold estate £200, 7 years' residence in State	21 years of age, 2 years' residence in State, inhabitant of District	To be fixed by law from time to time	...	...	Male citizens 21 years of age, inhabitant of Town or Parish	1 year	9280	346,984	...	...	

[illegible]