

'twenties Maritimers had achieved something like homogeneity within their three separate provinces. This success was marked by what Professor D. C. Harvey has discovered to have been a genuine and broad intellectual awakening. Moreover, prosperity was now paying dividends on the long labors of the pioneers. The stage was set for a new advance towards self-government.

The story of the peaceful attainment of responsible parliamentary government during the 'thirties and 'forties is too familiar to bear repetition here. What is less familiar is the tragedy that marked the pause between this achievement and participation by Maritime men in the guidance of the Canadian Dominion. This was Joseph Howe's perplexing decline in morale after the string of victories which culminated in his Southamptton speech of 1851 and the loan guarantee which it won from Great Britain. In the 'fifties Howe felt that he had gone as far as a man could go in the Maritimes and he yearned for a broader stage as a Colonial Governor. In trying to compel the British government to give him such scope for his talents he rashly embarked on recruiting

in the United States for the British armies in the Crimea, an unwarranted exploit which brought about the dismissal by the United States of the British Minister at Washington.

Howe's subsequent contradictory, enigmatic behaviour and the loss of his magic touch in Nova Scotian politics seem unquestionably to have been related to the check to his ambitions which followed and to the humiliations which he suffered while pursuing the dispensers of imperial patronage in England and Scotland. Only at the very end of his life did he find the way out of his embitterment in Cabinet office at Ottawa and its reward, the Lieutenant Governorship of Nova Scotia.

Other Maritimers were either luckier, or wiser, or perhaps merely born later than Joseph Howe. From the beginning of the Dominion to today the Provinces by the Atlantic have been willing and proud to send to Ottawa their great men who have won their spurs at home, and the rest of Canada has had to admit that the Maritimes have contributed more leaders to the nation than the mere arithmetic of population would predict.

New Brunswick Case Before Rowell Commission

By F. X. JENNINGS

ALTHOUGH it was the last of the nine provinces to be given an opportunity to present its case before the Rowell Commission on Dominion-provincial relations, New Brunswick managed to bring a number of new matters of considerable interest, if not of importance, to the attention of the commissioners. Otherwise, however, the song was the

same as was sung in other provinces, although perhaps pitched in a minor key and with the soft pedal moderately applied.

Outstanding among the new notes struck were those elaborating on the compact theory of confederation, and urging the re-establishment at Ottawa of a department of state for the provinces.

Almost half of the submission was taken up with the argument in favor of

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the compact theory. This, in brief, was to the effect that the basis of confederation was a solemn agreement entered into between the original partners—Ontario, Quebec, New Brunswick and Nova Scotia—and that this agreement, or treaty, or compact, now known as the London resolutions, was given the force of law by an Imperial statute, the British North America Act, 1867. On the ground that the confederation agreement was a contractual obligation the New Brunswick government maintained that the province was entitled to compensation because the terms of confederation had not been fulfilled, and that, as a consequence, the economic position of New Brunswick had declined while other provinces, especially Ontario and Quebec, had forged ahead. The amount of compensation deemed fair was not specified.

With regard to the proposal for a revival of a federal department of state for the provinces, which had been in existence for a few years after confederation, it was urged that it would afford a means of closer co-operation between the federal and provincial authorities, providing a channel for the interchange of ideas which might prevent further difficulties between federal and provincial jurisdictions. The corresponding department in the provinces would be that of federal affairs, which has been a part of the New Brunswick government set-up for the last two years.

A minor field in which new ground was broken was New Brunswick's claim for \$15,000,000 on the Dominion treasury as this province's share of the undistributed "Halifax award" of 1877.

That award, made as a result of an 1871 treaty between Washington and Great Britain regarding fishing rights in Canadian coastal waters, amounted to \$5,000,000 of which \$1,000,000 was turned over to Newfoundland and the rest to the Dominion government. It was claimed that New Brunswick's original share of the award was about \$1,000,000, which at five percent compounded would now reach a total of \$15,000,000. The basis of the New Brunswick claim is that as the waters, on account of which com-

pensation was paid by the United States, consisted solely of territorial waters of the Maritime Provinces, Newfoundland, and to a minor extent, Quebec, the award belonged to those provinces and Newfoundland, and not to the federal government.

The stand of New Brunswick with respect to amendments to the British North America Act, hitherto the subject of considerable erroneous interpretation, was clarified in the brief to the commission, which declared:

"It must not be understood that the Province of New Brunswick is opposed to changes in the constitution where such changes may be absolutely necessary, but...great care should be exercised before a provincial government in 1938 should take the responsibility on relinquishing control for all time of powers which were guaranteed at confederation," and urged that "it is most desirable that the existing difficulties be overcome so far as reasonably possible within the limits of the present constitutional provisions."

Thus there is definite indication that New Brunswick is not disposed to yield up to the central government at Ottawa any of the powers conferred upon the provinces by the British North America Act—it expresses full agreement with the statement reported to have been made recently by Hon. C. A. Dunning, federal finance minister, that "the solution of our problems can be found within the principles of the British North America Act laid down seventy years ago."

With regard to federal provision of social services, the province felt that the most efficient and economical system would be to have these services administered provincially with grants-in-aid from the Dominion, but it stressed the principle that such grants-in-aid should be paid in each case as directly as may be practicable to, or for the benefit of, the individuals or the particular service to be assisted. In this regard, the brief referred to the example of the administration of old age pensions, observing: "The contributions reach the people directly. There is no possibility of the money being used for other purposes. In grants of lump sums to the provinces there is

always the danger that, even though the money is earmarked, it may be used, by reason of financial exigency, for unauthorized purposes."

With respect to the general lump-sum payments, or so-called subsidies, now being paid to the provinces, New Brunswick agreed with the contention put forward in other presentations that the financial assistance to the provinces by the Dominion should be on the basis of actual fiscal need, rather than on a per capita or some other basis, and that the need of each province should be assessed separately. So far as New Brunswick was concerned, it was estimated that at least \$600,000 a year was needed to provide a system of education comparable with that in Ontario, and that the provision of adequate health service would require \$300,000 a year more than is now available. As there was an element of national responsibility in both these fields, as well as in the provision of highways for the proper development of trade and commerce in peacetime and for national protection in the event of war, it was felt that Dominion assistance in regard to all three should be forthcoming.

Other appeals for federal assistance were made on behalf of the coal mining industry, for agricultural education and for the development of markets for potatoes and other farm products. The declaration was made that New Brunswick is entitled to compensation from the Dominion treasury for the loss sustained through preferred treatment being given other provinces in respect to debt allowances and the apportionment of new territory, practically all provinces having benefited from the expansion of their

boundaries with the exception of the Maritimes.

While it was charged that the Dominion had invaded the taxation field of the provinces, and should either yield up the income and sales tax or compensate the province for their loss, New Brunswick favored the idea of handing over to the federal authority the collection of succession duties, provided there was an adequate guarantee that the revenues obtained were apportioned among the provinces on a per capita or some other fair basis. This suggestion already has met with support in other provinces outside of Quebec and Ontario, which naturally would lose through a national per capita distribution.

Based upon its support of the "compact theory", the province made the following submission:

"That a recommendation be made that the Dominion forthwith provide a schedule of freight rates based upon what was designed at confederation and not upon exclusively commercial considerations; that the jurisdiction over rates on the Intercolonial Railway be removed from the control of the Railway Commission; that there should be a subsidiary management of the Government Railways in New Brunswick established at Moncton, authorized and instructed to carry out the terms of the Confederation Agreement; that improvements be made in the facilities at the ports of the Maritime Provinces, shipping connections established and ocean freights arranged in order that the trade between the Great West and the seaboard may be fully developed and that the Province of New Brunswick should receive some compensation for its loss by reason of the non-fulfilment of the obligations of the Dominion."