

prived of permission to carry our goods through United States channels; the bonded goods system may be done away with, and the winter trade through the United States put an end to. Our merchants may be obliged to return to the old system of bringing in, during the summer months, the supplies for the whole year. Ourselves already threatened, our trade interrupted, our intercourse, political and commercial, destroyed, if we do not take warning now when we have the opportunity, and, while one avenue is threatened to be closed, open another by taking advantage of the present arrangement and the desire of the Lower Provinces to draw closer the alliance between us, we may suffer commercial and political disadvantages it may take long for us to overcome.

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

In doing so we had the advantage of the experience of the United States. It is the fashion now to enlarge on the defects of the constitution of the United States, but I am not one of those who look upon it as a failure. I think and believe that it is one of the most skilful works which human intelligence ever created; is one of the most perfect organizations that ever governed a free people. To say that it has some defects

is but to say that it is not the work of Omniscience, but of human intellects. We are happily situated in having had the opportunity of watching its operation, seeing its working from its infancy till now. It was in the main formed on the model of the constitution of Great Britain, adapted to the circumstances of a new country, and was perhaps the only practicable system that could have been adopted under the circumstances existing at the time of its formation. We can now take advantage of the experience of the last seventy-eight years during which that constitution has existed, and I am strongly in the belief that we have in a great measure avoided in this system which we propose for the adoption of the people of Canada the defects which time and events have shown to exist in the American constitution.

In the first place, by a resolution which meets with the universal approval of the people of this country, we have provided that for all time to come, so far as we can legislate for the future, we shall have as the head of the executive power the sovereign of Great Britain. No one can look into futurity and say what will be the destiny of this country. Changes come over nations and peoples in the course of ages. But so far as we can legislate we provide that for all time to come the sovereign of Great Britain shall be the sovereign of British North America. By adhering to the monarchical principle we avoid one defect inherent in the constitution of the United States. By the election of the President by a majority and for a short period, he never is the sovereign and chief of the nation. He is never looked up to by the whole people as the head and front of the nation. He is at best but the successful leader of a party. This defect is all the greater on account of the practice of re-election. During his first term of office he is employed in taking steps to secure his own re-election, and for his

party a continuance of power. We avoid this by adhering to the monarchical principle — the sovereign whom you respect and love. I believe that it is of the utmost importance to have that principle recognized so that we shall have a sovereign who is placed above the region of party — to whom all parties look up — who is not elevated by the action of one party nor depressed by the action of another, who is the common head and sovereign of all.

In the constitution we propose to continue the system of responsible government which has existed in this Province since 1841, and which has long obtained in the mother country. This is a feature of our constitution as we have it now, and as we shall have it in the federation in which, I think, we avoid one of the great defects in the constitution of the United States. There the President, during his term of office, is in a great measure a despot, a one-man power, with the command of the naval and military forces; with an immense amount of patronage as head of the executive, and with the veto power as a branch of the legislature; perfectly uncontrolled by responsible advisers, his Cabinet being departmental officers merely, whom he is not obliged by the constitution to consult with unless he chooses to do so.

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

they acted as separate sovereignties and carried on the war by a kind of treaty of alliance against the common enemy. Ever since the Union was formed, the difficulty of what is called "State rights" has existed, and this had much to do in bringing on the present unhappy war in the United States. They commenced, in fact, at the wrong end. They declared by their constitution that each State was a sovereignty in itself, and that all the powers incident to a sovereignty belonged to each State, except those powers which by the constitution were conferred upon the general government and Congress.

Here we have adopted a different system. We have strengthened the general government. We have given the general legislature all the great subjects of legislation. We have conferred on them, not only specifically and in detail, all the powers which are incident to sovereignty, but we have expressly declared that all subjects of general interest not distinctly and exclusively conferred upon the local governments and local legislatures shall be conferred upon the general government and legislature. We have thus avoided that great source of weakness which has been the cause of the disruption of the United States. We have avoided all conflict of jurisdiction and authority, and if this constitution is carried out, as it will be in full detail in the imperial act to be passed if the colonies adopt the scheme, we will have in fact, as I said before, all the advantages of a legislative union under one administration, with at the same time the guaranties for local institutions and for local laws which are insisted upon by so many in the Provinces now, I hope, to be united.

I think it is well that in framing our constitution our first act should have been to recognize the sovereignty of her

Majesty. I believe that while England has no desire to lose her colonies, but wishes to retain them; while I am satisfied that the public mind of England would deeply regret the loss of these Provinces — yet, if the people of British North America, after full deliberation, had stated that they considered it was for their interest, for the advantage of the future British North America, to sever the tie, such is the generosity of the people of England that, whatever their desire to keep these colonies, they would not seek to compel us to remain unwilling subjects of the British Crown. If, therefore, at the conference, we had arrived at the conclusion that it was for the interest of these Provinces that a severance should take place, I am sure that her Majesty and the imperial Parliament would have sanctioned that severance. We accordingly felt that there was a propriety in giving a distinct declaration of opinion on that point, and that in framing the constitution its first sentence should declare that “The executive authority or government shall be vested in the sovereign of the United Kingdom of Great Britain and Ireland, and be administered according to the well-understood principles of the British constitution, by the sovereign personally, or by the representative of the sovereign duly authorized.”

That resolution met with the unanimous assent of the conference. The desire to remain connected with Great Britain and to retain our allegiance to her Majesty was unanimous. Not a single suggestion was made that it could by any possibility be for the interest of the colonies, or of any section or portion of them, that there should be a severance of our connection. Although we knew it to be possible that Canada, from her position, might be exposed to all the horrors of war by reason of causes of hostility arising

between Great Britain and the United States,— causes over which we had no control and which we had no hand in bringing about,— yet there was a unanimous feeling of willingness to run all the hazards of war, if war must come, rather than lose the connection between the mother country and these colonies.

We provide that “the executive authority shall be administered by the sovereign personally, or by the representative of the sovereign duly authorized.” It is too much to expect that the queen should vouchsafe us her personal governance or presence except to pay us — as the heir-apparent to the throne, our future sovereign, has already paid us — the graceful compliment of a visit. The executive authority must therefore be administered by her Majesty’s representative. We place no restriction on her Majesty’s prerogative in the selection of her representative. As it is now, so it will be if this constitution is adopted. The sovereign has unrestricted freedom of choice. Whether in making her selection, she may send us one of her own family, a royal prince, as a viceroy to rule over us, or one of the great statesmen of England to represent her, we know not. We leave that to her Majesty in all confidence. But we may be permitted to hope that when the union takes place, and we become the great country which British North America is certain to be, it will be an object worthy the ambition of the statesmen of England to be charged with presiding over our destinies.

## FROM SPEECH ON CANADIAN FISHERIES

DELIVERED MAY 5, 1872

TO come to the various subjects which interest Canada more particularly. I will address myself to them in detail, and first I will consider the question of most importance to us, the one on which we are now specially asked to legislate, that which interests Canada as a whole most particularly, and which interests the Maritime Provinces especially,—I mean the articles of the treaty with respect to our fishery rights.

I would in the first place say that the protocols which accompany the treaty, and which are in the hands of every member, do not give chronologically an every-day account of the transactions of the conference, although as a general rule I believe, the protocols of such conferences are kept from day to day; but it was thought better to depart from the rule on this occasion, and only to record the conclusions arrived at. Therefore, while the protocols substantially contain the result of the negotiations ended in the treaty, they must not be looked upon as chronological details of facts and incidents as they occurred.

I say so because the protocol which relates more especially to the fisheries would lead one to suppose that at the first meeting and without previous discussion the British commissioners stated "that they were prepared to discuss the question of the fisheries, either in detail or generally, so as either to enter into an examination of the respective rights of the two countries under the treaty of 1818 and the general law of

nations, or to approach at once the settlement of the question on a comprehensive basis."

Now the fact is that it was found by the British commissioners, when they arrived at Washington and had an opportunity of ascertaining the feeling that prevailed at that time, not only among the United States commissioners, but among the public men of the United States whom they met there, and from their communications with other sources of information, that the feeling was universal that all questions should be settled beyond the possibility of dispute in the future, and more especially that if, by any possibility, a solution of the difficulty respecting the fisheries could be arrived at, or a satisfactory arrangement made by which the fishery question could be placed in abeyance as in 1854, it would be to the advantage of both nations.

It must be remembered that the commission sat in 1871; that the exclusion of American fishermen from our waters was enforced and kept up during the whole of 1870; and that great and loud, though I believe unfounded, complaints had been made that American fishing-vessels had been illegally seized although they had not trespassed upon our waters. Persons interested had been using every effort to arouse and stimulate the minds of the people of the United States against Canada and the Canadian authorities, and it was felt and expressed that it would be a great bar to the chance of the treaty being accepted by the United States if one of the causes of irritation which had been occurring a few months before should be allowed to remain unsettled; collisions would occur between American fishermen claiming certain rights, and Canadians resisting those claims; that thereby unfriendly feelings would be aroused, and all the good which might be effected by the treaty would be

destroyed, by quarrels between man and man engaged on the fishing-grounds. . . .

Under these circumstances, Mr. Speaker, I felt myself powerless; and when the American commissioners made their last offer, which is now in the treaty, offering reciprocity in fisheries: that Canadians should fish in American waters, and that Americans should fish in Canadian waters; that fish and fish oil should be reciprocally free; and that if, on arbitration, it were found that the bargain was an unjust one to Canada, and Canada did not receive sufficient compensation for her fisheries by that arrangement, it was remitted to her Majesty's government to say what should be done; and, as will be seen by the last sentence of the protocol:

"The subject was further discussed in the conferences of April 18 and 19, and, the British commissioners having referred the last proposal to the government, and received instructions to accept it, the treaty articles, 18 to 25, were agreed to at the conference of April 23."

Thus, then, it occurred that these articles from 18 to 25 are portions of the treaty. One of these articles reserves to Canada the right of adoption or rejection, and it is for this Parliament now to say whether, under all the circumstances, it should ratify or reject them.

The papers that have been laid before the House show what was the opinion of the Canadian government. Under the present circumstances of that question the Canadian government believe that it is for the interest of Canada to accept the treaty, to ratify it by legislation. They believe it is for the interest of Canada to accept it, and they are more inclined to believe it from the fact which I must say has surprised me, and surprised my colleagues, and has surprised the country,—that the portion of the treaty which was supposed to be most

unpopular and most prejudicial to the interests of the Maritime Provinces, has proved to be the least unpopular.

Sir, I could not have anticipated that the American fishermen, who were offered the advantages of fishing in our waters, would be to a man opposed to the treaty as inflicting upon them a great injury. I could not have anticipated that the fishermen of the Maritime Provinces, who at first expressed hostility, would now, with a few exceptions, be anxious for its adoption.

In viewing these articles of the treaty I would call the consideration of the House to the fact that their scope and aim have been greatly misrepresented by that portion of the Canadian press which is opposed to the present government. It has been alleged to be an ignominious sale of the property of Canada, a bartering away of the territorial rights of this country for money. Sir, no allegation could be more utterly unfounded than this. It is no more a transfer and sale of the territorial rights of Canada than was the treaty of 1854. The very basis of this treaty is reciprocity.

To be sure, it does not go as far and embrace as many articles as the treaty of 1852. I am sorry for it. I fought hard that it should be so, but the terms of this treaty are terms of reciprocity, and the very first clause ought to be sufficient evidence upon that point, for it declares that Canadians shall have the same right to fish in American waters that Americans will have under the treaty to fish in Canadian waters.

True it may be said that our fisheries are more valuable than theirs, but that does not affect the principle. The principle is this: that we were trying to make a reciprocity arrangement and going as far in the direction of reciprocity as possible. The principle is the same in each case, and as