

ative. And a Presidential veto may be found in the case of the Anglo-American treaty signed in London in 1806, by Mr. Munroe (afterwards President) and Lord Auckland, and others. President Jefferson refused to assent to it, or to submit it to the Senate for ratification, because it did not contain an Article abandoning Great Britain's claim to the impressment of British seamen found on foreign ships on the high seas.

Mr. Justice Story in his work on Constitutional Law thus defined the status of the former American colonies: "The Colonial Legislatures, with the restrictions necessarily arising from their dependency on Great Britain, were *sovereign* within the limits of their respective territories." And the Judicial Committee has lately held that the present Canadian legislative bodies are in no sense the delegates or agents of the Imperial Parliament, but have, within the limits prescribed by their Constitutional Act, legislative authority as plenary and ample as the Imperial Parliament, in the plenitude of its power, possessed and could bestow.

And that Act has also conferred this treaty power on Canada: "The Parliament and Government of Canada shall have all powers necessary or proper, for performing the obligations of Canada, or of any Province thereof, as part of the British Empire, towards foreign countries, arising under Treaties between the Empire and such foreign countries."

If then, the East India Company (composed of subjects of the Crown), and the former American proprietary and charter colonies, exercised the powers of sovereignty as above defined, by what constitutional or revolutionary process could "the dissolution of the integrity of the Empire" be accomplished, if Canada, with her larger executive and legislative powers, which by her Constitutional Act are declared to be "vested in the King," should be endowed with the treaty-making powers of the former East India Company?

The Canadian right to veto, or assent to, Imperial treaties with the

United States was recognized in the Reciprocity Treaty of 1854—negotiated by Lord Elgin, Governor-General, on the advice of Sir F. Hincks, then Premier. That treaty was to "take effect as soon as the laws required to carry it into operation shall have been passed by the Imperial Parliament and the Provincial Parliaments of the British North American Provinces."

The Washington Treaty of 1871 recognized Canadian local and fiscal sovereignty by providing that: (1) "The Government of Her Britannic Majesty engages to urge upon the Government of the Dominion of Canada," (a) to secure to the citizens of the United States the use of the Canadian canals "on terms of equality with the inhabitants of the Dominion;" (b) not to impose any export duties on goods conveyed in transit through Canada to places in the United States; (c) not to levy an export duty on lumber or timber cut in the State of Maine, and floated down the St. John river to the sea. And the right of veto was conceded by providing that the Canal, Transit, and Fishery Articles "shall take effect as soon as the laws required to carry them into operation shall have been passed by the Imperial Parliament and the Parliament of Canada."

The Fisheries Treaty of 1888, negotiated by Mr. Chamberlain, M.P., the British Minister, and the Canadian Minister of Finance, provided that it should be ratified by the Crown, after having received the assent of the Parliament of Canada, and of the Legislature of Newfoundland. But the United States Senate declined to ratify it.

So the French Commercial Treaty of 1893, negotiated by Lord Dufferin and Sir C. Tupper, provided that it should receive the sanction of the Parliament of Canada prior to its ratification by the Governments of Great Britain and France.

What now claimed is the initial power of treaty-making respecting treaties with the United States which may affect Canadian commerce, carrying trade, fisheries and other international matters, and more especially