

The honourable senator from Vancouver South—in more words, because he is more eloquent than I am—gives you exactly the same definition. But our understanding of the Act stops there. I will not repeat my own definition but will prove my interpretation of it with the authorities I am going to cite.

No one in this chamber will seriously deny that the legislators who made confederation possible and an actual fact were able men, and as constitutional authorities, just as good as, if not better than, the legislators of today. No one would dare to say that Sir John A. Macdonald, Sir Georges Etienne Cartier, George Brown, Taché, D'Arcy McGee and the other Fathers of Confederation did not know what they intended to do after years of consultations, meetings and discussions of the problems to be solved; or that they did not take the only steps to carry their proposals to a proper conclusion and secure the Imperial Act necessary to embody their wishes and agreements, namely the British North America Act. No one in this chamber or elsewhere will dispute that the British North America Act was the form of the contract—which could not be entered into by parties unable to contract; was the wording of a treaty—which the parties could not be members of, unless empowered by the government; was the confirmation of a compromise which could not have any weight unless confirmed by the proper confirming authority. No one would dare to argue that the Secretary of State Adderly in the House of Commons, and Lord Carnarvon in the House of Lords, did not know the nature of the statute they were presenting in their respective chambers.

If these were not facts, then the only conclusion would be that the Fathers of Confederation, the Secretary of State, and Lord Carnarvon were just misleading the people or the petitioners—that is the provinces or colonies of Canada—and were deceiving them to surrender their rights under false pretences.

Now let us see and find out the facts concerning these people.

Sir John A. Macdonald said:

The government desired to say that they presented the scheme as a whole, and would exert all the influence they could bring to bear in the way of argument to induce the house to adopt the scheme without alteration, and for the simple reason that the scheme was one not framed by the Government of Canada or the Government of Nova Scotia, but it was in the nature of a treaty settled between different colonies, each clause of which had been fully discussed, and which had been agreed to by a system of mutual compromise.

Sir Georges Etienne Cartier, said on May 17, 1867:

The Canadians, said the English ministers, are coming to us with a ready-made constitution, which

is the result of a friendly understanding reached between them, and of a thorough discussion of their interests and their needs. They are the best judges of what they need, let us not change the agreement which they have reached, but let us sanction their confederation.

Yes, that is the very spirit in which Great Britain received our request. We needed her sanction and she gave it without hesitation and without any desire to interfere in our work.

Hon. J. A. Lesage: Has it not been proven during the last discussion that some of the clauses agreed upon by the provinces or the parties to the British North America Act were changed by the British Parliament?

Hon. Mr. Marcotte: Certainly, some articles were changed, but an Act was passed which was accepted by all the provinces. You obtained an Act which was agreed upon and approved by all the provinces.

Hon. A. K. Hugessen: It was never accepted by the provinces of New Brunswick and Nova Scotia.

Hon. Mr. Marcotte: Was not the bill accepted by those provinces? How is it that they have become part of Canada?

Hon. Mr. Hugessen: Because they were created by the British North America Act.

Hon. Mr. Marcotte: Because the articles of the agreement were under the form of a bill, and the bill was accepted by the provinces which to-day are part of the Confederation, inasmuch as we now have ten provinces, including those you mention.

May I present a few further citations?

First, the Honourable D'Arcy McGee:

We are assembled under the authority of an Imperial dispatch to Lord Mulgrave, Governor of Nova Scotia, and acting under the sanction it gives. Everything we did was done in form and with propriety, and the result of our proceedings is the document that has been submitted to the Imperial Government, as well as to this house, and which we speak of here as a treaty. . . . It is beyond your power or our power to alter it.

And Mr. Alderly:

The house may ask what occasion there can be for our interfering in a question of this description. It will, however, I think, be manifest, upon reflection, that, as the arrangement is a matter of mutual concession on the part of the provinces, there must be some external authority to give a sanction to the compact into which they have entered. . . .

If, again, federation has in this case specially been a matter of most delicate treaty and compact between the provinces, if it has been a matter of mutual concession and compromise, it is clearly necessary that there should be a third party as extra to give sanction to the treaty made between them.

Lord Carnarvon:

The Quebec Resolutions, with some slight changes, form the basis of a measure that I have now the honour to submit to parliament. To those resolutions all the British provinces in North