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CANADA AND THE TREATY-MAKING POWER.

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THE claim advanced on behalf of Canada for enlarged treaty-making powers has been criticised and excepted to by several English periodicals. One says that "the granting of authority—even by Act of Parliament, which is, of course, liable to repeal—to a colony of unrestrained power of making treaties with foreign countries, is incompatible with the principles on which the union of England with her dependencies, as an Empire, is based." Another says that for the Crown to confer the treaty-making power upon Canada "would mean the dissolution of the integrity of the Empire." The claim, as formulated by the Premier of Canada, is that the enlarged treaty-making power shall be subject to the same regal assent, or veto, as is Canada's law-making power; for, as Mr. Lucy in his interview reports, the Premier "was careful to point out that it was not an absolute power of treaty-making that the Dominion demands. Treaties will be subject to the veto of the Sovereign; and if such veto is decreed, that will be an end of the matter."

Neither this colonial treating-making power, nor the colonial veto on Imperial treaties affecting the colonies, are such constitutional novelties in the government of British dependencies as has been assumed by the periodicals referred to.

The East India Company, by virtue of their Royal Charter, often exercised an independent treaty-making power. In 1791-3, a treaty between the Nabob of Arcot in the Carnatic and the East India Company came before the English Courts; and it was held that, although the Company were mere subjects with relation to Great Britain, their political treaties, under their delegated sovereignty, with a foreign sovereign state, were the same as treaties between two independent sovereignties, and were not reviewable by the Courts of the Empire. Lord Chancellor Thurlow, during the opening argument, intimated that the Company, being merchants and sovereigns at the same time, and without inquiring whether they were independent sovereigns, or executing a delegated sovereignty, had to show that "their territorial possessions qualified them as a realm in a separate capacity;" and he added—what is germane to the present discussion:—"If the point were recent, a nation would be bound effectually by the signing of a plenipotentiary; but that is certainly not now understood to be so till the ratification of the treaty, for that is one of the terms contracted for in those treaties." (3 Brown's Ch. Cases, 292; 2 Vesey, Jr., 56). And the Judicial Committee of the Privy Council, in 1880, held that an arrangement made between a former King of Oudh and the East India Company, took effect as a treaty between two sovereign powers. (16 Indian Appeals, 175).

India has its Foreign Office, which conducts British-Indian foreign relations with Afghanistan, Nepal, Bhutan, and other conterminous countries; and its diplomatic agents in the Persian Gulf, Muscat, and Turkish Arabia, deal directly with their local sovereignties respecting matters affecting the foreign and commercial interests of India in those countries.

The Diplomatic Records of the United States furnish abundant precedents of non-ratified treaties after their signature by the accredited plenipotentiaries of their own and other nations, whereby, after their "customary disfigurement by the Senate," as Ex-President Cleveland has termed it, they become ineffectual and inoper-