

Not everyone agreed with Macdonald's analysis that the tragic flaw in the American Constitution lay in its defective federalism which failed to give adequate power to the national government. Leonidas Burwell found no fault with American federalism. Indeed, he thought that "as a principle of free government it has been successful" and he doubted "whether history records a like example, under ordinary circumstances, of such great success and prosperity." For Burwell, the failure to come to terms with slavery was the great American tragedy. Slavery "was the cause of the war. It was opposed to the spirit of the age and had to be eradicated."¹⁰² David Christie echoed Burwell's sentiments. The American Constitution

has stood many rude tests and but for the existence . . . of an element in direct antagonism to the whole genius of their system--negro slavery--the Constitution would have continued to withstand--yes, and after the extinction of that element, will continue to withstand--all the artillery which their own or foreign despotism can array against it.¹⁰³

For the most part, references to the Constitution of the United States came in general statements on its spirit and institutions with little attention to specific textual provisions. There were some interesting exceptions, however. The partial veto of the American President over acts of Congress struck anti-confederationist Philip Moore as an attractive alternative to Parliament's power of disallowance over provincial legislation.¹⁰⁴ J.B.E. Dorion praised the complex procedure Americans required for constitutional change and contrasted it pointedly with the willingness of the confederationists to adopt the Quebec Resolutions by a simple act of the Canadian Parliament with no recourse to the people.¹⁰⁵ John A. Macdonald cited the proposal in the Quebec Resolutions to subject criminal offenses to federal jurisdiction as a marked improvement over the American constitutional practice of leaving such matters to the states.¹⁰⁶ On the other hand, in a somewhat confused reference to the contracts clause--i.e., the clause in the American Constitution which forbids states from impairing the obligation of contracts--John Sanborn lauded the