

Secretary the other day entered very naturally into some historical and critical considerations with reference to the Canadian as contrasted with the Australian plan. Into these I will not follow him. I will only say that I cannot wholly agree with everything he said with reference to the Canadian Constitution. I do, however, agree that that constitution, owing to circumstances which it would take too long to detail, has more of a centralising element than is to be found in the Australian Constitution, and that from those circumstances and the form of its clauses arose long and bitter controversies, now happily settled; and that very largely by what is the main element even in a written constitution for settling controversies—the common sense, the discretion, the determination, and the decision of the people at large; but also, as is sometimes essential where there is a written constitution, by the decisions of the Courts. In many respects the people of Canada manifested the need of compromise in the structure of their constitution. The Canadian Constitution contains many propositions which are, to my mind, quite illogical, and some of which I have never seen a defence; nor I must own, as a humble student of written constitutions, have I been able to observe absolute perfection in this Australian draft now before us. But, after all, that is not necessary or even common here. After all, in all constitutions the great and saving elements are in the men who work them—in their spirit, patriotism, moderation, and good sense, and their determination to work for the best interests of the people. Although we ought, no doubt, to make the best theoretic constitution we can, it is upon those saving elements, after all, that we shall have to depend; for a very inferior constitution, well worked, is very much better than the best you can conceive if not worked in the right spirit. To these elements it is that I trust when I survey this draft. The Colonial Secretary has stated in terms not too large the magnitude of this achievement. My right hon. friend has followed him in the same vein. Yes, Sir, this is one of the greatest things that has been done. But remember it is not we who are doing it. Thus and thus only can we justify ourselves when we are intending in the course of an hour or two to pass the Second Reading of this great and transcendent Bill.

I will undertake to say that from those who made this constitution and are really responsible for it, it has received quite different treatment. It has demanded weeks of debate and years of deliberation from those who are to live under it; it furnishes almost interminable topics of discussion; and yet we are rightly asked by the right hon. Gentleman opposite, and by my right hon. friend, to agree that we have nothing to say about it. Then who has? The Australian people! I might, as I have said, as a humble student of constitutions, throw out suggestions with reference to some of the most important elements of this work; but I will not even name those elements on which I doubt; for where we cannot amend, it is useless and harmful to assault. And the constitution, whatever may be its drawbacks, is, and I hope it will stand, a noble fabric, fit for the habitation of such men as those who have made it and defended it. It is a noble fabric, fit for noble ends. Yet it may not be useless to touch for a moment upon the genesis of these two great instruments of Parliament; so as to find and to follow our duty here to-day; and to recognise clearly what a difference thirty-three years has made in our methods, and in the advance of popular rights. Thirty-three years ago the Canadian Constitution was passed. At that time in my country, save in one province where local circumstances made it necessary, there was no general election on the question. At that time there was no elected convention to prepare the constitution. At that time there was no referendum, nor any textual preparation of a Bill. At that time there were but Ministerial delegations speaking in conference, resolutions framed by them, resolutions submitted to the Assemblies, addresses to the Crown for legislation not at all in the form of a Bill, correspondence with the Ministry at home, and Ministerial representatives despatched to Westminster to confer as to the framing of the measure. It was framed for introduction here with some few provisions in the supposed Imperial interest, and with a few others which these colonial delegates thought themselves authorised to insert, and so it passed. Yet even then misfortune followed from the non-adoption of more popular methods; for this Parliament was appealed to by one of the smaller provinces—the province of Nova Scotia, where a moribund Legislature, elected before the ques-