

legislative body not elected directly or indirectly by the people, but appointed by the First Minister and appointed for life. The Senate was said to be, when first established, the representative of the sovereignty of the Provinces, and the special protector of Provincial rights. And yet the members are appointed by the person against whom (on the theory of protection for the Provinces,) that protection would be needed. (Loud applause.) The First Minister of Canada, whoever he may be, controls the majority of the House of Commons and the legislation of the country. He infringes, we will say, upon Provincial rights, and the Senate is to guard against that—and yet he appoints the watch dogs. (Loud laughter and applause.) Now I say we ought to have a Senate responsible to and elected by the people—(great applause)—small in numbers, and with proper checks and safeguards which have been devised and which could easily be made to avoid those difficulties which the great objector—there is always an objector to every change—says will arise through having an elective Senate. There is another thing: The Provinces have the power to revise the Constitutions and to amend them in all respects except in that which concerns the link between them and the Federal body—the Lieutenant-Governor. But the Dominion of Canada has no power to

#### REVISE HER CONSTITUTION

at all. Neither the people nor the Parliament of Canada can amend the Constitution, either with reference to the Senate or anything else. I maintain that that is a great disadvantage. (Cheers.) We ought to have inherent in us the power to revise and amend our Constitution as from time to time may seem necessary, with proper safeguards, no doubt, for the rights of the Provinces, as they exist in the United States. At the present time, no matter how much you might like to change the Constitution, you do not know that it would be done, for it is dependent upon the action of the Imperial Government and Parliament; and no matter how much you might desire not to change it, the change might be made because it depends upon the action of that Government and Parliament. Then there is another thing, which grew, I believe, largely out of the circumstances to which I have referred respecting the adoption of the Constitution and that is the division of the judicial powers. We have the large body of our laws made by the Provinces. These ought to be administered by the Provinces which make them. The Courts are created by the Provinces, but the judges are nominated and paid by the Federal authority. It is an utterly illogical and absurd mode of managing the matter. (Cheers.) I maintain that when you have a legislative body which makes the laws, you ought to have in

the same Province the power to administer those laws by means of Provincial officers responsible to the people whose laws are to be administered. (Loud applause.) Then we have the great question of Provincial Rights, which may be summed up, perhaps, in the question of the principles upon which the disputed power of disallowance should be exercised. To what end is it that you have a Local Legislature, and that go through the turmoil of Local elections, to send representatives to that Legislature to make laws if, in those matters which are confessedly within the jurisdiction and the exclusive jurisdiction of that Legislature, and in those laws which do not effect the general interest of the Dominion, your legislation is not supreme? (Cheers.) I say it would be better for you—because the truth is always better than a sham—to

#### HAVE A LEGISLATIVE UNION AT ONCE

than to submit to a power of revision and disallowance of law upon those subjects which are committed exclusively to you as a Province, and your laws on which do not affect the general interests. (Applause.) The principles of responsible government are violated at their root by such disallowance. If such disallowance took place in England or Canadian legislation we should be aflame, and should insist that we ought to govern our own affairs, and the same rule applies as between one of the Provinces and the Dominion as applies between the Dominion and the Empire, with reference to domestic legislation. Even though we have a written Constitution, a large part of the Constitution is unwritten, and depends upon the spirit in which it is interpreted and administered. That is the case, as you know, entirely, as to the British Constitution, which is unwritten. In this question of disallowance it is all important to understand the spirit in which you should expound our Constitution. Expound it on the federal principle on which it is recited, that it is made, and you will reach one conclusion; expound it in the spirit of legislative union, and you will reach another. That is not a question for the lawyers, therefore it is not a question for the Courts, but it is a high and important and yet very plain question for the people at large to settle at the polls. (Loud cheering.) Look for example at the question of granting licences for the sale of intoxicating liquors.—(loud and prolonged applause)—and you will find in that a proof of the propositions I have just been advancing. You will find an effort made at Ottawa to construe your Constitution in a centralizing spirit which minimizes the attributes of the Local Legislature and magnifies the attributes of the Federal Legislature. But, when we find that ever since the Constitution was a Constitu-

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