

clear meaning as to make it politically possible for Quebec to enter the Confederation. Further, their point of view prevailed when, some years later, the JCPC found in the tiny acorn of provincial power over property and civil rights the origins of what eventually became the mighty oak of decentralization that overshadowed POGG and the rest of Macdonald's carefully laid plans. Events proved that there was too little political support, not just in Quebec but in all of Canada for Macdonald's grand vision ever to become a reality. The Quebec Confederationists were poor exegetes but great statesmen. They knew that at times confusion is the friend of compromise. Perhaps there is a lesson in all this for the contemporary and possibly salutary confusion over the meaning of sovereignty.

Consent of the Governed

Peter H. Russell begins his widely-read Constitutional Odyssey by recalling what he describes as “[p]erhaps the most haunting lines in Canadian history.” He refers to a letter written in 1858 by three prominent fathers of Confederation, George-Etienne Cartier, Alexander Galt, and John Ross, to Sir Edward Bulwer-Lytton, the British colonial secretary at that time. The “haunting lines” were as follows:

It will be observed that the basis of Confederation now proposed differs from that of the United States in several important particulars. It does not profess to be derived from the people but would be the constitution provided by the imperial parliament, thus remedying any defect.⁴⁷

Russell then contrasts this statement with a comment by Newfoundland premier Clyde Wells in 1990: “The Constitution belongs to the people of Canada--the ultimate source of sovereignty in the nation.” Russell assures his reader that “[b]etween the two passages quoted lies much more than the gulf of years.”⁴⁸ Indeed, the “constitutional odyssey” on which he embarks is the fascinating story of how Canadians made their way from the first statement to the second.