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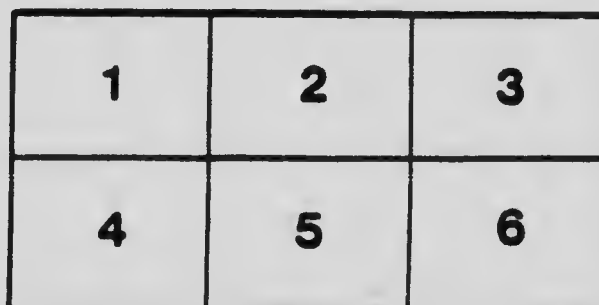
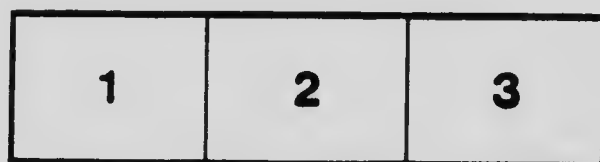
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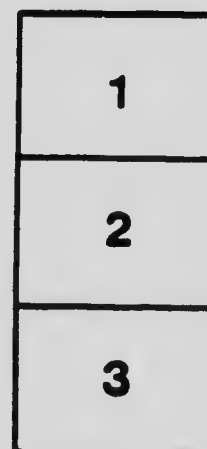
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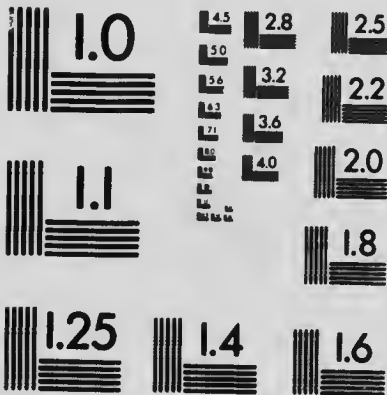
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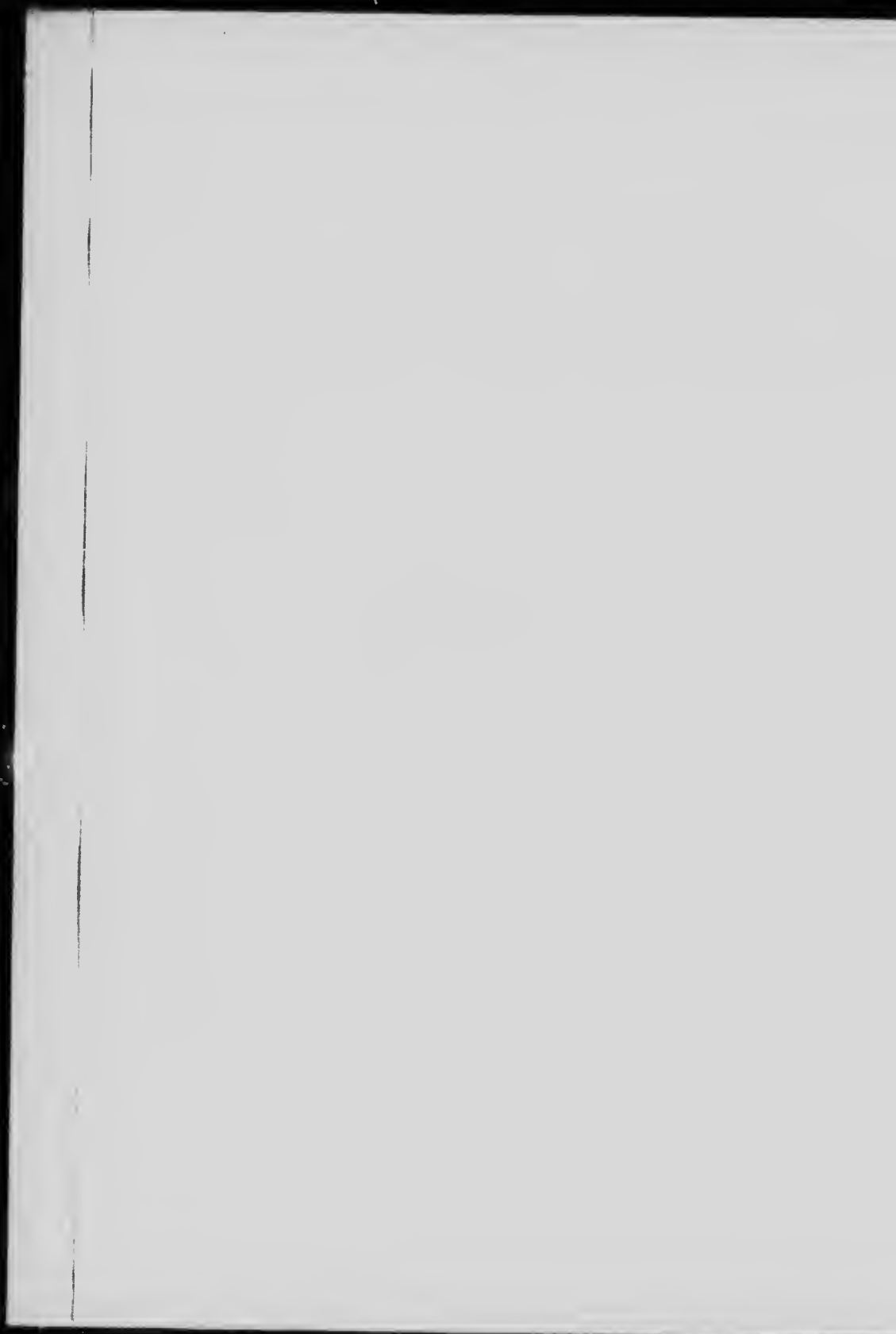


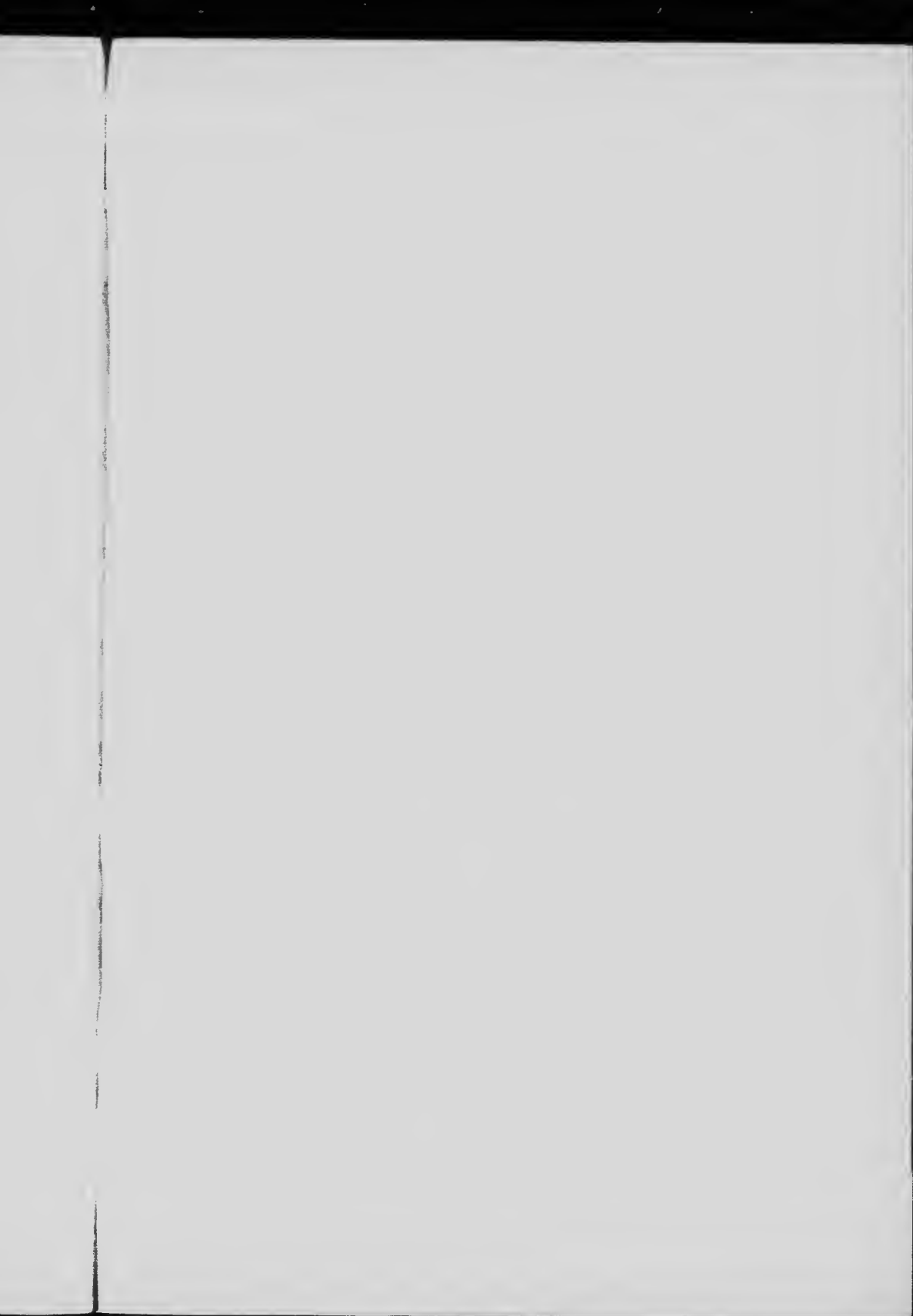
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The Federation  
of  
Canada

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# The Federation of Canada 1867-1917

Four Lectures delivered in the University of Toronto in  
March, 1917, to Commemorate the Fiftieth  
Anniversary of the Federation

By

George M. Wrong

Sir John Willison

Z. A. Lash

R. A. Falconer

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**The Federation of Canada**  
**1867-1917**



## PREFATORY NOTE

Even though the thought of Canada is almost wholly occupied with the great war which is desolating the world, it would have involved the neglect of a patriotic duty to fail in commemorating so notable an anniversary as that of the fiftieth year of the federal union of the Canadian provinces. These four lectures, delivered to large audiences in the University of Toronto, are printed in the hope that they may help to emphasise the significance of a momentous political movement.

TORONTO,

*May, 1917.*



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# I

## THE CREATION OF THE FEDERAL SYSTEM IN CANADA

By GEORGE M. WRONG

**S**PEAKING in Toronto to celebrate the fiftieth year of Confederation I am reminded of two past scenes in this city. One was in 1849 when a riotous mob marched through the streets. The occasion was trouble between the French and the English in the Parliament then in session at Montreal. The Toronto mob was bitterly angry because Parliament had decided to compensate certain French Canadians for losses inflicted upon them during the rebellions in 1837 and 1838. This, the mob considered, was to reward rebellion. Accordingly the rude effigies of two ministers, Robert Baldwin and William Hume Blake, after being carried about in derision, were finally burned amidst jeers and shouts and after the mob had proclaimed its favourite doctrine of "To Hell with the French." Eighteen years later there was a different scene. At daybreak of the morning of July 1st, 1867, a crowd collected at the foot of Church Street to witness the roasting whole of a great ox in celebration of the federation of Canada,

which went into effect on that day. The practice of roasting oxen whole was little known in Canada and the operation lasted through the greater part of the day. When it was complete no hungry crowd was waiting for food and so the ox was cut up and distributed among the charitable institutions of the city. Fireworks followed in the evening and that night Toronto went to bed tired and happy. This day, said the *Globe* newspaper, sees the beginning of a new nation. The history of Canada as a federal state had begun.

The two scenes illustrate two cardinal features in the political history of Canada. The one is the differences between the English and the French, the other is the succession of attempts at a working arrangement, ending at last in the compromise of federation. Most of what has happened in the constitutional development of Canada is linked with these questions. It loomed up on the day when the British flag was first raised over Canada. It is still with us and threatens anew from time to time to become alarming and menacing.

Conquered New France was a country aristocratic in organisation with a class of great landowners who delighted to call themselves a *noblesse*. The eighteenth century laid sharp emphasis upon differences of birth and rank. The British military class despised traders and when a British officer

ruled at Quebec there was certain to be sharp cleavage between him and the traders, unless these were properly docile and respectful. "The genteel people of the Colony", wrote General James Murray, the first British governor, "despise merchants and of course esteem the officers who shun them most." In nothing did the English of the last half of the eighteenth century glory more than in being genteel, and when at Quebec they looked about them in search of this beautiful quality they found it not among their own British traders but among the French seigneurs. A seigneur they could invite to their table, when they would scorn to meet a merchant, and the result was intercourse on terms of equality between the English and the French leaders. Both classes despised the pushing trader and the trader was not slow to strike back. The British officer of that age was perhaps not a model in conduct. The traders watched Murray's little court at Quebec with relentless suspicion. They made bitter complaints against his desecration of the Sabbath by balls, gaming, and other "Idle Diversions", and his neglect to go regularly to church. He retorted with "rage and rudeness of language", as the traders complained, and more and more courted the society of the French leaders. However different had been the fortunes of war on the battlefield, in the society of Quebec, after the

conquest, the English trader was depressed and despised and the conquered French were in the ascendant.

The British found Canada, with its harsh climate, an unattractive country. Sir Guy Carleton, who succeeded Murray, made a careful survey of the outlook and he came to the conclusion that Canada would never be the home of any considerable number of English-speaking people. Why should the English settle in this northern region when they had open to them under their own flag the warm and pleasant lands, which stretched southward to Florida—but were destined soon to become the United States of America? Canada will always be French, said Carleton, and, this being the case, why should not the French in Canada have anything which would help to make them contented and comfortable? They had sworn allegiance to the British crown. They had no desire to come back under the power of France, who had been a hard and exacting mother, and, if not disturbed in their usual mode of life, they would remain docile and useful dependents of the British crown. Accordingly Carleton favoured the widest liberality in governing the French, and the system embodied in the Quebec Act of 1774 goes far in concessions. The French retained their own laws in respect to property and all other aspects of civil

life; their church received every privilege which it had had under a Catholic king and to this day has the legal right to collect the tithe and to levy upon Catholics taxes for the erection of church buildings. Carleton saw his ideal realised—a French-speaking society under French civil law, with the church entrenched in such privileges as it had possessed in France.

Unexpected change is one of the laws of human life and this system had no sooner been confirmed than a new crisis came in the shape of the American Revolution. For Canada it meant one supreme fact, that people of English origin and speech, whether they liked it or not, left their homes farther south, and sought new homes in the inclement north. The revolutionists took a malignant pleasure in describing the region to which these exiles were driven:

“Of all the vile countries that ever were known,  
In the frigid or torrid or temperate zone,  
From accounts I have heard there is not such  
another;

It neither belongs to this world or the other.”  
Such was Nova Scotia, such was all Canada thought to be. Perhaps as many as sixty thousand exiles found their way into what is now Canada. For the time it was a vast migration and it carried seed rich with future meaning, for it proved that Carle-

ton was mistaken and that great numbers of English-speaking people would seek homes in Canada.

The next step in political evolution was to divide the country between the English and the French, and Carleton lived to have a share in this new plan. In 1791 was passed the Constitutional Act by which Canada was separated into two provinces, Lower Canada to be French with the French civil law and full rights to the Roman Catholic Church, Upper Canada to be English with English laws and traditions. Québec remained the capital of the French province while, in time, Toronto became the capital of Upper Canada and the centre of the traditions and loyalties by which Canada was linked with Britain. Each province had its own legislature and in 1792 each set out on its task of learning the art of self-government through elected representatives of the people.

To the English in Upper Canada this was no unfamiliar experience, but to the French in the other province it was the beginning of a new life in the state. Neither in Old France nor in New France had any Frenchman ever had a vote which carried with it political authority. Now, however, under British rule, suddenly the vote had come, as, long after, it came to the conquered Boers in South Africa. The French in Canada had votes,

elections, debates in Parliament, the whole fascinating vista of a real political life. It was not long before they found a fiery leader, the redoubtable Louis Joseph Papineau. Easy-going theorists had supposed that a new era had dawned, and that the French, endowed with the franchise, would soon be like their English-speaking fellow-Canadians. All were subjects of the best of kings. The new political divisions of Lower Canada were named after counties in England, Devon, Kent, York, Warwick, and so on. Even some French-Canadian leaders held that French-Canadians should, with English liberties, adopt the English language.

At first even Papineau was conciliatory. But he soon found that the government of the day was not willing to concede to the elective chamber of the legislature full political authority. There was an appointed second chamber, prevailingly English in character, and there was an English governor, who exercised real authority. Papineau, foiled of complete political power, grew ever more angry and remonstrant and Lower Canada was soon torn by a bitter racial war. "Our language, our institutions and our laws" was the cry then of the French and it has continued ever since. Papineau became ever more strident. He denounced the "reign of terror" of the English. The British in Canada were described as "subjects of foreign



origin" who had no right in the country. Papineau called men who stood across his path "foul", "savage", and "brutal". He accused one governor, Lord Dalhousie, of being little short of a thief and called a letter from another governor, Lord Gosport, "an impertinence which I repel with contempt and silence." Behind him Papineau had the French-Canadian peasants. They followed and trusted him as the Irish peasants followed and trusted Daniel O'Connell.

It was not strange that all this bitterness should sow the seed of rebellion and in 1837 and 1838 the French-Canadians took up arms. In the fighting there were bloody scenes. Montreal, on the borderland between the two peoples and itself half English and half French, was, in an especial degree, the scene of racial bitterness. After the rising of 1837 and 1838 its jails were crowded with political prisoners. Exile or execution was the fate of a good many of the rebel leaders, while the great mass of the French-Canadians remained crushed and helpless, but sullen and alert.

The division of the two elements under separate legislatures had failed and now was to be tried a new union, the third attempt to solve the problem. In 1841 came into being a new Canada under a single parliament with an equal number of representatives from each of the two provinces. There

was no fixed capital. Parliament met now at Kingston, now at Montreal, or Quebec, or Toronto, until, after twenty years, it was finally decided to make Ottawa the capital.

At the outset a mistake was made. Lord Sydenham—his full title, by the way, was Baron Sydenham and Toronto—the first governor under the union, made the mistake of ignoring the French and formed a government, really the first Canadian cabinet, without any French representatives. It was a fatal error. When Bagot, Sydenham's successor, tried to continue with Sydenham's cabinet he found himself confronted by an opposition so powerful that he was forced to yield. He called to office a composite English and French ministry headed by Baldwin and Lafontaine. The cry went up in Canada and in England—we have heard it since—that disloyal rebels were being placed in charge of the affairs of the country. The anxieties of the situation killed Bagot, and racial strife was more acute than ever, for French and English now sat together and could quarrel at close quarters in the same chamber.

Parliament was sitting at Montreal in 1849 when a new violence broke out. During the troubles of 1837-38 much property had been destroyed. Some of the French demanded, like the English, compensation from the government.

In Upper Canada a similar type of losses had been paid, but, in respect to the French claimants, it was urged with vehement passion that any payment for losses would be a reward for rebellion. There were bitter debates. It is not uninteresting, here, in the University of Toronto, to remember that its one-time Professor and later Chancellor, William Hume Blake, a member of the government of the time, received no less than three challenges to fight duels as the result of his part in the debate. When the House learned that Mr. Blake and Mr. (afterwards Sir) John A. Macdonald were to fight, it ordered the arrest of both members. They appeared in custody at the bar of the House, gave solemn pledges to keep the peace, and in the end were liberated.

If such was the temper of the leaders we may imagine the passions of the mob. The cry went up that the French were resolved to master Canada. The very people to be paid were, it was repeatedly urged, themselves rebels. The *Montreal Gazette* declared the proposal "a personal insult to every man who bore arms and a possible robbery of every man who was not a rebel against the Queen." "Rouse yourselves", said the *Gazette*, "meet, resolve, and hurl your defiance against the French 'Masters' of your country"; and it went on to urge the need to arm for civil war. A Mr. Mack,

in a passionate speech at a public banquet in Montreal, said: "Look to the distant shore of Lake Huron—the backwoodsmen are awake and grasp the ready rifle, the men of Erie are on the move—Toronto hurls defiance at the rebel-paying traitors, Kingston speaks in words of no doubtful omen, Cornwall is ready for the march. The wild pibroch thrills through the forests of Glengarry and the Scottish steel starts from the scabbard—

'Their swords are a thousand  
Their hearts are but one'

. . . We are English yet. English in body and soul."

The mob of Montreal could not be controlled. After Lord Elgin, the governor, had given his assent to the hated bill, he was assaulted on leaving the House, and a bad egg struck him squarely in the face. Something more dangerous than eggs was hurled, for then and later his carriage was pelted and almost wrecked by huge stones. It was a marvel that he was not killed or injured. The mob passed wholly out of control, set fire to and destroyed the Parliament buildings at Montreal, and wrecked private houses. It was in sympathy with this rioting that the scene occurred in Toronto of the burning in effigy of Mr. Baldwin and Mr. Blake. And at the root of it all was the quarrel between the French and the English.

Eighteen years afterwards came the second scene in Toronto, the celebration of the birth of the federation, which now, fifty years later, we are commemorating. During those eighteen years Canada experienced to the full the bitterness, and with it the futility, of racial strife. In the Parliament the two divisions of Upper and Lower Canada had exactly the same number of members. Thus either division, if it desired to do so, could checkmate and baffle the plans of the other. Each party had two political leaders, one French, the other English, and for a time the principle was even conceded that no party could hold power unless it had a separate majority in each province. If on public works in one province money was spent, an urgent demand was certain that an equal sum should be spent in the other. Though the population of Upper Canada became much larger than that of Lower Canada, the French province sternly refused the demand that the English should have a larger number of members in the House. Party spirit steadily hardened and elections made little change. In the end parties were so evenly divided that a ministry was held in office by very narrow majorities. Sometimes the House would be kept in session so that a member, arriving by a delayed train, might be able to save the ministry from defeat. The absence of a couple of members

from illness would cause a ministry to tremble for its life. In 1862 when the English-speaking members were anxious to strengthen the defences of the country, in consequence of the *Trent* affair, and the consequent danger of war with the United States, the French vote drove the ministry from power. The mayor of Montreal, at a public banquet with the Governor, Lord Monck, present, explained that he welcomed British soldiers to Canada, the more the better, he liked the red-coats, but only as long as they did not cost Canada a cent.

The worst of deadlock was that it paralysed all active foresight on the part of government. On the average, ministries endured for only about six months. No government could do anything which antagonised even one or two supporters. The country stood still. Its credit declined, owing to a succession of bad crops. There began at this time that exodus to the United States which, in the end, assumed alarming proportions. Only a few of the emigrants who landed at Quebec were willing to remain in Canada. The civil war in the United States, which began in the year 1861, was creating a great military nation at the door of Canada and serious American leaders advised Lincoln, when the conquest of the South seemed doubtful, to find compensation by taking Canada, which had no black population and was peopled

by a race likely to be quickly assimilated by the North. Torn by petty strife, the Canadian people seemed ill fitted to confront a great issue. Party had become faction and there was a deadly apathy. If one more bridge was built in Upper Canada than happened to be built in the same year in Lower Canada the public mind was more disturbed than by any great question of national destiny.

By this time Canada had passed through the three stages in the evolution of the race problem. In the first the French influence was, on the whole, dominant; in the second the two races were isolated in separate provinces; in the third an attempt at union had led to the paralysis of representative institutions. The true and, we may hope, the final solution was to be found neither in isolation nor in complete union, but rather in both union and separation, union in the great affairs which touch trade, tariffs, public services like the post office, and the administration of justice; separation in respect to those things in which the two races had differing ideals, such as religion and education.

A federal union which should permit of such a system had long been talked of in Canada. It was inevitable that the example of the United States in creating such a system should have been pondered from time to time in the British provinces. In 1861 federalism had, however, received a

staggering blow by the apparent breakdown of the American union and the beginning of civil war. This breakdown had so impressed the mind of Mr. John A. Macdonald, the leader of the Conservative party, that he had despaired of federalism and had fixed his attention on a unitary system like that of the United Kingdom. Men of views the most divergent were destined to unite in the federation of Canada. Macdonald wanted complete union and the closest ties with Great Britain. Mr. (afterwards Sir) A. T. Galt, wished to break with Britain, sooner or later, and to make Canada completely independent. George Brown, the Liberal leader, was for federal union, but he would have followed closely the example of the United States, in electing men to the chief administrative offices, in making the executive independent of the legislative body, and in electing Parliament for a fixed term which could not be shortened even in any emergency. Georges Etienne Cartier, the most influential political leader in Lower Canada, was prepared for federal union but only on condition that nothing should be done to limit the rights which the French-Canadian race and the Roman Catholic Church already possessed by an Imperial statute. It was out of such diverse opinion that came the unity which created the federation of Canada.



It is vain to ask who should be chiefly credited for making the problem crucial. For five years Galt had been preaching federal doctrine. Another voice came from a quarter even more remote. In Nova Scotia, Joseph Howe, the great Liberal leader, had more than once painted glowing pictures of what a federated British North America would be. When the time came, Howe was to fight against the realisation of his own dream, but he had seen the vision. So had Brown. For a long time Macdonald was wary and aloof, as also was Cartier. But, by 1864, the necessity created by deadlock had become urgent. It is to Brown's credit that he took the first decisive step. Between him and Macdonald there was an antagonism, deep-seated in natures of essentially different types. Yet, in 1864, Brown let Macdonald know that he was ready to join him in creating a federal state. We smile a little now at the excessive caution of the two men in approaching each other. Politics were then, perhaps they still remain, war in a very real sense. Brown feared that his reputation would be shattered if it became known that he was in treaty with Macdonald. When Macdonald announced to the expectant members that the leaders had come together, we are told, with solemn official gravity, that he stood in the centre of the floor of the House, neither on one side nor on the other, that

there might be no colour of party. The truce was only partial. When it was no longer necessary the two men met without ever again speaking. "The smaller the pit, the fiercer the rats", said Goldwin Smith with a touch of contempt. Certainly party had become faction. Perhaps it is faction still.

The Canadian leaders would have found it hard to achieve anything, had it not been for a new element in the situation. It was a far cry then to Nova Scotia. No railway connected Canada with the Atlantic colonies and the two groups knew little of each other. They were, however, united by the magic of the British name and the British traditions. On the Atlantic coast were the four colonies of Nova Scotia, New Brunswick, Prince Edward Island, and Newfoundland, each quite separate from the other, each in its parliament retaining the forms and something of the state of the parent house at Westminster. They, too, needed union to solve some of their difficulties and, in the summer of 1864, they were to hold a conference at Charlottetown, in Prince Edward Island, to debate what might be done. The Canadians saw their chance. They asked that they might send a delegation to Charlottetown to discuss a wider union. Brown, Macdonald, Galt, and others made the long journey. They delivered tactful speeches. They met Tupper, Tilley and other leaders of the far

east and they achieved their end. The conference at Charlottetown adjourned because a wider conference had been agreed upon to be held at Quebec in the month of October, 1864. There men from every one of the colonies concerned were to meet, to discuss and, as it proved, to solve the problem of their political future.

The Conference came together at Quebec and began its sessions on October 10th. In all the world there is no richer scene of beauty than that of Quebec in the autumn with its glorious views of the wonderful St. Lawrence and the rare loveliness of the forest-clad Laurentian mountains touched with the varied colouring of autumn. Nature has her message for man. In such a scene her majesty helps to dispel the clouds that mar his vision. The Conference was in a hurry. It had only two or three weeks in which to do its work and much there was to do. In fact its real business was done in fourteen days and, since it passed seventy-two important resolutions, it must have rushed them through at an average rate of more than five a day. Necessarily much was left undefined, much unsettled. It was only the skeleton of a political system that the Fathers of Confederation created. They hurried past difficulties without debating them and in doing so worked more wisely than they knew.

When we think of this Conference at Quebec, preparing the second great federal system in the English-speaking world, our minds turn naturally to the other system, that of the United States, created at the Convention at Philadelphia, in 1787. At Philadelphia Washington was in the chair, at Quebec Sir E. P. Taché, and the two men, though one is of world-wide fame and the other little known, were not unlike. Both were citizen soldiers, both were high-minded and modest, both were sincere and tactful and guided the deliberations wisely. At Philadelphia were men of penetrating sagacity. Benjamin Franklin, eighty-one years old, was there with a shrewd wisdom which led the way through many a crisis. There also was Alexander Hamilton, the most brilliant intellect of his epoch, and Madison, small and alert, with a ready gift of utterance which made him a decisive factor in the creation of the constitution. With such leaders the Canadians are quite worthy of comparison. Franklin was not more tactful or sagacious than Macdonald. Galt, if he lacked Hamilton's gift of utterance, assisted, like Hamilton, in creating a financial system for the new federation which has worked well; and Brown was a no less trenchant and effective writer than Madison. Canada, like the United States, has the right to be proud of the makers of her federal system.

The founders of the United States had the difficult problem of creating a constitution wholly new. They had a fine enthusiasm for liberty and they believed that they were opening a brighter era for mankind. It was necessary for them to create a system that would work, in order, as was said at the time, "to vindicate the honour of the human race." Europe, they thought, had failed. They would break away from "the pernicious labyrinth of European politics" and rear in the new world a state that should reveal the noble things of which man is capable. It is all very fine, if a little naïve and idealistic. Should there be one man, they asked, at the head of the state or a directorate of three or five? If one he might turn into a tyrant; if three or five they would be certain to be divided and inefficient. To what extent could an elected legislature be trusted? These men answered the question in no sense that would support the British doctrine of the omnipotence of Parliament. They would see that one authority was able to check another. The President might carry on the government. Congress might not control him but he too might not control the legislative and financial power of Congress, and the Supreme Court would hold the balance if one tried to encroach on the rights of the other and in this manner equalize the rival forces. Moreover certain definite

restrictions should be laid down as to what Congress could not do.

Of all this there is in the debates of the Quebec Conference not a trace. All its members were convinced monarchists. Even a famous contemporary of Washington had hinted that a democracy is not ideal. "A monarchy is like a merchantman", said Fisher Ames. "You get on board and ride the wind and tide in safety and elation but, by and by, you strike a reef and go down. But democracy is like a raft. You never sink, but, damn it, your feet are always in the water!" In those glowing autumn days of 1864 when the Conference met at Quebec it looked as if it was democracy which was destined to sink. The South was not yet beaten and to bring it to its knees Sherman was making his desolating march through the Slave States, carrying with him destruction and ruin. Those terrible scenes helped to convince the Conference at Quebec of the wisdom of monarchy. They wished to set up no new system but to create as close a copy as they could of that of Britain.

In seeking this they were consistent. Since Britain was a kingdom, Canada too, they said, should be a kingdom, and so they called their new creation "The Kingdom of Canada." From the outset it would be, in title at least, equal to the United Kingdom and would be an auxiliary king-

dom which, as years went on, would grow into the fuller measure of its name. The colonies forming Canada shall be "one kingdom under the Crown" read the draft of the Act of Federation as it was carried to the Imperial Parliament. An over-wise and over-sensitive minister in London objected, however, that the word kingdom might offend the American republic and so "kingdom" was struck out and instead we have the "Dominion" of Canada, a nondescript word, apparently derived from Virginia, which used to be spoken of as the "old Dominion". It was a far-reaching mistake not to make Canada a kingdom. The word would express its exact relation to the British Crown and also the equality of status with the mother country which it is now so desirable to foster. Moreover, "kingdom" has an historical fitness relative to the word Empire. The tradition of Europe is that many kingdoms may be included in one Empire. Within the British Empire there is a dependency like India, so vast that it takes the name of an Empire by itself; at the other end of the scale there are real colonies which remain under the control of the colonial office and should be described as colonies. There are, also, however, great self-governing states like Australia and Canada and the fitting name for these is kingdoms, sisters of the United Kingdom. The use of the word "Dominion"

for Canada led to the creation of the terrible phrase "the overseas Dominions". One may well ask overseas from where? Dominions of Great Britain? How much simpler it would be to speak of the kingdoms and other states within the Empire. Perhaps it is not too late and we shall yet see the Kingdom of Canada, one of various kingdoms under our common sovereign. More than any other, this title would negative the impression that Canada is a dependent state.

In setting up a kingdom the builders at Quebec framed the mechanism of a kingdom. They created a Parliament of two chambers. Since there was no landed aristocracy in Canada they could not create a House of Lords, though Simcoe, the first governor of Upper Canada, had dreamed of this and the Constitutional Act of 1791 provided for it. They called the second chamber the Senate. In all consistency since they could not have a House of Lords, they could hardly have a House of Commons where should sit Commoners, a separate estate from peers. But here they were not consistent. The term House of Commons had already been in use in Canada and the name was continued. The members of the House of Commons were to be elected. For a short period the second chamber in Canada had also been elective. But these leaders at Quebec were good House of Commons



men and they feared, with justice, that a second elective chamber would weaken the more popular one. It had done so in the United States and they wished the House of Commons to be supreme. So the members of the Senate were to be appointed by the crown and not elected.

The Conference was in a hurry. It had no time to frame a nice separation of the powers of the central government from those of the provinces. One thing was, however, clear in Canada as contrasted with the United States. While in Canada union had been too close, in the United States separation had been too complete, for, after the Declaration of Independence, each colony had been an independent state. Thus, in Canada, the problem was for the Union to get rid of some of its powers in favour of the provinces, while, in the United States, there was the opposite problem of getting the separate units to give up something, in order to create a central government. In Canada the central power retained all that it did not give up, while, in the United States, it was the separate units which did this. Thus we have the far-reaching difference in the basis of the two federations. Canada is a single state, in which the various units have prescribed powers; the United States is a union of many states, which have agreed to delegate certain powers to a central authority.

The men at Quebec had no desire to say to the new Parliament that there were certain definite things which it might not do. This the framers of the constitution of the United States had done. They provided that Congress might not restrict freedom of speech or of the press, or establish or prohibit the exercise of any religion, or confiscate private property without just compensation, or quarter soldiers in private houses, or even require excessive bail. The Parliament of Canada was to have no such restrictions, but was to be free to do what it liked within its general powers. It might do what the British Parliament has done, sentence a man to death without trial. The provinces, too, were given very wide powers. They can establish and endow any religion they like and they can confiscate property without compensation. Above all they can alter their own constitutions by a simple bill without calling a convention. The "omnipotence of Parliament" has some real part in the Canadian system.

This is, however, not the place or time for describing the details of the work done at Quebec. The members of the Conference were content to work hastily and to leave vague a good many things. This was for the valid reason that they were not creating a new system but merely extending an old one. They were all British citizens with ancient

traditions and rights. They remain under the authority of the same courts to which, in the past, they had appealed. To one great tribunal, the Privy Council, they had long been accustomed to look for the settlement of constitutional difficulties. It was thus with an easy mind that they left some things vague. The creators of a new system, such as that of the United States, had had no traditions upon which they could rest. Thus they must themselves provide for every emergency. But with light hearts the Canadian statesmen left much unsettled. Their faith in the perfect wisdom of the great tribunal is a tribute to its wonderful record if it also reveals what we may call a colonial temper. Some twenty years ago, Australia was not so simple-hearted, and perhaps we should not be, if we were now framing a new system. None the less was this pious faith justified. Often since, the Privy Council has saved us from bitter agitation about the constitution because we have believed that calm, trained jurists would pronounce on the questions raised with finer insight than that which would prove telling on the hustings.

Federal government involves two things at least—division of authority between a central and a local legislature, and compromise as to the character of this division. Disputes between English and French in the two Canadian divisions had been the

most pregnant factors in making federation necessary. But, as the movement proceeded, the horizon widened. In the end Prince Edward Island and Newfoundland stayed out, the first for only a few years. Nova Scotia came in and so did New Brunswick. It was in Nova Scotia that the plan met with the most bitter opposition. Joseph Howe will always remain one of the great names in Canadian political history. Had he been born in and educated for a wider sphere, he would have been world-famous. If he had been prime minister of Nova Scotia when federation came up, there is little doubt that he would have been the man to carry it through. But it happened that his rival, Dr. Tupper, was in office and took the lead and, as Howe himself said, he would not "play second fiddle to that damned Tupper". He called the plan "the botheration scheme" and ridiculed it in quite too effective a way. Since the plan provided that the federal government should pay to the provinces an annual subsidy of eighty cents for each inhabitant, Howe made great sport of what he called the proposal to sell Nova Scotians at eighty cents a head, the price of a sheep-skin. In none of the federated provinces except New Brunswick did the people vote on the question and in New Brunswick, at first, they voted overwhelmingly against it. So did Nova Scotia when it secured the chance. But

the chance came too late for, by approval of the several legislatures, the plan was carried through without reference to the people. A high-handed proceeding, no doubt, but the few are sometimes wiser than the many.

Farther, much farther, than Nova Scotia reached the federation cry. It was the stronger Canada, created by federation, which was able to contemplate the heavy responsibility of taking over the control of the North-west. This, an empire in itself, was then the great Hudson's Bay Territory, the property of that powerful corporation. The Company was, however, eager to lay down its irksome right to rule. It wished to occupy itself only with trade and, soon after 1867, the bargain was made and Canada took over the North-west, not without strife and bloodshed as the two Riel rebellions proved. But there was a farther cry still, that across the boundless prairie, across the towering peaks of the Selkirks and the Rockies to British Columbia. To travel direct by land from Toronto to Victoria across British Columbia then occupied weeks and even months, for it meant traversing, without the aid of the railway, hundreds of miles of forest, of prairie and of mountain ranges. The quickest route was by sea to Panama, by rail across the Isthmus, and again by sea up the long stretches of the Pacific coast to Vancouver Island. Yet

such was the magic unity in a common British citizenship that British Columbia was reached by the cry from Canada and in 1872 entered the federation. Then the petty colonies had grown into a great state, stretching from the Atlantic to the Pacific.

Here the story naturally ends. Others will discuss in this place the persons who carried through the task of federation and governed the new state, and also the working of the federal system which they created. One may only offer praise to the magnificence of their achievement. It seemed as if a great spirit had entered into colonies, torpid and faction-ridden, and had breathed into them the breath of a new life. Up to 1867 the history of Canada was chiefly that of a bitter racial struggle, the story, in Lord Durham's well known words, of "two people warring in the bosom of a single state." Echoes of this struggle are still heard, but it was really ended by federation. The Federation Act made Canada a bi-lingual country in federal affairs. French was placed on a complete equality with English in the federal parliament. It is equally with English the language of the federal laws and of the federal courts. Thus, in a deep sense, the Federation Act gave a fine maturity to a process of historical justice. It was pioneers of French origin who first reached the great west,

and intermingled with its native races. In the end the Briton had come and taken over and ruled the country, but the past made it fitting that the great west should become a part of a federation in which French and English had an equal status. Nay more. Beyond the Rockies, in a region to which the pioneers of France had not gone, the Federation Act gave French a certain recognition, for there too in federal affairs it stands on an equality with English. But while the Federation Act expanded, it also limited, the official use of the French tongue. It makes the Province of Quebec and only the Province of Quebec bi-lingual. In all the other provinces, as the latest judgment of the Privy Council shows, the question of the language to be used officially is within the control of the provincial authorities. All federation represents compromise. Perhaps indeed all government represents compromise. Federation means authority divided between a central and a local legislative body. There is no arbitrary line by which the division can be fixed. It is different in the United States from what it is in Germany. It is different in Australia from what it is in Canada. The compromise in Canada gave the French language a national status as the sister tongue with English in all federal affairs.

To-day, after fifty years, the mind turns to what has happened since this compromise was achieved. There are moments when the monotony of life impresses us, but such a retrospect seems to show not how slow, but how rapid, are change and growth. The union of Canada in 1867 was only a phase of a world-wide movement. The consolidation of states was in the air. The Kingdom of Italy was finally completed in 1870, the German Empire came into being in 1871. The movement for unity spread to new continents and at last, thirty years later, after long debate, Australia became a federal state. Ten years later we have the Union of South Africa. In these movements, as in so much that comes to our human success, there was the germ of new troubles. Always there was the danger that union would foster an arrogant nationalism and to-day we are deep in a great war because of the ambitions which unity brought to Germany. Unity in the state in Canada emphasised the need of union among the churches and of such movements Canada has been the special home. In time the various Presbyterian organisations united to form one Church; so also did the various divisions of Methodism. And the taste for union has grown for now we have under debate the further project of union between the Methodist and the Presbyterian Churches.



The very vastness of the Canadian union has created one of its chief difficulties. In Victoria one can rarely secure a newspaper published in Toronto that is less than a week old. Distance is a great handicap in the building up of national life. In Britain a political leader can make a speech in the south of England in the morning and repeat it in the capital of Scotland on the same day. In Canada it takes about six days and nights to pass from one end of the country to the other. What London talks of in the morning, Manchester and Glasgow are discussing in the afternoon, but of what Montreal or Toronto are discussing Victoria and Vancouver often hear nothing. It is the penalty of vastness that it is both difficult to create a common public opinion in Canada and, when the opinion exists, difficult so to concentrate it as to make it effective at the national capital. We need not despair, but the problem of adequate education in national affairs is real and difficult.

In 1867 Canada was a poor country with no very large cities and no display of wealth. Its art was primitive. "Oh, their pictures!" said Mrs. Jameson of the art of the leaders of the Family Compact in Toronto in 1837 and thirty years later the story was not much better. Now the opening up of the west, the building of great railways, the growth of manufactures, have all united to create a

wealthy class in the chief Canadian cities. Some of them live in palaces. Few of them, however, have yet acquired what marks the wealthy class in England, the taste for country sports, a vital and intelligent interest in the problems of agriculture, and of the raising of stock. This is certainly coming and it can not come too soon. We are learning that a country of small landowners is very likely not to till its land to advantage. The state of each farm depends on the intelligence of its owner and many an ignorant owner lets his land lie waste. The farmers need a sympathetic lead as do the workers in the towns.

In the main the culture of Canada in 1867 was an imported culture. The judges who sat in the courts had for the most part learned their law in the old world. Political leaders like Brown and Macdonald had not been born in Canada. The professors in the universities were from Europe. Since 1867 we have made the transition from an imported to a native culture. The change has its drawbacks as the type of speech which one hears in law courts and lecture rooms too often testifies. But we cannot doubt that the change is in the interest of a sound national life. We still import too much and ourselves supply too little of what we require to nourish our national strength. We study too little and write too little about our own problems.

We have not yet evolved any vital types of political thought of our own creation. While in England there is a whole world of literature, in books, in quarterly and monthly and weekly reviews, discussing with mastery of detail great national problems, we are still dependent for the most part on what the daily papers furnish to us. And it is deplorably true that they furnish us with less serious material for political thought than they did fifty years ago.

Our whole outlook on life has changed since 1867. That was the mid-Victorian era of *laissez-faire*. The physiocrats of the period of the French Revolution had taught that nature was all-sufficing, if man would only give nature a chance. In England this type of doctrine had matured into the theories of free trade which, by 1867, had had a vogue of twenty years. Another type of thought was, however, rising. Darwin's *Origin of Species* was published in 1859, and in 1867 was being keenly debated in a startled and alarmed world. The influence of the doctrine of evolution was to prove far-reaching. It taught that nature does not represent a garden of calm delight where all is beautiful but that, "red in tooth and claw", she is the scene of ceaseless struggle in which victory is to the strong. Slowly this doctrine has penetrated to the political world. Society, it shows,

does not consist of fixed orders, each content and moving permanently in its own sphere. On the contrary society is the scene of endless conflict in which the strong master the weak. Those who have wish to hold. Those who have not wish to have.

Correspondence to environment is the law of well-being and the principle meant death to the old colonial idea. Simcoe, first governor of Upper Canada, had thought English society so beautiful that he wished to have in Canada an exact copy, with hereditary peers, a state church, a powerful landed gentry. Simple Canadian villagers were to do reverence to the squire and the parson in their midst. The truth of Darwin's teaching has brought a rude awakening. To-day, looking back, we find that only that has survived which was in vital harmony with the spirit and conditions of a new society. We have no state church, no peers, no landed gentry. Our successful men are those who were free to adjust themselves to what they found in the country and to conquer conditions by learning to know them.

Far indeed from the doctrines of *laissez-faire* have we moved. In 1867 there was no general belief ~~that~~ the state should provide for the education of ~~children~~. *Laissez-faire* said that this should come from the parents in the exercise of their proper responsibility. Not until 1870 did the state in

England make a beginning and now there are few who deny that education should not only be free but that it should also be compulsory. In 1867 little was thought of a forceful ending of the liquor traffic and an English archbishop could say that he had rather have England free than sober. We know now what has happened in our own midst. In Toronto the Governor-General himself is under such compulsion that he could not, if he wished, secure a glass of sherry at a club. Truly times have changed during these fifty years. Then the great step was towards unity. To-day the problem is organisation and efficiency. We have found that even liberty must be organised. It was the cynical Hobbes who said that if men's interests required it they could find abundant reasons proving that the axioms of Euclid are not really valid. In politics *laissez-faire* will not do. The free can be deceived and come under the corroding influence of falsehood and faction. Evil organises and fights and so also must the good.

With a glance at the past, it is for us to keep our eyes turned towards the future. What problems are surging about us at this moment! The women of Ontario have votes; votes valid not merely in provincial, but in federal affairs. I, for one, have long hoped and believed that this would come, but now it has come with a suddenness which almost

takes away one's breath. To-day this peaceful people, who rarely heard the drum beat, or saw a soldier, have turned themselves into a military nation with an army greater than that with which Britain shattered the power of Napoleon. In 1864 there was a war on Canada's borders which warned her that to be strong and united was to be safe. Now, fifty years later, we are confronted by another war and the old truth is still valid that in unity and in unity alone is strength.

Such are the things which we now find to face. If the problems were difficult in 1867 they are vaster now. Then a few colonies were to unite to form a greater one. Now we are required to consider how we may unite with other states of a great Empire in order to make its position secure and its power effective. Of the solving of this question I can say nothing now, but upon it we must continue to fix our eyes. Surveying it, one's last word must be a tribute of admiration to the builders of 1867. There are perils in framing a new political creation as the ruler of the United States has learned anew to-day, when a fine system of checks and balances has threatened to paralyse action and to bring national dishonour. The framers of the Canadian federation prided themselves in turning to the traditions of the past. They were citizens under a proud monarchy with long centuries

of history. That monarchy had confronted many dangers and survived many crises. It had been slowly transformed from a despotism into a democracy and had shown a capacity, truly marvellous, to meet new conditions. It was upon this foundation that the Canadian system was fixed. No wonder those experienced men, steeped in the traditions of British political history, wished that the fabric which they reared should be called the Kingdom of Canada. We can do nothing better than to continue their work in the spirit in which they conceived it.

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## II

### SOME POLITICAL LEADERS IN THE CANADIAN FEDERATION

By SIR JOHN WILLISON,

A FEW years ago I published a history of Sir Wilfrid Laurier and the Liberal party.

The book has been the subject of criticism chiefly by those who have not read it and on account of views which it does not express. But much of what we call criticism is merely suspicion, as much of what we call history is merely imagination. As to the relative proportions of fiction and history in my volumes the authorities are divided. Even the author has doubts that he did not entertain twelve or fifteen years ago. There is, however, little that he desires to modify or withdraw. In the preparation of the history it was necessary to examine many old leaflets, pamphlets and magazines and many volumes of old newspapers. There is drudgery that should make unto men for righteousness. Upon a journalist nothing could have a more chastening effect. He receives a final revelation of the hazard of political prophecy, and learns how very dead are the editorials of yesterday. I recall with what apprehension and dismay I faced



a formidable volume of over one thousand pages, entitled *Debates on Confederation*. But I read the book with profound and continuous interest. The truth is that the Canadian Parliament would be held in greater regard if we read Hansard. But Hansard is read only by those who make the speeches which it contains and by the printers and proof-readers engaged in its production. It is the common jest of irreverent paragraphers who have never looked within its covers. But actually it is a repository of information and opinion, of fact and argument, which the nation cannot wisely neglect. None of those who spoke in the confederation debates survive. Few of us who live have read what was said by the fathers who brought confederation to birth. In that we are unjust to the fathers and unjust to ourselves. From the Quebec Conference the press was wisely excluded. There was, as Dr. Colquhoun reminds us, an organised attempt to open the doors to the correspondents of Canadian, British and American newspapers, but the statesmen were obdurate and the correspondents were restricted to a competition in conjecture and prophecy which, as we know by many illustrations, stimulates the human imagination to its highest achievements. One cannot doubt, however, that all of what was said in the Conference in favour of union was repeated in the debates in the

Legislative Council and Assembly of Canada, and that all the arguments advanced in Parliament by opponents were considered in the conference which produced the union. Thus by the debates the doors were opened and the processes of the conference revealed.

Mr. Goldwin Smith declared that confederation was the child of political deadlock. There is truth in the statement but rather as to time than as to fact. The political federation of the British North American provinces was inevitable. It was impossible that the union of Upper and Lower Canada could produce a happy political relationship. There is little evidence that either province desired to establish a separate and independent government. They would not live together but they were reluctant to live apart. At the back of men's minds was the wider project of confederation. There was an alternative to divorce which aggravated a natural incompatibility. Domestic divorce would be less common if expedients were available to strengthen the union without actual separation. Neither party in united Canada was ready for divorce. Both struggled to dominate the household. The immediate object of John A. Macdonald was to retain power as that of George Brown was to secure office. At the time each was more eager to control the government than to achieve confed-

eration, as both were more willing to consider confederation than to dissolve the union between Upper and Lower Canada and establish separate governments at Toronto and Quebec. Coalitions are not effected until they become inevitable. New nations are the product of long preparation for constitutional changes. The seeds lie long in the ground before the fields are green with the promise of harvest.

Among the early advocates of a union of the Canadian provinces were Chief Justice Sewell and J. C. Taché of Quebec, William Lyon Mackenzie, Bishop Strachan and John Beverley Robinson of Upper Canada, Haliburton, Hamilton and Johnston of Nova Scotia. In Lord Durham's *Report on the Affairs of British North America* union was recommended. Howe had the vision, although, when the project was under actual consideration, there was denial of the faith from motives which never can command complete respect. Alexander T. Galt was a pioneer in the movement. So was Alexander Morris whose *Nova Britannia* appeared in 1858. There was fervour and beauty in D'Arcy McGee's utterances. In all the literature of confederation there is no finer sentence than that in which he declared that by union with the Maritime Provinces we should "recover one of our lost senses—the sense that comprehends the sea."

There were, too, a multitude of men, of less distinction but of equal zeal, active in the advocacy of confederation, from whom the leaders drew inspiration and courage, but whose shadows do not fall across the pages of history. In a democracy the masses of the people often determine events. Suddenly they become articulate and political leaders answer to the impulse from behind. Public men discover that what they have proclaimed as an ultimate ideal has become the living faith of multitudes and that definite, practical action is imperative. George Brown could make government impossible in the Parliament of united Canada but it is doubtful if either George Brown or John A. Macdonald could have successfully resisted the public feeling which had been created in favour of negotiations for the federal organisation of the Canadian provinces.

There is agreement among Americans that George Washington was the father of the republic. We give honour to the soldier more readily than to the statesman. There is not and probably never can be any agreement among Canadians as to who was the father of confederation. Sir Wilfrid Laurier, in an address in Parliament at the death of Sir Charles Tupper, said, "Undoubtedly to George Brown was due the first initiation of confederation. He it was who, by his strong and

persevering agitation against the union of Upper and Lower Canada, directed the destinies of Canada towards the confederation of the older provinces of British North America. It seems to me to be equally true that it was Sir George Cartier who first put the idea into shape and set upon it the seal of his essentially practical mind and brought to it the support of the province which was material to the idea, if the idea was ever to become a fact." In this Sir Wilfrid Laurier is generous to Brown and just to Cartier. There is reason to think that there was close co-operation between Brown and Cartier in settling essential features of the constitution. Cartier would have only a federal constitution and in this he had Brown's support. The Quebec leader was concerned to preserve the religious institutions and privileges of the French and Catholic province against future aggression or disturbance, while Brown was peculiarly interested to establish adequate local control over local affairs in Upper Canada. In the attitude of both there was a suggestion of provincialism rooted in the old causes of conflict between the two provinces and a cautious but perhaps necessary deference to immediate political exigencies.

There is no doubt that John A. Macdonald was favourable to a legislative union. He saw clearly the defects in the constitution of the United States

and would have reposed an overruling authority in the central Parliament. In 1861, while civil war, for which the extreme assertion of State rights was greatly responsible, was rending the republic, John A. Macdonald declared in an address to the electors of Kingston—"The government will not relax its exertions to effect a confederation of the British North American provinces. We must, however, endeavour to take warning by the defects in the constitution of the United States, which are now so painfully made manifest, and to form, if we succeed in a federation, an efficient central government." He urged that there should be no "looking to Washington", and one seems to associate the phrase with even more recent political history. He pleaded for a "Canada united as one province and under one sovereign." Brown and Cartier were as loyal to one sovereign as was John A. Macdonald, but they never were in favour of a Dominion organised as a single province. It is whispered, but not established by any conclusive evidence, that Cartier suspected Macdonald of manœuvring for changes in the British North America Act, even when the delegates from Canada were in London superintending the passage of the measure through the Imperial Parliament. There are those who think that Brown could have secured the allegiance of Cartier and that together they

could have controlled the coalition government and removed Macdonald from the office of prime minister. But it is hard to believe that Cartier in alliance with Brown could have held Quebec even if we forget how unequal Brown was to Macdonald in political strategy. Half a century ago a legislative union was not practicable. It was necessary to have a federal union or to delay confederation. Quebec required an ample legislative authority. Even the educational clauses for which Galt was peculiarly concerned were designed to safeguard Protestant rights and privileges in Quebec, although they have been employed to protect or extend Catholic rights and privileges in other provinces. Quebec determined the federal character of the constitution and the degree of authority which the provinces should possess. Cartier required the support of the Roman Catholic hierarchy of Quebec to hold his personal position. Without the support of the hierarchy confederation could not have been accomplished.

Cartier was not impressive in stature. He had no magnetic quality. But he had optimism, self-confidence and power in debate. He inspired confidence and his character gave authority to his utterances. At his death the *Canadian Monthly* for July, 1873, had a sympathetic estimate of his quality and his achievements. There is reason to

think that the author was the late Charles Lindsey who knew much of the public men of Quebec and the dominant social and political forces in the French province. The writer said: "Cartier was at once the perfect incarnation of French nationality and a devoted adherent of the British connection; a Catholic entirely trusted by the dominant priesthood of Quebec and one of the most loyal subjects of a Protestant crown." Cartier had to overcome very formidable influences in Quebec. Except Galt no other public man of the first class in the province supported the union proposals. Galt was an uneasy and uncertain ally. He drifted to the point of revolt if he did not actually break with John A. Macdonald over the clauses designed to guarantee the educational rights of the Protestant minority. On the other side were Dorion and Holton and Joly and Dunkin and Huntington. Even Wilfrid Laurier, a young advocate at Arthabaskaville, writing editorials for a weekly newspaper between interviews with clients, declared that confederation would be "the tomb of the French race and the ruin of Lower Canada." If I quote the sentence it is only to illustrate the temper that prevailed in Quebec. Only petty malignity would recall the words to discredit a statesman whose long and ardent devotion to Canada is expressed in brilliant chapters of its history. Most



of us have been as rash in prophecy, but we have been protected by a fortunate obscurity.

There is no more chivalrous figure in Canadian history than Antoine Dorion. He had eloquence and courage and integrity. He had all the charm and courtesy of a scholarly Frenchman, with the gravity, sobriety and reserve of the cultivated Englishman. He had dignity without pretension, he was gracious without condescension. Where he was men were cleaner and finer and discourse was serene and elevated. His loyalty to George Brown has some of the aspects of a tragedy. In Brown's writing in the *Globe* and in his public speeches, he was merciless in criticism of Quebec. He was often extreme and intemperate in denunciation of the race and the church to which Dorion belonged. The resolutions of the Orange Association, of which George Brown was often the aggressive spokesman, were ordinarily more restrained than were his written and spoken utterances. Generally Brown was not inconsiderate or intemperate, but unfortunately he gave the rein to prejudice and passion in many of his attacks upon the French province and upon Roman Catholic ecclesiastics and institutions. To this Dorion submitted with singular patience and almost incomprehensible disregard of the personal consequences. Associated with Brown he could not hope to achieve any considerable political

success in Quebec but the political association was unbroken until Brown entered the coalition government to carry confederation, while there is no evidence that their personal relations ever were disturbed.

Dorion argued against the provisions of the British North America Act rather than against a union of the provinces. In 1856 he had suggested a federation of the two Canadas as a substitute for the existing legislative union. In 1859 he had signed a manifesto, which also bore the signature of D'Arcy McGee, in favour of a federation with representation according to population. In 1861 he admitted that the time might come when it would be desirable and even necessary to have a federation of all the provinces, but insisted that the time for such action had not arrived. This position he maintained when the proposals of the Quebec Conference were before Parliament. He opposed the financial provisions as excessively generous to the Maritime Provinces. He shrank from the cost of the Intercolonial Railway. He predicted conflict between the local and central authorities over the powers of veto vested in the federal government. He opposed a nominated senate. He foresaw friction and confusion from the provision which gave to the federal government the nomination and maintenance of judges while the legislatures con-

trolled the constitution of the courts and determined the number of judges to be appointed. History has demonstrated that he foresaw many of the defects in the constitution, but neither Dorion nor Dunkin nor any other of the opponents of confederation seems to have had a full realisation of the immense patronage which the federal government would exercise. We can better understand the system if we consider that the President and cabinet at Washington would appoint all members of the Senate, all State governors, and all federal and State judges if they had the powers that are reposed in the prime minister and cabinet in Canada. If that condition prevailed at Washington only the grace of God could give the American people a free parliament and an honest government.

The Senate is and has been what Dorion foresaw it would be. In the half century of confederation only one senator has been appointed who was not of the party in office. Sir John Macdonald appointed John Macdonald of Toronto to the Upper Chamber, but the Conservative leader never found any other Liberal with the necessary qualifications for a senatorship. For nearly a quarter of a century, from 1878 to 1902, no Liberal was appointed chairman of a Senate committee. We cannot trace to Liberal governments even one such error as Sir John Macdonald committed. There were many

vacancies between 1896 and 1911, for even senators have their day and cease to be, but curiously enough no Conservative was found to have the exact qualifications for appointment to the Upper Chamber. Moreover, it is a remarkable phenomenon that since the Conservatives took office in 1911 Liberals do not seem to develop fitness for places in the Senate. Since advocacy of Senate reform is the strict and inalienable prerogative of Oppositions the Senate as now constituted seems to rest upon a reasonably stable foundation.

In all the debates on confederation there is no more remarkable address than that of Christopher Dunkin of B. C. He said that the attempt to overcome deadlock in united Canada by the scheme of confederation reminded him of the two boys who upset the canoe. Tom said, "Bill, can you pray?" Bill admitted that he could not think of any prayer that was suitable to the occasion. Tom's rejoinder, according to Dunkin, was earnest but not parliamentary. He said, "Well, something has to be done and that—soon." Dunkin spoke for two days with unfailing courtesy and reserve. The language is scholarly, the argument sustained and powerful. Much of what he said has been discredited by events. British Columbia has been admitted to the confederation and railways have been constructed across the Rocky Mountains

but we are not bankrupt. There has been racial and sectarian conflict. There have been doubtful local and provincial expenditures for party objects. Race, religion and locality have been too slavishly regarded in appointments to the federal cabinet. But many of these evils obtained in united Canada; active under the old constitution which Dunkin sought to preserve, if inevitable under the new constitution which he sought to destroy. If men would make a nation they must dare the future. He would risk nothing. He closed his eyes with resolute pessimism to the vision of a Canadian commonwealth. The speech was purely destructive, cold and uninspiring. But it is a great contribution to the political literature of Canada. Mr. Joseph Choate has said that a pessimist is a man who of two evils chooses both. Dunkin was the supreme pessimist as George Brown and Cartier were the supreme optimists of the union debates.

Once committed to confederation, Brown plunged on his way with full faith, complete confidence and abounding energy. He never doubted that that to which he set his hand was the thing the gods desired and he was mighty in zeal and service. It is doubtful if any of the biographers of George Brown have revealed the man in all his vigour and intensity. The "Life" by the Hon. Alexander Mackenzie is inadequate and reticent. That by

Mr. John Lewis is sympathetic, scholarly and informed. There are all the evidences of historical authenticity and a quiet elegance of diction which few Canadian writers command. But we miss the swing and power of the man; the lightning of attack and the thunder of defence. The picture is not intimate enough or bold enough. We have George Brown in repose, but we want George Brown in action. On the street he was imposing. On the platform he was tremendous. In council he was tenacious and convincing. It is not true that he could not be persuaded. It is true that he had an autocratic temper. He was a natural journalist, and the journalist is more irresponsible than the political leader. George Brown would have been a better politician if he had not been a journalist, and a better journalist if he had not been a politician. The journalist may be a powerful and effective reformer; he is seldom a sober and prudent statesman. A wise journalist will not go to parliament. A wise statesman will keep out of journalism. John Morley was a statesman but he was a philosophic writer rather than a professional journalist. Horace Greeley was a rash journalist and was impossible in the field of responsible statesmanship. George Brown, more successfully than most journalists, accommodated the obligations of his profession to the exigencies of political leadership. He had

great physical endurance and remarkable energy. He could speak for hours from the hustings without apparent fatigue and never seemed to exhaust his store of illustration and argument. There is reason to believe that he loved public meetings and the storm and contention of public controversy. For politics is the greatest game that men play and it is played with men. George Brown was seldom overcome on the platform or in Parliament. When one reads the speeches delivered by William Macdougall and W. P. Howland at the Liberal Convention at Toronto in 1837 one feels that the reasons they gave for nolding their places in the coalition government after George Brown withdrew were impressive and convincing, but Brown's stormy attack swept the Convention from its feet and left marks upon Macdougall and Howland from which perhaps they never wholly recovered.

George Brown was loved by many people who never saw his face nor heard his voice. Back in the townships where the *Globe* carried its weekly message he had the authority of a prophet. He created the Liberal party of Upper Canada as Sir Wilfrid Laurier has fashioned the Liberal party of to-day. But in constitution and in character the parties have radical differences. There was mourning in many Reform households when Brown joined forces with Macdonald to carry

confederation. There was rejoicing over one that was lost and was found again when Brown came out from the habitation of the wicked. The feeling of the masses of the Liberal party is expressed in "Joe" Rymal's reference to Dorion, "when he was enticed to sin he would not consent—he would not follow the multitude to do evil. If there was one thing, which, more than anything else, made coalition distasteful, it was the fact that these men whom we were forced to respect had been excluded. None of them went in and, thank God, none of them had to go out." Looking backward forty years I recall the faith of Liberals in the depravity of John A. Macdonald. They believed that the man was evil and that continually. One feels that they would have been unhappy if this conviction of his wickedness had been disturbed. It was hard to reconcile this state of blessedness with stories one heard from Liberal fathers about the electoral methods which George Brown sometimes sanctioned. When one was told that on the eve of polling in some close constituency, George Brown was able to have enough money judiciously distributed to defeat the corruptionists it was difficult to believe that virtue was content to be its own reward, and when there was jubilation instead of sorrow over such providential intervention only the consciousness of victory was adequate consolation. It may be that



Sir John Macdonald was the superior of George Brown in the practice of political wickedness; it is clear that Macdonald was the inferior of Brown in the profession of political virtue. But this is a human world and there is a high average of human nature in every political organisation. As the darkey said when he lost the proceeds of the church festival in a game of poker: "Pastor, we is all human and de game am werry exciting". No other man made such sacrifices for confederation as did George Brown. He must have known that he would be damaged by his partnership with Sir John Macdonald. Mackenzie and other influential Liberal leaders gave a reasoned and effective support to the new constitution but they would not enter the coalition. Brown was the lesser partisan and the finer patriot. In *The Fathers of Confederation* Dr. Colquhoun gives praise to Brown in full measure and with true historical detachment. It is unfortunate that Sir Joseph Pope should have written in the atmosphere of fifty years ago. One cannot but think that his devotion to Sir John Macdonald has coloured his estimate of George Brown. We are so grateful to Sir Joseph Pope for his memoirs of the Conservative leader and his *Day of Sir John Macdonald*, for his general moderation and freedom from prejudice, that we look at his picture of Brown with distress and feel that time

should have softened enmities that flame with fresh fuel in his pages. George Brown cannot be removed from his great place in Canadian history, and whatever his faults—and they were neither great nor many—his action at confederation smells sweet and blossoms in the dust.

Few perhaps will agree, but to my mind there were remarkable resemblances between George Brown and Sir Charles Tupper. There were no greater forces in the organisation and evolution of Canada. Both were of tempestuous temper, bold in design, vigorous in action. Both were fundamentally arrogant and ambitious. Both made sacrifices of which smaller and meaner spirits would have been incapable. Not only did Brown unite with Sir John Macdonald to effect union of the provinces but there is, in the imperfect Hansard of 1875, a frank admission by Macdonald that George Brown and William Macdougall led in the agitation for the incorporation of the North-west Territories into the confederation, while Sir Charles Tupper, by his signal courage and resource, conciliated Joseph Howe, reconciled Nova Scotia to the union, drove through Parliament the contract for the construction of the Canadian Pacific Railway, and persuaded the Conservative party to support the great enterprise until its credit was established and its success assured. As a youth

Tupper met Howe on the platform and was not disgraced. In his encounters with Edward Blake on the hustings and in Parliament he seldom was unhorsed. He never flinched before Alexander Mackenzie although no greater debater than Mackenzie ever stood in the Canadian House of Commons. It is the judgment of Sir Wilfrid Laurier that when he was "on his legs" Mackenzie had no equal, and I recall a famous joint meeting between Mackenzie and Tupper over forty years ago which was not a triumph for "the war horse of Cumberland." If Tupper had not "the gift of insolence" he had splendid audacity. He could have convenient lapses of memory and he could be very noisy when there was something to be concealed. He was bold, confident, dominant. He never knew the call to retreat. He had courage for any combat and resource for any emergency. He was the object of savage and continuous attack but, throughout, his position was that of George McGinnis: "If you're goin' to treat me like a dog don't forget that I'm a dog of your own size." In a ruder time Conan Doyle would have found in Sir Charles Tupper a hero upon whom he could have lavished all his affection. It is said that when Charlotte Brontë first heard Thackeray lecture she whispered to a companion: "There came up a lion out of Judah." So one thought of Tupper. There

is not much literary flavour in his speeches. They are diffuse and extravagant. He had the verbosity of Gladstone without his eloquence. His personal reminiscences are heavy and confused. There is no liveliness in his writing nor any depth of philosophic reflection. He challenges posterity very much as he challenged his foes while he lived and he marched out of time with acquiescence perhaps but not with submission. There is no greater figure among the Conservative statesmen of Canada nor any whose sacrifices and services were of greater value to Canada and the Empire. No man had a clearer title to place in the first confederation cabinet, but he stood aside in order that Sir John Macdonald could conciliate uneasy elements in the Maritime Provinces, and he reduced Joseph Howe to subjection by energetic persuasion, firm remonstrance, and judicious assertion of considerations and obligations which the old prophet of union could not neglect or reject unless he denied his own teaching or was resolved to persist in a hopeless struggle to exclude Nova Scotia from the confederation. History will find and point out blemishes in the public career of Sir Charles Tupper. But he gave the state physical vigour, intellectual power and constructive energy. As for the rest, "his greatness, not his littleness, concerns mankind."

If Sir John Macdonald was not peculiarly the Father of Confederation he was its chief architect. He was the master craftsman of the Quebec Conference, when his preference for a legislative union was set aside, and chiefly through his skill, patience, and wisdom the provinces were reconciled to the new constitution. It was a great task to which he set himself. It was a great thing that he accomplished. He had to temper disaffection in the Maritime Provinces, to allay sectarian suspicion in Ontario, to consider racial feeling in Quebec, to overcome rebellion in the remote Red River Territory and to bring British Columbia into the union. The test of the man is that he did all this. National feeling grew under his hand. British sentiment was nourished and strengthened. The deeper convictions of his nature were moulded into the spirit and fabric of the commonwealth. However we may regard the measures and methods by which he maintained his personal ascendancy, he had fundamental faiths and convictions. These he never dishonoured nor betrayed. These he imposed upon the Conservative party, upon Parliament and upon the people. If we think clearly it will appear that these faiths and convictions have become the dominant beliefs of Canada, that his successors in government follow the paths along which he led the young commonwealth and that the exertions and

sacrifices of to-day for the common Empire are the logical and inevitable result of his teaching and example. Great majorities he had in political contests while he lived, but never such a majority as now follows his standard.

More than thirty years ago, when I was a young reporter, I first saw Sir John Macdonald. He came to London in the exciting electoral campaign of 1883. Only once since that day have I witnessed such a manifestation of popular enthusiasm. As great perhaps was the demonstration over Sir Wilfrid Laurier when he came to Toronto during the federal campaign of 1896. At London, men who were ordinarily models of discretion and dignity removed the horses from the carriage and drew the Conservative leader through the streets to the cheering of thousands of excited people upon whom a sudden madness seemed to have descended. So far as one could see it was all spontaneous. There was no organisation. It was the instant expression of personal devotion and political fealty to a statesman who held men's affection and quickened their imagination. As Mr. W. F. Maclean, M.P., has said, "Sir John had a wonderful influence over many men. They would go through fire and water to serve him, did serve him, and got, some of them, little or no reward. But they served him because they loved him, and because with all his great

powers they saw in him their own frailties, and because he abounded in the right kind of charity." Mr. Maclean adds, "Sir John's real 'old guard' were not the men who stood with him at Ottawa, but the greater old guard who stood and fought for him in every township year after year, and to whom a call by name or a nod of the head was all the recompense they got and yet the recompense they most prized."

Sir John Macdonald had, too, the devotion of women in singular degree. In households all over the land they were the passionate guardians of his reputation and the jealous champions of his achievements. It is rarely indeed that a political leader touches the hearts of women and only those do it who have that strange quality of attraction, which we call magnetism, and which God gives to so few of his creatures. A French writer has said that "no power is equal to personal charm." There was the secret of Sir John Macdonald's influence and ascendancy. There was no beauty in the face of Sir John Macdonald, but often there was a gracious radiance in the eyes that was singularly winning. His head was set finely on his shoulders. He had adequate stature. He walked with easy jauntiness. He had the springy step of youth until he reached three score years and ten. He expressed dissent from the argument of an opponent with a curious jerkiness of head and shoulders. Often

by turning the head sidewise he gave emphasis to a gibe or a pleasantry. It was said that his jokes were old, but to even an old joke he could give a flavour of freshness. He could have been a great comedian but he was a greater politician. At the London meeting he described an attempt by the Hon. Edward Blake to force him into a doubtful position and I recall the owl-like turn of the head and the suggestion of alert cunning with which he quoted:

" 'Will you walk into my parlour?'

Said the spider to the fly--

'No Sir, thank you kindly.

I've no curiosi-ty'".

A poor specimen of humour, you may say. Perhaps. But those of us who saw and heard Sir John Macdonald quote the verse did not think so. If on the platform he could approach buffoonery he had adequate dignity for any company or any occasion. In the phrase of Kipling, he could "walk with Kings nor lose the common touch." If he was not an orator he was an effective debater. His defence of the Treaty of Washington and his appeal to Parliament against an adverse judgment on the Canadian Pacific Railway charges belong to the great events of Canadian parliamentary history. But very often he was content to turn his back upon the Opposition, to excite the cheers and laughter of



his followers by a few bantering, provocative sentences, and to treat the division list and the verdict of the constituencies as adequate support for his position and conclusive answer to his opponents. He was as prolific as Lincoln in anecdote and illustration and perhaps if Henry Ward Beecher had visited Ottawa and met Sir John Macdonald he could have written as he did from Washington when he met Lincoln. "Abraham", he said, "told us three stories. Two I forget and the other will not bear telling." How often that is the story one remembers. Sir John Macdonald had his frailties and his weaknesses, as we all have, but we can let these repose with his ashes at Cataraqui.

A word as to the Hon. Edward Blake and the long struggle between himself and Sir John Macdonald. As a youth Edward Blake had an amazing maturity of mind and a prodigious zeal for learning. Herndon said of Lincoln that "Nature had burnt him in her holy fire and stamped him with the seal of her greatness." Nature gave Blake much and yet withheld something. For the hard contests of politics what was withheld affected all that was bestowed. He was sensitive to the soul and the petty gibes and taunts of buzzing insects could turn him from the resolute pursuit of the foe to commiseration over his own wounds and bruises. His wounds were not as deep as he thought they were

but his courage was sapped and his strength impaired by inward chafing over criticism that was beneath serious consideration. He was not always frank with himself. He had more ambition than he revealed or thought he revealed. Now and again he rejected what he desired or put away that which he was soon eager to recover. For sheer intellectual power Mr. Blake perhaps has had no equal in the public life of Canada. If he had a peer it was Sir John Thompson. But for political leadership Mr. Blake had grave temperamental defects. He was too laborious in the performance of parliamentary drudgery. He could not easily devolve duties and responsibilities upon colleagues. He was "too close to the angels." He was too intolerant of the ambitions of lesser men and too regardless of the performances of associates. It was said of a British political leader that he had not even "a feeding acquaintance" with his supporters in Parliament. In a way this was true of Mr. Blake, but it was an acute sensitiveness, or shyness, not mere arrogance or exclusiveness, that so often shut him out from intimate companionship with his kind. If he had been vitally and resolutely arrogant he would have troubled himself less with meaner men and he would have been less mortally wounded by the humours and affections which breed in every political organisation. Democracy

must be humoured, but Mr. Blake did not know how or was not altogether willing to humour democracy. He was eager for friendliness but he could not always be friendly. At least he could not always be intimate and companionable. I remember that when Mr. Blake was Liberal leader at Ottawa a difference of opinion developed in No. 6 over the exact meaning of clauses in a bill to amend the Canada Temperance Act. No. 6 was the small and shabby room in the Parliament buildings which constituted the headquarters of the Liberal Opposition. Those were the days in which prohibitory legislation had to serve the twofold object of conciliating the prohibitionists and protecting the liquor interest. The group in No. 6 were anxious to have Mr. Blake's interpretation of this particular measure but no one was willing to approach him in his refuge a few doors away. Finally either by persuasion or by compulsion Mr Edward Holton, son of the Hon. Luther H. Holton, who was for many years the English-speaking Liberal leader for Quebec, set out unarmed and unprotected to interview the leader. He found Mr. Blake in his shirt sleeves, although he made no pretension to shirt-sleeve democracy, engaged with a mass of clippings and documents. Mr. Blake offered no word of salutation and for a moment Mr. Holton stood submissively before the master. Finally he ex-

plained that No. 6 desired to have a particular clause in the Temperance Bill interpreted. Mr. Blake said, "Read it." Mr. Holton did so. The leader said, "Read it again." Mr. Holton obeyed. Mr. Blake looked sternly at the petitioner and exclaimed "That's what it means." And Mr. Holton from two careful readings of the clause saw its exact meaning and returned to No. 6 with the proud front of a man who had proved both his courage and his intelligence.

Mr. Blake had great command over public meetings. He was powerful and effective in Parliament although often his speeches were too long and cumbered with excessive detail. No man ever undertook more prodigious labour than he did in the electoral campaign of 1887. He delivered speeches in all the older provinces. In force, gravity and dignity they are not equalled by any other series of addresses in the political history of Canada. It is true that his sentences are long and complicated but there are moral fervour, which touches the emotions, and argument and eloquence, heavy and cumbrous at times, but singularly and continuously impressive and convincing. There is no better statement of conditions and problems in Canada than is found in the volume of these speeches which was published in 1887 and no one who reads can doubt that he is in contact with a

patriot and a statesman. But across Blake's utterances falls the shadow of Louis Riel. We see a party sullen and divided by the attempt of the leader to have the execution of the rebellious half-breed condemned by the constituencies. There is no doubt that Mr. Blake was hopeful of victory over Sir John Macdonald in that memorable contest and that in the bitterness of defeat, physically exhausted and broken in health, he rashly resolved to abandon the struggle. But even in defeat he had the affection and confidence of the Liberal party in Parliament and in the country. Many of his associates had for Mr. Blake not only respect which could not be denied but love which could not be withheld. Never was there a party in deeper distress than that which met at Ottawa in the winter of 1887 under the shadow of Mr. Blake's withdrawal from the leadership. One feels that he need not have gone. It was long before hope of his return was abandoned. But when the letter to West Durham appeared in 1891 the door was closed forever.

If Mr. Blake had taken the leadership of the Liberal party at confederation he would have had from Mackenzie more loyalty than he gave to Mackenzie. If he had had personal devotion to Mackenzie he would have been less capricious and uncertain in service in the cabinet. In 1873 he

joined the cabinet as minister without portfolio. In 1874 he withdrew from the government. In 1875 he became Minister of Justice. In 1877 he resigned that office and became President of the Council. In 1878 he again withdrew from the cabinet and he was in Europe during the campaign which resulted in the overwhelming defeat of the Liberal administration. In association with Mr. Goldwin Smith, the Hon. David Mills and the Hon. Thomas Moss he gave sympathy if not actual financial support to the *Liberal* which was established in Toronto in 1874 as a rival to the *Globe* and of which Mr. W. F. Maclean was the Ottawa correspondent. Goldwin Smith had an acute quarrel with George Brown and the brief partnership of Blake and Goldwin Smith suggests an organised movement to affect the policy of the Mackenzie administration. When Blake re-entered the government, Goldwin Smith declared that he "left him to the tiger." Blake was a restless follower and an uneasy colleague. There was much in politics that he disliked and not a little that he despised. Himself of severe moral integrity, he felt the strain of political corruption as a personal blemish. He was eager for success in the constituencies but there were times when success depended upon conditions to which he could not submit. He failed to become prime minister of

Canada but he chose Sir Oliver Mowat for leader of the Liberal party in Ontario and Sir Wilfrid Laurier for leader of the Liberal party in the Dominion. Throughout the long period of Liberal government in Ontario Mr. Blake was Sir Oliver Mowat's constant and faithful adviser. In the courts the provincial premier won successive constitutional victories over Sir John Macdonald. Able lawyer though Sir Oliver was, he relied greatly upon Mr. Blake's advice. Against any other man than Sir John Macdonald from whom Quebec and the Irish Catholic minority could not be detached, Mr. Blake might have succeeded in his last contest. Even with these elements in general alliance with his great antagonist, he might have triumphed if he could have imposed his own rational attitude towards protection upon his associates. He did not become prime minister, but he was the chosen captain of a great party and for Edward Blake there was no dishonour in defeat. Who shall say what is success or failure, or who serves most or least?

It is admitted that no greater advocate than Mr. Blake ever appeared in the courts of Canada. If he had accepted the office of Chief Justice of the Supreme Court he would have raised that court to great distinction among the tribunals of the English-speaking world and probably fewer Canadian cases would have gone to the Imperial Privy

Council. Speaking in this hall one thinks of Mr. Blake's devotion to the University. I met him at Ottawa on the morning after the fire which destroyed the beautiful old buildings, and he grieved as over a personal misfortune. One feels that he valued no other honour or distinction as highly as he did the chancellorship of the University. Nothing else could have so become the man save perhaps a great judicial office. Mr. Blake had a commanding position as an advocate before the Judicial Committee of the Imperial Privy Council. It is doubtful if he ever greatly impressed himself upon the Imperial Parliament. Timothy Healy said, "You could not transplant an oak."

We almost forget that Mr. Blake was once regarded as the rising hope of Canadian Imperialists. There were those who interpreted his famous deliverance at Aurora in 1874 as a declaration in favour of federation of the Empire. He demanded a full citizenship for Canadians but as to how that should be acquired he was obscure. Indeed he was often obscure and could himself find a deeper meaning in his utterances than a casual reading revealed. In the speech at Aurora he argued that "an effort should be made to reorganise the Empire upon a federal basis." He declared that we had "a government the freest, perhaps the most democratic in the world with reference to local and



domestic affairs, in which you rule yourselves as fully as any people in the world, while in your foreign affairs, your relations with other countries, whether peaceful or warlike, commercial or financial or otherwise, you may have no more voice than the people of Japan." "This," he continued, "is a state of things of which you have no right to complain, because, so long as you do not choose to undertake the responsibilities and burdens which attach to some share of control in these affairs, you cannot fully claim the rights and privileges of freeborn Britons in such matters." "It is impossible," he said, "to foster a national spirit unless you have national interests to attend to or among people who do not choose to undertake the responsibilities and to devote themselves to the duties to which national attributes belong." He pointed out, and this was more than forty years ago, that by the policy of Great Britain in which we had no voice or control, Canada might be plunged into the horrors of war, and, he added, "for my part I believe that while it was not unnatural, not unreasonable, pending the process of development which has been going on in our new and sparsely settled country, that we should have been quite willing—we so few in numbers, so busied in our local concerns, so engaged in subduing the earth and settling up the country—to leave the cares and

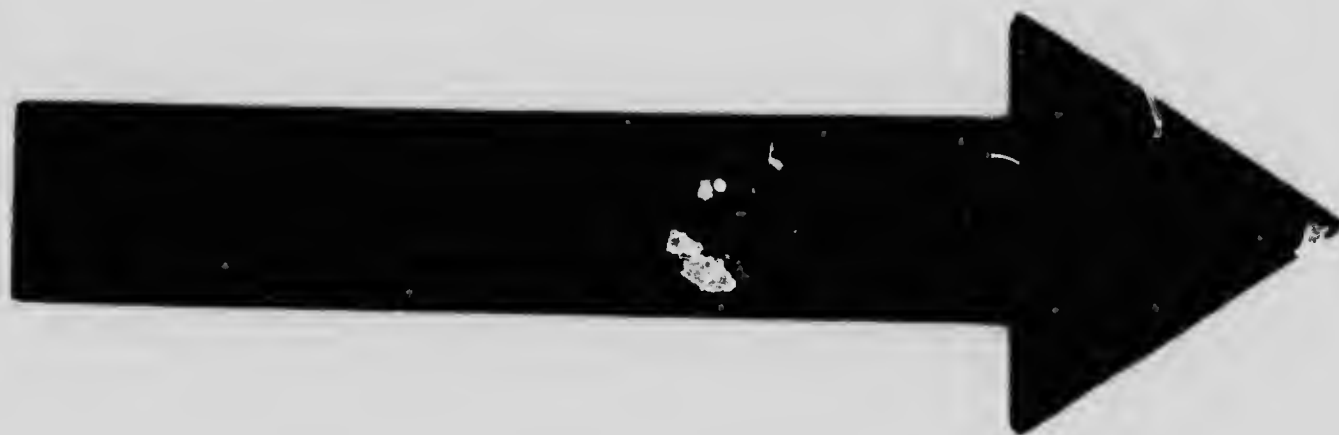
privileges to which I have referred in the hands of the parent state, the time will come when that national spirit which has been spoken of will be truly felt among us, when we shall realise that we are four millions of Britons who are not free, when we shall be ready to take up that freedom and to ask what the late prime minister of England assured us we should not be denied—our share of national rights."

However we may interpret these utterances, there is at least a clear and unequivocal appeal for equal citizenship for all subjects of the king in the common Empire. Mr. Blake did not suggest separation or independence nor did he persevere in the demand for a proportionate voice in Imperial councils. At that time he saw no necessary conflict between national and Imperial interests. Apparently he believed that in order to have true national feeling it was necessary to assume all the obligations and responsibilities of citizenship. If, under federation of the Empire, we can acquire complete citizenship without the sacrifice of self-government in national affairs federation is inevitable. If not, nationalism will prevail in the end. An incomplete citizenship such as we of the Dominion now possess cannot be a final condition for British peoples. For my part I believe that federation of the Empire is not more difficult than was federa-

tion of Canada or Australia, as I believe that we cannot be content with less than equal citizenship for ourselves and an equal partnership for our country in the Empire to which we belong. In Mr. Blake's subsequent career the vision of Aurora is obscured. Mr. Goldwin Smith described Blake as the friend of nationality and commercial autonomy, and declared that the National Policy was his axe which was stolen by the Conservatives when out of power to cut down the Mackenzie administration. As Minister of Justice, Mr. Blake reduced the authority of the Governor-General and enlarged the autonomy of Canada. But even this is not inconsistent with the Aurora platform. A full nationalism is the necessary preparation for federation of the Empire.

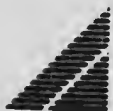
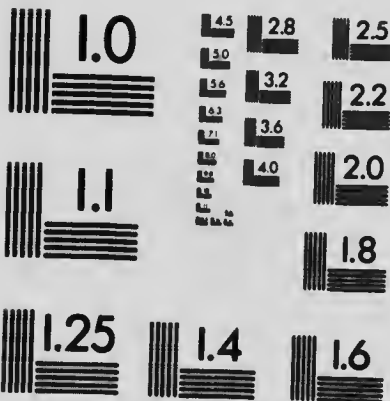
I trust that I have spoken with discretion and charity and with a decent regard for historical truth. This year is the fiftieth anniversary of confederation. We think of what has been done and we know that it is good. There may be doubtful chapters in the story, but when human material is moulded by human hands we cannot have a perfect result. We have organised a free democracy in close alliance with an ancient monarchy across the sea. We have feared God and honoured the King and revered law and order. We have loved the days and the ways of peace. We have

made no quarrel with any neighbour, nor wasted our strength in civil brawls and domestic dissension. We have believed with Burke that "the blood of man should never be shed but to redeem the blood of man. It is well shed for our family, for our friends, for our God, for our country, for our kind. The rest is vanity; the rest is crime." No guilt lies upon us if in this year of jubilee we are oppressed by sorrow and sacrifice. The old mother of free nations sprang again to the defence of freedom and we could only say as Jehoshaphat said to the King of Israel: "I am as thou art and my people as thy people and we will be with thee in the war." For her as for us the choice was between sacrifice and dishonour and when these are the conditions, honour and sacrifice are the immemorial obligation and inheritance of the British people. Who doubts that if the Fathers of Confederation could know what we do and suffer in these tremendous days they would rejoice with solemn pride in the spirit of the young nation around whose cradle they sat with such faith and hope and solicitude half a century ago. Contemporary judgments are partial, affected by personal prejudices, perverted by political controversy. Time softens old asperities and history gropes sometimes blindly, but often honestly, for the truth. Whatever were the imperfections and failures of the Fathers of Confederation they laid



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the foundations of a national structure in which men may dwell in freedom, independence and security, and which, if we are as faithful, as devoted and as patriotic, will endure as a happy habitation for millions of mankind. As Lord Rosebery said of Mr. Gladstone: "These men form the pedigree of nations and their achievements are their country's title deeds of honour. The dark mass of humanity passes to the grave, silent and unknown. It is these men who stand forth and mark the march of generations."

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### III

## THE WORKING OF FEDERAL INSTITUTIONS IN CANADA

By Z. A. LASH

**I** NOTICE that in the announcement of this lecture I am referred to as having been for some time the Deputy of the Minister of Justice. That was a long time ago, but the fact that I once occupied the office probably equips me to say things about the working of federal institutions in Canada, which I should not otherwise have been able to say, and the fact that, just nine years after the British North America Act (Canada's constitution) came into force, I assumed that office and remained in it until 1882, enables me to speak of the workings of our federal system practically from its beginning. It took the first ten years for the country to find its bearings under the new federation, and for the Dominion and the Provinces to settle down to an understanding of their true constitutional relations. It also took that length of time for the Dominion and the mother country to settle, satisfactorily, certain debatable questions respecting their relations, and to make clear that the principles relating to ministerial responsibility in Canada did not



differ from those relating to similar responsibility in England. It is a pleasant memory that I was appointed Deputy Minister of Justice upon the recommendation of the Honourable Edward Blake, when he was Minister, and I am sure that the loyal sons and daughters of the University of Toronto take pride in the thought that he—who shed such lustre upon his Alma Mater, first as a graduate and later as Chancellor of the University—was to a large extent instrumental in settling some of the most important questions arising under our constitution, not only when he was Minister of Justice, but also when he, as one of the greatest lawyers at the Bar, took part in our courts and specially before the Judicial Committee of the Imperial Privy Council, in the argument of these questions.

To deal fully with the working of federal institutions in Canada would occupy more time than is at my disposal. Much detail would have to be gone into and the subject would become wearisome. There are, however, some general underlying principles which should be mentioned and borne in mind.

*Constitution similar in Principle to that of the  
United Kingdom*

The first recital in the British North America Act declares that "the Provinces of Canada, Nova

Scotia and New Brunswick have expressed their desire to be federally united into one Dominion under the Crown of the United Kingdom of Great Britain and Ireland, with a constitution similar in principle to that of the United Kingdom." These words "similar in principle to that of the United Kingdom" give the key for the opening of the meaning and the working out of the Act in many respects, especially with reference to those matters upon which the Act itself is silent.

### *Assent to Bills*

For instance, Section 55 provides as follows:—

"Where a Bill passed by the Houses of the Parliament is presented to the Governor-General for the Queen's assent, he shall declare, according to his discretion, but subject to the provisions of this Act and to her Majesty's instructions, either that he assents thereto, in the Queen's name, or that he withholds the Queen's assent, or that he reserves the Bill for the signification of the Queen's pleasure."

According to the wording of this section, the discretion of the Governor-General to assent, or to withhold assent, or to reserve a bill is absolute, but that would not be in accordance with the principle of the constitution of the United Kingdom. Under that constitution, although the discretion of the sovereign is in theory absolute, yet the assent to a bill passed by the two Houses of Parliament is given or withheld in accordance with the advice of the Privy Council. There has not been a case in

England since the reign of Queen Anne when assent to such a bill has been withheld contrary to the advice of the Privy Council. Therefore, pursuant to this principle, the discretion of the Governor-General under the British North America Act is exercised in accordance with the advice of his Privy Council, but it was not until 1877 that the principle was fully established.

### *Governor-General*

By Section 9 of the British North America Act the executive government and authority of and over Canada is declared to be vested in the sovereign. It is of course impracticable that the King should exercise this authority in person as he exercises it in the United Kingdom, therefore as part of the royal prerogative he appoints the Governor-General to act for him, and in making this appointment the King can in theory, by the commission or by instructions accompanying it, impose upon the Governor such limitations respecting his powers, or give him such instructions respecting the exercise of them, as the King may think expedient. In doing this he would, of course, act under the advice of the Imperial Privy Council. Now it is evident that by the terms of the commission, or by the instructions (which the Governor would have to obey) the constitutional position of

the Governor with respect to his Ministers might be made very different from the constitutional position of the King with respect to his ministers, and the constitution of Canada might, in this way, be made or become not similar in principle to that of the United Kingdom. This is exactly what happened on the appointment of Canada's first Governor-General.

### *Governors' Commission*

It is probable that the forms of commission and instructions issued to our Governors-General from 1867 to Lord Dufferin's appointment in 1872 were taken from forms long in use in connection with the appointment of colonial governors, as they contained matters not suitable to a federation like Canada, and they dealt with details which, in the light of our present position, seem to border on the ludicrous.

In the instructions which accompanied Lord Dufferin's commission, he was, among other things, instructed as follows:

"You are not to assent in Our name to any Bill of any of the classes hereinafter specified, that is to say:—

1. Any Bill for the divorce of persons joined together in holy matrimony.
2. Any Bill whereby any grant of land or money, or other donation or gratuity, may be made to yourself.

3. Any Bill whereby any paper or other currency may be made a legal tender, except the coin of the realm or other gold or silver coin.

4. Any Bill imposing differential duties.

5. Any Bill, the provisions of which shall appear inconsistent with obligations imposed upon Us by treaty.

6. Any Bill interfering with the discipline or control of Our forces in Our said Dominion by land and sea.

7. Any Bill of an extraordinary nature and importance, whereby Our prerogative, or the rights and property of Our subjects not residing in Our said Dominion, or the trade and shipping of the United Kingdom and its dependencies, may be prejudiced.

8. Any Bill containing provisions to which Our assent has been once refused, or which has been disallowed by Us.

Unless such Bill shall contain a clause suspending the operation of such Bill until the signification in Our said Dominion of Our pleasure thereupon, or unless you shall have satisfied yourself that an urgent necessity exists, requiring that such Bill be brought into immediate operation, in which case you are authorized to assent in Our name to such Bill, unless the same shall be repugnant to the law of England or inconsistent with any obligations imposed on Us by treaty. But you are to transmit to Us by the earliest opportunity the Bill so assented to, together with your reasons for assenting thereto."

These instructions (surprising to us now) had accompanied the commissions issued since 1867. The commission vested in the Governor-General the exercise of the royal prerogative of pardon. The instructions contained the following with respect to the pardon of an offender condemned to death: "in all such cases you are to decide, either to extend or to withhold a pardon or reprieve, according to your own deliberate judgment, whether the members of our said Privy Council concur therein or otherwise."

*Lepine's Case*

One Lepine had been sentenced to death for the part which he took in the North-west rebellion. In 1875 Lord Dufferin, upon this authority, had reprieved Lepine, acting on his own judgment. It is true that he had consulted with his ministers, but the consultation was to assist him in forming his own judgment. This case brought up very acutely the question of ministerial responsibility for the Governor's acts, and incidentally other questions arising under the Governor's commission and instructions. At the instance of our government Mr. Blake went to England and discussed the questions with the government there.

*Mr. Blake's Memorandum*

A very important memorandum was submitted by him to the Colonial Secretary in July 1876, in which he pointed out various objections to the terms of the commission and instructions, particularly with reference to assenting or withholding assent to bills, and to the exercise of the prerogative of pardon where ministerial responsibility was excluded. I quote this extract from the memorandum:

"The existing forms in the case of Canada have been felt for some time to be capable of amendment, for reasons which require that special consideration should be given to her position, and which render unsuitable for her the forms which may be eminently suited to some of the colonies.

"Canada is not merely a colony or a province: she is a Dominion composed of an aggregate of seven large provinces federally united under an imperial charter, which expressly recites that her constitution is to be similar in principle to that of the United Kingdom. Nay, more, besides the powers with which she is invested over a large part of the affairs of the inhabitants of the several provinces, she enjoys absolute powers of legislation and administration over the people and territories of the north-west, out of which she has already created one province, and is empowered to create others, with representative institutions.

"These circumstances, together with the vastness of her area, the numbers of her free population, the character of the representative institutions and of the responsible government which as citizens of the various provinces and of Canada her people have so long enjoyed, all point to the propriety of dealing with the question in hand in a manner very different from that which might be fitly adopted with reference to a single and comparatively small and young colony.

"Besides the general spread of the principles of constitutional freedom there has been, in reference to the colonies, a recognized difference between their circumstances resulting in the application to those in a less advanced condition of a lesser measure of self-government, while others are said to be invested with 'the fullest freedom of political government'; and it may be fairly stated that there is no dependency of the British Crown which is entitled to so full an application of the principles of constitutional freedom as the Dominion of Canada."

### *Principle of Ministerial Responsibility*

The result was that the commission and instructions were recast, the principles contended for by Mr. Blake were admitted and since then there has been no dispute with reference to ministerial responsibility in Canada, either with regard to assenting to bills, the granting of pardons, or any-

thing else. The relations between the lieutenant-governors of the provinces and their ministers are governed by similar principles, and it may be said with confidence that, with regard to the great principle of ministerial responsibility, the working of federal institutions in Canada has been satisfactory.

### *Division of Legislative Authority*

There is an important principle underlying the division of legislative authority between the Parliament of Canada and the provincial legislatures which should be explained and which has had much to do with the successful working of our federation. The explanation will be made clearer and the reasons for this successful working will be made more apparent if I refer to the system of the great federation to the south of us.

In 1775 the thirteen colonies, which in 1776 declared their independence and threw off their allegiance to Great Britain, sent delegates to a meeting or congress to decide upon measures for joint action because of the revolution which was then pending; but there was not created any central body or authority having general or legislative jurisdiction over the colonies or their people. Each colony claimed to be independent, but each acted with the others as against Great Britain and sent



members to this joint congress. I quote from the Declaration of Independence:

"We, therefore, the Representatives of the United States of America, in general congress assembled, do . . . solemnly publish and declare that these united colonies are, and, of right, ought to be free and independent States . . . and that as free and independent States they have full power to levy war, conclude peace, contract alliances, establish commerce and to do all other acts and things which independent States may of right do."

In 1778 Articles of Confederation were agreed to by a majority of the thirteen, and subsequently ratified by them all. The purpose of these articles was the formation of a league of friendship for common defence and mutual welfare, and so jealous were the States of their rights that the first article after the one declaring the name of the confederacy was in these words:

"Each State retains its sovereignty, freedom and independence, and every power, jurisdiction and right which is not by this Confederation expressly delegated to the Thirteen States in congress assembled."

### *Constitution of the U.S.A. Compared*

When the present constitution of the United States was discussed, it was by men who represented separate States and who were jealous of their rights and careful to guard them. Some far-seeing minds among them doubtless had visions of their great future, but in the then condition of the world's trade, before the wonderful power of harnessed steam had been discovered and when the commercial

uses of electricity were unknown, when communication between the different parts of the country was difficult and tedious, when there were no railways or other modern means of transportation, when the total population of the thirteen States was only about 3,000,000, and when they occupied only a fringe (comparatively speaking) along the Atlantic coast, it is not to be wondered at that in framing their constitution they could not foresee or provide for or against the conditions of the nineteenth. and twentieth centuries. When, therefore, as representatives of independent States, they met to discuss a federal union, the natural tendency was to look at the question from the points of view of the States themselves. The result was a constitution granting to the union such specified powers only as then seemed necessary to the scheme of federation and leaving reserved to the States (subject to some specified limitations) the whole balance of power which as independent States they then claimed to possess.

The present constitution, signed in 1787, did not make express provision on this head. Express provision was unnecessary; but to remove any possible doubt the constitution was amended in 1789 in these words:

"The powers not delegated to the United States by the Constitution nor prohibited by it to the States, are reserved to the States respectively or to the people."

*Conditions in the United States*

Since 1787 the fringe along the Atlantic coast has been extended from the Atlantic to the Pacific, and from the Gulf of Mexico and Mexico as it now is to Canada. The population has increased from 3,000,000 to 100,000,000. Railways and telegraphs and telephones connect the west with the east, and the south with the north. Transportation and communication are now easier and more rapid between New York and San Francisco than they were in 1787 between New York and Philadelphia; and, so far as trade is concerned, the whole country from north to south and from east to west is practically one.

*Conditions in Canada*

Contrast the position of the thirteen States in 1787 with that of the three colonies which in 1867 became federated as the Dominion of Canada, viz.: the Province of Canada—then Upper and Lower Canada, but one under a legislative union—the Province of New Brunswick, and the Province of Nova Scotia. In the first place, they had not thrown off their allegiance to Great Britain, and they did not feel, as did the thirteen colonies, that having thrown off one power they would not set up another over them, even of their own making. They met to form a union, which, on its very face,

made provision for including the northern half of this continent. They had before them the example of the United States of America as a guide and as a warning. They knew something about the weaknesses of that constitution, and they knew the strong points of the constitution of Great Britain. They knew the effect upon trade of railways and telegraphs and modern means of transportation and communication. They did not come to discuss a union as independent states anxious to retain all their sovereign powers and to give to the new Dominion such powers only as seemed necessary to the scheme, reserving to themselves all residue of power, but they met to form a union which would in the near future possess and govern Canada from coast to coast, and which would have to deal with the problems of empire and solve the same type of difficulties confronted by the United States. Like the United States they decided upon a federal union. They created a central legislative and executive power, and Provinces which would control their local affairs, but, unlike the United States, they conferred upon the Dominion general powers to make laws for the "peace, order and good government of Canada," and carved out of this general power certain specified powers which they conferred upon the Provinces. A new type of federation thus came into being.

*Difference in Principle between U.S.A. Federation  
and B.N.A. Act*

The great difference in principle between the United States and the Canadian federation is that in the United States the federal authority has only specified powers, the whole balance being possessed by the States, whereas in Canada the Provinces have the specified powers and the whole balance is possessed by the Dominion.

The reasons for the formation of the Dominion, and the confidence in its great future extension and development, guided the framers of our constitution to entrust to the federal parliament a full measure of authority over those things which seemed most to affect the people as a whole, and to confer upon the Provinces a full measure of authority over those which seemed most to affect the people of a Province as a Province. I have time only to say with respect to the provincial powers that they have proved sufficient for all practical local purposes, but I will, I am sure, be pardoned if I contrast the working of some of our federal powers with the working of the federal powers of the United States over the same subjects. I do so simply to illustrate our constitution and not to belittle that of our neighbours. I shall illustrate by four subjects which are of general interest, viz: trade, transportation, the criminal law, marriage and divorce. There are

others, but time will not admit of illustrations from them.

### *Illustrations*

In the United States the specified jurisdiction over trade is conferred upon the federal body in these words: "To regulate commerce with foreign nations and among the several States and with the Indian tribes." In Canada it belongs to the Dominion under the general grant, because it has not been conferred upon the Provinces; but for greater certainty, and not so as to limit the general grant, the Act specifically declares that the legislative authority of Canada includes "the regulation of trade and commerce."

In the United States the general criminal law comes under the jurisdiction of the States because it has not been specially granted to the central authority; so also do "Marriage and Divorce"; whereas in Canada these subjects belong to the Dominion because they have not been specifically granted to the Provinces, and, "for greater certainty," they are named as part of the Dominion jurisdiction.

### *Trade and Transportation*

Take the subject of trade, and transportation, which is so intimately connected with it. It does

not require much consideration to see that to regulate efficiently the trade of a country the size of Canada or the United States, where the question of transportation and freight rates is of such vital importance, where discrimination may enrich one industry or section and ruin another, and where huge combinations may practically monopolize the necessities of life, both in foods and manufactures, there should be one general legislative power capable of dealing with all the important questions which are involved. In Canada we have such power in the Dominion Parliament. In the United States the power which Congress possesses is confined to that species of commerce carried on with foreign countries, among the several States, and with the Indian tribes. This power is far short of what is required to cope successfully with the evils connected with trade and transportation which have grown up in the States. Attempts to cope with them have been made by Congress, but as yet they have been only partially successful, owing, I believe, mainly to the difficulty, if not the impossibility, of framing effective laws because of the defective jurisdiction which is vested in Congress. Each State has power to regulate trade and transportation within its own borders. It is, in fact, only by implication that Congress has any jurisdiction over State railways, and this implied

jurisdiction extends only in so far as it can be said to be in regulation of commerce among the several States or with foreign nations.

With respect to trade which begins and ends within a State, Congress is practically powerless. It is true that our Provinces, like the various States, have power to incorporate railways to operate in the Province, and to regulate their tariffs and their business, and to establish commissions for this purpose, but this power is contained in the grant of legislative authority over "local works and undertakings" and "the incorporation of companies with provincial objects." To complete the jurisdiction of the Dominion over such local works and undertakings, express power is vested in the Parliament of Canada to declare a local work or undertaking to be for the general advantage of Canada or of any two or more of the Provinces, and, upon such declaration being made, Parliament has jurisdiction over the undertaking. No such power is vested in Congress with respect to works within a State. Bear in mind, too, that in Canada the power to regulate trade and commerce is vested in the Dominion Parliament and not in the Provinces.

With respect, therefore, to the two great subjects of trade and transportation, the Parliament of Canada has ample power to pass efficient laws. This power has been exercised already in important



instances such as the act creating an all powerful Railway Commission and the Act relating to the investigation of injurious trade combinations. Clear power exists to make such amendments and additions to these Acts as the public interests may from time to time require.

### *Criminal Law*

Turn now to criminal law. In Canada, complete jurisdiction over it and over the procedure in criminal matters is vested in the Dominion Parliament, whereas in the United States each State possesses this power, with the result that the criminal laws and procedures of the States differ, and differ widely in some instances, not only as to what constitutes a crime but as to the trial of the offender and his punishment.

We have not in Canada the delays and perversions of justice which are constantly in evidence in the United States in connection with criminal trials, particularly where the rights or jurisdiction of different States are involved. Our criminal procedure is prompt and sure, and there is but one procedure for the whole of Canada. Crime does not go unpunished for want of jurisdiction, or because of conflicting jurisdictions, and no lynchings take place because the power of the law fails. No one can say of Canada, as President Taft felt

constrained to say publicly of the United States, "I grieve for my country to say that the administration of criminal law in all the States of this union (there may be one or two exceptions) is a disgrace to our civilization."

I firmly believe that, if the constitution of the United States had granted to the central authority exclusive power over criminal law and procedure, Congress would have enacted such laws, applying to the whole country, as would have gone far to obviate the delays and perversions of justice and the lynchings, and to make it impossible for any President of that great nation to utter the lament I have quoted.

### *Marriage and Divorce*

Take the subject of "Marriage and Divorce." In the United States each State has full jurisdiction over it. In Canada the jurisdiction is vested in the Dominion Parliament. The Provinces have authority over "the solemnization of marriage in the Province" only. As with the administration of criminal justice, we have not in Canada the scandals and disgrace which prevail in many of the States in relation to marriage and divorce, especially divorce. The conditions which there prevail and which are a humiliation to their right-thinking people are not possible in Canada. Polygamy

could never be recognized or encouraged by Canadian law. The sacredness of the marriage tie could never be treated with such levity as is the case in some of the States. Can there be any doubt that over a subject so vital to the continued well-being of a people, the central authority, which represents all the people and not merely a State or Province, should have the jurisdiction? As in the case of criminal law and procedure, I firmly believe that if the constitution of the United States had granted to the central authority exclusive power over marriage and divorce, Congress would have enacted such laws, applicable to the whole country, as would have prevented that special blot which now blackens the most sacred side of their social life.

### *Banking*

I could illustrate with other subjects; for instance, I should like to explain the differences between the constitution of the United States and ours in relation to banking, but to do so would occupy too much time. I can only assert my belief that if Congress had possessed from the beginning the same complete legislative authority over this subject, extending over the whole of the country, that is possessed by the Dominion Parliament, extending over the whole of Canada, it would have been better equipped to deal efficiently with

the banking system, and to remedy or even prevent the evils which have been associated with it. Congress could have created one uniform system for the whole country. As it is, each State has power to create banks and pass laws respecting their business, so that one uniform system is now practically impossible. In Canada, the Dominion Parliament has complete and exclusive authority over "banking, the incorporation of banks, and the issue of paper money." I am convinced that, had there been in Canada a divided jurisdiction over this subject, it would not have been possible to create and continue and improve from time to time the Canadian banking system, which has done and is doing so much for the welfare and development of our country.

It is not necessary to make any criticism respecting the wisdom or unwisdom of the exercise, by federal or provincial jurisdictions, of the powers conferred upon them. Very few measures meet with unanimous approval. The successful working of federal institutions must, in the last analysis, depend upon the powers conferred. If the power exists, the fact that it is made use of unwisely may for a time be detrimental to the true interests of the people, but the same power which enacts can amend and repeal. The constitution of Canada confers upon the Dominion and the Provinces full powers

of self-government with respect to all matters, in so far as such powers can be exercised by a people not yet having the status of a sovereign state. With respect to the division of those powers between the Dominion and the Provinces there have been no expressions of dissatisfaction worth mentioning and in this respect our people are contented with the Canadian constitution and with the way it has worked.

### *Disallowance*

Section 56 of the British North America Act provides that if the Queen in Council, within two years after the receipt by the Secretary of State of a bill assented to by the Governor-General, thinks fit to disallow the Act, such disallowance, being signified by proclamation, shall annul the Act from and after the day of such signification. This section is made applicable to Acts of the provincial legislature, and for these the power of disallowance is vested in the Governor-General within one year after the receipt of the Act from the Lieutenant-Governor of the Province. This is another illustration that, according to the wording of the section, the discretion of the Governor-General to disallow an Act of a provincial legislature is absolute, but, as already explained, the principle of ministerial responsibility applies and

the Governor-General must act upon the advice of his ministers.

Since the changes were made in the commission and instructions to the Governor-General which I have already explained, the principles under which the power of disallowance of Dominion statutes vested in the King in Council should be exercised have practically limited it to cases in which Imperial interests are involved. As the British Government and the Canadian government have for a number of years kept in close touch with respect to Imperial interests, our government is careful to see that no Act is passed by Parliament which would be so objectionable to the Imperial authorities as to call for the exercise of the power of disallowance. The relations between the two governments are likely to be even closer in the future, and it is not likely that fault will be found by the people of Canada with respect to the working of our constitution in connection with this power. An explanation of the views upon the power of disallowance of provincial statutes which prevailed in the early years, and of the changes which were made in later years, will be interesting.

#### *Earlier and Later Views as to Disallowance*

For a number of years after Confederation, it was considered by the Dominion government that

this power of disallowance should be exercised if the provincial Act were unjust or oppressive — for example, if it took away vested rights without compensation, or impaired obligations under contract, or if, in the opinion of the Dominion government, it went beyond the powers of the legislature, or infringed upon Dominion or Imperial interests. These principles were acted upon and, in accordance with them, provincial Acts were disallowed. Protests from the Provinces arose, and they gradually became so emphatic that the Dominion government was compelled to take notice of them. They were based upon the ground that the autonomy of the Provinces was being interfered with, respecting matters over which the Provinces claimed exclusive jurisdiction. It is not necessary to explain the process through which the subject passed between 1868 and 1908. In 1908, a report to the Governor-General in Council made by the Minister of Justice (Sir Allen Aylesworth) and approved by the Governor-General contained these words:

"It is not intended by the British North America Act that the power of disallowance shall be exercised for the purpose of annulling provincial legislation, even though your Excellency's ministers consider the legislation unjust or oppressive or in conflict with recognized legal principles, so long as such legislation is within the power of the provincial legislature to enact it."

During the last nine years no provincial Act has been disallowed, for reasons contrary to this con-

clusion, but in 1912, while declining to recommend the disallowance of a certain provincial Act, the present Minister of Justice, Mr. Doherty, made a report to the Governor-General in Council, which was approved by the Governor, and in which he said:

"The undersigned entertains no doubt, however, that the power is constitutionally capable of exercise and may on occasion be properly invoked for the purpose of preventing, not inconsistently with the public interest, irreparable injustice or undue interference with private rights or property through the operation of local statutes *intra vires* of the legislatures."

Referring to the disallowance of a provincial Act on the ground that it was *ultra vires*, or beyond the powers of the legislature, the same Minister of Justice (Sir Allen Aylesworth) who in 1908 expressed the view above quoted reported in 1911 as follows:

"It is the duty of your Excellency's government, when persuaded by authority, or upon due consideration that a provincial enactment is *ultra vires* of the legislature, to see that the public interest does not suffer by an attempt to sanction locally laws which can derive their authority only from the Parliament . . . Great confusion and hardship may result from a statutory corporation carrying on a trust or investment business in excess of its corporate powers."

The government being of opinion that the Act reported upon was *ultra vires*, it was disallowed.

The freedom of the Dominion government to disallow an act which would adversely affect Dominion or Imperial interests has not been given up. Differences of opinion might arise as to whether or not an Act did adversely affect those



interests, and the responsibility of deciding and the right to decide would fall to the Dominion.

This explanation of the power of disallowance and of the principles upon which it has been exercised shows how, in this respect, our constitution has worked. Whether the working be for good or for evil, and whether or not the general credit and good name of the Provinces or of Canada have been prejudiced by certain Acts of provincial legislatures, which have not been disallowed, is a question upon which sharp differences of opinion have arisen.

*Working together of Dominion and Provincial  
Jurisdictions*

With respect to the specified subjects over which the Parliament of Canada and the provincial legislatures respectively are given legislative authority, the power conferred in each case is declared to be "exclusive"—that is to say that neither can legislate upon matters exclusively assigned to the other. This is an important principle and, on the surface, it would look as if the legislative powers of the Dominion and the Provinces were separated by cast-iron fences, through which neither could break, and it was so contended in some of the earlier cases which came before the courts. However, the good sense and breadth of view of the courts, and especially of the Judicial

Committee of the Imperial Privy Council (our final court of appeal), have established certain principles which have done much to promote the smooth working of our federal institutions. For example, among the matters assigned exclusively to the Provinces is "The administration of justice in the Province including the constitution, maintenance and organization of provincial courts both of civil and criminal jurisdiction and including procedure in civil matters in those courts", and among the matters assigned exclusively to the Dominion is "the establishment of courts for the better administration of the laws of Canada." It was contended that Parliament could not confer upon a provincial court jurisdiction to try questions relating to Dominion matters (for example, the Dominion elections) and could not prescribe the procedure in respect of such matters (for example controverted election cases), the argument being that to do so would be to legislate upon the constitution of, and the procedure in, a court the exclusive legislative authority over which is vested in the Province. The courts, however, have decided in numerous cases that a Dominion statute upon a matter coming within the legislative authority of Parliament may properly make use of provincial courts and judges and other provincial machinery to carry out and enforce its provisions. The far-

reaching principle involved in these decisions has proved to be of the highest importance in the smooth and successful working of our constitution. It has in various instances enabled the Dominion to make use of the existing provincial machinery in aid of a Dominion enactment. Had the contrary principle been established, great inconvenience and much unnecessary expense would have resulted; for instance, for the trial in court of Dominion controverted election cases it would have been necessary either to establish a Dominion court with all the necessary machinery, including judges, sheriffs and other officers or to enlarge the jurisdiction and machinery of the Exchequer Court of Canada or the other existing Dominion court.

"Bankruptcy and Insolvency" are among the matters exclusively assigned to the Dominion, and Parliament has passed laws respecting bankruptcy and insolvency of persons and corporations and has provided for the winding-up of companies; the machinery of existing provincial courts has been freely made use of by such laws, and jurisdiction has been conferred upon them and procedure provided for. Many other instances involving this convenient principle could be cited; they are constantly arising and afford evidence of the practical wisdom upon which the principle was established.

The Act respecting the election of members of the House of Commons involves the same principle. It makes use of provincial voters' lists and declares that "for the purposes of any Dominion election held within a Province the voters' lists shall, except as herein otherwise provided . . . be those prepared under the laws of that Province for the purposes of provincial elections". It is made the duty of the custodian of the lists (a provincial officer) to certify a copy and transmit it to the proper Dominion officer. The polling places used at provincial elections are made the polling places for Dominion elections. The judge of the county court is made use of for re-counting ballots and, should he neglect or refuse to perform the duties cast upon him, the Act provides that any party aggrieved may apply to a superior court or judge for an order compelling the county judge to proceed, and the procedure upon this application is provided for.

In other ways the provincial machinery, including judges, courts and officers, is made use of and enormous expenditure is obviated. After the Ontario Act giving votes to women has been finally passed, as the Dominion election law now stands, women, whose names are on the Ontario voters' lists, would be entitled to vote at Dominion elections. This affords a remarkable illustration of the interlocking of Dominion and provincial

jurisdictions and machinery, all working together smoothly and in accordance with the spirit of the constitution. For a few years the Dominion Parliament provided a machinery of its own for the preparation of voters' lists for Dominion elections, but it was found so cumbrous and expensive that the law was repealed and the use of the provincial machinery was again resorted to. The trial thus made affords cogent evidence that in this case the public interest is best served by the working together of the Dominion and provincial machinery.

#### *No Customs Duties between Provinces*

All articles of growth, produce or manufacture of any one of the provinces are, by Section 121 of the British North America Act, admitted free into each of the other provinces.

#### *Admission of other Provinces*

Provisions are made for the admission into confederation of Newfoundland, Prince Edward Island, British Columbia, Rupert's Land and the North Western Territory; under these provisions all but Newfoundland have been admitted. Doubts respecting the power of the Parliament of Canada to create out of Rupert's Land and the North Western Territory separate Provinces were removed by Imperial legislation and the great Provinces of

Manitoba, Saskatchewan and Alberta were created by that Parliament. The Yukon District has been organized, with a government, legislative council, courts and other machinery suitable for its purposes and its transition into a full-fledged Province can take place without difficulty when the time is ripe for it. The remaining parts of Rupert's Land and the North Western Territory are being looked after and administered under the authority of the Parliament and government of Canada.

*Object of Confederation Attained*

The object of the British North America Act has been attained. Out of scattered provinces and territories, separated, in some cases, by many hundreds of miles of unsettled country, there has been created the great Dominion of Canada, embracing the north half of this continent, organized, prosperous and law-abiding, successfully governing herself in all things affecting her welfare, except those matters which relate to Imperial foreign affairs. Able to take, and now taking, her full share in the present war in defence of the Empire and in defence of humanity, Canada has established her right and proved her ability to take part in the Empire's foreign affairs and in "the great policies and questions which concern and govern the issues of peace and war."

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#### IV

### THE QUALITY OF CANADIAN LIFE

By R. A. FALCONER

THE preceding lectures of this course have dealt with the creation of the political fabric of confederation, its architects and master-builders, and the working of the machinery. That it has been a successful achievement is admitted in this fiftieth year since its founding. We are grateful to those who provided us with so original, well articulated and adjustable a constitution, in the working of which we have had satisfaction at home and have won respect abroad. To the Briton we continued long after confederation to be colonists in whom he thought he had vague proprietary rights; to the American we were an unintelligible outpost of half emancipated kinsfolk of his own, who would not recognise their manifest destiny of full freedom. For fifteen or twenty years we have, at first timidly but with more confidence of late, been ranking ourselves as a nation. Quite recently also outside opinion has changed rapidly with respect to us, and national rank is now offered us by Britain, while the American has discovered that we are an interesting and creditable political creation.



When we claim that Canada is a nation we use a term the meaning of which we have never made quite clear to ourselves, but for which we must soon get some definition, not merely on our own account but because the implication and recognition of nationality will be much discussed as this war draws to an end.

Is Canada a nation though its population consists of two great sections so fundamentally and permanently different in race? If the British North America Act were all that we had by which to decide the question, our status would be doubtful, but it is not by formal enactments and constitutions alone that nations come into being, though political and judicial institutions are a part of their framework. The nation is the living organism, body and life together. The body works well when a healthy life pulsates through it and a clear mind directs its action for worthy purposes. In Canada we have the organism, though how far we have a healthy life and a clear purpose has been engaging for some time the serious concern of thoughtful persons. We shall continue to call ourselves a nation, for we are all Canadians whether we speak French or English. Even the Nova Scotian has abandoned his reluctance so to style himself. You may meet the man from Quebec in the New England States or on the battlefields of

France, but you will never confound him with a Frenchman from Normandy. He is more Canadian than French. His English-speaking fellow-citizen is nearer to his home-folk and is easily assimilated to his neighbour on the south, but even thirty years ago it was rarely that a Canadian was taken for an American. French or English we have these elements of a common nationality, a distinctive name, common political institutions, common commercial interests and a common loyalty to the British crown.

If, however, we have a right to call Canada a nation the reason must be sought for in the history of the generations that preceded the year 1867. Great as the event of confederation was, it produced no radical change in the life of the older parts of the country. Ever since, the transformation has been gradual. The character of the Maritime Provinces is but slightly modified; the French habitant or artisan is still swayed by his former loyalties; Ontario has changed most, partly by reason of the reactor upon her of the new west, partly because of the large immigration into her cities and towns, partly as having grown rapidly in wealth. But in the west a new Canada has been called into being, at once the pride and the stimulus of the easterner who has done so much to make it what it is, and a magnificent background against which each of the

older provinces stands out in an ampler Canadian destiny.

Surveying the history of fifty years of confederation and dispassionately testing the worth of what has been effected, we realise that, throughout this period, the problem in the east has not fundamentally changed, and that we are still asking, can the two races compose a real nation? Has Quebec any kindlier feelings to Ontario than Lower Canada had to Upper Canada when they were so uncomfortably yoked together? One may at least hope so. It would be a counsel of despair to abandon faith in the possibility of a unified Canadian nation. Notwithstanding our present vexations and potencies of trouble, these fifty years of common parliamentary experience, increasing economic and commercial relations and more frequent intercourse have made it evident that in the future we must keep together for our common weal. Whatever that future may be it must always have room for two types of people, that moulded by Quebec and the English-speaking Canadian.

On this continent there is no more unique and arresting character than the habitant. To Quebec and to Quebec alone he belongs. Even when he goes to New England, he does not become absorbed in the United States. For Quebec he keeps his heart. The people of that province are so deeply

rooted and have flourished into such a wide-spreading tree that men have ceased to consider whence the seedling came. They do not call themselves French: they are old Canadian with a right to the name because they created it. How this Canadian came to be what he is may be read not in his distant origin alone, but in the country which is now his home and in the fortunes of his career. The France which his ancestors from Normandy and Brittany left has long since passed away. Nor while she could did she do anything to hold his affections. His king neglected him, his rulers forced him into wars for which he had no liking. He was abandoned in a hard climate to fight for himself in untoward conditions facing aboriginal tribes that were sullen and wayward. By degrees he became subdued to his harsh environment and in the process of the generations grew away from those whom he had left.

In the new world he was soon bounded on the south by a neighbour who, because he had little desire to dispute the habitant's occupancy of the inhospitable northland, did not deem him a rival. This Anglo-Saxon of Puritan origin repelled the Canadian and outdistanced him in trade so greatly that a gulf was fixed between Quebec and New England which has never been bridged. The two types remain clearly defined.

A third memorable fact is that the conquered people found in Britain a victor who treated them with such justice that they had no cause to regret the days of French rule. In return Quebec stood steadfastly by Britain during the American Revolution as well as in the war of 1812, and until the present has been content to remain under the British Crown. The habitant has no thought of changing his allegiance.

I have said that the France which the ancestors of the habitant left was not the France of to-day. Since then have come the Revolution and the political and intellectual changes of the nineteenth century. To appreciate how far apart France and Quebec are it is only necessary to compare their literatures. Modern France is of all countries of the world the most hospitable to universal ideas. Compared with France, even England is said to possess an "insular mind". France claims to be receptive of whatever is human, and, testing the worth in the suffering of her own spirit, to transmit the purified idea to the world. But Quebec retains an unbroken conservatism in thought and manners and gives unswerving allegiance to the Roman Catholic Church; the descendants of the seigneur and the habitant live in the "New World", but in reality nowhere does the intellectual past of Europe prevail with less change and with more romantic

charm than in the countryside of Quebec. The people are no longer French; they are Canadian.

Possessing unique privileges within the Province of Quebec as regards language, the Church, education and to some extent the administration of justice, this race, estranged from its overseas kindred and repelled by its southern neighbour, has too often seemed to be a nation within a nation. In fact the Quebec nationalist aims at producing this result and he instigates the common people to fret against their barriers and to claim rights beyond those given them by the constitution. The situation is full of difficulty and demands careful handling. To our great misfortune there is danger that it will be rendered more serious in consequence of the attitude of the two races to the present war. It was a time of great opportunity for attempting to bind Quebec more closely to the other provinces in common sympathy and effort for an ideal aim which transcends our racial differences. History teaches that nations are created anew by common suffering in a worthy cause, and that on the perpetual traditions thus formed their life is nourished for centuries. Such an opportunity has been lost. Party interest has killed the chance of a united appeal, and politicians have stood idle, forgetful of the interests of a united Canada which are immeasurably more important than the transient

advantage of either political party. Our leaders should have seen an issue incarnated in this war of such political significance that it might, if set before us with due emphasis, have unified us into a nation. It would have been bad policy to single out Quebec as though to win over a sinner who was not beyond repentance, but, if both parties had joined in a common appeal to Canada as a whole, Quebec would almost certainly have made a greater response than she has, for by instinct she is not insensible to things of the spirit. England was not calling us, nor was France, but the civilisation of which they are the common guarantors. Responding to this spiritual challenge she would have found an answering sympathy in the rest of Canada and, in these days of deep searching of the heart, a new appreciation of common national purpose would have welded us into one as nothing else in our time can ever do.

I shall take for granted that the fifty years of federation have produced a Canadian nation, though within it Quebec is the home of a race which has not blended with those who came later on the scene. Is there, however, apart from Quebec, a definitely recognisable Canadian type? Of course by Canadian is meant those who were born in Canada, or who came to this country so early in their life that they have been moulded by its

influence. Relatively to these the number not of Canadian birth has increased of late, especially in the cities, but the old type is not blurred. Travel from Halifax, through Toronto and Winnipeg to Vancouver, and you discover few fundamental differences of life. Outwardly Halifax and St. John have little in common with Montreal and are as unlike Toronto as possible. Winnipeg, though not without an Ontario touch, resembles Minneapolis more than Toronto does Buffalo. New cities are built by modern architects who are influenced by neighbouring fashions. But houses and shops do not constitute what is vital in a city. In reality the people from Halifax to Vancouver are, under superficial differences, singularly alike.

The cause of this substantial Canadian unity in which federation has resulted is not far to seek. Federation brought together English-speaking people of common origin. The building of the Intercolonial Railway connected the Maritime Provinces with Quebec and Ontario, and the buoyant spirit of the young Dominion linked Old Ontario to the prairies and British Columbia by means of the Canadian Pacific Railway. Along a continuous line of steel life flowed east and west carrying knowledge of one part to the other; mutual trade sprang from this freer intercourse and the widely sundered communities discovered that they



were fundamentally akin. Fortunately for the cultivation of the spirit of unity the Act of Federation assigned to the Dominion Parliament the residue of the powers that were not distinctly indicated as provincial, with the result that the Dominion House, the centre of unity, is constantly increasing in influence as compared with the provincial legislatures.

English-speaking Canada already has an interesting history. We are an old stock in a new land and we have experienced many vicissitudes. Two strata form the body of the people in the far east and in Ontario—the loyalists from the United States, and the later immigration chiefly from the British Isles. We are what we are in part because those loyalists believed strongly in and were willing to suffer for certain principles. By them sacrifice was well understood. Belonging to all classes of society, the refined and educated, as well as average folk, with a certain quantity of mere drift on the tide, and treated with injustice and contumely for the faith that was in them, they sought a new home in order to live under British institutions. It was natural that these communities should be out of sympathy with their southern neighbours, especially when the war of 1812 showed no change for the better in the attitude of these neighbours, and to the loyalists is due much of the strong attachment

that the Canadian still has for the motherland. It is no surface emotion rising and falling under some sudden squall that soon dies away.

Motives and hopes mixed and varied brought the second great class of our people to these shores in the last decade of the eighteenth and the first half of the nineteenth centuries. Immigration companies, forceful personalities, or the pressure of economic distress sent them forth from Britain, hardship accompanied them during their voyage, disappointment too often awaited them on their tardy arrival. But those old sailing-ships carried a rich freight of British stock, farmers, artisans, soldiers, and some half-pay officers who hoped to perpetuate their families with better advantages in this new land. To this day many a township bears evident marks in its general aspect of the quality of those who first settled it. In the Maritime Provinces and in Ontario the story of the newcomers is much the same. They were a hardy folk; only the vigorous made the venture; only the persistent, the diligent, the hopeful, won success. Through her history Canada has been the scene of much experimenting in immigration, but those who came in the early years set the type of character for the country. For two generations they had restricted intercourse with the outside world and their children, living to themselves in scattered settle-

ments, continued with slight change the manners and principles of their fathers. But they possessed good intelligence, they had strong views and their political leaders set before them clear-cut aims. Not the least cause for our thankfulness to those who went before us—loyalists or British settlers—was the struggle which they carried through successfully for responsible government. In the hamlets and on the farms of these provinces, men were being educated politically by the discussion of the great questions on the true solution of which not only the federation of Canada but the unity of the Empire was based.

The Dominion of Canada therefore soon attracted attention as a successful experiment because in origins, history and political effort the provinces which formed it had so much in common.

The creation of Western Canada is the most splendid achievement of our life since 1867. Manitoba became a province in 1870, British Columbia in the following year and Saskatchewan and Alberta fulfilled in 1905 the dream of the Fathers of Confederation. Had it not been for the mysterious potency of the west, awaiting the day when it should be incorporated in the union, it is doubtful whether any Dominion would have been called into being. The hope of that great lone land has been realised beyond expectation, though that was too

small a measure of its capacity because its resources had been of set purpose disparaged. It was the Eastern Canadian who in a true sense discovered it, for Hudson's Bay or North-west Company traders kept its wealth guarded, and when the intruder from the east disturbed those silent spaces the traders, as well as the half-breeds and the Indians, felt aggrieved. Fears and jealousies were the source of much trouble, and as a matter of history the rising of 1885 is of importance because it finally relieved the prairies of the unrest which was bound to smoulder until once and for all it was decided that not the Indian or the half-breed but the Canadian white-man was to be master. Other sources of discontent between different races and religions are not yet completely removed, but the West has boldly faced its problems, and it seems to be on the way to solve them with justice and with as much compromise as is compatible with the determination that the English language and Canadian institutions are to prevail.

In the prairie provinces the history of the east repeats itself. There are the familiar stages of widening liberty; self-government was granted, with hesitation, to those who went in first, by the timid friends whom they had left behind and who were slow to believe that they were capable of exercising it. Of all the immigration in the earlier years that

from Eastern Canada was the most abundant and forceful. Whole counties of Ontario seem to have been emptied into that new land. By heredity the people knew how to live in stern conditions and to face the unknown with courage. It is a fact of primary importance that the English-speaking Canadian first put the west in order, laid it out, stamped it with his own institutions and then invited in others; nor is it surprising that the vigorous spirit of himself and his children is still in control, even though of late a large and a very effective body of Americans has entered from the western States. They have not disputed his supremacy, and he may well be proud of his accomplishments. These are a fine proof of his quality. He required imagination, courage, patience, the virtues on which the west is reared, and, had he not shown them and had the American farmer gone in first, the future of this Dominion would have been different from that to which we look forward.

The stimulation of the climate may lead the Westerner to overmuch action and to make large drafts upon his future with confidence, but what he has done is so wonderful that he has reason in venturing upon wide horizons. The Winnipeg of 1917, solid, with a reserve of power, the home of well-educated and comfortable people, so surpasses the loosely developed Winnipeg of twenty years ago

that one may well hesitate to set bounds to its future. No city of the west is likely to rival it, but Regina, Saskatoon, Moosejaw, Calgary, Edmonton, all speak of Canadian pluck and energy. West of the mountains lies another section of the Dominion. British Columbia has a history of its own, but in Vancouver far east and far west meet, for not a little of the energy of that city of wonderful outlook comes from those who have left the Maritime provinces or Ontario to make their home on the Pacific slope.

In the conduct of the Canadian west nothing is finer than the treatment of the Indian. The men sent out by the Dominion Government were not border adventurers, but high-minded and educated gentlemen who carried rigid scrupulousness into their dealings with the natives and made honourable treaties which have been honourably observed.

Our west never went through a riotous youth, it has few memories to be forgotten. From the first, life has been held sacred and respect has been paid to law as rigidly as in the east, some of the credit being undoubtedly due to the mounted police force which the Dominion called into existence and has kept in high efficiency.

By its well ordered society and its political, educational and religious institutions, the west is shown to possess firmly fixed principles which have

simply been transferred to their new home by the first settlers from Eastern Canada. But every thinking Canadian asks himself the question, how long will this similarity between west and east continue? Though we are convinced that Canadian unity will be maintained, it is already evident that the west will soon possess a marked individuality and that the older influences will become fainter. Already the western man is impatient of his eastern brother and the incoming of the American will probably increase the criticism. It is therefore prudent to strengthen by every means in our power the bond between east and west, which is in danger of being stretched too thin at the Great Lakes if the two sections of the Dominion should pull apart in interest. Now is the time of our opportunity for the war has quickened our mutual sympathies and given us a new chance to coalesce.

So far I have spoken of the influence of the east upon the west, but already the west has begun to influence the policy of the east. Things have been done there which of ourselves we might have pronounced premature, if not impossible. In prohibition and woman suffrage they have led the way, and it is not improbable that they will be fertile in political, social and religious experiment and will compel the reluctant east to follow in their steps. Nor need we be alarmed at the prospect.

They are still, in the majority, our kith and kin, they are as clear-headed as we and morally as sound, and one fact which we have learned of late is that policies which were deemed impossible may be quite practicable when men of resolute purpose determine to put them into action. If imitation is the sincerest flattery, the west may be not altogether insensible to the compliment we pay them when we follow their example.

It remains for us to consider some of the characteristics of our Canadian life which give it whatever individuality it possesses.

If the average Briton were asked what impresses him most in the Canadians who have been engaged in the war he would doubtless say their vigour, their resourcefulness and their restraint. We are a people of good physical strength, a large proportion being country-bred, or spending much of their life in the open, such city slums as, to our shame, exist, being occupied for the most part by recent immigrants. The summer and clear winter, the expanses of lake, river and forest call our people to out-of-door recreation; life on the farm, and open-air holiday have taught country and city boy to meet emergencies. Dr. Lash has referred in his lecture to our freedom from crime, and it may be added further that our newspapers are much less sensational than



many of those of the United States, and that our people, though too easily stirred by racial and religious appeals, are less given to change and less subject to waves of emotion than our neighbours to the south.

The fruit of our vigour is seen in well tilled fields, pleasant towns and widespread material comfort. Even depleted districts tell of a generation which turned to the west for wider scope. The life may be commonplace and lack the picturesque, but it is at least marked by industry, it has given birth to confident men and has sustained great enterprises of world repute. Both the Cunard Line of steamships and the Canadian Pacific Railway are to our credit. Samuel Cunard, who was born in Halifax, had done well in sailing vessels, and, at the suggestion of the Hon. Joseph Howe, tendered and received the contract for the first conveyance of mails by steamship across the Atlantic. The *Britannia* inaugurated the new service, leaving Liverpool on July 4th, 1840. During the days of wooden ships the people of the Maritime Provinces drove a large trade on all the seven seas. Canadians also have developed a great system of interior waterways, and the Dominion is to-day, thrice spanned by lines of railway. The banking system, which has extended steadily since confederation under careful financial direction, has proved to be

both secure and flexible, and has adjusted itself to meet the needs of the country. By the establishment of branch banks, the central houses can facilitate the ready distribution of goods throughout the Dominion and the moving of harvests in their seasons. During the wonderful material expansion in the first fourteen years of this century it stood a severe test successfully. Its paper currency, and its extensive credit through deposit or cheque, made it possible to transmit funds when they were wanted, and the careful granting of loans on the security of business and property stimulated commerce and often repressed doubtful schemes. We may congratulate ourselves that in financial matters we have stood the strain of the war so well. Threatened at the outset with the prospect of a collapse of credit, and facing problems for the solution of which there was no experience to guide them, those in charge of our finances have displayed good judgment, and we are surer than ever of the commercial stability of the Dominion. After the war also we shall have manufacturers and skilled workmen who will have learned confidence by what they have carried through and will be readier to meet the competition of the outside world.

In the west, as might be expected, there is no lack of initiative though it often leads the people without regard to precedent to attempt new

solutions for their emergent difficulties. Doubtless they will have to pay the cost of mistakes, but resolution carries men far in a country that has abundant natural resources, and a strong community spirit may bring new elements and ensure success for enterprises which in the more individualistic east would fail. The past is often a good teacher, but we are living in a present that is full of surprises. The West, at least, has few misgivings about the future.

The accomplishments of our people, which have given us our position in the world, are due to our healthful vigour of mind and body. We have done what a clean, energetic people, of good antecedents, might be expected to do in a rich country with a good climate which, however, has refused to yield a living without considerable effort. The effort required was great enough to stimulate energy, but it was not so intense nor did it yield such niggardly results as to dull the edge of ambition. We have no peasant population of lack-lustre eye and without imagination, transmitting a hopeless existence from father to son. The Canadian has courage tempered with common sense, and, if he retains a measure of modesty, he should win the respect of the world, to which until this war he was little known. Opportunity is thrust upon him; if he seizes it, and is shrewd enough to learn, he

will soon be a factor in the universal economic movements that are now astir.

A mere increase of our previous success, however, is a commonplace prospect. As far as material development goes we should always be surpassed by the people to the south, whose experience may serve to warn us as well as to encourage. It would be a disaster were we to aim only at high practical efficiency and to win wealth for the mere enjoyment of complacent comfort, both fatal goals for the striving of a well endowed people. And yet here our temptation lurks, for it is precisely in our practical business capacity that we have hitherto won our chief success.

We have, it is true, made other attainments which in measure redress the balance. We are not solely energetic, shrewd, commercial, practical. We have good schools and universities, flourishing churches, something to show in literature and art, though we have done more in opening up a new country than in conquering the realm of the spirit.

The educational systems throughout English-speaking Canada present similar features due to common origins, the common school deriving much of its character from the New England States and the universities having been moulded by those of Britain. The closely articulated school system under government control, differing only in detail

in Ontario and the Maritime Provinces, won such popular favour that it was naturally carried to the west by the earliest settlers, and has been modified to suit new conditions, though the formal differences count for little in view of the fact that hitherto the majority of teachers of the higher grades have been drawn from the east, as will probably continue to be the case for some years to come.

This grade of education has been stereotyped and standardised into what may almost be called the Canadian type. What system can do, it has done. It has produced the average, fairly uniform men and women who make up the democracy of Canada, and who are in the main a sound class. The teacher of to-day is very much better than his predecessor of two generations ago, when the youth were exposed frequently to the undisciplined methods of one who had failed at other tasks and turned as a last resort to the instruction of the young. As long as the average teacher is of inferior grade a rigid system of inspection is on the whole an advantage, but progress lies in improving the quality of the teacher and in modifying the system proportionately to allow scope to individuality. A rise in standards may be expected to proceed as the country grows in wealth and population, and as greater social and monetary rewards await those who throw their life's energies into this profession.

Some are concerned at the fact that women teachers predominate overwhelmingly, but it is impossible to foresee what effect they will produce upon the mental and moral attitude of men, and therefore it is unnecessary to be alarmed at the unknown. Hitherto our people have been virile.

The great fault of our rigid system of education is that it does not quicken keen intellectual interest in the best; as a people we have still to understand that it is supremely worth while to search for the few who possess special gifts of intellect and character and to bestow upon them extraordinary attention. They should not be held back by regulations that may suit the average pupil. As early as possible the aptitude of the pupil should be developed and instruction should be so differentiated as to bring out the best that is in him. How to find scope in a regular system for the play of individuality in pupil and teacher is our coming educational problem, and on its solution will depend our success in training those who are to direct the democracy. Leaders react upon and set new standards for the average man. Such is the course of progress.

Our universities are the product of our life; indeed most of the older institutions bear traces of political history in their present form; and their government and interior arrangements are the

result of struggle and compromise. Their first professors brought with them the methods and standards of the universities of Britain which were our models, and, in many respects, especially in the retention of the honours system, we have not departed far from our originals. We have been influenced by the United States through those of our students who have learned the methods of the graduate school at Johns Hopkins, Harvard, Columbia or Chicago, and we have adopted their policy of including in the University itself a large number of departments and faculties such as Agriculture, Veterinary Science, Dentistry and Household Science. But unlike our neighbours we have also grouped the theological colleges near and in sympathetic relation with the Arts colleges, the universities thereby becoming representative of all the educational interests of the people. A very real unity pervades the universities of the Dominion, which finds expression not only in easy transfers of students in professional faculties but also in the common interests that come under discussion in the annual conference of the Universities.

What is to be said of the Canadian undergraduate? He is by common admission receptive, hardworking, clean. He comes to the university with a definite purpose and probably is better as a student than the average student in Britain, and

surpasses his American neighbour in the earnestness of his thought and the accuracy of his knowledge. But in forming his intellectual standards, he yields too readily to authority; he is not sufficiently curious or critical; he does not think enough for himself. The best British students are more original than our highest average. From their number come the scientists, the political and philosophical thinkers and the men of letters, the equals of whom we have not yet produced.

What is true of the university holds also of the intellectual life of the country. Though we have had a few outstanding writers and some good poets there is too little distinction in our literature. Our standards are not sufficiently severe. Nor is this the fault of the individual. The artist, the man of letters or the political thinker cannot as a rule reach his best results in a provincial atmosphere. He needs a company of like-minded people to serve as enlightened critics, to give due and proper acknowledgment to his work and to interpret it to a wider public. At the opening of his career he must be made to measure himself by those who have attained worthy standards, and this stimulus should not be removed even when he has been given rank. Our cities are not yet cosmopolitan in their sympathies and we are still off the highroad of the world's intellectual commerce, but appreciation for



the arts is improving; in music a taste for the best things has already been created in the larger cities, and we have painters whose work is known far beyond Canada.

We need not be discouraged. Growth of the finer fruit of the spirit of man is slow, and the matter of real concern is to protect it in its earlier stages so that it may not be set back by the chilling atmosphere of material progress. It will be a great misfortune if, in the coming generation, the strongest minds and characters should turn their ability exclusively to industry, commerce or finance, though there is an opportunity for great wealth to help to create favourable conditions by endowing universities, libraries, museums, art galleries, or colleges of music. We may deem ourselves happy if those who are developing the material wealth of the Dominion realise that the best justification for large fortunes is to spend them wisely in raising the standards of culture of a young nation.

Not the least widespread and penetrating influence in the life of the Dominion comes from the Churches. Of Quebec I have already spoken. Probably there is no country in the world where the Roman Catholic Church exercises a more unquestioned control, but in the other provinces also her authority over her own people, of whatever racial origin, is unchallenged by political or social

movements. "Modernism" is little known in Canada. It may be said with equal confidence that the Protestant Churches have an unusual hold upon their people, who compose a relatively large proportion of the population. Quite recently the correspondent of a great London newspaper, an American fresh from Europe, remarked with astonishment upon the position of the churches in Canada, adding that, when once the world-spirit penetrates this remote region, paralysis will infect their activities. Whether this cocksure visitant is right or wrong, I have heard churchmen say the same thing, but in this respect I am an optimist; at any rate during this war the churches have proved themselves to be strong national institutions that deserve well of the country, because they have interpreted a moral issue to their people so clearly that their finest youth have volunteered for service.

Two factors have helped to prevent an alienation between the churches and the people. There has been no established church. No section of the community is forced to give precedence to any other, and therefore privilege does not breed revolt. Every church, thrown on its own resources, has summoned forth all its latent strength, and with the good-will of others maintains its hold upon its own people by satisfying their religious needs. Also, the country has enjoyed material prosperity, though,

until recent years, men secured no large returns for their hard work. We had no great cities, no great wealth, no marked social grades, no accumulated grievances. Only now are we beginning to realise the presence of evils which in Europe have rightly or wrongly brought much criticism upon the churches; and if some among us are asking whether they are not responsible for present-day social conditions, it may be that, more often than not, the question has been imported with the questioner, instead of being the perplexed or rebellious utterance of a Canadian, embittered against the social system and the churches of his native land.

The churches have moulded the society of the countryside to a prevailing puritan type which easily may run into conventionalism in conduct. But if the range is narrow it compares favourably in real worth with that of the same grades of society elsewhere. Our people are law-abiding, reliable and self-controlled, of which the most recent and encouraging evidence comes from the fields of war. Thrown into strange and testing situations in the period of waiting, in the trenches and in the hospitals, the cream of our youth have, on the whole, so conducted themselves that no one need be ashamed to profess in Britain or France that he is a Canadian. In so far as they come from

puritan homes, it is safe to say that their training has stood them in good stead.

Much was heard before the war of the danger that Canada would be injured by her prosperity, and, in our pensive moods, we may have dallied with the thought that an ordeal of sacrifice was needed to create in our people a mind devoted to lofty issues, and to fuse our loosely compacted parts into a nation with a permanent character of its own. The reality of the sacrifice demanded of us has surpassed all our imaginings. Our people have endured as never before, but by the pains of these three years the Dominion which was born politically at confederation is we hope being born again in spirit after long travail. Disappointments there are; we seem likely not to realise the best on which we had set our desire, but we know beyond peradventure the quality of our average home-born and home-bred Canadian. In answer to the challenge, so clear to his sense of justice and sympathy, so vital for all that concerned our civilisation, he became a soldier without compulsion. And we shall never cease to be thankful that he left Canada to fight in a strange land, not even to defend his own country on distant battlefields, but that the world itself might be made more habitable. When the call came to serve the Empire, and through it humanity, one consentient voice from son, mother,

father answered Yea, and still the sacrifice controls the tremor of our daily grief, for, to use the words of a fallen graduate when writing of the death of his friend also from this university, "underneath all is a gladness unconquerable, and a strong assurance." How hardly do we repress our outcry against the recurrent ravage, beyond the power of earthly restitution, the loss of gallant boys, lovely and pleasant in their lives, whose image is reflected each one in some brimming heart, but our soul may be replenished if thereby a nationhood has been secured for Canada which will be dedicated to those principles of righteousness and freedom for which our sons have been willing to die.

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