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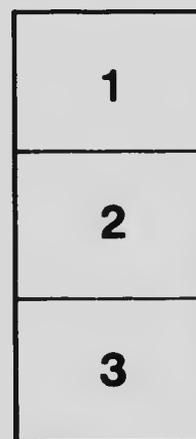
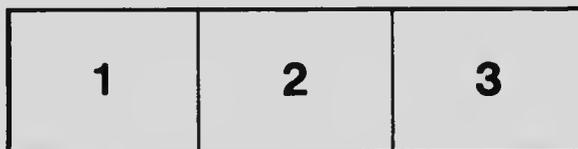
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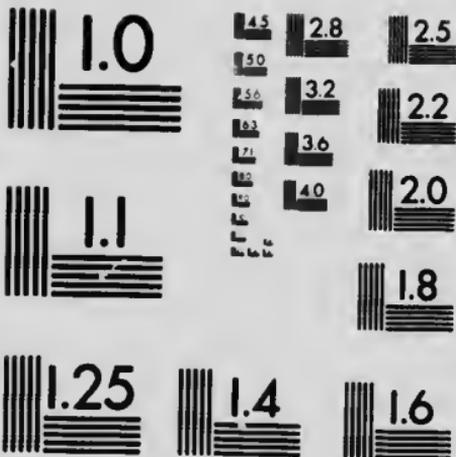
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WHAT OF CANADA?

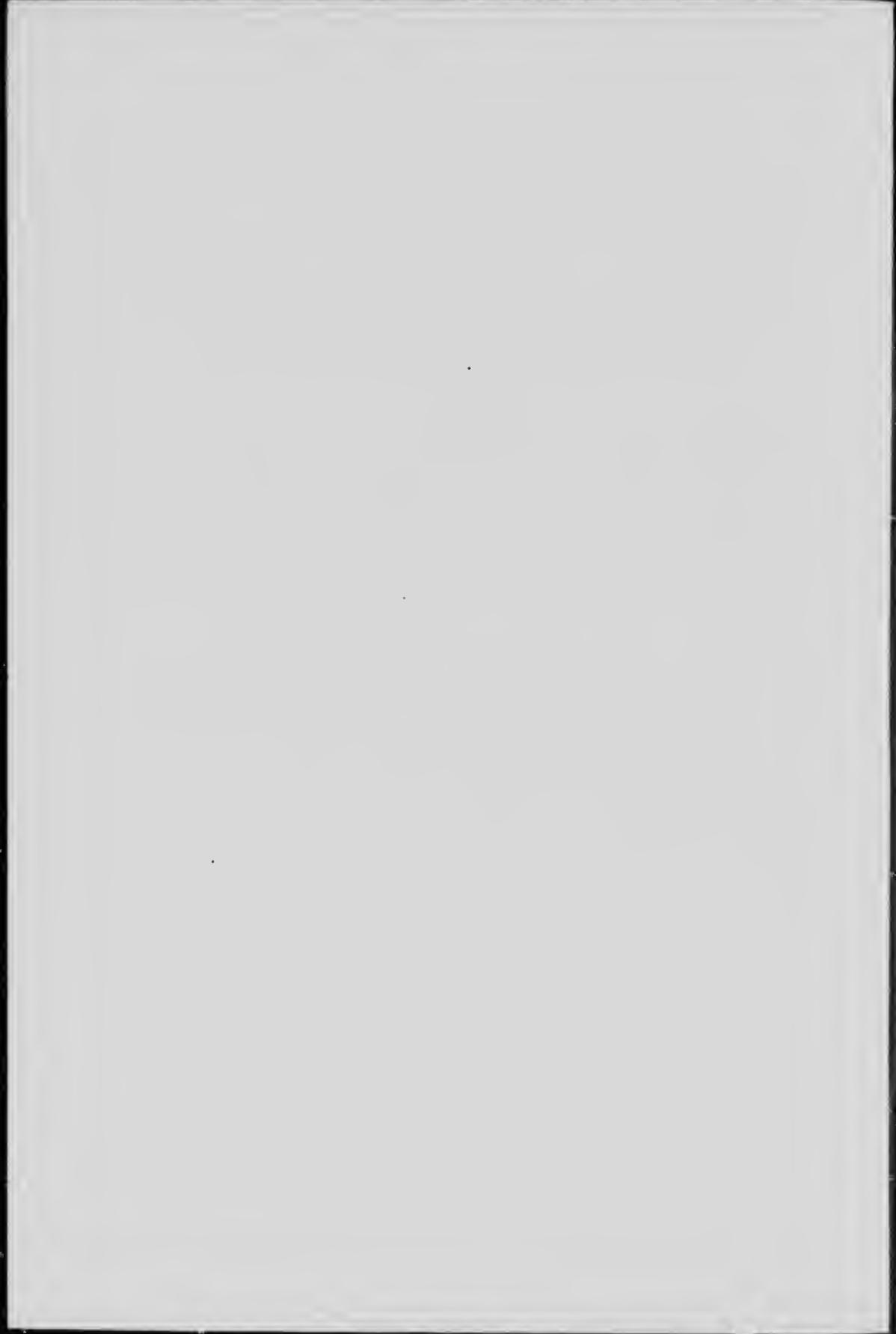


An Address before the Bar Association of North
Dakota, August, 1920.

---BY---

The Honourable William Renwick Riddell, LL.D.
F.R.S. Can. etc.

Justice of the Supreme Court of Ontario.



WHAT OF CANADA?

An address before the Bar Association of North Dakota,
August 1920,

BY

The Honourable William Renwick Riddell, LL.D., F. R.
S. Can., etc.,

Justice of the Supreme Court of Ontario.

NOTE: This address had been planned and in manuscript before the speech in the Canadian House of Commons of the Honourable N. W. Rowell, K. C., President of the Council, of March 11, 1920, in which he expressed in the clearest terms and with the perfect approval of the House, the position of Canada, nationally and internationally. I made a few changes in terminology to make my language in accord with that employed by the official spokesman of the Government of Canada; the thought is unchanged.

Since this address was in the hands of the Secretary of the Association, speakers of both sides of politics in the United States have spoken of Canada's right to a place in the League of Nations; it should not be necessary for me to emphasize the fact that I had, as I have, no desire or intention to interfere in American politics.

Two years ago, the world was at war, democracy and our civilization were in the balance. American and Canadian soldiers stood, marched, fought, died side by side in the one cause of what we believed was just and right and holy.

But a few days and the foe who had with braggart front and contemptuous disregard of all but his own will, thrown himself upon crucified Belgium and tortured France, acknowledged defeat and sought peace.

The victorious nations sat in council and not only determined the conditions upon which peace should be granted to vanquished Germany and Austria, but also carefully evolved a scheme which it was fondly hoped would render impossible for the future such acts of aggression. The scheme largely, indeed almost wholly, an American product, promoted and formulated by an American, was painfully reduced to form, and after much anxious thought and earnest discussion shone forth as the League of Nations.

The great nations of the earth by their representatives signed this League, the Stars and Stripes floated over the statesmen whom the mighty Republic had chosen as its

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President for the second time, Britain proudly held her blood-red banner with its long story of honour,

The flag that braved a thousand years,
The battle and the breeze;

France exulted in her tricolor but little more than a century old but a century of glory; Italy her flag still younger but not less loved.

The smaller nations were not shut out from this great covenant; Canada and Australia and New Zealand and South Africa whose representatives had sat in council to determine the Treaty became signatories and parties to the League.¹

Nation after nation approved the action of their representatives, Canada approved with others—but two nations there were which stood out, the United States and Venezuela.

I have not the slightest inclination, or the slightest intention to find fault with this conduct on the part of the United States. I am a Canadian, not an American, and it would be an impudent assumption for me to criticize anything this people chooses to do; you know your own business, are perfectly capable of attending to it and require no advice from an outsider, advice which would be as futile as it would be presumptuous.

Nor do I think that the League of Nations is of such overwhelming, so crucial importance that we should grieve as those without hope over its defeat in the Senate.

It is not the defeat of the Treaty that pains the Canadian, it is something wholly different: it is that the Senate of the United States has said in effect that if Canada has a vote and a voice in the Council of the League, the United States repudiates the action of the Council in advance; that so far as the United States is concerned Canada shall not have the status of a nation.

Cuba in whose affairs the United States may and does

(1) The extraordinary idea seems to prevail in some quarters that it was Britain that demanded that Canada and her sisters should have a place in the League. And it has been asserted that Lloyd George "pulled the wool over the eyes of Woodrow Wilson" in this matter. I have myself been congratulated by an American upon the astuteness of the English Statesman as shown by this victory and I fear that my friend resented my indignation at the suggestion as I the suggestion itself. Nothing can be further from the truth. The Statesmen from London were more than willing that they should speak for the whole British Empire. The Dominions demanded that they should speak for themselves and insisted on the demand.

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interfere, Panama which cannot call its soul its own, the black republic of Hayti in the paternal charge of an American Commodore—all these and many from the east and west may sit down with the United States in Council, but the children of the Kingdom are to be cast out into outer darkness.

The "Reservation" filled thinking Canadians with wonder and those who loved the American people, and they are a very great majority, with a feeling little short of incredulity. We had believed that Americans looked upon Canadians with affection, we had thought that the valour of our sons had won us your respect, that our terrible losses had proved our devotion to a common cause and shown that we were deserving of respect; we knew that all the rest of the world acknowledged, gladly acknowledged, our new status and caring nothing for Venezuela—no, I do Venezuela injustice, it was Ecuador—we were perplexed at the slur cast on us by our nearest and most familiar friend—whom we had considered bone of our bone, flesh of our flesh. We asked ourselves what it meant, and conscious that we were guiltless of wrong in word and deed toward the United States, we sought further. It cannot be that the action of the Senate is due to political—or rather partisan feeling. I for one refuse to believe that Senators representing a great people and performing the most important duty which has ever been cast upon any body of men can possibly degrade their high office by shaping their conduct by party expediency alone. There may of course be some tincture of that, there may be a desire to chasten a political opponent, and in that regard the old Southern doctrine may be allowed: "Every man has the right to lick his own nigger.", there is a great deal of human nature in man and the President may not have always been conciliatory or considerate of the other Party, but it would be an insult to the intelligence and honesty of the majority of the Senate to say that "It is all politics."

Nor could it be from ill will toward Canada or Canadians.

From the very formation of the United States of America, its people have shown their friendship in a thousand ways—nay, before the Declaration of Independence itself, this was manifested.

Canada, indeed, had been acquired by Britain mainly for the advantage of the Thirteen Colonies of the South. Britain when it came to the negotiation of the Treaty of 1763 with France preferred the Island of Guadeloupe to the "few arpents of snow" which Canada was believed to be,

and it was the insistence of the Colonists which led her to abandon her claim to the Island and to accept Canada instead. And when the "Thirteen Colonies" began to complain of tyrannical rule from across the Atlantic, every effort was made for the "Fourteenth Colony", every means taken to show their friendship. In October 1774, the Massachusetts Provincial Congress voted to take into consideration the appointing of an agent to Canada to settle a friendly correspondence and agreement with Canadians; and soon Adams was congratulating Canadians on having "in common with other Americans the true sentiments of Liberty." The Continental Congress, too, in October, 1774, had in a letter to the people of Quebec condoled with them on their deplorable state which forbade them discovering "a single circumstance promising from any quarter the faintest hope of liberty" and urged them to send representatives to the Continental Congress at Philadelphia in May, 1775. This address was chiefly for the French Canadian, but the English Canadian was not forgotten. In the address to the People of England, September, 1774, the Congress deplored the unhappy condition into which the Quebec Act of that year had reduced many English settlers and could not suppress its "astonishment that a British Parliament should ever consent to establish in Canada a religion that has deluged your Island in blood and dispersed impiety, bigotry persecution, murder and rebellion through every part of the world."

When both appeals proved fruitless and the Colonies at length determined on a warlike expedition and Arnold made that Annabasis up the Kenebec and Catabasis down the St. Charles which but requires a worthy historian to be as celebrated as those of Xenophon and his Ten Thousand over twenty centuries before, he spread broadcast Washington's printed manifesto calling upon Canadians to unite with the Colonists "in an indissoluble union" to "run together to the same goal."

Benjamin Franklin and John Carroll who went to Montreal as delegates in 1775, were equally benevolent to the Canadians and if equally unsuccessful, that was not their fault.

When Canada remained loyal and when a generation afterwards in 1812 the United States found itself again at war with Britain (I do not discuss the merits of that controversy) and determined to invade Canada, great pains were taken by General Hull to make it clear that no harm was intended to Canadians, but that their good was sought;

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he promised that they would be "emancipated from tyranny and oppression and restored to the dignified station of freedom."

And General Sutherland a quarter of a century later leading an army of "Sympathizers" into my Province was acting to free the land from tyranny and to destroy the "Hordes of worthless parasites of the British crown * * * * quartered upon you to devour your substance, to outrage your rights, to let loose upon your defenceless wives and daughters a brutal soldiery."

That Canadians were unable to see that they were not in a dignified station of freedom, that they could not remember any parasites of the Crown and that they fought and hundreds died in repelling these invasions, no diminution of the benevolent instincts of the invaders.

Even the American Fenians of 1866 cherished kindly feelings toward us, offering us freedom from the tyranny of England.²

But if such were the sentiments of the Americans in war who can enumerate the countless instances of exhibition of friendship in peace?

That very great American who has just passed from us, the American who seemed to typify the American spirit more than any other man of our generation, one whom I loved as a brother and differed from in almost every conceivable question, when inspecting the Canal Zone gave utterance to a sentiment in which I think you all agree. We are told that making an inspection of the wards of Ancon Hospital, C. Z., the commanding officer accompanying him explained as they passed from building to building the classifications of the occupants stating the terms "American Medical Ward," "American Surgical Ward," etc. On approaching another the introduction was "Foreign Surgical Ward". On their entrance, an ex-soldier of the British army stood at attention and saluted. This arrested his attention and he, returning the salute, spoke to the patient asking several pertinent questions, at the close of which he turned to the C. O., saying: "Did you not tell me this is the foreign ward? What is this patient doing here? No Britisher is a foreigner to an American. Have this man transferred to an American Ward."

These words of Theodore Roosevelt——there is no

(2) I see that the Sinn Feiners are declaring that they will gladly fight for us. We really do not need their assistance; we are quite able to look after ourselves and to do any fighting that is necessary.

one who has not already identified that American and it could not be but that you must needs recognize the description——contains a pregnant truth——and I thank God for that truth.

If an Englishman cannot be a foreigner to an American, what of the Canadian?

Canadians we are to the finger tips and proud of it, British we are to the last drop of our blood and with no desire to change our position; yet born on this great Continent we have from infancy breathed her free air, we have joint possession with you of her mighty territory and are joint custodians of her mighty destiny. Americans we are not; but in the highest and best sense of the Word we are American.

It would be a surprise to see and know that a Canadian was not welcomed with cordiality and kindness—for everywhere throughout this great Republic, a Canadian is greeted as a brother.

With negligible exceptions your statesmen, your leaders of public thought in Universities and elsewhere, your writers, your poets, are in harmony in that thought. The most American of the poets—he who calls himself “a Manhattanese, the most loving and arrogant of men”—writes his Chants Democratic, “Remembering Kanada” as “Remembering inland America, the high plateaus stretching long” and “Remembering what edges the vast round of the Mexican sea.” So, too, asserting “the Kanadian of the North * * * the Southern I love”, trilling his songs to Democracy he prophesies—a prophet then in very truth—“If need be, a thousand shall sternly immolate themselves for one. The Kanuck shall be willing to lay down his life for the Kansian and the Kansian for the Kanuck on dire need.”

Divided as we are in political allegiance, strangers to each other by international law, we are united by a higher law, the very Statute of Heaven, the eternal rule that like will to like.

Nor is it that the United States is opposed to the formation of another state in the world, a new sister in the sisterhood of nations——the very Congress which says that it will not have Canada sit with it in a Council of Nations hails with acclaim the hope that Ireland may take her place there under a government of her own choosing. Were I finding fault—as I certainly am not—with this discrimination I would ask “Is Canada less worthy of respect and confidence than Ireland? Have Canadians a less honourable record than Irishmen in the world war? In what way are we worse as neighbors, less desirable as friends?” I say and

repeat that I am not finding fault; every nation as every individual has the right to choose its own company, and Canada stands on her own feet and can if need be stand alone. I am seeking the reason underlying what on its face is a reflection on my country.

None of the suggested reasons is the true one. I am wholly convinced that the true reason is the belief, conscious or subconscious, that Canada is an outlying dependency of a European power bound to vote and act as she is directed³ and not an absolutely free agent—in a word that Canada is a Colony of England. That this is the true reason will become apparent if you but think how she would be received by all the people of the United States were she to sever all association with Britain and raise a new flag. Is there an American who would not welcome her to the society of Nations? Americans are not to be blamed for not appreciating the status of Canada for there are many Canadians who do not understand the change in her position, and indeed there are many who deprecate it.

To understand Canada, her origin must ever be kept in mind. I will speak only of Ontario, Upper Canada, but my statements may be applied, *mutatis mutandis*, to the Maritime Provinces, and the Western Provinces are in great

(3) It will perhaps be news to many, but it is none the less true that Australia defeated one of the most ardently pressed claims of Japan, i. e., a recognition of racial equality. This Japan urged almost as strongly as her possession of Shantung, perhaps more so. Britain assented to the claim—Japan was her Ally. America did not stand out, but Australia would not have it and the other Dominions stood with her. Hughes, the Australian representative, told Lloyd George in plain terms, "If you consent to Japanese equality, I leave the conference and the other Dominions will follow me," and Lloyd George, on April 11, allowed Japan to be defeated. It is said that Baron Makino, "in delicate, carefully chosen English sentences, told the conference of Paris that it had outraged the honor of Japan. The speech was one of the shortest and most memorable of the great congress. It made a profound impression." But that made no difference; Australia and her sisters had spoken and England was helpless.

We have had our troubles with Japanese in Western Canada, which we settle in our own way against the strong wishes of the statesmen in London. If the matter comes up again, as it seems inevitable that it must within a year, Canada will have her own voice, and it is inevitable that she will on this question stand with Australia and against England.

I know my people, and I believe I know the American people as well as anyone not an American can know them, and I say with the utmost premeditation and deliberation that in most cases Canada is much more likely to vote with the United States than with England. We are a sister nation, not a subordinate.

measure the offspring of these older Provinces. Quebec, Lower Canada, stands in a different position.

When the independence of the United States was admitted in 1783, many American Colonists left the new Republic and made their way to the North. These men had the misfortune that they had supported a Lost Cause; like the Cavaliers of the times of Charles I, they clung to their allegiance, but unlike them their cause did not again triumph; they have therefore had hard measure at the hands of American historians, until but the other day no virtue could be found in the Tories of the Revolution, they were considered traitors to liberty, haters of freedom, supporters of tyranny, what not? We know them as United Empire Loyalists who kept their faith, who gave up all, even sometimes life itself that the Empire might remain United even as thousands decades thereafter, gave up everything that the United States might remain United. They were not different from other Americans in love of freedom any more than their congeners the Cavaliers differed from other Englishmen, but they believed——at least they hoped——that their undoubted rights would be best attained by constitutional means and that the arbitrament of the cannon and the bayonet was not necessary. These men

“Got them out into the Wilderness,

The stern old Wilderness;

But then——’twas British Wilderness!”

“ they who loved

The cause that had been lost—and kept their faith

To England’s Crown and scorned an alien name.

Passed into exile; leaving all behind

Except their honour

Not drooping like poor fugitives they came

In exodus to our Canadian wilds,

But full of heart and hope, with head erect

And fearless eye, victorious in defeat;

With thousand toils they forced their devious way

Through the great wilderness of silent woods

That gloomed o’er lake and stream, till higher rose

The Northern Star above the broad domain

Of half a continent, still theirs to hold,

Defend and keep forever as their own.”

They were Americans and brought with them an ardent love of liberty but they also brought with them the determination not to give up their share in the old flag in the traditions of the people, they would not cut themselves adrift from the rest of their race.

The two principles brought into my Province by the

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United Empire Loyalists have ever characterized Canadians and do today. We will not give up our share of the flag, but we must and will govern ourselves.

For more than quarter of a century the Mother country paid the whole expense of protecting and governing the young Province⁴ and it was not until 1816 that Upper Canada began to take the burden off her shoulders. Thus far the settlers were too much occupied in carving a way through the forests, in making a home for their families; and who in these days can adequately appreciate the toil and danger of the first settlers?—to take much interest in details of administration. Much of the administration of affairs got into the hands of a clique or class—at first immigrants but growing more and more of Canadian birth. The Lieutenant Governors sent out from London really governed as the Governor of American states do to this day, but they were largely guided in their judgment by the native official class. An agitation calling for the administration to be put into the hands of those who should be responsible to the people sprang up and at length it (in 1837) culminated in open rebellion. During all this time, the Administration in England had not interfered in the side of power; the Governors whenever they sought advice were always recommended to grant political rights as asked by the people—the Rebellion while in form against the young Queen was in fact against the Canadian official class. Open rebellion was too much for the majority in the Province;⁵ every British soldier had been sent to Lower Canada but the Upper Canadians themselves put down the Rebellion and drove back the Sympathizers with Rebellion who ventured to invade their land from the United States.

But while they thus showed their adherence to the one principle, "We will not give up our share in the old flag", they did not forget the other: "We will govern ourselves".

(4) It is hard for Americans who have been matured on the principles of the Revolution, who have been taught the wrongs under which their ancestors suffered at the hands of the King of England and his Ministers, to understand or to believe that Canada was acquired for the sake of the Colonies, and that after the Colonies had broken away from England, she continued to expend blood and money in protecting Canada. Hard pressed as she was, she did not spare men or means to make Canada happy and prosperous. Others may gird at England, Canada cannot.

(5) As open rebellion was too much for hundreds of thousands of Americans who sympathized with the claims of the Southern States.

The short lived Rebellion brought matters to a head; Britain saw that the native rights of Canadians were not accorded them under the existing system and united the two Canadas into one under an Act which contemplated government by those responsible to the representatives of the people duly elected to Parliament.

Many Americans find great difficulty in understanding our form of Government. That is largely due to the fact that when the young Republic began its life as a nation, it cut the painter, it broke away from the old traditions and framed a new Constitution. It must needs be that the Constitution should be in writing; the many conflicting theories were threshed out and the finished result exhibited in a document such as the World had never seen and the English speaking world had scarcely contemplated. The Constitution of the United States is the very Ark of the Covenant for the American people; and it means what it says. The rest of the English speaking world have not made a radical and violent change. Retaining the old manners and the old forms, the whole spirit of its government has undergone a continuous course of evolution.

The King has the titles and outward show of a Henry VIII, the Army is his and the Navy; he appoints Ministers of the Crown and Judges, Ambassadors and Envoys; he is King by the Grace of God and the British world are his subjects. So in appearance. But in fact he is King by grace of an Act of Parliament, he cannot appoint a drummer boy or a midshipman, the Ministers of the Crown are chosen for him, he never saw and does not know one out of ten of the Judges, Ambassadors and Envoys appointed in his name.

The British Constitution is an elaborate system of camouflage like to nothing else under the canopy of Heaven, past or present. And if you find anything clearly expressed in that Constitution, you may be pretty certain that it is not so.

One and only one bit of camouflage the American Constitution displays.

In theory, the citizens of each State after taking a survey of the citizens of their State select a number whom they consider best fitted to select a President. The electors so chosen from the various States form the Electoral College. These choice and chosen citizens take a survey of the millions of Americans eligible for the Presidency and choose him whom they believe best suited for the office. So the theory—everyone knows that the fact is far otherwise. No one cares and very few know anything about the capacity or honesty of the Electors; and no one doubts who is to be

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President when it is known who are the Electors. If every Elector at the latest Presidential election had believed that Mr. Roosevelt or Mr. Taft was the ideal man for the Presidency, not a vote would have been cast for either unless there developed some insanity in the College.⁶

This sort of thing, the unique exception in the American Constitution, is the rule in the British Constitution. The King may choose only the one selected for him. Every Minister is in form the servant of and responsible to the King, he is in fact responsible to the House of Commons elected by the people. The King reigns but he does not rule and does not try to rule; he leaves the ruling to the people to whom it properly belongs. The Ministers selected in fact if not in form by the House of Commons transact all the public business, select Judges, Admirals, Generals, Ambassadors.

This we call democratic Kingship, and it is the only kind we—or the King—would have. Louis XIV of France said, "L'Etat c'est moi," "The State! I am the State"; the arrogant Hohenzollern said, "There is but one will and that is mine, him who opposes me I will crush." Our King's throne is "broad based upon his people's will." He is the head of the State, all others are his people: there is no heaven-born caste whose blood differs from that of others. The Prince of Wales, whom Americans had but the other day an opportunity of seeing and judging, gave an illustration of democracy:

In Auckland, New Zealand, where he felt it right to refuse that striking railroad men should make exception in his case and run the royal train, when they would not (or perhaps could not) carry out the rest of the schedule.

"Will they run the trains for the people?"

"No.

"Then they cannot run trains for me. I am one of the people."

(6) I may, perhaps, be permitted to repeat here what I said at the meeting January 23, 1920, of the Ohio State Bar Association, at Dayton:

"Last evening I was entertained at dinner by a number of eminent lawyers of this State. The conversation turned on the coming Presidential election; the Democrats eliminated as a successful candidate every Republican whose name was suggested and the Republicans showed that no Democrat could hope to be elected. I asked, 'Why not take the Constitutional method, elect a number of first class men and let them elect the President? Surely that is the theory of the Constitution.' They almost simultaneously and quite unanimately cried, 'That is the Theory,' and let it go at that."

“ One of the people!” No king ever took to himself a prouder title. No Prince of Wales was ever so worthy as this prince of that principedom whose motto is, “I serve.”

The King is King of Canada, and it was this form of Responsible Government which was intended to be introduced into Canada by the Union Act of 1841.

A Governor was sent out from England to represent the King and for a time the Governor sometimes took his title and his position seriously and interfered with, even attempting to direct, the government of Canada.

But this became less and less common and by the time of the end of the American Civil War, Canada had in substance Responsible Government.

This had a great impulse given to it by the Union of the British North American colonies in 1867. The Canadas Nova Scotia and New Brunswick, drew up a plan of Union and this plan was approved by the British Parliament and became law. In form the British North American Act 1817, which may be called our Constitution, is an Act of the Imperial Parliament; in fact it is a compact made by the several provinces put in the form of an Imperial Statute for purpose of regularity and formal validity.

As yet Canada was concerned only with her own affairs. True her statesmen had generally been consulted in matters affecting her which came up for discussion and settlement with other powers, but it was in 1871 for the first time that one of her people became a Plenipotentiary for the British world. Sir John Alexander Macdonald, Prime Minister of Canada, took part as a British Commissioner in the negotiation of the Washington Treaty; moreover, so far as the Treaty affected Canada, it was not to come into force until laws to carry it into operation had been passed by the Parliament of Canada.

Even the appointment of Sir John Macdonald, however, was due to the fact that Canada was vitally interested in the matters to be discussed and settled; and for a score of years after Confederation in 1867, it cannot fairly be said that Canada counted for much outside her own concerns.

But in 1887 a great stride was made in her progress to nationhood. That year was called the first Colonial Conference attended by representatives of the various self-governing British Colonies—for Canada was yet a “Colony.” It was the day of small things, but one statesman at least had a glimpse of the real significance of the gathering. Lord Salisbury said:

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We all feel the gravity and importance of this occasion. The decisions of this Conference may not be, for the moment, of vital importance; the business may seem prosaic, and may not issue in any great results at the moment. But we are all sensible that this meeting is the beginning of a state of things which is to have great results in the future. It will be the parent of a long progeniture, and distant councils of the Empire may, in some far-off time, look back to the meeting in this room as the root from which all their greatness and all their beneficence sprang."

These Conferences continued to be called from time to time until at length a most important matter had to be settled.

Canada had decided to give a preference to British manufactures by reducing her duty on such goods. This had for a long time been admitted as being within her undoubted powers. But Germany raised the objection that by a treaty with Great Britain she was entitled to the advantages of the most favored nation in tariffs in Britain and her Colonies. Canada was technically a Colony and Germany asserted her right to the same preferential treatment as Britain. Her claim was allowed. We have no "scrap of paper" principle—but Canada determined that the German should not have the same treatment as the brother Briton, and brought the question up on the Colonial Conference of 1897. There she insisted that the obnoxious treaties should be denounced, and denounced they were. This simply meant that Canada refused to allow her external relations in the matter of custom tariffs to be dictated by Britain, and her claim was allowed.

Germany thereupon placed a differential duty on Canadian goods. Canada accepted the challenge and placed a surtax on German goods; and the coon came down. Canada could get along without Germany's manufactures, toys and otherwise, better than Germany could without Canada's productions.

The self-governing nations of the British world meeting to discuss and consider what affected them, all or some of them, it was at length felt that the name "Colonial" was a misnomer and in 1907 the name of the Conference, now becoming a regularly meeting body, was changed to the Imperial Conference by the following resolution:

"That it will be to the advantage of the Empire if a Conference, to be called the Imperial Confer-

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ence, is held every four years, at which questions of common interest may be discussed and considered as between His Majesty's Government and His Governments of the Self-Governing Dominions beyond the seas.

The Prime Minister of the United Kingdom will be ex-officio President, and the Prime Minister of the Self-Governing Dominions will be ex-officio members of the Conference. The Secretary of State for the Colonies will be ex-officio member of the Conference and will take the chair in the absence of the President. He will arrange for such Imperial Conference after communication with the Prime Ministers of the respective Dominions."

It will be seen that there was a steady advance toward the abolition of even the semblance of control by or inferiority to the British nation.

Not long thereafter came the war, *the* war before which all other wars from the beginning of time pale their uneffectual fires.

When Germany made that assault upon innocent Belgium so long preparing and at least thought certain of success, Canada did not delay a minute—the Atlantic Cable carried the message, "The last man and the last dollar."

From the earliest days of Canada there has never been a stricken field where British troops fought but a Canadian was present. Waterloo with the young and gallant Dunn who gave up his life for freedom, less fortunate than his namesake who took part in the charge of the Light Brigade at Balaklava; Kars, where the Canadian Williams held the foe at bay for months; these and many other fields of battle saw the Canadian fighting for his flag.

In 1884, Canadian boatmen drove up the Nile in the forlorn hope to save Gordon. In 1900-1901 Canadian troops fought in South Africa. But all these were volunteers and while they were Canadians they were equipped and paid by Britain.

Now there was a change. Canada raised her own forces, equipped them, paid them, cared for them and pays the pensions of survivor and widow and child of the honored dead. Sixty thousand Canadian dead and three times as many wounded prove how Canada acquitted herself. England could not call upon us for a soldier, a ship, an ounce of supplies, a cent of money; nor did we fight for England. We poured out our money like water, our men died in tens of thousands for a struggle which we call our own because

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we believed and believe it to be for humanity at large and our own chosen form of civilization. And England knows. Since the war began no responsible British Statesman has ever called Canada a Colony. We with other British peoples are recognized and called, as we are, Self-Governing British Nations.

In 1917, a remarkable circumstance occurred which is thus described by the President of the Council at Ottawa:⁷

"In 1917, the Prime Minister of Great Britain called together the Ministers of the self-governing Dominion for consultation on vital matters of policy—relating to the prosecution of the war. They met as equals as Prime Ministers of the nations of the Empire to discuss matters of common concern to the whole Empire. Great Britain recognized that with the growth in power and influence of the Dominions, the time had come when the Government of Great Britain should frankly recognize that the Dominions had ceased to be in any sense States dependent upon the Mother Country, and had become sister nations, standing on an equality with the Mother Country."

What the Cabinet at Westminster thinks of this may be read in the Report of the War Cabinet of the Government of Great Britain for the year 1918. It reads thus:

"The common effort and sacrifice in the war have inevitably led to the recognition of an equality of status between the responsible Governments of the Empire. This equality has long been acknowledged in principle and found its adequate expression in 1917 in the creation or rather natural coming into being of an Imperial War Cabinet as an instrument for evolving a common Imperial policy in the conduct of the war. The nature of the constitutional development involved in the establishment as a permanent institution of the Imperial Cabinet system was clearly explained by Sir Robert Borden in a speech to the Empire Parliamentary Association on the 21st of June, 1918."

What our Prime Minister, Sir Robert Borden, said at the meeting of the Imperial Council is as follows:

"A very great step in the constitutional development of the Empire was taken last year by the Prime Minister when he summoned the Prime

(7) Speech of the Honourable Newton W. Rowell, K. C., President of the Council, House of Commons, March 11, 1920.

Ministers of the overseas Dominions to the Imperial War Cabinet. We meet there on terms of perfect equality. We meet there as Prime Ministers of self-governing nations.⁸ We meet there under the leadership and the presidency of the Prime Minister of the United Kingdom. After all, my Lord Chancellor and Gentlemen, the British Empire as it is at present constituted is a very modern organization. It is perfectly true that it is built up on the development of centuries, but as it is constituted today both in territory and in organization it is a relatively modern affair. Why, it is only 75 years since responsible government was granted to Canada. It is only little more than fifty years since the first experiment in Federal Government—in a Federal Constitution—was undertaken in this Empire. And from that we went on, in 1871, to representation in negotiating our Commercial Treaties, in 1878 to complete fiscal autonomy and after that to complete fiscal control and the negotiation of our own treaties. But we have always lacked the full status of nationhood because you exercised here a so-called trusteeship, under which you undertook to deal with foreign relations on our behalf, and sometimes without consulting us very much. Well, that day has gone by. We come here as we came last year, to deal with all these matters upon terms of perfect equality with the Prime Minister of the United Kingdom and his Colleagues. It has been said that the term Imperial War Cabinet is a misnomer. The word "Cabinet" is unknown to the law. The meaning of "Cabinet" has developed from time to time. I see no incongruity whatever in applying the term "Cabinet" to the Association of Prime Ministers and other ministers who meet around a common council board to debate and to determine the various needs of the Empire. If I should attempt to describe it, I should say it is a Cabinet of Governments. Every Prime Minister who sits around that board is responsible to his own Parlia-

(8) Within this week I have heard these words read with perfect acceptance and approval by a prominent member of His Majesty's Privy Council at Westminster, Viscount Cave, formerly Solicitor General and Home Secretary, addressing the Empire Club of Canada, at Toronto, September 27, 1920.

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ment and to his own people; the conclusions of the War Cabinet can only be carried out by the Parliaments of the different nations of our Imperial Commonwealth. Thus, each Dominion, each nation, retains its perfect autonomy. I venture to believe and I thus expressed myself last year, that in this may be found the genesis of a development in the constitutional relation of the Empire which will form the basis of its unity in the years to come."

We cannot do better than to follow the President of the Council by quoting what General Smuts, the head of another of our British nations, said in his Parliament:

I remember when the report of our National Convention was made I made the statement that the most important thing about that document was the list of signatures at the end of it. And it is very much the same in regard to the Peace Treaty. For the first time in history the British Dominions signed a great international instrument, not only along with the other ministers of the King, but with the other ministers of the great powers of the world—and although the tremendous importance of this great act has not been fully recognized, there is no doubt that the Treaty, signed as it has been with parties to it not only representative of the King in the British Isles, but in the Dominions, forms one of the most important landmarks in the history of the British Empire.

* * * The British Dominions did not fight for status. They went to war from a sense of duty, from their common interest with the rest of the world, vindicating the great principle of self-determining government. Not only has victory been achieved for the objects for which they fought, but what for the British Dominions is equally precious, they have achieved international recognition of their status among the nations of the world. In a large sense this world is one of small nations, and certainly none of those had had larger results accruing to them from this war than the young nations of the British Empire. They have deserved this through the magnitude of their efforts. It has been proved and has never been challenged that two of the British Dominions—Canada and Australia—made a greater war effort than any other powers below the rank of first-class

powers. Their achievements have been outstanding ones. Australia alone lost more than the United States of America. They (i. e. the British Dominions) have, of course, lost heavily; they are handicapped with enormous debt, but they have at any rate emerged with victory, honor, and a new standing in the world in that they are internationally recognized today. No wonder after what they have done that their great performance all through the war, and especially towards the end of it, the other powers and nations of the world were only too willing to welcome and recognize them within the new great family. It took some time for the position to be realized at Paris because so many of the powers were under the same impression, which, according to the debate in the House that afternoon, appeared to exist in South Africa, viz: that everything seemed to be under the tutelage of the British Parliament and Government. They could not realize the new situation arising, and that the British Empire, instead of being one central government, consisted of a league of free states: free, equal and working together for the great ideals of human government. It was difficult to make people realize this, but afterwards they fully applauded, and their approval was given as embodied in this international document.

And pray do not imagine that this change has been against the desire and in despite of the Old Land. Britain has welcomed our advance at every step, and is as proud of our new status as she is of her own.

All that I have said may be said in two ways—and I have occasionally compared these to the difference in the way in which a daughter who had set up a home of her own might speak of the mother whose home she had left. She might say defiantly, "I would just like to see my mother interfere in my affairs. I would show her where she would land! She would get out quicker than she came in." There is at least one person who calls himself a Canadian and persuades Americans that he is a Canadian—which he is not—who speaks in such defiant and truculent manner of Britain in Canadian affairs but that is not Canadian sentiment.

The other daughter says, "My mother does not and does not want to interfere in my affairs. She knows that

I am mistress in my own house, and has no desire to command there." That is our attitude to Britain.

It will no doubt come as a shock to Americans who have been taught to look upon Britain as a tyrant, to be told that Britain has never interfered in our matters where we were willing to attend to them ourselves—that statesmen in all parties in England have again and again expressed their desire that Canada should govern herself in her own way. One Bunker Hill was enough. Nay, more than once has Canada been invited, more or less openly, to proclaim her severance from the British Isles. Canada has invariably refused. We would still refuse. Independent as we are, we will not give up our share of the old flag.

Our relations with the United States, friendly as they always have been, yet sometimes give rise to difficulties. In 1909 we made a treaty with the United States. The Treaty of 1909 was preceded by the Constitution of a Board of Commissioners. Such a board was formed at the request of the President, acting under the authority of the River and Harbor Act, approved June 13, 1902. The functions of the proposed board were defined in the Act and were substantially a full investigation of the question of the boundary waters; and the Board was to consist of six members, three appointed by the United States and three by Canada. The President, July 15, 1902, communicated through the American Ambassador at London with the British Government, that the Government transmitted the invitation to the Government at Ottawa, the Canadian Government accepted the invitation, and this acceptance was communicated to the American Government. The American part of the Board was appointed in 1903 and the Canadian in 1903 and 1905; and work was begun with all convenient speed on the Sault Ste. Marie Channel, the Chicago Canal, the Minnesota Canal, etc. The Board has done an immense amount of very valuable work already.

The Treaty of 1909 was really at the instance of that Board. It provides for an International Joint Commission, three appointed by the United States, three by Canada; and the value of the work which has been done by this new Commission is incalculable.

Every dispute involving the rights, obligations or interests of the United States or of the Dominion of Canada either in relation to each other or to their respective inhabitants, may be referred to the Commission by the consent of the two countries.

It is hard to see how a more comprehensive clause

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could be framed; and if the Treaty had provided that such dispute "shall" be referred, the work would be perfect. As it is, the Dominion must give consent through the Dominion Cabinet. That is an easy task. We have a government which is united—it must be united or it could not stand—and which in this instance does not need to go to Parliament for authority. But in the United States the action must be by and with the advice and consent of the Senate; and sometimes trouble arises in the Senate about confirming treaties.

But now we are going far beyond that: A Canadian Minister is to be placed at Washington to attend to all Canadian matters—perhaps the official statement will be sufficiently complete for the present purpose. It reads:

As a result of recent discussions, an arrangement has been concluded between the British and Canadian Governments to provide more complete representation of Canadian interests at Washington than has hitherto existed. Accordingly it has been agreed that His Majesty, on the advice of his Canadian Ministers, shall appoint a Minister Plenipotentiary who will have charge of Canadian affairs and will at all times be the ordinary channel of communication with the United States Government in matters of purely Canadian concern, acting upon instructions from, and reporting direct to the Canadian Government.

In the absence of the Ambassador, the Canadian Minister will take charge of the whole Embassy and of the representation of Imperial as well as Canadian interests. He will be accredited by His Majesty to the President with necessary powers for the purpose. This new arrangement will not denote any departure either on the part of the British Government or the Canadian Government from the principle of the diplomatic unity of the British Empire.

The need for this important step has been fully realized by both Governments for some time. For a good many years there has been direct communication between Ottawa and Washington, but the constantly increasing importance of Canadian interests in the United States has made it apparent that in addition Canada should be represented there in some distinctive manner, for this would doubtless tend to expedite negotiations and, natur-

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ally, first-hand acquaintance with Canadian conditions would promote good understanding.

In view of the peculiarly close relations that have existed between the people of Canada and those of the United States, it is confidently expected as well that this new step will have the desirable result of maintaining and strengthening the friendly relations and co-operation between the British Empire and the United States.

I have read many articles in the American press concerning this new movement and I have not yet seen one adverse comment—even those papers which approved the Senate's condition of accepting the Treaty that Canada should not be admitted on a par with Hayti, approved the project whereby Canada asserted her nationhood.

No one who *haeret in cortice*, who is bound by the letter, can understand five separate and free nations under one flag. It is the advantage and glory of an unwritten constitution that a course of evolution may proceed so as to revolutionize the original constitution without wrenching the external form. The British Empire as it exists today is a triumph of just such an evolution—no race but Anglo-Saxon-Celts could have produced it, none but English speaking peoples could understand it, love it, glory in it.

What can the United States ask in order to admit Canada into the category of nations? A reversion to the condition of Colony? We will not pay the price, we are not going back. A severance from the rest of the British world, an adoption of a new flag, a repudiation of the old? The price is too high, we will not pay it. Having that which is desired for another people, a government of our own choice, we stand fast. Not that England would strive to prevent one change if we desired it—for if tomorrow Canada decided to cut the painter, not a hand or a voice would be raised in England in protest.⁹ We are, and we are acknowledged to be masters of our own destiny. It may be indeed that the question will not again arise; if it does I would ten thousand times rather that no League of Nations should be formed than that one should be formed with Canada ex-

(9) The Right Honourable Bonar Law said in the British House of Commons, April, 1920, that no one failed to recognize that the connection of the Dominions with the Empire depended on themselves, and if any chose to break away there could be no attempt to force them to stay. Dominion Home Rule meant the right to decide their own destiny.—Press Report, Toronto World, April 30, 1920.

Union of Canada with the Empire is a **Canadian** question to be decided by **Canadians**.

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cluded by the aid of the United States. If the present League of Nations fail, another may be formed—if the United States place upon her neighbor the slur implied in her exclusion, that will be imperilled which in my view is the real hope of the world, harmony, amity, unity among the English speaking peoples. For one thing I do venture to say, and I but use the words of Richard Rush, who in 1817, as Acting Secretary of State, arranged with Charles Bagot, the British Minister at Washington, that neither nation should maintain a naval force on the international lakes and rivers—he said, “Let the peace between the United States and England be broken, and the arch which supports the peace of the world falls in ruins.”

And I use the words of another great American, of one the idol of his time, and still held in reverence by millions, who feared not the face of man, and who quailed not nor varied a hairbreadth on the outcry in England in the Arbuthnot and Armbruster affair. That gallant warrior, General Jackson, in his Annual Message, December, 1832, speaking of the good understanding which it was the interest of both parties to preserve inviolate, strikingly characterized it as:

“Cemented by a community of language, manner and social habits, and by the high obligations we owe to our British Ancestors for many of our most valuable institutions, and for the system of representative government which has enabled us to preserve and improve them.”

The war has caused a great and very significant advance in the thought of many who have gone through the same experience starting with the same conception and arriving at the same result as Colonel Roosevelt, who says:

“Moreover, I am now prepared to say what five years ago I would not have said: I think the time has come when the United States and the British Empire can agree to a universal arbitration treaty. In other words, I believe that the time has come when we should say that under no circumstances shall there ever be resort to war between the United States and the British Empire and that no question can ever arise between them that cannot be settled in judicial fashion in some such manner as questions between States of our own Union would be settled.”

The peace of a hundred years extending *in acternum* between and among all the English speaking people, they must needs draw closer together, they must recognize their fundamental and essential identity and with or without a

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formal treaty, stand and march and, if need be, fight side by side for righteousness and peace.

Peace is not always easy. The poetry, the glamour, the romance of war is part of our common inheritance. We are fighting animals by instinct. Our literature is full of battle, and the successful general becomes the President or the popular hero. Peace is tame and prosaic. It appeals not to the eye or the ear, and it needs a strong heart to treasure it despite the blare of trumpet and the flash of sword.

And yet it must triumph or all moral governance of the Universe is impossible. Far- far back the Hebrew prophet saw what must come to pass unless there is nothing but blind chance. "The Government shall be upon His shoulders, and his name shall be called Wonderful * * * the Prince of Peace. Of the increase of His Government and peace there shall be no end * * * The Zeal of the Lord of Hosts will perform this."

And I am wholly persuaded that this Peace of God can only come through the near union of our English speaking peoples.¹⁰

(10) I confess to being utterly at a loss to know what is proposed by those who would ratify the Treaty with the Lenroot reservation. Canada is in the League; in a few days two of our statesmen leave for Europe to take part in the deliberations, and I may say one of the most troublesome and important questions will be the racial equality of the Japanese.

Is it proposed that Canada should be kicked out? We can survive that, too; if necessary, we can stand on our own feet, an adjunct to no nation, but do the American people desire it? Ten thousand times would I rather have no League at all than a League which would of necessity carry with it insult on the one hand, burning resentment on the other.

