

(January 19, 1914.)

## Self-Government in Canada.

By G. G. S. LINDSEY, K.C., of Toronto.\*

AT a regular meeting of the Club, held on 19th January, Mr. Lindsey said:

*Mr. President and Fellow Canadians*,—I want to say to you at once that I feel very deeply honored in being asked to address the Canadian Club, and with a word of thanks for the far too generous sentiments which your distinguished President has bestowed upon me, and of sincere, very sincere, thanks to you for your kindly reception of me, I will dip into my subject, because it is going to take all of the thirty minutes placed at my disposal.

You had last week from the Hon. Rodolphe Lemieux an admirable address on the Quebec Act, in which he explained why the Statute of 1774, passed after nine years of British Military rule, contained no provision for an elective legislative body. He left you with a Governor and Crown nominated Council governing the Province of Canada, for there was then only one Province, and largely French. And he pointed out how closely the American Revolution followed on the passing of this Act, its influence on the revolution and its effect in saving Canada to the British Crown. The population of Canada then was estimated at 69,000 souls, of whom 7,600 were converted Indians. We have now to deal with the history of Parliaments.

During and after that revolution people poured into Canada from the thirteen colonies, Loyalists and discharged soldiers. They colonized, too, the continental part of Nova Scotia, part of which in 1784 was created the Province of New Brunswick and given a legislative assembly. Free grants of land were made to all. In nine years the population had increased to 125,000, of whom 12,000 had settled in Canada West. The American residents soon began to petition for an elective Parliament such as they had previously lived under. Their unwillingness to be subjected to

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French civil law and their demand for an elective Assembly brought about the enactment of the Constitutional Act of 1791, at the instance of the younger Pitt.

Under this Act the former Province of Quebec was divided into the two Provinces of Upper and Lower Canada. The division line was practically the river Ottawa, which separated roughly the French and English settlements. A Legislative Council and a Legislative Assembly were constituted within each Province, by whose advice and consent the Sovereign, represented by the Governor, and appointed by him, should have power to make laws for the peace, welfare and good government of the separate Provinces. In Upper Canada the Legislative Council was to consist of "a sufficient number of discreet and proper persons, being not fewer than seven," to be appointed by the governor, each person to hold his seat for life. The Legislative Assembly was to consist of not less than sixteen members, who were to be chosen by electoral districts. One other element of the provincial constitution was the Executive Council, appointed by the Governor within such Province for the affairs thereof. Practically the same provision was made for Lower Canada.

Thus, as the machinery of government, was provided, a Governor with an Executive Council selected by himself, a Legislative Council selected by the same Governor, and a Legislative Assembly elected by the people.

The debate on the Bill in the House of Commons was conducted in the main by three of the most famous men in parliamentary history—Pitt the younger, Burke and Fox. Pitt said that the question was, whether Parliament should agree to establish two Legislatures. The principle was to give a Legislature to Quebec in accord, as nearly as possible, with the British constitution. Fox was on the whole rather against the division of the province. But, in discussing the policy of the Act, he laid down a principle which was destined, after half a century, under the Union Act of 1840, to become the rule of colonial administration. "I am convinced," said he, "that the only means of retaining distant colonies with advantage, is to enable them to govern themselves." (Applause.) It was during this debate on the Constitutional Act that the memorable quarrel took place between Burke and Fox which severed their long private friendship.

John Graves Simcoe was the first Governor of Upper Canada, and was entrusted with the duty of putting the new Act into operation, and in his speech at the close of the first

session of the Legislature on October 15, 1792, congratulated his yoemen Commoners on possessing what, to him at any rate, seemed "not a mutilated constitution, but a constitution which has stood the test of experience, and is the very image and transcript of that of Great Britain." This was his theory. How far it was to be made, in practice, to differ from its prototype is well expressed by a great writer:

"Though it might be the express image in form, it was far from being the express image in reality, of parliamentary government as it exists in Great Britain, or even as it existed in Great Britain at that time. The Lieutenant-Governor, representing the Crown, not only reigned but governed with a Ministry not assigned to him by the vote of the Assembly but chosen by himself, and acting as his advisers, not as his masters. The Assembly could not effectually control his policy by withholding supplies, because the Crown, with very limited needs, had revenues, territorial and casual, of its own. Thus the imitation was somewhat like the Chinese imitation of the steam vessel, exact in everything except the steam." (Laughter.)

The position of the House of Commons in the Government of Great Britain, at this time, the manner in which the King selected his Executive Council, and the conditions on which they continued in office are well described by a great historian, who says:

"The struggle of the House of Lords, under Marlborough's guidance, against Harley and the Peers marks the close of the constitutional Revolution which has been silently going on since the restoration of the Stuarts. The defeat of the Peers and the fall of Marlborough which followed it announced that the transfer of political power to the House of Commons was complete. . . . The Ministers of the Crown ceased in all but name to be the King's servants. They became simply an Executive Committee representing the will of the majority of the House of Commons, and capable of being easily set aside by it and replaced by a similar committee whenever the balance of power shifted from one side of the House to the other. Such was the origin of that system of representative government which has gone on from the time of the first English Ministry at the close of the Seventeenth Century (1693) down to our own day."

Had the various military governors interpreted this constitution as the British interpreted theirs, responsible government would then have been established. If from the new Parliament of the people the Governors had selected as

Executive Councillors those who could and did command a majority of the popular house, and in all things took and acted on their advice, dismissing them only when their control of the Assembly was gone, then would the British practice under the constitution have been introduced into Canada. It was the refusal of the Governors, backed up by the Imperial authorities, to so interpret the constitution, that ultimately split the people into two great parties, one contending against and the other for responsible government as practised in Great Britain. The Governors, instead of being advised by the representatives elected by the people, took their advice, if they took any, from the Executive Councils appointed by themselves, and to whose influence they were always subject. Against this the Assembly protested, but in vain.

From the date of the Constitutional Act to the time of the war of 1812 the people were busy making homes for themselves. New comers were numerous. All were then called on to resist invasion, and, when the war was over, the next few years were devoted to recovery from its effects.

It would take too long here to discuss the various grievances of the people which grew up under the system of government which, entrenched behind irresponsible power, left the people powerless, which provoked the most bitter animosities and ended in the struggle for independence in the two Canadas. For our purpose it is enough to trace the movement for responsible government from its inception to its culmination. For the reasons which necessitated and brought about this change it is better to quote the judgment rendered by the great English statesman who investigated on the spot the conditions prevailing at the time, and who endorsed those who were asking for the change. What they asked for, and when they asked it, may be briefly stated.

It was in 1817 that we see the birth of parliamentary opposition to the Government party in the popular Assembly of Upper Canada. When a Committee of the Whole House discussed several subjects highly displeasing to the Governor and Executive, the Governor promptly prorogued the House.

In 1828 the people of Upper Canada set forth in a petition to His Majesty King George III. their grievances as they saw them and pointing out the inability of the Legislative Assembly to effect any remedy, they prayed for Responsible Government. From this time the demand was steadily made and as persistently refused. In the celebrated Grievances Report of 1834 they said: "This country is now principally

inhabited by loyalists and their descendants, and by an accession of population from the Mother Country, where is now enjoyed the principles of a free and responsible government, and we feel the practical enjoyment of the same system in this part of the Empire to be equally our right; without which it is vain to assume that we do or can possess in reality or in effect 'the very image and transcript of the British Constitution.'" "The House of Assembly has, at all times, made satisfactory provision for the civil government, out of the revenues raised from the people by taxation, and while there is cherished an unimpaired and continued disposition to do so, it is a reasonable request that His Majesty's adviser in the Province and those about him should possess and be entitled to the confidence of the people and their representatives, and that all their reasonable wishes respecting their domestic institutions and affairs should be attended to and complied with."

In Lower Canada the House was at this time refusing the supplies.

A Royal Commission was appointed by the British Government in 1835 to enquire into the affairs of Lower Canada. This Commission reported against the demand for an Elective Legislative Council and against a responsible Executive. When the Report of the Commissioners came before the Imperial Government Lord John Russell, in the debate on the Canadian Resolutions, on March 8th, 1836, contended that the demand for an Executive Council, similar to the Cabinet which existed in Great Britain, set up a claim for what was incompatible with the relations which ought to exist between the colony and the mother country. "These relations," he said, "required that His Majesty should be represented in the colony not by Ministers, but by a Governor sent out by the King, and responsible to the Parliament of Great Britain." A Colonial Ministry, he contended, would impose on England all the inconveniences and none of the advantages of colonies. This simply meant that there was no hope from England of responsible government for either Province. The Colonial Secretary advised the Governor that this determination was to apply as well to Upper as to Lower Canada.

These and other events led to the struggle for independence in both the Canadas in 1837. It arose out of the abandonment of all hope that the Home Government would concede the only remedy of any use, and the one which time proved to be inevitable. Sir Robert Peel, in the debate on

the Canada Resolution, charged the Ministry with want of foresight in not sending out an army to Canada with the Resolutions. (Laughter.)

The rebellions in the two Provinces, however unfortunate in the field, commanded the attention of the British Government, brought the Earl of Durham to Canada to straighten out the tangle, and Durham brought responsible government, though not just at once. (Applause.)

This great English statesman had been one of Earl Grey's famous Administration of 1830, holding the office of Lord Privy Seal, and he had with Lord John Russell, assisted by Sir James Graham and Lord Duncannon, been entrusted with the preparation of the Reform Bill, and he had been one of its most powerful defenders in the House of Lords.

Canada was indeed fortunate in the selection of so capable a Governor. He came here in 1838 with plenipotentiary powers as Governor-General of all the North American Provinces, and his famous Report of the next year is one of the greatest of British State papers. On many of the questions raised and on the one under consideration it is best to let him speak for himself. He recommended the Union of the two Provinces of Upper and Lower Canada under one Legislature, to which he advocated should be entrusted responsible government. On surveying the weakness of the whole Colonial policy in the American colonies he wrote:

"It is impossible to observe the great similarity of the constitutions established in all our North American Provinces, and the striking tendency of all to terminate in pretty nearly the same result, without entertaining a belief that some defect in the form of government, and some erroneous principle of administration, have been common to all. . . . It is but too evident that Lower Canada, or the two Canadas, have not alone exhibited repeated conflicts between the Executive and the popular branches of the Legislature. The representative body of Upper Canada was, before the late election, hostile to the policy of the Government; the most serious discontents have only recently been calmed in Prince Edward Island and New Brunswick; the Government is still, I believe, in a minority in the Lower House in Nova Scotia; and the dissensions of Newfoundland are hardly less violent than those of the Canadas. It may fairly be said that the natural state of government in all these Colonies is that of collision between the executive and the representative body. In all of them the administration of public affairs is habitually confided to those who do not co-operate harmoniously with the popular

branch of the legislature; and the Government is constantly proposing measures which the majority of the Assembly reject, and refusing its assent to bills which that body has passed." And on review of the existing conditions he could find but one remedy: "When I look," he said, "on the various and deep-rooted causes of mischief which the past inquiry has pointed out as existing in every institution, in the constitutions, and in the very composition of society throughout a greater part of these Provinces, I almost shrink from the apparent presumption of grappling with these gigantic difficulties. If a system can be devised which shall lay in these countries the foundation of an efficient and popular government, ensure harmony, in place of collision, between the various powers of the State, and bring the influence of a vigorous public opinion to bear on every detail of public affairs, we may rely on sufficient remedies being found for the present vices of the administrative system."

Dealing with the struggle for responsible government he says:

"The powers for which the assembly contended appear to be such as it was perfectly justified in demanding. It is difficult to conceive what could have been their theory of government who imagined that, in any colony of England, a body invested with the name and character of a representative Assembly could be deprived of any of those powers which, in the opinion of Englishmen, are inherent in a popular Legislature. It was a vain delusion to imagine that, by mere limitations in the Constitutional Act, or an exclusive system of government, a body, strong in the consciousness of wielding the public opinion of the majority, could regard certain portions of the Provincial revenues as sacred from its control, could confine itself to the mere business of making laws, and look on as a passive and indifferent spectator, while those laws were carried into effect or evaded, and the whole business of the country was conducted by men in whose intentions or capacity it had not the slightest confidence."

Lord Durham points out two things: First, that "The reformers, however, at last discovered that success in the elections ensured them very little practical benefit. For the official party, not being removed when it failed to command a majority in the Assembly, still continued to wield all the powers of the executive government, to strengthen itself by its patronage, and to influence the policy of the Colonial Governor and of the Colonial Department at home. By its secure majority in the Legislative Council, it could effectually

control the legislative powers of the Assembly. It could choose its own moment for dissolving hostile Assemblies, and could always ensure, for those that were favorable to itself, the tenure of their seats for the full term of four years allowed by the law. Thus the reformers found that their triumph at elections could not in any way facilitate the progress of their views, while the executive government remained constantly in the hands of their opponents. They rightly judged that, if the higher offices and the Executive Council were always held by those who could command a majority in the Assembly, the constitution of the Legislative Council was a matter of very little moment, inasmuch as the advisers of the Governor could always take care that its composition should be modified so as to suit their own purposes. They concentrated their powers, therefore, for the purpose of obtaining the responsibility of the Executive Council; and I cannot help contrasting the practical good sense of the English reformers of Upper Canada with the less prudent course of the French majority in the Assembly of Lower Canada as exhibited in the different demands of constitutional change, most earnestly pressed by each."

And second, that:

"It was upon this question of the responsibility of the Executive Council that the great struggle has for a long time been carried on between the official party and the reformers; for the official party, like all parties long in power, was naturally unwilling to submit itself to any such responsibility as would abridge its tenure, or cramp its exercise of authority. Reluctant to acknowledge any responsibility to the people of the Colony, this party appears to have paid a somewhat refractory and nominal submission to the Imperial Government, relying in fact on securing a virtual independence by this nominal submission to the distant authority of the Colonial Department, or to the powers of a Governor, over whose policy they were certain, by their facilities of access, to obtain a paramount influence."

The views of the great body of the Reformers appear to have been limited, according to their favorite expression, to the making the Colonial Constitution 'an exact transcript' of that of Great Britain; and they only desired that the Crown should in Upper Canada, as at home, entrust the administration of affairs to men possessing the confidence of the Assembly."

Lord Durham then proceeds to acquiesce in this view of dealing with the manner of effecting a remedy. It is inter-

esting to note that he deems no new legislation essential. He says:

"Every purpose of popular control might be combined with every advantage of vesting the immediate choice of advisers in the Crown, were the Colonial Governor to be instructed to secure the co-operation of the Assembly in his policy, by entrusting its administration to such men as could command a majority; and if he were given to understand that he need count on no aid from home in any difference with the Assembly, that should not directly involve the relations between the mother country and the colony. This change might be effected by a single despatch containing such instructions.

"It is not by weakening, but strengthening the influence of the people on its Government; by confining within much narrower bounds than those hitherto allotted to it, and not by extending the interference of the Imperial authorities in the details of colonial affairs that I believe that harmony is to be restored, where dissension has so long prevailed; and a regularity and vigor hitherto unknown introduced into the administration of these Provinces. It needs no change in the principles of government, no invention of a new constitutional theory, to supply the remedy which would, in my opinion, completely remove the existing political disorders. It needs but to follow out consistently the principles of the British constitution, and introduce into the Government of these great Colonies those wise provisions, by which alone the working of the representative system can in any country be rendered harmonious and efficient. We are not now to consider the policy of establishing representative government in the North American Colonies. That has been irrevocably done; and the experiment of depriving the people of their present constitutional power is not to be thought of. To conduct their Government harmoniously, in accordance with its established principles, is now the business of its rulers; and I know not how it is possible to secure that harmony in any other way than by administering the Government on those principles which have been found perfectly efficacious in Great Britain." And he deprecates the action of the Governors in referring so many questions for settlement to Downing Street. "Almost every question," he says, "on which it was possible to avoid, even with great inconvenience, an immediate decision has been habitually the subject of reference" . . . and "the real vigor of the Executive has been essentially impaired; distance and delay have weakened the force of its decisions; and the Colony has, in every crisis of danger, and almost every detail

of local management, felt the mischief of having its executive authority exercised on the other side of the Atlantic."

I have said that self-government in the Canadas did not follow immediately on the making of the Earl of Durham's report, though before ten years it was well established in Nova Scotia, New Brunswick and the United Canadas. Having thrown up his Commission in consequence of his Government's unwillingness to back up his banishment of several rebels to Bermuda, Durham returned to England, and not long after died.

Poulette Thompson, afterwards Lord Sydenham, who had also been a member of the British Government, succeeded Durham as Governor of the Canadas, and came here with instructions to bring about the Union of the two Canadas, which he skilfully did. But his instructions on the question of responsible government were in no case to allow it. Lord John Russell, the Colonial Minister, in a despatch to the new Governor as late as October, 1839, points out to him that in the debate on the Lower Canadian Commissioner's Report two years before "The Crown and the Houses of Lords and Commons having thus decisively pronounced a judgment upon the question, you will consider yourself precluded from entertaining any proposition on the subject."

Sydenham's real view was expressed in a letter to Lord John Russell since published: "I have told the people plainly, that as I cannot get rid of my responsibility to the Home Government, I will place no responsibility on the Council; that they are a Council for their Governor to consult, but no more."

His view, however, on the condition of Government is worth noting. In a letter written from Toronto on November 20th, 1839, to a friend in England, and published by his biographer, he said: "When I look to the state of government, and to the departmental administration of the Province, instead of being surprised at the condition in which I find it, I am only astonished it has endured so long. I know that, much as I dislike Yankee institutions and rule, I would not have fought against them, which thousands of these poor fellows, whom the Compact call 'rebels,' did, if it was only to keep up such a government as they got." (Hear, hear, and laughter.)

But in the first Session of the first Parliament of Canada under the Union Act, and during Lord Sydenham's administration, the House of Assembly took the matter into its own hands, and the celebrated Responsible Government Resolution was passed. It in part read: "That in order to preserve between the different branches of the provincial parliament

that harmony which is essential to the peace, welfare and good government of the Province, the chief advisers of the representative of the Sovereign, constituting a provincial administration under him, ought to be men possessed of the confidence of the representatives of the people, thus affording a guarantee that the well-understood wishes and interests of the people, which Our Gracious Sovereign has declared shall be the rule of the Provincial Government, will, on all occasions, be faithfully represented and advocated."

What Sydenham would have done when asked to live up to these resolutions we do not know. Two days after they were passed he was thrown from his horse at Kingston, the then seat of government, and died after a brief illness, September, 1841.

It is interesting to add that in Nova Scotia at this time, on the request of the House of Assembly, Sir Colin Campbell, the Governor, was recalled and a Governor asked for who "would establish harmony between the Executive and the Legislature of this Province."

Sir Charles Bagot followed as Governor. He refused to depart from the rules laid down by the resolutions for his guidance and acted quite consistently on the advice of his Ministers, till serious illness forced him to resign after little more than a year of office. For the first time, new Ministers on selection went back to their constituencies for re-election.

He in turn was succeeded by Sir Charles, afterwards Lord Metcalf. This Governor resolutely refused to recognize the doctrine of responsible government, and quarrelled with his Ministers, who resigned. He was, says Sir Francis Hincks, one of his Executive Councillors, "selected as the best available statesman to crush responsible government in Canada." But he only suspended its operation, and wore himself out in the struggle, and retired in 1846.

It is interesting to note the career of Metcalf, because he was a well-meaning and able man, who could have governed Canada under the plan of refusing responsible government if anybody could.

Too much praise cannot be given to those members of the House, and notably to Robert Baldwin, who from 1841 to 1849 steadily pressed on the necessity for government by a responsible Ministry. Sir Charles Metcalf's position was that although the Governor ought to choose his Councillors "from among those supposed to have the confidence of the people," nevertheless "each member of the administration

ought to be responsible only for the acts of his own Department, and consequently that he ought to have the liberty of voting with or against his colleagues whenever he judged fit, that by this means an Administration composed of the principal members of each party might exist advantageously for all parties, and would furnish the Governor the means of better understanding the views and opinions of each party, and would not fail under the auspices of the Governor to lead to the reconciliation of all." He tried the experiment and it failed lamentably; but perhaps it is as well the experiment was tried, for fail it must. He failed lamentably, not because of inability, but because he tried to do the impossible. Baldwin and his friends watched the working of the experiment calmly, and wisely refrained from violence, knowing that the experiment must fail, and that theirs was the only practical way of governing the country. So it turned out. (Applause.) Lord Falkland tried the same policy in Nova Scotia, with the same results.

At the beginning of 1847 the Earl of Elgin and Kincardine came to Canada as Governor. By his marriage with Lady Mary Louise Lambton, Lord Elgin was the son-in-law of Lord Durham. In a letter addressed to Lady Elgin he wrote: "I shall adhere to my opinion that the real and effectual vindication of Lord Durham's memory and proceedings will be the success of a Governor-General of Canada who works out his views of government fairly."

This he did nobly. When his Ministers advised his assent to the Rebellion Losses Bill, he freely gave it. As a consequence the mob, which contained many persons of the highest reputed respectability, rotten-egged and stoned him, and set fire to and destroyed the Parliament Buildings in Montreal. But here the struggle ended, and soon all parties recognized the virtue and necessity of responsible government. The principle of government insisted on has become as much the guiding star of one great political party in Canada as of the other; both have been from that time resolute in its defence. The only question asked nowadays is, how could it ever have been otherwise? An Elective Legislative Council or Upper House was voted by the Legislative Assembly with but one dissentient voice in 1856 under a Coalition Government. In Nova Scotia Sir John Harvey recognized Responsible Government in 1848.

What that means is well explained by Erskine May in his *Constitutional History of England* (1871):

"By the adoption of this principle," he says, "a colonial constitution has become the very image and reflection of parliamentary government in England. The Governor, like the Sovereign whom he represents, holds himself aloof from and superior to parties, and governs through constitutional advisers, who have acquired an ascendancy in the Legislature. He leaves contending parties to fight out their own battles, and, by admitting the stronger party to his counsels, brings the executive authority into harmony with popular sentiments. And as the recognition of this doctrine, in England, has practically transferred the supreme authority of the State from the Crown to parliament and the people, so, in the colonies, has it wrested from the Governor and from the parent state the direction of colonial affairs. And again, as the Crown has gained in ease and popularity what it has lost in power, so has the mother country, in accepting to the full the principles of local self-government, established the closest relations of amity and confidence between herself and her colonies." (Applause.)

No better confirmation of the changed attitude of parties can be given than the one afforded by the writings of Sir Alexander Galt in 1859, then the Honorable A. T. Galt, a Conservative Finance Minister of Canada. He was defending an increase in the Canadian tariff against the complaints of the Sheffield manufacturers, that Canada had no right to take this course. He wrote a pamphlet reviewing the previous ten years of expansion under self-government, as to which the following extracts explain his attitude and that of the Government to which he belonged:

"The history and progress of the Colonies of Great Britain must naturally be a subject of deep interest to the people of England, especially since the experiment has been fairly tried of entrusting these dependencies of the Empire with local self-government.

"On the one hand, it was contended that constitutional government could not be safely entrusted to colonists; while on the other, it was as strongly urged that the institutions under which Great Britain had herself attained a position of such power and eminence were capable of being worked by her subjects everywhere; and that the vast resources of her colonial possessions would be far more usefully developed by giving their people the entire control of their own affairs.

"In no part of the colonial empire has the experiment received a fuller or fairer trial than in Canada; and it cannot

but be interesting to review the progress of that country, and to mark how far its inhabitants have worthily exercised the power conceded to them. . . . For some years succeeding the Union an unsettled state of things continued, marked, however, by gradual concession to the demand of self-government, until 1846, when Lord John Russell, then Secretary for the Colonies, first fully admitted the principle of what is termed responsible government, and required that the affairs of the country should be administered by advisers of the Crown, possessing the confidence of the people, and in harmony with their well-understood wishes. The system thus fairly inaugurated in 1849 may be said to have received its final and conclusive acceptance, both by the mother country and the colony, as from that date no attempt has ever been made to interfere with its free and legitimate operation. The political differences and difficulties of Canada have been dealt with by her own people and Legislature, and Great Britain has never been required to take part in any local question whatever, except to give effect, by Imperial legislation, to the express desire of the Provincial Legislature."

Up to the time of Confederation there were several further important modifications of Imperial policy. The first was the cession to the Crown of Canada of complete control of its revenues derived from land sales and of its ungranted lands and the full right to the Colonies to administer them. In 1847 to the United Parliament was given full control over all the revenues of the Province.

In 1846 Imperial statesmen made the admission that Canada ought to possess the exclusive right to frame her own tariff and regulate her own trade and commerce at her discretion. In 1859 Sir Alexander Galt insisted on this right in his reply to a memorandum of the Duke of Newcastle voicing the protest of the manufacturers of Sheffield against the new Canadian Customs tariff, and he added: "Her Majesty cannot be advised to disallow such an Act unless her advisers are prepared to assume the administration of the affairs of the colony irrespective of the views of its inhabitants." (Hear, hear.) And again the right was conceded to Canada to enter into reciprocal trade relations with the United States.

These were great advances. "What," says a great writer, "would George III. have thought of an Empire which not only takes away the right of taxation from the central power, but abolishes that right of regulating commerce which was held even by Chatham to be essential?"

The British North America Act of 1867 embodies a wide measure of self-government for Canada, and by it the Imperial Parliament, it has been construed, has forever relinquished its right to interfere with provincial legislation under any possible circumstances. Sir John Macdonald, speaking in the debate on the British North America Bill, said of its effect on the status of Canada: "England, instead of looking on us as merely a dependent colony, will have in us a friendly nation." (Applause.)

Since then, on representation of one Minister of Justice, the exercise of the prerogative of mercy and other prerogative rights by the Governor-General has been considerably altered in favor of the Governor accepting more completely the advice of his Ministers in all matters affecting the interests of Canada.

Again, we have obtained the right to be consulted in the making of treaties—Canada's interests were represented in 1871 by Sir John Macdonald in the Treaty of Washington, and by Sir Alexander Galt in 1879 in conducting negotiations for free commercial intercourse between this country and France and Spain. In 1881 it was promised that Canada should be thereafter relieved from the obligations of any new treaties with foreign powers to which objection was taken and be given the option of refusing or accepting them and be associated in the negotiations of all foreign treaties in which Canada was interested.

In 1897, at the instance of Sir Wilfrid Laurier, the German and Belgian treaties were denounced, and any British colonies may now without restriction grant preferences to each other and to the mother country in respect of tariffs. (Applause.)

As a result of the Confederation Act, British troops were withdrawn from Canada shortly after 1867, and we were left to protect our own country at our own cost and with our own land forces.

The policy of withdrawing Imperial troops from Canada was discussed by a Committee of the Imperial House. Gladstone's opinion as to the wisdom of withdrawal before that Committee was remarkable. "No community," he said, "that is not primarily charged with its own defence is really, or can be, in the true sense of the word, a free community. The burdens of freedom and the privileges of freedom are absolutely associated together. To bear the burdens is as necessary as to enjoy the privileges in order to form that character which is the highest ornament of freedom." Gladstone's view prevailed. (Applause.)

This glimpse at a century of Canadian history makes it abundantly clear that on Canada's insistence, and always after Imperial resistance, we have been permitted to do things our own way. It has been a long journey into this land of self-government, beset with many difficulties and obstructions, but taken always along one straight path. There has never been any deviation or circuit, and we have now arrived inevitably at that stage of our journey which finds Canada left not only without a British fleet on either the Atlantic or Pacific oceans, but left also to devise its own defence for its own seaboard. The ships that did protect us are now released to Britain's other obligations, and Canada is left to assume her own naval burden.

Many English statesmen, among them Huskisson, Benjamin Disraeli, Sir George Lewis, Mr. Leslie Stephen, Lord John Russell and Lord Palmerston have thought that the concession of this right to govern their own affairs could not be granted without the colonies ultimately becoming absolutely and completely independent of the Mother Country. Disraeli in 1872 said, speaking of the granting of self-government to the colonies: "There had been no effort so continuous, so subtle, supported by so much energy and carried on with so much ability and acumen, as the attempt of Liberalism to effect the disintegration of the British Empire. (Laughter.) Those subtle views," he said, "were adopted by the country under the plausible idea of granting self-government."

But, as the present Canadian Prime Minister said in an admirable address in 1902, dealing with such prophecies:

"When we look at the present relations of Canada with the Mother Country, how vain do all these prophecies appear. There has never been a time since the granting of responsible government to the colonies, or indeed before that time, when the attachment of the colonies to the Mother Country was warmer or closer than it is at the present time. (Applause.) That attachment may differ in its nature from that which was formerly felt, but it is none the less warm and none the less real. It is the attachment which Canada, as a great Dominion forming part of a great Empire, feels for the country which founded that Empire and which still controls its destinies. It is the attachment, not of a dependent and helpless child, but of a matured and emancipated child towards the parent who is now its ally, confidant and adviser.

"The colonies having the right of self-government exercise that right in their own way, and have no cause for com-

plaint against the Mother Country if misgovernment exists. If Great Britain today controlled the public lands, the mines, the fiscal policy and the commercial relations of Canada, the view which is now directed by those dissatisfied with the policy of the party in power against that party would in that case be directed against the supposed misgovernment of the Mother Country, and ultimately against the continuance of further relations with the mother land." These are the Rt. Hon. Mr. Borden's views.

In a Short History of the Expansion of the British Empire William Harrison Woodward, of Christ Church, Oxford, speaking of Durham's Report, says: "Based upon this Report the Reunion Act was passed in 1840, and under it Canada won, though not at once, that full measure of "responsible government" which is the characteristic feature of the greater English colonies of today. It is possibly the most important service which Canada has rendered to the Empire that from her constitutional struggles arose that form of complete self-government under which the unity of the Empire is reconciled with the practical independence of its daughter communities." (Applause.)

For myself, I pray Canada will always remain within the Empire. (Hear, hear and applause.)

Self-government was denied the thirteen American colonies; they revolted. It was granted to the Canadas, and they became enthusiastic supporters of the Empire. The principle was carried from the far North down under the Southern Cross, and Australia, too, became a great Imperialist. No sooner was South Africa subdued, than the people were entrusted with free parliamentary government. They were for the most part a conquered race: in a night they became Imperialists. These three great self-governing entities are the chief partners in the Empire.

The British Empire is built up on the foundation rock of self-government, and lives. The Roman Empire was built upon the basis of centralization, and, though it ruled the whole world it died. Gone, too, are all the older Empires of the world, and for the same reason.

Canada blazed the trail. Durham's doctrine was "a recognition based on knowledge, inspired by sympathy, that the authority of the Mother Country rested on other than material ascendancy. He appealed to the sentiments and ideals of men, and laid four square to all the winds that blow the foundations not only of a great Dominion, which he did not live to see, but

also of that passionate loyalty which served England well in recent years of warfare and peril."

"That government alone is strong which has the hearts of the people," said Fox. "Canada will one day do justice to my memory," were the dying words of Durham. The day has surely come, and the hearts of Canadians, strong in his faith, will ever keep his memory green. Bold and large as were his plans, he builded better than he knew: he built an Empire.