

Britain and her colonies, it by no means follows that it admits of extension to this case. If the vaguely stated powers of our so-called Federation are to be merely nominal, they will be insufficient; if not nominal, they will be excessive. Either way, the United States idea of an attempted precise statement of the powers meant to be given and used, is the true one. What, then, is the system adopted in the United States, as regards these relations between the Federal power and the several states? There are two leading principles, and very sound principles, that pervade it. In the first place the United States, by its Constitution, guarantees to every state in the union a republican form of government; by which is meant a Constitution, in the main, analogous to that of the United States—an elective executive, an elective second branch, an elective popular branch—the whole without what we here call responsible government. This is what everybody understands as the republican system. Accordingly, just the same sort of thing in principle and in all its great outlines as the Constitution of the United States, is the Constitution of each separate state of the union. And in the second place, along with this uniformity in principle and outlines between the Constitution of the United States and those of the different states, there is established a very exact system of what I may call limited state autonomy. The state, within its certain range of subjects, does what it likes, and is as free to act as the United States; it has its own functions, and within the limits of those functions nobody controls it. The United States have their special functions also, and within the range of those functions can, in turn, control everything. The respective judiciary systems of the state and of the United States, are further so contrived as to be the most perfect check that can well be imagined to secure the smooth and steady working of this Federal national machinery. It is a complex piece of machinery, if you will; there are many delicate parts in it, one depending nicely upon another; but, upon the whole, it has worked pretty well for many years, and may go on working pretty well for many more.

HON. ATTY. GEN. CARTIER—But the judges are elected.

MR. DUNKIN—Does the hon. gentleman mean to tell this House that the principle of elective judges forms a part of the constitutional system of the United States? Why, sir, an elective judiciary is a mere exces-

cence of quite late growth, and has not fastened itself on the system of the United States at all. It is not even as yet adopted by nearly all the individual states, but only by some of them. It is an excrescence which the founders of the United States system never, I fancy, thought of, or in all human probability they would have expressly provided against it. (Hear, hear.) But now, sir, what is the system we are going to adopt according to these resolutions? What are the relations to be established between our general and local governments? We are told to take for granted that no clashing of interest or feeling need be feared; that the Federal union offered us in name will be a legislative union in reality. Yet, whoever dislikes the notion of a legislative union is assured it will be nothing of the sort. Now, sir, I do not believe that you can have all the advantages of these two systems combined in one. (Hear, hear.) A Legislative union is one thing; a Federal union is another. The same system cannot be both at once. You cannot devise a system that shall have all the advantages of the one and of the other; but it is quite possible that you may devise one that will combine the chief disadvantages of both, and that is, I fear, pretty much what this system does. (Hear, hear.) Let me first take one feature of the scheme, or, I might say, one absence of a feature from the scheme—the non-provision of anything like provincial constitutions. We are not told about them; they are kept back completely in the dark; it is part of the scheme that we are not to know what it means them to be. (Laughter.) It is part of the scheme, too, from all appearance, that they may not be at all alike. For anything I can see, Nova Scotia will have a right under this scheme to devise a system of responsible government, with a cabinet and two branches of the legislature. New Brunswick, if it pleases, may have only one legislative body, with or without responsible government. So may the Prince Edward Island people have anything they like; and the people of Newfoundland may do what they like, and so may we in Canada. Lower Canada may even have a constitution of one kind, and Upper Canada one of a totally different kind. There may be no two of our six or more local constitutions framed on the same model. (Hear, hear.) It seems to be meant that these constitutions shall be as varied as the people of the different provinces may see fit to make them;