## THE STATUTE OF WESTMINSTER, 1931, AS A CLIMAX IN ITS RELATION TO CANADA.*

THE FORECAST.—One hundred and forty-two years before it arrived, the inevitability of Canadian independence was officially forecasted in a very important Colonial Office Memorandum.[1]

The Proclamation of 1763, the first of the constitutional documents relating to the territory now known as the Provinces of Ontario and Quebec, provided for government by a Governor and an appointed Council, but contained also a promise of a popularly elected Legislative Assembly. For fulfilment of the promise, the succeeding years were not propitious. Premonitory rumblings of the approaching rebellion in the southern colonies; the rebellion itself; and the establishment of independence counselled hesitation and postponement. But insistence became more and more clamorous. The thousands of refugees from the revolted colonies had been accustomed to popularly elected Assemblies. And in the British colonies of Nova Scotia, New Brunswick and Newfoundland they already existed. At the end of twenty-five years concession of a legislature appeared to be unavoidable.

But what, in view of the experience in the revolted colonies, would be the effect of establishing legislatures? Was there not some other form of government which, while sufficiently satisfying popular desire would preserve the paternal, rather than inaugurate the democratic system with its accompaniments? Elaborate study of these questions produced, in the Memorandum above referred to, the replies of the Colonial Office:

> It is certainly very material to examine the constitution of our former Colonies with a view to this Question; in order that we may profit by our experience there, and avoid, if possible in the Government of Canada, those defects which hastened the independence of our antient possessions in America.

Among the defects was the fact that:

> The situation of those Colonies, removed them from the seat and residence of the Royal Authority. Whatever effect arises, here, from the immediate presence of the Sovereign, or from the influence of His Court, was therefore, necessarily lost, at so great a distance from the Mother Country.

* Some of the sections of the Statute of Westminster do not apply to Australia, New Zealand or Newfoundland "unless that section is adopted by the Parliament of the Dominion."

[1] Shortt & Doughty, *Constitutional Documents*, vol. II, pp. 970-87. "In 1782, the affairs of the Colonies devolved on the Home Department, being in the charge of a separate branch of that Department, called the Office for Plantations, and being at first managed by a separate Under-Secretary": Audet, *Canadian Historical Dates and Events*, 1492-1915, p. 39.

Another defect was the absence of an aristocracy:

To the want of an intermediate Power to operate as a check, both on the misconduct of Governors, and on the democratical Spirit, which prevailed in the Assemblies, the defection of the American Provinces, may perhaps, be more justly ascribed, than to any other general cause which can be assigned. And there seems to be no one point of more consequence, in this view, than the labouring to establish, in the remaining provinces, a respectable Aristocracy, as a support and safeguard to the Monarchy, removed, as it is, at so great a distance, and on that account, so much less powerful, in its weight and influence upon the people at large.

A third defect was the absence of the old-time method of purchasing support:

In addition to these considerations, the power of conferring honours, and emoluments, enables the Sovereign, in this country, to animate the exertions of individuals, and to secure their attachment to the existing form of Government, by all the fair objects, of just, and honourable ambition. The case was widely different in the Colonies. The rewards of the Crown were few; they were such, as conferred little distinction; and they were, perhaps sometimes bestowed, with a very small degree of attention to the principle, which has here been stated.

Discussion of these and other defects was accompanied by the following (Italics now added):

But in forming a decision on points of so much importance, and extent, it is undoubtedly material, that they should be examined, in a more enlarged, and general point of view, and that it should be considered, by what means the connection, and dependance of Canada, on this Country, may be so preserved and cultivated, as to be render'd most beneficial to Great Britain, during its continuance, and most permanent in its duration.

In this view, a doubt may naturally suggest itself both from an opinion, which seems to be pretty generally received, and from an observation of the late events in America, whether the degree of freedom, which, the measure now proposed would give to the Canadians, is not inconsistent with the existence of a dependant Government.

*It may perhaps, be justly doubted, whether any form of Administration which could now be established, would prevent the separation of so great, and distant a dominion, after it should have arrived at a certain point of extension, and improvement. But the real question now to be decided is, what system is best calculated to remove this event to a distant period and to render the connection, in the interval, advantageous to the Mother Country without oppression or injury to the Colony?*

The Establishment of a separate and local Legislature in a distant province, under any form or model which can be adopted for the purpose, leads so evidently to habitual Notions of a distinct interest, and to the existence of a virtual independence as to many of the most important points of Government, that *it seems naturally to prepare the way of an entire separation, whenever other circumstances shall bring it forward.*

THE ROUNDS.—Out of their experience, the gentlemen of the Colonial Office might well forecast the dénoument, but they were

powerless to foresee the contentious incidents which were to mark the development of the story. Let us give them a hasty glance.

Unbroken successes in its House enabled the Assembly of Lower Canada to win the first round. By refusing supplies on fifteen occasions, the Assembly secured control of the purse.

Governor Sir Francis Bond Head of Upper Canada won the second round. He took (19 February 1836) Robert Baldwin and Dr. Rolfe, two leading reformers, into the Executive Council; at the end of two weeks he accepted their resignation; carried them to a general election; and defeated them.

The British parliament won the third round by abolishing the Lower Canadian legislature.

Robert Baldwin won the fourth round by constraining Governor Sydenham (3 September 1841) to concur in a resolution of the Assembly of the Province of Canada declaratory of the principle of responsible government.

Louis Lafontaine and Robert Baldwin won the fifth round by constraining Governor Bagot (16 September 1842) to make practical application of the principle of responsible government.

Governor Metcalfe won the sixth round by accepting the resignation of the Lafontaine-Baldwin administration; by carrying them to a general election; and by defeating them—November 1844.

John A. Macdonald and Alexander T. Galt won the seventh round (25 October 1859) by establishing Canada's right to frame her own tariff.

By successfully opposing Canada's assumption of the title *The Kingdom of Canada* (1867), Lord Derby won the eighth round.

Edward Blake won the ninth round (October 1878) by his success in eliminating many points from the accustomed form of the Instructions to the Governor-General.

The Laurier government won the tenth round by securing the attachment to a trade treaty with France the signatures of two Canadian representatives, in addition to the signature of the British Ambassador—10 September 1907.

With the commencement of the war of 1914-18, the rounds may be said to have ceased. Further constitutional advances, although sometimes met with hesitation, were upon the whole, complacently concurred in, and, to an appreciable extent, generously furthered by the various British governments.[2] One hundred and forty years

[2] There was some opposition from such experts as Sir J. A. R. Marriott, Mr. J. H. Morgan and others. In the opinion of *The Times*, the Statute of Westminster was "an unnecessary bit of pedantry."

ago, British statesmen regretted the prospect. To-day, we are glad to know that they do not regret the realization. On the contrary they have helped us to reach it.

Passing the Balfour-born assertion (1926 Conference) of equality of status, and inequality of function—equality when you are standing still and inequality when you are doing something—a curious jumble (only Balfour could have produced it) of very bad law and very fine compliment; and adopting the usual tripartite division of government into administrative, legislative and judicial functions, note the following points:

*Administrative Functions.*—All the defects in Canada's constitutional status which could be cured administratively were from time to time remedied as follows:

1. The British North America Act gave the British government control over the legislative activity of the Dominion parliament (1) by disallowance, and (2) by reservation. Many years ago, by convention, that power ceased to exist. The Imperial Conference of 1929 (section 2(3)) declared that:

> The present constitutional position is that the power of disallowance can no longer be exercised in relation to Dominion legislation. Accordingly those Dominions who possess the power to amend their Constitutions in this respect can, by following the prescribed procedure, abolish the legal power of disallowance if they so desire. In the case of those Dominions who do not possess this power, it would be in accordance with constitutional practice that, if so requested by the Dominion concerned, the Government of the United Kingdom should ask Parliament to pass the necessary legislation.

32. Applying the principles laid down in the Imperial Conference Report of 1926, it is established first that the power of discretionary reservation if exercised at all can only be exercised in accordance with the constitutional practice in the Dominion governing the exercise of the powers of the Governor-General; secondly, that His Majesty's Government in the United Kingdom will not advise His Majesty the King to give the Governor-General any instructions to reserve Bills presented to him for assent; and thirdly, as regards the signification of the King's pleasure concerning a reserved Bill, that it would not be in accordance with constitutional practice for advice to be tendered to His Majesty by His Majesty's Government in the United Kingdom against the views of the Government of the Dominion concerned.

As regards Dominions that need the co-operation of the Parliament of the United Kingdom in order to amend the provisions in their Constitutions relating to reservation, we desire to place on record our opinion that it would be in accordance with constitutional practice that if so requested by the Dominion concerned, the Government of the United Kingdom should ask Parliament to pass the necessary legislation.

2. On 28 June, 1919, the peace treaty was signed by representatives of Canada. And Canada became a member of the League of Nations on a footing of equality with many sovereign states.

3. On 10 May, 1920, it was announced that Canada had received power to appoint a diplomatic representative of the King in Washington. The appointment was made. Afterwards other Canadian diplomatic representatives were sent to Paris and Tokyo. The Report of the Conference of 1930 (page 28) contained the following:

> In considering this aspect of the matter, the Conference have taken note of the development since the Imperial Confrence of 1926 of the system of appointment of diplomatic representatives of His Majesty representing in foreign countries the interests of different Members of the British Commonwealth. They feel that such appointments furnish a most valuable opportunity for the interchange of information, not only between the representatives themselves but also between the respective Governments.

4. On 2 March, 1923, a treaty with the United States was signed by a representative appointed on the advice of the Canadian government, without the addition of the signature of any British representative. The practice was homologated by the Imperial Conferences of 1923, 1926 and 1930. The Conference of 1926 contained the following:

> In the case of a treaty applying to only one part of the Empire it should be stated to be made by the King on behalf of that part. . . . The plenipotentiaries for the various British units should have full powers, issued in each case by the King on the advice of the Government concerned, indicating and corresponding to the part of the Empire for which they are to sign.

5. All administrative association between Canada and the United Kingdom was terminated by the Imperial Conference of 1926. It provided as follows:

> In our opinion it is an essential consequence of the equality of status existing among the members of the British Commonwealth of Nations that the Governor-General of a Dominion is the representative of the Crown, holding in all essential respects the same position in relation to the administration of public affairs in the Dominion as is held by His Majesty the King in Great Britain, and that he is not the representative or agent of His Majesty's Government in Great Britain or of any Department of that Government.

To this the Conference of 1930 added the following:

> Having considered the question of the procedure to be observed in the appointment of a Governor-General of a Dominion in the light of the alteration in his position resulting from the Resolutions of the Imperial Conference of 1926, the Conference came to the conclusion that the following statements in regard thereto would seem to flow naturally from the new position of the Governor-General as representative of His Majesty only.

1. The parties interested in the appointment of a Governor-General of a Dominion are His Majesty the King, whose representative he is, and the Dominion concerned.

2. The constitutional practice that His Majesty acts on the advice of responsible Ministers applies also in this instance.

3. The Ministers who tender, and are responsible for such advice are His Majesty's Ministers in the Dominion concerned.

4. The Ministers concerned tender their formal advice after informal consultation with His Majesty.

5. The channel of communication between His Majesty and the Government of any Dominion is a matter solely concerning His Majesty and such Government. His Majesty's Government in the United Kingdom have expressed their willingness to continue to act in relation to any of His Majesty's Governments in any manner in which that Government may desire.

6. The manner in which the instrument containing the Governor-General's appointment should reflect the principles set forth above is a matter in regard to which His Majesty is advised by His Ministers in the Dominion concerned.[3]

It is satisfactory to add not only that an Australian has been appointed Governor-General of Australia, but that the first sentence of his commission reads as follows:

His Majesty the King, on the recommendation of the Rt. Hon. J. H. Scullin, Prime Minister of Australia, *etc.*

6. Dealing with the question of advice to the King, the Imperial Conference of 1923 contained the following:

The full power issued by the King authorizing a recipient to sign a treaty on behalf of any particular part of the Empire is issued on the advice of the government responsible for that part.

It was contended nevertheless that not only must the document be presented to the King for signature by a British minister but that in so doing he was not acting mechanically; he was not "a mere post-box"; he had a right to present his own opinion "for which he can be held responsible to parliament." Thanks to the Irish Free State, that qualification (if it really existed) has been eliminated. In March, 1931, the following communiqué was sent to the newspapers:

The visit of the Minister for External Affairs to His Majesty the King at Buckingham Palace on the 19th of March was concerned with constitutional matters of the highest importance—namely the new procedure to be adopted by the Government of the Irish Free State in tendering advice to the King and the execution of certain documents having an international character.

It will be recalled that the report of the Imperial Conference of 1926 recorded the fact that the Governor-General holds 'in all essential respects

[3] The Prime Minister of Australia having in some public announcements as to the appointment of a Governor-General ignored the constitutional position of the King, it was deemed advisable to formulate the above provisions.

the same position in relation to the administration of public affairs in the Dominion as is held by His Majesty in Great Britain, and that he is not the representative or agent of His Majesty's Government in Great Britain or of any department of that Government.'

In matters of internal administration—for example, the function of assenting to bills of Parliament, etc.—advice is tendered by the Saorstat Government to the Governor-General, who, on that advice, signifies the assent of the King.

In matters relating to external administration—namely, the issue of full power to negotiate and conclude international treaties, and the ratification of such treaties—the practice has been to tender advice to the King through the Secretary of State for the Dominions in London. The advice so tendered was solely and exclusively the advice of the Saorstat Government, but it was tendered through the channel referred to.

The fact that that channel of communication with His Majesty was used in matters of external administration, and also the fact that the document issued by the King containing either full power to a plenipotentiary to negotiate and conclude a treaty or the King's ratification of a treaty, was sealed with the Great Seal of the Realm, a purely British Seal, gave rise to considerable confusion in the minds of foreign Governments and of eminent international lawyers in other countries as to the precise constitutional status of the Irish Free State, and of its responsibility in international law for the transactions concluded.

In order to remove this confusion the Saorstat Government expressed the view that the channel of communication heretofore used between the Governments of the States of the Commonwealth and the King should be discontinued. It was urged by them that advice tendered to the King should be communicated direct to him, and not through the channel of any British Minister.

It was also their view that the seal to be used by the King on a particular document of the kind referred to should be a seal struck, kept and released by the Government of the Irish Free State, on whose advice the document was issued by the King.

The arrangement now made is that the Government of the Irish Free State will advise His Majesty direct, and that the channel of communication heretofore used, namely, the Secretary of State for the Dominions, will no longer be used. In addition, a seal will be struck in the Irish Free State to be used on all documents of the kind referred to issued by the King on the advice of the Government of the Irish Free State and on which the Great Seal of the Realm has been used heretofore.

The new Seal will be the property of the Irish Free State, and will be struck, kept, and controlled in the Irish Free State.

A Signet Seal will also be struck, and will be affixed by the Minister for External Affairs on all documents relating to the Irish Free State issued by His Majesty on the advice of the Government of the Irish Free State other than those on which the Great Seal of the Realm has heretofore been used. . . .[4]

[4] Elliott, *The New British Empire*, pp. 509-10. See *Round Table*, June, 1931, and Prof. McKay in *Current History*, September, 1931.

Canada already has a Great Seal. In the employment of it, we ought to follow the example of the Irish Free State.

*Judicial Functions.*—Imperial control over Colonial legislation had, in British practice, always been secured by the instructions issued to the governors, and could be terminated administratively—as above stated. Control by appeals to the Judicial Committee of the Privy Council over colonial interpretation of laws and other forms of litigation had been secured by two statutes of the British parliament. And the Colonial Laws Validity Act of 1865 had declared *ultra vires* any colonial statute repugnant to a British statute, order or regulation extending to the colony. The Imperial Conference of 1926 declared that:

> It was no part of the policy of His Majesty's Government in Great Britain that questions affecting judicial appeals should be determined otherwise than in accordance with the wishes of the part of the Empire primarily affected.

The Conference could do no more. The statutes remained to be dealt with by the Statute of Westminster, 1931.

*Legislative Functions.*—The defects in Canada's constitutional status based upon British legislation were, with one exception (constituent powers), removed by The Statute of Westminster, 1931. The bare power of the British parliament to legislate with reference to Canada was left undisturbed, but the exercise of control was effectively ended. The Statute provided as follows:

> 1. No act of Parliament of the United Kingdom passed after the commencement of this act shall extend, or be deemed to extend, to a Dominion as part of the law of that Dominion, unless it is expressly declared in that Act that that Dominion has requested, and consented to, the enactment thereof.
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> 2. The Colonial Laws Validity Act, 1865, shall not apply to any law made after the commencement of this Act by the Parliament of a Dominion.
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> 3. No law and no provision of any law made after the commencement of this Act by the Parliament of a Dominion shall be void or inoperative on the ground that it is repugnant to the law of England, or to the provisions of any existing or future Act of Parliament of the United Kingdom, or to any order, rule or regulation made under any such Act; and the powers of the Parliament of a Dominion shall include the power to repeal or amend any such Act, order, rule or regulation in so far as the same is part of the law of the Dominion.
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> 4. It is hereby declared and enacted that the Parliament of a Dominion has full power to make laws having extra-territorial operation.

A subsequent clause made the provision of the second and third of these clauses applicable to the Provinces of Canada. And by another clause, Canada's right to deal with British statutes was limited in the following manner:

Nothing in this Act shall be deemed to apply to the repeal, amendment or alteration of the British North America Acts, 1867 to 1930, or any order, rule or regulation made thereunder.

The Colonial Laws Validity Act having ceased to obstruct the exercise of Canada's legislative powers, appeals to the Privy Council may now be terminated. It was in view of the fact that we had not agreed amongst ourselves as to the manner which our constitution was to be amended that it was necessary that the existing method of amending it, namely by a British statute, should be continued. It will be observed however, that no British statute will, in future, apply to us unless it recites that it was passed at the request and with the consent of Canada.

*Effect of the Statute.*—The Report of the Conference of 1929 not merely presented drafts of the clauses which afterwards went into the Statute of Westminster, 1931, but recommended their inclusion, and indicated their effect as follows:

1. Referring to the recommendations with reference to the Colonial Laws Validity Act, and the limitation upon the power of the British parliament with reference to legislation applicable to a Dominion, the Report added the following:

57. If the above recommendations are adopted, the acquisition by the Parliaments of the Dominions of full legislative powers will follow as a necessary consequence.

58. By the removal of all such restrictions upon the legislative powers of the Parliaments of the Dominions and the consequent effective recognition of the equality of these Parliaments with the Parliament of the United Kingdom, the law will be brought into harmony with the root principle of equality governing the free association of the members of the British Commonwealth of Nations.

2. Referring to the recommendation with reference to merchant shipping the Report added as follows:

93. The new position will be that each Dominion will, amongst its other powers, have full and complete legislative authority over all ships while within its territorial waters or engaged in its coasting trade; and also over its own registered ships both intra-territorially and extra-territorially. Such extra-territorial legislation will, of course, operate subject to local laws while the ship is within another jurisdiction.

3. Referring to the recommendation with reference to Admiralty Courts the Report added as follows:

As soon as the legislation necessary to give effect to these recommendations is passed, each Dominion will be free to repeal, if and when desired, the Colonial Courts of Admiralty Act, 1890, in so far as that Act relates to that Dominion, and may then establish Admiralty Courts under its own laws.

4. Referring to the future international standing of the Dominions, the Report declared as follows (Italics now added):

74. The status of the Dominions in international relations; the fact that the King, on the advice of his several Governments, assumes obligations and acquires rights by treaty on behalf of individual members of the Commonwealth; and the position of the members of the Commonwealth in the League of Nations, and in relation to the Permanent Court of International Justice, *do not merely involve the recognition of these communities as distinct juristic entities, but also compel recognition of a particular status of membership of those communities for legal and political purposes.*

Canada is a juristic entity—a legally constituted individuality. To that very satisfactory pronouncement may be added the statement of Mr. Bennett, the Canadian prime minister, who, when replying to an address as he landed at Halifax on 12 December last (1931) said that

The day of the centralized empire is passed. We no longer live in a political empire.

Before leaving his ship, Mr. Bennett had said to a group of newspaper reporters:

With the adoption of the Statute of Westminster the old political empire disappears.[5]

Mr. Bennett no doubt intended to refer to the exclusion of the Dominions from the Empire. There is still, of course, a British Empire, although Canada and others have ceased to be members of it. Those of us who have joyed in Canada's political development take as some recompense for their years of minority the following clause in the Report of the Conference of 1926:

The tendency towards equality of status was right and inevitable.

Inevitability was the forecast of the Colonial Office in 1789. The equality with the United Kingdom of the Dominions and their individuality are significantly noted in one of the recitals of the Statute of Westminster:

And whereas it is meet and proper to set out by way of preamble to this Act, that, inasmuch as the Crown is the symbol of the free association of the members of the British Commonwealth of Nations, and as they are

[5] *The Evening Citizen*, 12 December, 1931. The rest of the sentence did not qualify the words quoted. It was as follows: "and everywhere I went in the Old Land, I found the people looking forward to the conference in the belief that we will lay at Ottawa the foundations of a new economic Empire in which Canada is destined to play a part of ever-increasing importance." "Economic empire" is a new phrase and needs interpretation. A series of trade agreements (and that is all that is expected from the conference) would not merit such an appellation. There may, of course be an economic confederation. Compare, for example, the German Zollverein agreements of 1828 and following years.

united by a common allegiance to the Crown, it would be in accord with the established constitutional position of all the members of the Commonwealth in relation to one another that any alteration in the law touching the Succession to the Throne or the Royal Style and Titles shall hereafter require the assent as well of the Parliaments of all the Dominions as of the Parliament of the United Kingdom.[6]

Not even in matters peculiarly associated with imperial government is the United Kingdom to have any governing authority in respect of the Dominions.

*Mr. J. H. Thomas.*—When moving the second reading of the Bill which afterwards became the Statute of Westminster, Mr. J. H. Thomas, the Secretary of State for the Dominions said as follows:

This Bill is in one sense the most important and far reaching that has been presented to this House for several generations. (Hear, hear.) It marks the end of a long road which had its beginning when Parliamentary institutions were first established in the oversea Dominions of the Crown three centuries ago. It represents the culmination of a process of constitutional development which began long before the War, but the pace of which has been greatly quickened since the War. It is especially fitting that this Bill should be introduced under the auspices of a Government in which all parties are represented, seeing that it represents, in terms of law, the principle of equality of status between this country and the Dominions; a principle to which the leaders of each of the parties in the State have pledged themselves at successive Imperial Conferences (*The Times* (London), 21 November, 1931).

*Personal Union.*—Having ceased to be a member of the British Empire; having diplomatic relations with foreign countries and making from time to time treaties with them; having acquired a political status equal to that of the United Kingdom; being a juristic entity; having the same king as has the United Kingdom, and having relations with him similar to those which exist between him and the United Kingdom; and the absence of unaided constituent powers being a matter of legal form only, remediable as may at any time be desired—all that having been authoritatively stated, Canada's relationship to the United Kingdom has become that of a Personal Union. It is the same sort of union that existed between England and Scotland from 1603 to 1707, and between the United Kingdom and Hanover from 1714 to 1837.

The forecast of a hundred and forty-two years ago has been fulfilled.

[6] The Union of South Africa in passing a resolution confirming the report of 1929 added (22/26 May, 1930) the following words: "Provided that section 60 of the report [as above] shall not be taken as derogating from the rights of any member of the British Commonwealth of Nations to withdraw therefrom." See also the resolution of 14 April/8 May, 1931.

*A Canadian Constitution.*—Nevertheless there is a flaw in the constitutional position. Canada, Nova Scotia, and New Brunswick being in 1867 portions of the British Empire, and, desiring to be "federally united into one Dominion under the Crown of the United Kingdom of Great Britain and Ireland," it was fitting that they should have requested the British parliament to pass the necessary legislation. Because of fundamental constitutional changes subsequently introduced, partly by convention; partly by the Imperial Conferences of 1923, 1926 and 1930 and the Conference of 1929 on the "Operation of Dominion Legislation and Merchant Shipping Legislation"; and partly by the Statute of Westminster, 1931, the British North America Act has become in various respects inappropriate. In form and substance the constitution of a subordinate territory, it has become inapt by the change to equality of political status. The title "Dominion of Canada" denotes inequality. It ought to be as Sir John A. Macdonald desired in 1867, the "Kingdom of Canada." The chief executive official is a Governor-General acting under the instructions of the British government instead of a Viceroy acting under the instructions of the King. There are clauses, too, providing for the interference of the British government with the legislation of our parliament. And there is no way of making amendments as from time we may desire, except by supplication to the British parliament.

These and other considerations make clear that our constitution is not only inappropriate but anachronistic. If, as has been officially declared, by the passage of the Statute of Westminster, 1931, the law has been

> brought into harmony with the root principle of equality governing the free association of the members of the British Commonwealth of Nations.

by which is meant the United Kingdom, Australia and the others—it is indecorous and incongruous that the Canadian constitution should be a statute of a parliament of another country—should be anything but a document declared by ourselves. That is a matter which ought to be put in the way of consummation without unnecessary delay.

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