

Sir John A. Macdonald and the Constitution

Canada Day Unveiling of the Macdonald Statue

Picton, July 1, 2015

Justice Robert J Sharpe (OCA)

One hundred and forty eight years ago today, our nation was born when the Westminster Parliament enacted our founding constitution, the *British North America Act, 1867*.

Our country almost certainly would never have been created were it not for the imagination, courage and determination of the man we celebrate today with the unveiling of this statue. From his humble beginnings as a young lawyer here in Prince Edward County, he emerged as an artful statesman. He was, in the words of Richard Gwynn's biography, our "*Nation Maker*" - "*The Man Who Made Us*".

Sir John A considered himself to be a pragmatic politician, a man who said "I am satisfied to confine myself to practical things" rather than "imaginary schemes" or "visionary utopian ideas". But we know that despite his protestations to the contrary, he did have a dream and a vision - of a strong, united, northern nation that would one day stretch from the Atlantic to the Pacific Ocean, from the Great Lakes to the Arctic.

Our 1867 Constitution bears the marks of Sir John A's combination of pragmatism and vision. You will search in vain for the grand language of the founding documents of our neighbours to the south. Their Declaration of Independence proclaims the inalienable rights of "life, liberty and the pursuit of happiness" while our Constitution, with typical Canadian reserve, aspires more modestly to "peace, order and good government." Our 1867 Constitution bore the marks of the compromises and accommodations that Sir John A Macdonald so skillfully forged to unite into one nation the disparate colonies of British North America that felt threatened in the aftermath of the American civil war.

Yet if we read only a little bit between the lines, we can discern our first Prime Minister's vision for our great country. Our 1867 Constitution proclaims that we are to have "a constitution similar in principle to that of the United Kingdom" and its words and structure binds us to the great tradition of parliamentary democracy of which we remain so proud today. It is a tradition in which Sir John A. flourished. It is the tradition of democratic government, respect for the rule of law, and a firm commitment that all citizens be treated equally with fairness, dignity and respect.

The Constitution Sir John A gave us created a federal state in which our provinces retain significant powers to allow their distinctive differences to flourish. As Sir John A urged the delegates at the 1864 Quebec Conference: "Let us be English or let us be French... but above all let us be Canadians". Federalism was a compromise. Sir John A knew that he could only go so far to unite us. But Sir John

A's federalism also contains a grand vision - the capacity of different people to come together in a common cause and at the same time agree to respect their differences. That is how we were made and it is who we are today – a united people who have come from every corner of the earth committed to tolerance and respect for the different cultures and traditions of our fellow citizens.

Now today, we are painfully aware that our 1867 Constitution was far from perfect. In particular, we realize that from our founding to the present day we have failed to accord our aboriginal brothers and sisters the place and the respect they deserve as the first Canadians. Some of the things said and done by Sir John A Macdonald were certainly part of that problem. But as a wise judge has said “It is the nature or injustice that we may not always see it in our own times.” Today we acknowledge past wrongs but we must focus our attention on ensuring that the positive side of Sir John A Macdonald's constitutional vision becomes a reality for all.

It is a vision of a great and vibrant nation, free and democratic, and fully committed to embracing all those who have come to this land from ancient to more recent times to live together in peace and harmony. This is the Canada Sir John A Macdonald imagined, this is the Canada he created, and this is the Canada to which we all continue to aspire.