

federation Act recites that the Provinces have expressed their desire to be federally united into one Dominion under the Crown of the United Kingdom of Great Britain and Ireland, with a constitution similar in principle to that of the United Kingdom. This preamble is distinctly declaratory of the status intended by the Act to be accredited to the Canadian people. The Governor-General's commission and instructions were subsequently revised in a series of conferences between the Imperial and Dominion Secretaries of State. Every former clause has been carefully erased, which would have been inconsistent with the construction of the Act, according to the foregoing preamble. Todd, *Parliamentary Government*, Second Edition, page 119.

Todd, *Parliamentary Government of the British Colonies*: Second Edition, pages 182-3.

In 1874, a bill was passed by both houses of the Parliament of Canada, entitled, "an Act to regulate the construction and maintenance of marine electric telegraphs." In conformity with the seventh paragraph of the Royal instructions, and upon the advice of the Minister of Justice, His Excellency the Governor-General reserved this bill for the signification of Her Majesty's pleasure.

Numerous representations were made to Her Majesty's Secretary of State for the Colonies, both for and against the confirmation of this bill.

He had, therefore, decided to tender no advice to Her Majesty respecting it.

He added that, "it seems to me to be clearly within the competency of the Dominion Government and Par-

liament to legislate" upon this subject, "without any interference on the part of the Government of this country." It being a local question, "involving no points, in respect of which it would appear necessary that Imperial interests should be guarded, or the relations of the Dominion with other colonial or foreign governments controlled. It is obvious that if the intervention of Her Majesty's government were liable to be invoked whenever Canadian legislation on local questions affect, or is alleged to affect, the property of absent persons, the measure of self-government conceded to the Dominion might be reduced within very narrow limits. It is to the Dominion Government and Legislature that persons concerned in the legislation of Canada on domestic subjects, and its results, must have recourse; and this Government cannot attempt to decide upon the details of such legislation without incurring the risk of those complications which are consequent upon a confusion of authority."

There is no line in the Confederation Act which indubitably reserves, or grants, to the Imperial Parliament the power of amending, repealing, or overruling the provisions of that Act, although there is a second dubious phrase which seems to restrain the Act of the Canadian Parliament, and which will be referred to hereafter. In the absence of the clearest of reservation or claim, on what principle can such a demission of the rights of Canadian subjects be presumed? it can only be on the assumption of a pre-existing and continuing eminent legislative domain, inherent, for some