tional writers, 'general sovereignty,' in all matters but those in which it is expressly excluded, or in which, from the inherent condition of a dependency, it is necessarily and impliedly restricted." And this last restriction seems to be illustrated by the report of Sir John Macdonald, as Minister of Justice, dated August 25th, 1873, and duly approved of in Council, wherein he expressed the view that the powers of the Dominion Parliament itself did not extend to authorizing the extradition or removal of any insane or other person out of the Dominion, but that for such a purpose an Act of the Imperial Parliament must be passed (*x*).

To return to our leading proposition, it indicates two important respects in which our constitution differs from that of the United States. In the first place, and subject, of course, to such necessary restrictions as have just been referred to, it was intended by the British North America Act, in the words of Henry, J., in *Valin* v. *Langlois* (1879), (*y*): "To leave no subject requiring legislation unprovided for: and that in the powers given all should be included; and, in the distribution, either Parliament or the Local Legislatures should deal with every subject" (*z*). Now, the Constitution of the United States differs in this respect. There, there is a residuum of powers neither granted to the Union nor continued to the States, but reserved to the people, who, however, can put them in force only by the difficult process of amending the Constitution (*a*). And, in *The Queen* v. *The Mayor, etc., of Fredericton* (1879), (*b*). Palmer, J., alludes to this distinction, saying: "It is to be borne in mind that the great fundamental difference between the American idea of legislative power and the British is that the American is based upon the idea that all such power was in the people alone, and no American Legislature has any power to legislate at all, except what is given to them by the people in convention, and expressed in their written constitution: and the people have reserved to themselves a great part of that power, so that many laws no Legislature in that country has power to pass. Whereas by the British Constitution no legislative power exists in the people alone at all, but such wholly exists in . . the Queen, Lords, and Commons, and the . . concurrence of these three bodies, and these alone, can express the supreme will of the nation, and there is no limit to their power of legislation. . . Therefore, I think it is an important question to every Canadian desirous of the well-being of his country whether any and what part of those principles have been secured to him by the B.N.A. Act. And if the enacting parts of that Act have left the question doubtful, I think the recital in the preamble, that the Act was passed to carry out an expressed wish of the Legislatures of the different Provinces of Canada that they should be federally united, etc., with a constitution similar in principle to that of the United Kingdom,

(*x*) Hodgins' Reports of Ministers of Justice, Vol. 1, p. 78.

(*y*) 3 S.C.R. at p. 65; 1 Cart. at p. 201.

(*z*) Other authorities for this proposition may be found in *City of Fredericton* v. *The Queen* (1880), 3 S.C.R. 505, 2 Cart. 27; per Ritchie, C.J., 2 Cart. at p. 54; per Taschereau, *ib.* at p 51; per Gwynne, J., *ib.* at p. 61; and per Gwynne, J., again, in *Attorney-General* v. *Mercer* (1881), 5 S.C.R. at p. 701, 3 Cart. at p. 77.

(*a*) Bryce's American Commonwealth, Vol. 1, pp. 307-8.

(*b*) 3 Pugs. & B. at p. 143, *seq.*