4. Again, no analysis of the contrast between the British and American Constitution would be complete without calling attention to the fact that owing to the *unwritten* and *written* character, respectively, a great difference exists in the scope allowed the legislative bodies of the two nations. It may be said with perfect truth that the British Parliament is practically unlimited in its power to legislate—that no restrictions of a constitutional character can be placed on its action—in the legislative sphere it is omnipotent. It was said by an eminent British statesman that "Parliament could do anything, except make man a woman, or woman a man." That is, there is no power over and beyond Parliament controlling its action, it is sovereign; and therefore it can do nothing illegal or unconstitutional in the strict sense of the term. There can be no *ultra vires* legislation by the British Parliament—there is no court, no higher authority that can render null and void its legislative action. Of course, a subsequent Parliament may, instructed by popular opinion, reverse the actions of its predecessors; but so long as the legislation is on the Statute Book it is legal. Very different is the situation of the various legislative bodies of the United States, from the Federal Congress to the smallest State Legislature. The Constitution of the United States being a written one, its powers and those of the various States of the Union, are very largely exercised within definite limits. The Constitution being a form of contract between the United States as a whole, and the individual States composing the Union, neither party to the contract can legislate beyond certain bounds. The States have legal and constitutional rights against the Union, and the Union has legal and constitutional rights against the States, while the people have constitutional rights against both. Consequently, should the Federal Congress and the State Legislatures exceed their legal constitutional bounds, the courts can be appealed to, and they have the power to decide whether the objectionable legislation is *ultra vires* or not. And this power of declaring legislation to be unconstitutional, or *ultra vires*, is a power frequently exercised, especially by the Supreme Court of the United States, a body, which, by its numerous and important decisions, has done more than any other agency to settle the meaning of disputed clauses of the Constitution.

If now we compare the power of our Canadian legislative bodies to make laws with these two systems, we find that like the American Legislatures, the Dominion Parliament and the Provincial Legislatures are limited to enacting laws within the sphere of a written Constitution. The British North America Act defines the powers of the Dominion Parliament in its relation to the Provincial Legislatures, and the powers of the Provincial Legislatures in their relation to the Dominion Parliament. Both Dominion Parliament and Provincial Legislatures are unrestricted within their own spheres—outside of these spheres legislative action is unconstitutional, and can be so declared by the courts. The task of passing a judgment on the validity of Dominion or Provincial legislation is generally left to the Supreme Court of Canada, or to the highest Court of Appeal—the Judicial Committee of the Privy Council. Unlike the American people, we have no court within our own borders which has power to finally declare an Act *ultra vires* or not.

This peculiarity in our legislative condition is partly due to the Federal system of government we have adopted, and partly to our dependent political status. As Federal Constitution renders necessary a division and dis-