

and dehatable, a tide of imperial influence which ebbs and flows from day to day, and is subject to the high and neap tides of imperial sentiment.

Notwithstanding, however, the important differences between the written constitution of Canada and the unwritten constitution of the mother country, and the very considerable differences in the customs and usages of the constitution, due to different historical and local conditions, the relations between the legislative and executive functions are very similar in both countries.

To understand the present situation of the Canadian government, one must trace it, in outline at least, from that condition of autocracy whereunder all the factors of government, the legislative, executive and judicial, were combined in one sovereign authority imposed upon the colony from without, through the gradual concession of powers and privileges, under a constitutional government of checks and balances, to the final introduction of responsible parliamentary government in domestic affairs, wherein the system of checks and balances was abandoned, as regards the relations between the legislative and executive branches, and a government of men rather than of over-riding laws was established.

Canada, under the French régime, was a pure autocracy, built on a substratum of feudal institutions and customs imported from France, and which furnished the foundations of that colonial system upon which the French kings and their representatives in the colony might freely innovate. Laws were made and repealed in a very arbitrary fashion as the colony was administered. This naturally led to many inconsistencies and conflicts in law and authority. But the unlimited right of innovation and interference which brought about these difficulties was equally available for their adjustment, even though this involved the creating of new difficulties.

After the conquest and treaty of 1763, a British autocracy, with equal powers but more restrained in their execution, succeeded. Soon finding, however, that the French colonial system gave the British authorities more control than their own system, and with an eye to the increasing difficulties with the English