

declare any Act of either the Dominion or a Provincial Parliament *ultra vires* of the enacting legislature, subject to appeal to the Supreme Court of the Dominion or the Judicial Committee of the Privy Council. But however it may be in the future, the practice of interpretation has been anything but uniform in the past. This is due in part to changes in the *personnel* of the courts, but in part also to vagueness in the British North America Act itself, which is a contrast to the United States Constitution in this respect.

The chief point of similarity between the Constitution of Canada and that of the United States is, of course, the federal form of each, and it is to this that Mr. Dicey, in the above remarks, refers. It is difficult to state briefly the essentials of federalism, but Mr. Freeman, in his "History of Federal Government," (p. 2) has given a very fair description of a typical political federation :

The name of Federal Government may, in this wide sense, be applied to any union of component members, where the degree of union between the members surpasses that of mere alliance, however intimate, and where the degree of independence possessed by each member surpasses anything which can fairly come under the head of merely municipal freedom. . . . Two requisites seem necessary to constitute a Federal Government in this its most perfect form. On the one hand, each of the members of the union must be wholly independent in those matters which concern each member only. On the other hand, all must be subject to a common form in those matters which concern the whole body of members collectively. . . . Each member is perfectly independent within its own sphere ; but there is another sphere in which its independence, or rather its separate resistance, vanishes. It is invested with every right of sovereignty on one class of subjects, but there is another class of subjects on which it is as incapable of separate political action as any province or city of a monarchy or of an indivisible republic. . . . A Federal Union, in short, will form one state in relation to other powers, but many states as regards its internal administration. This complete division of sovereignty we may look upon as essential to the absolute perfection of the federal ideal.

The Constitution of Canada conforms as perfectly to this