

been given effect, and the legal decisions by which it has been interpreted. In England, which has no written constitution, all we need study are the Acts of Parliament relating to the subject, and the legal decisions interpreting them. Great as the differences are, the frame of mind in which the constitutional lawyer approaches a question is in Canada, the States, and England, very much the same : in each he must have regard to certain documents and cannot go behind them. He has no right, as a constitutional lawyer, to introduce either political or moral considerations. Imagine, for instance, that the constitutionality of the law passed in some of the Southern States forbidding anyone to teach a negro to read, had been in question before a United States court : all that the lawyers would have had any right to consider would be whether the education of negroes was one of the matters reserved to the United States Congress by the "constitution" ; and whether, supposing it was not, the state enactment had been passed according to the forms laid down in the Virginian "constitution." Precisely the same is true of England, save that there Acts of Parliament take the place of a written constitution. If, for instance, Parliament, meaning of course thereby the Queen, Lords, and Commons, and not the Commons alone, were to pass an Act conferring the franchise upon all persons above the age of fifteen : the Judges would refuse to listen to any argument as to the wisdom or unwisdom of such a measure : counsel could only argue that the statute did not mean what it was alleged to mean : not that, granting it to mean so and so, it was foolish or immoral.

Owing to the character of the political system of the United States, constitutional law, as I have thus defined it, has obtained an importance vastly greater than in any other country. With the growth of new provinces in the Canadian Dominion, and the increasing complexity of modern life, constitutional law will come to occupy a