

Act, Mr. Dicey has designated as "official mendacity"⁽ⁿ⁾, or at all events "diplomatic inaccuracy"^(o). He maintains that in its essential features the Constitution of Canada is modelled on that of the United States, and that if we look at its federal character "we must inevitably regard it as a copy, though by no means a servile copy of the Constitution of the United States"^(p), although he admits, of course, that in respect to our system of parliamentary Cabinet government we follow England, and in no wise imitate the presidential government of America. But, despite the authority of Professor Dicey as a constitutional writer, I nevertheless venture to think that, quite apart from Cabinet government, if we look into the matter with a little minuteness, it is impossible to concede that the Canadian polity can with fairness and accuracy be called in any sense a copy of the Constitution of the United States. Perhaps I may be allowed to repeat here more briefly what I have stated elsewhere more at large on this subject^(q).

It is, of course, perfectly true that the British North America Act has like the Constitution of the United States, federally united several communities before the Union having separate governments and separate parliaments; but when we examine its scheme and methods for attaining this end, we see many and fundamental divergencies from American ideas and institutions, in which the founders of confederation faithfully followed by preference, and with much ingenuity, principles of the British Constitution. We can only deal very briefly with the matter here, but one of the points of contrast in which the Constitution of Canada follows English analogy and not American, is in the unfettered character of her legislatures. They have not been put into "straight jackets" as American legislatures are, to quote an expression of a recent writer. Even the legislative

(n) Law of the Constitution, 3rd ed., p. 155; also Article on Federal Government in *Law Quarterly Rev.*, Vol. 1, p. 93.

(o) Law of the Constitution, 6th ed., p. 161.

(p) *Ibid.*, 5th ed., p. 157.

(q) Legislative Power in Canada, Introductory Chapter.