THE CHANCERY LAWYERS

VERSUS

THE CONSTITUTION.

The British North America Act of 1867 united, presently and prospectively, all British North America under one system or constitution of government. The general outlines and principles of the system, and the distribution and limitation of both legislative and executive powers, are set forth in the Act itself. This "supreme law" repealed or superseded *proprio vigore* all previous acts, laws, and constitutions of government inconsistent with, or repugnant to its provisions. It is binding upon all estates, authorities, and persons within the Dominion of Canada, and especially upon those authorities, legislative and administrative, which are created by it. In a word, it is our written constitution, and every contravention or violation of its provisions is a breach of the fundamental law, and an infringement upon the rights of the people. The Organic law in all countries and in all ages, has been regarded as of higher authority than ordinary acts of legislation. In the old Greek democracies it was a criminal offence even to propose any measure in contravention of it. Lord Brougham in his review of Athenian polity, says:—"It was criminal to bring forward any decree or any legislative measure which was contrary to the existing laws. The first step to be taken was propounding a direct repeal. This of itself was a great security," and if "a person propounded a total repeal of the old law, he was compelled to substitute another in its place, and if this was not beneficial to the nation, he was liable to be prosecuted at any time within a year, although the people and the senate should have sanctioned his proposition and passed the law." The Locrians, a ruder people than the Athenians, and according to Gibbon, equally averse from frequent or sudden changes, compelled "the proposer of any new law to stand forth in the assembly of the people with a cord round his neck, and if the law was rejected, the innovator was instantly strangled!" In modern republics the Organic law is protected by less truculent and probably more effective safeguards. No change can be carried by surprise. The concurrence of numerous deliberative assemblies, or of a considerable majority of the people upon a direct appeal, is required before the proposed change can take effect. In our case the supreme power of the empire is in "Parliament." It makes constitutions for Provinces and Colonies, and therefore it only can unmake or alter them.

A "ring" of Chancery lawyers, in Ontario, having first conspired with certain other "rings," composed of applicants for grants of public money and property, seized the reins of government in 1871, and secured control of the legislature. They immediately reconstituted the Courts to suit their own personal and family interests. They degraded our most eminent judges, and weakened public confidence in the administration of justice by subjecting their decisions to review and reversal by men who had never occupied the judgement seat, were scarcely known at the bar, and not to be compared for a moment in respect of the qualities and attainments required on the bench, with the learned, upright and experienced judges over whose heads these men were insultingly and subversively placed. The retention of the venerable ex-Chief Justice of the Queen's Bench as president of the new court, might be put to the credit of the "ring," if they had not confessed that his great age and long service must soon lead to his retirement and thus enable them to complete their domestic arrangements.