

Gladstone voiced the recognition of the change of policy when he said in the House of Commons seven days before the passage of the B.N.A. Act, "We have for a full quarter of a century acknowledged absolutely the right of self-government in the colonies" (*n*). Surely these words were evoked by his sense of the meaning of the British North America Act, but then on the eve of passage in the same chamber in which Gladstone's voice was heard.

Assuming, then, this to be the spirit animating the British Parliament, what language did they use to give effect to their intention? "Exclusive" was a word not unfamiliar to the ears of English statesmen. They had already made use of it in their dealings relating to the legislative independence of Ireland. A resolution unanimously passed on 22nd January, 1783, in the English House of Commons, dealing with the "exclusive" rights of the new Irish Parliament, was interpreted by the great Edmund Burke, on the 19th May, 1785, to signify that "To Ireland independence of legislature had been given; she was now a co-ordinate though less powerful state."

It must not be thought that the word was used in our Act carelessly and without consideration. It is well known that all its provisions were as carefully discussed and considered as if it had been a compact between independent nationalities (*o*). Nor can it be said that a less degree of independence was to be granted to Canada. Is it conceivable that less was to be conceded to the loyalty of Canada than to the aggressiveness of Ireland? Was a less generous spirit actuating the British Parliament when driven by expediency than when moved by the loyal aspirations of the first colony in the Empire? It has been asserted frequently, and with a great deal of truth, that England never grants any reform unless forced by expediency; but if ever there was a time when she deferred to the dictates of her heart, it was in the grant of a Constitution to her great self-governing colony, Canada.

The right asserted by the English authorities in copyright matters is a right to deal with the internal legislation of a colony—a right that was declared by Lord Abingdon to be one that England never had; but, in the face of this declaration; in the face

(*n*) March 22nd, 1867—Hansard, vol. 186, p. 753.

(*o*) Crooks, Q.C., *arguendo*, in *Reg. v. Col. P. & S.* 1 Cart. at p. 767.