

There are, it will be observed, comparatively few documents falling within the first three divisions of the classification given above, the reason being that the passing of the Constitutional Act did away, to a large extent with the necessity for the intervention of the government of Great Britain in the affairs of the Provinces. It therefore follows that the greater part of the documents in this volume belong to either the fourth or sixth division outlined above.

The Act of 1791 gave the provincial Legislatures power to make certain changes in their own constitution. There will therefore be found statutes determining from time to time the electoral divisions of the provinces and regulating the election of members of the House of Assembly. Questions arose as to the eligibility of certain persons to be elected to the House of Assembly and accordingly statutes are found in each province relating to this subject, but chiefly in Lower Canada where jealousy of the Executive was more acute than in the western province. In Upper Canada, as already indicated, the functions of government were to some extent delegated by the legislature to local governing bodies and there is therefore a body of law relating to the formation and powers of municipal corporations. In this connection may be noted the appearance of a new kind of Constitutional Document closely akin to legislative enactment yet of a distinct character. When the courts of justice were called upon to interpret the constitution their judgments must be recognized as a source of constitutional history. The decision of the Court of King's Bench for the district of Quebec in the case of *Pierre Bédard* throws much light on the question of the privilege of members of the House of Assembly and on the exercise of the power of imprisonment conferred by the legislature on the Executive Council.

A new species of Constitutional record must also be admitted to the sixth class of documents. The proceedings of the House of Assembly in each province become of the utmost importance in connection with the constitutional struggles which have now passed into history. The claim of the House of Assembly to larger powers of control is set forth in various resolutions. The legislative Council, on the other hand, more closely allied by sentiment with the executive authority steadily upheld the existing system and in its resolutions the position it took is stoutly defended.

Wherever possible the original text has been followed in the documents published in this volume and the notation is the same as followed in the first volume. A new series of documents will be observed, designated, "Duplicate Despatches". This important series of documents acquired more recently consists of signed *copies* of the despatches from the Colonial Governors to the Secretary of State. The originals of these despatches are of course among the Colonial Records in London. The G. series to which frequent reference is made consists of the original despatches from the Colonial Secretary to the Governor or Lieutenant Governor of the Province, and is comparatively complete for the period covered by this volume. The documents copied from the G. series therefore are reproductions of original despatches, as are also the documents taken from the "Sundry Papers, Secretary of State." The minutes of the Executive Council of each Province are reproduced wherever possible from the original minute book of Council designated "State Books". Documents reproduced from the