

Flotsam and Jetsam.

THE ENGLISH VS. THE AMERICAN CONSTITUTION.

The CANADA LAW JOURNAL referring to a recent statement in *Law Notes* that the American Government, however imperfect, is the best the world has ever seen, says: "We who belong to the British Empire demur to the statement that it is the best constitution the world has ever seen. That should not, however, be laid to the charge of those who formulated it; they did the best they could at the time. The British constitution is the result of development for a thousand years or so, and ought to be, as it is, the best." The remark thus demurred to was aimed, not at our British cousins, but at the nations whence come those who seek to repay our hospitality by destroying our institutions. Having borrowed our common law and many of our other institutions from Britain, we are certainly estopped to criticise harshly her Governmental system. What our contemporary forgets, however, is that it was after about nine hundred of those thousand years of British development that men, chiefly of British birth or ancestry, took all that they deemed good of British institutions, and used it as the basis of the American constitution. Many of the archaic fragments which then clung to the ancient institutions of the British Isles, England herself has since discarded, until at the present time but two radical differences exist, elective as compared to hereditary sovereignty and a written as compared to a traditional constitution. In respect to the first of these England has in effect adopted the American system by relegating the King to the position of a highly respected figurehead, and vesting the real executive power in the Premier. Even with this done, the possibility of a strong and evil King coming to the throne argues in favor of the American system. Our written constitution certainly gives a fixity to personal rights which no mere tradition can insure, and the fact that it has been eighteen times amended shews that it is not too inflexible. This leaves us free to boast of the absence of an established church and a hereditary nobility, relics of the past, whose right to present existence few thoughtful Englishmen will maintain. But over and above these differences and such friendly argument as may be indulged in with respect to them, the fact remains that between the two great governments of Anglo-Saxon origin there should exist no contention "save that noble contention, or rather emulation, of who best can serve and best agree" in the evolution and establishment of a system of just law.—*Law Notes*.