

no oppression so unrighteous or so galling as that which is inspired by local trade interests possessing the ear of a Government.

Canada is not a Carthaginian factory. It is a country chiefly inhabited by the descendants of English colonists. It is a section of England beyond the seas. We are entitled to assume (unless the contrary proposition is established by indubitable authority) that inherently the rights of Canadian subjects of Her Majesty are precisely the same as those of Englishmen in England.

The ground taken by the able jurist and statesman whose recent loss Canada is at this moment deploring, cannot be receded from by any Canadian Government. On the contrary, the time seems to have come for asserting in more decisive and unqualified form the full rights possessed by Her Majesty's Canadian subjects.

Sir John Thompson, in his report to the Governor-in-Council on the Canadian Copyright Act of 1889, made some admissions which may be historically correct: "It has *never been claimed* that the powers of the parliament of Canada are exclusive of the powers of the parliament of Great Britain, and nobody can doubt that the parliament of Great Britain can at any time (*limitations of good faith and national honor not being considered*) repeal or amend the British North America Act, or exercise in relation to Canada its legislative power over the subjects therein mentioned. Subject to the same limitations, Her Majesty's Government can, of course, disallow any Act of the parliament of Canada." On the other hand, he sub-

mitted, "the Canadian parliament (except as to control which may be exercised by the Imperial parliament by a statute subsequent to the British North America Act, and except as to the power of disallowance) possesses unlimited power over all the subjects mentioned in the 91st section, and it is necessary that it should do so, for the well-being of Canada and for the enjoyment of self-government by its people."

A review of constitutional principles and a critical examination of the cases and Acts upon which the supposed eminent power of the Imperial parliament is based, will throw grave doubts upon its legal existence, and show that Sir John Thompson was probably using very gentle language when he relied upon "limitations of good faith and national honor" alone for the protection of the legislative independence of the Canadian branch of the English people.

Franklin, as agent for the colonies, encountered the same assumption in the eighteenth century, and met it with a counter-argument, which is worthy of being restated at this date in his own words: "That the colonies were originally constituted distinct states, and intended to be continued such, is clear to me from a thorough consideration of their original charters, and the whole conduct of the crown and the nation towards them until the Restoration. Since that period, the parliament has usurped an authority of making laws for them which before it had not. We have for some time submitted to that usurpation, partly through ignorance and inattention, and partly from our