

not, as of course, go to a lawyer? And does he not give him his full confidence? And in how few cases is that confidence betrayed?

At some other time and place I may have more to say about your fellow-Canadians of the legal profession; but for this time, I cannot pursue the subject.

I have already said that where the law is found to be imperfect, the Legislature is called in to correct it. Now there are two theories of the powers of Legislatures which have been adopted by the two branches of the English-speaking peoples. One theory is that the people are not to be trusted; and therefore their power should be restricted. A written document is prepared as the constitution of the country; and the people and their Legislatures are forbidden to go beyond the provisions of that written document. The effect is that what the one generation of men who have framed the constitution think right or expedient is to govern all future generations, no matter how effete the doctrines of the former generation may have become by reason of the changed condition of the nation, or how positively harmful they may have been proved to be by experience. That system has been adopted by the United States of America, who in the Constitution of the United States and in that of the several States have been exceedingly careful to lay down principles and restrictions which are binding upon the people and Legislatures. Any change in the Constitution can be brought about only with great difficulty. Legislation which is found to be opposed to the Constitution is promptly declared invalid by the Courts there. A comparatively large part of the litigation in the United States is upon the constitutionality or otherwise of provisions which the Legislatures have thought it wise to make, from time to time.

The other theory is the theory of the Motherland and of Canada. There is no written Constitution (in this sense) for Great Britain and Ireland. There is no binding declaration of principles such that Parliament cannot annul. The Parliament of Great Britain can legislate upon any subject, and in any manner, without violating the Constitution, in the sense in which I have been using the word—in other words the Courts cannot declare that legislation to be invalid. In Canada, the legislative power is divided between the Dominion and the several Provinces, each of which has its own class of subjects upon which to legislate. The Dominion cannot legislate upon that class of subjects allotted to the Provinces nor can the Provinces legislate on that class of subjects allotted to the Dominion. But within that class of subjects allotted to the Provinces the Legislature may legislate as fully and as effectively as the Parliament of Great Britain and Ireland could do. The Legislature of the Provinces has, amongst other things, the power to avoid or validate contracts made by the Province or by any individual; has the power to avoid legislation or by-laws of inferior bodies, such as County Councils, Township Councils, etc.; of declaring to be valid what would, otherwise, have been invalid by-laws; of declaring property which would otherwise have belonged to A, to be the property of B. The Legislative Assembly has power generally to legislate effectively within the whole region of property and civil rights.

I am not concerned to argue whether it would not have been better had our Province started off with a written constitution such as that of the United States, whereby its Legislature would not have the power of taking away any man's property or of interfering with the validity of contracts—I have said more than once that I am not an apologist for anything. I am only stating facts.

These powers like the rest of its powers, we and you cannot take away from the Legislature; the Legislature cannot take them away from itself. If the Legislature were to pass a law that no man's property should be taken away from him, the same Legislature could repeal such a law the next day; and if the same Legislature let the law stand, its successor could repeal it. The only way in which any power