

form, down to the time of Queen Anne, when the theory that the courts could annul acts of Parliament for violating what was known as the higher or unwritten law, still lingered in the popular belief. And as some of the American Colonies possessed written charters, it was natural that the people should call on the judges to interpret them, and that they should adopt the same feature when the written constitution of the United States came to be framed. At Confederation the danger of letting the Federal Ministry disallow Provincial legislation was pointed out by some of the foremost Antis; but, as said, the express object of the framers was to render those bodies subordinate. Yet they have now become all-powerful within their limits, their legislation when *intra vires* being, like the decisions of the Pope when he speaks *ex cathedra* on certain subjects, absolutely irreformable and final.

RESTRICTIONS UPON THE AMERICAN LEGISLATURES.

While we have thus been extending the powers of the Provincial Legislatures by allowing them to pass any legislation, good or bad, that comes into their heads, provided it is within their jurisdiction, the powers of the State Legislatures, limited as they originally were, have recently been greatly restricted. Years ago the individual States went mad on the subject of public improvements, and borrowed money for railways, canals, local banking and what not, till some landed in the mire of repudiation and most were seriously embarrassed. The financial credit, not of the States alone, but of the Federal Government, was injured; and as the municipalities had been equally reckless, there were grave apprehensions as to the willingness of the foreign investor to risk any more of his money in American enterprises. Fortunately, the people came to their senses and determined to reduce the spending and borrowing powers of States and municipalities alike. From this they proceeded to reduce the cost of legislation by substituting biennial for annual sessions of the Legislature, simplifying the procedure and so forth. At this stage, too, the Federal and State Courts, which previously had been rather anxious to avoid any appearance of controlling legisla-