

its relation and duty to the Empire in which it is an integer; its contact with its friendly neighbour and the bearing of that contact. All lawyers and indeed all students of British constitutional history know that the persistent practical wishes of a free self-governing people and their substantial aspirations, their faith, if you prefer the word, for 'faith is the substance of things hoped for,' will almost invariably express themselves in concurrent laws and rules of conduct, and if there should exist old unabolished forms and unused regulations inconsistent with that wish and faith of the people, Judges and lawyers will treat them as inapplicable or sidestep them as in the past by legal fictions. This is true of Canada as a developing nation.

"Though the provinces then existing and now part of Canada had a large measure of self-government before the British North America Act was put into operation on 1st July, 1867, that is our natal day as a nation. The Act and its six amendments together with such documents as the Magna Charta, the Petition of Rights, the Bills of Rights and the Act of Settlement necessarily implied in it, form the written part of our constitution. Is there anything in the British North America Act that impedes Canada's advance toward the formal assumption of the rights and responsibilities of a sovereign state within the Empire, to which the aspirations of many Canadians seem now to be inclining? The preamble of the Act expresses its purpose and of course the several enactments should as far as the language will permit be construed to effectuate that purpose. That it has not always been so construed has created some embarrassment and misconceptions.

"Part of the preamble is:—'Whereas the Provinces of Canada, Nova Scotia and New Brunswick have expressed their desire to be federally united into One Dominion under the Crown of the United Kingdom of Great Britain and Ireland, with a constitution similar in principle to that of the United Kingdom;

"'And whereas such a union would conduce to the welfare of the Provinces and promote the Interests of the British Empire:'

"This Act was an arrangement between the Provinces for their Federal union, drafted by them and agreed to and passed