## The Canada Law Journal.

November 1, 1889.

1791, during which, amid much discontent and many difficulties, the foundation of our present system was being established; the third period, ending with the Act of 1841, saw the development of Responsible Government and the union of the Provinces; the fourth brings our history down to the establishment of confederation in 1867; the result of the many years of political agitation through which Canada has passed being, according to Mr. Bourinot, that "no country in the world enjoys a larger measure of political liberty or greater opportunities for happiness and prosperity under the liberal system of government which has been won by the sagacity and patience of her people." So it might be, and so we would it were, but recent events have led us to think that, while we have been complacently admiring the political structure so pleasingly described, certain persons within it, taking advantage of the shelter it gives, have been secretly possessing themselves of such coigns of vantage as enable them to usurp entire control in defiance of the rules laid down for its management. In place of religious freedom we see one ecclesiastical system dominating over all others, interfering in public affairs, and subserviently obeyed by contending factions. In place of political equality we see privileges allowed to some and denied to others as party interests seem to require. We see a Society, semi-political, semi-religious, incorporated, endowed, and legally recognized, the very existence of which is a menace to civil and religious liberty. And lastly, we see the great power of disallowance, vested in the supreme government for the protection of minorities, the restraint of aggressive majorities, and the negation of any Provincial legislation that may injuriously affect the public weal, used or withheld simply as a weapon of party warfare.

We boast of our freedom from interference or oppression on the part of any tyrant, foreign or domestic, while we allow the despotism of party spirit so to stifle individual independence of thought and action as to make us an easy prey to any unscrupulous faction, which, holding the balance of power, can compel either party in turn to obey its behests, and serve its interests in defiance of the "vital principles of political freedom and religious toleration" which we are assured we so largely enjoy.

Mr. Bourinot explains very clearly the rules that should govern the several jurisdictions of the Imperial, the Dominion, and the Provincial Governments, in their relations to each other, and to their own internal affairs, especially in those complex matters where concurrent powers exist, or the line which divides them is so finely drawn as to be hardly discernible. As regards the power of disallowance, with which he deals very cautiously, the lecturer evidently leans to the opinion that it would be more safely vested in a judicial than in an executive body, though clearly were such a solution of the difficulty adopted, and the only question to be considered was whether the passing of a Provincial law was within the power granted by the British North America Act, the power to contravene legal but injurious legislation would cease to exist, and the confederation become a mere alliance of sovereign States. This has been clearly brought out in the recent discussions on the Jesuits' Estates Bill, to which Mr. Bourinot refers in a note, and in nothing have party leaders so decidedly shown their desire to keep