

## A CENTURY OF CONSTITUTIONAL DEVELOPMENT UPON THE NORTH AMERICAN CONTINENT.

A little more than a hundred years ago and within three years of one another, two forms of Constitution were instituted upon the North American Continent both in reality, and one avowedly, in large measure an imitation or adaptation to the circumstances of the country concerned of the British Constitution, as it presented itself to the observer at that stage of its development. The one was the Federal Constitution of the United States, and the other was comprised in the Canadian Constitutional Act of 1791, which imposed one and the same form of Constitution upon each of the provinces of Upper and Lower Canada. The Canadian Constitutions have been replaced by other constitutions imposed by Act of the same Imperial Parliament; the United States Constitution remains after a hundred years, save for a few supplementary provisions with which we are not here concerned, in theory intact; and it is claimed by a recent American writer that it should now be ranked as the oldest but one, or bearing in mind the essential transformation of the British Constitution since the Reform Bill of 1832, as perhaps the very oldest among the constitutional governments now existing in the world.

When, however, we observe the American Constitution in its actual operation at the present time we may, perhaps, be led to the conclusion that the framers of that instrument would find it almost as hard to recognize it as the same constitution which they devised, as those who lived in the British Isles before the days of responsible government and reform would find it to identify the Constitution of England now with that of their own time. To indicate in brief outline some features of this development, to compare the actual constitutional condition of the two great sections of the North American Continent, and to emphasize the value of the British institutions which we enjoy in Canada, is the object of the present paper.

The Constitutional Act of 1791(*a*), established in each of the

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(*a*) Imp. 31 Geo. III., c. 31.