

Le gouvernement impérial a donc voulu doter les provinces de leurs anciennes institutions.

Tel a été l'esprit dans lequel a été conçu l'acte d'Union, comme le font voir les remarques suivantes de Lord Carnarvon, lors de la seconde lecture du bill de l'A. B. N. 1867 à la Chambre des Lords : " A legislative union, disait-il, is under existing circumstances impracticable. The Maritime Provinces are ill disposed to surrender their separate life, and to merge their individuality in the political organisation of the general body. It is in their case, impossible, even it were desirable, by a stroke of the pen to bring about a complete assimilation of their institutions to those of their neighbors. Lower Canada, too, is jealous, as she is deservedly proud, of their ancestral customs and traditions ; she is wedded to her peculiar institutions, and will enter this Union only upon the distinct understanding she retains them." Voilà aussi comment l'acte d'Union a été compris par la Cour d'Appel, qui dans l'affaire des Tanneries dont nous avons parlé plus haut, a consacré juridiquement ces principes, à la réserve d'une voix dissidente.

Citons les opinions du juge-en-chef Dorion et du juge Sandborn :

Dorion, C. J. " We know that by the confederation act the legislatures of the several provinces are not merely ordinary corporations, in the ordinary sense of the word. They are, no doubt, corporations in one sense, who derive their authority from superior authority to which they are bound, but not in that limited sense in which we usually take the word corporation. There is no difference between the powers of the local and Dominion legislatures within their own spheres. That is the powers of the local legislature within its own sphere are co-extensive with the powers of the Dominion government within its own sphere. The one is not inferior to the other. I find that the powers of the old legislature of Canada is extended to the local legislatures of the different provinces. We have a government modeled on the British constitution. We have responsible government in all the provinces, and these powers