

# The Barrister.

VOL. I.

TORONTO, FEBRUARY, 1895.

No. 3.

## THE CONSTITUTIONAL RIGHTS OF CANADA.

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ENGLISH Constitutional Law, originally wholly customary, is becoming more and more statutory, particularly in the case of Canada, and great importance attaches to the constitutional law, which deals with the relative jurisdiction of the various law-making authorities. Under the constitution enacted by the Confederation Act of 1867, the statutory law of a Canadian Province has two indubitable sources: the first, because nearest and most extensive jurisdiction, is that of the Provincial Legislature. Included in its scope are those very large legislative and administrative powers, which these local parliaments have been in the habit of lavishly delegating to local municipal authorities—the whole jurisdiction of local legislatures—farther reaching in its bearings upon private rights and relations than that of the Dominion. The work of the local legislatures is the most voluminous in quantity, and may be, by general admission of lawyers, the worst in quality.

Next in order, is the Federal Parliament of Canada, with power of exclusive legislation over twenty-one specified subjects—among which are, criminal law, trade and commerce, patents and copyrights, together with all residuary powers not specifically dis-

tributed among the provincial legislatures. While these are the expressed constitutional legislatures for Canada, there is a prevalent habit of attributing an over-ruling legislative power to the parliament of Great Britain and Ireland, commonly called the Imperial Parliament.

The Hon. G. W. Ross, a Canadian whose patriotism is as great as his eloquence, quite recently quoted with approval the language of Burke in 1774, in Burke's speech to the electors of Britain: "I have always, and shall maintain to the best of my power, unimpaired and complete, the just wishes and necessary constitutional superiority of Great Britain." Curiously enough, Burke, a few sentences afterwards, adds, without perceiving its inconsistency, the following rider: "I never mean to put any colonist or any human creature in a situation not becoming a freeman." Mr. Ross, unfortunately, is not alone in his acquiescence in this assumption of Imperial legislative supremacy of the British home parliament over the other parliaments of Her Majesty's subjects, and has only too much support in dicta of English and colonial judges, and in the assumption and administration of home and colonial legisla-