

But apart from all this, how great and responsible a task it was to frame a fundamental Constitution for the young Dominion. It was no mere question of satisfying the requirements of the country in 1867. As Mr. Lefroy well says in his concluding chapter: "If things were never again to be put into the melting pot—if there was to be no future stirring of foundations—a Constitution must be given to the Dominion which her sons might be satisfied with while the British name lasts."

So far as we know, Mr. Lefroy is the first writer upon our Constitution who has endeavoured to put his finger on the very points wherein the excellence of the work done for this country by the fathers of Confederation, and by those who expressed their intentions in the wording of the Federation Act is manifested, and all concerned are greatly indebted to him for this endeavour and for the masterly and luminous way in which he has accomplished his difficult task.

Mr. Lefroy insists that the main desideratum was not to overdo the machinery required to bring about the desired result. It was necessary to construct a firm framework for the system, but that done, wisdom dictated that the clothing of that framework with the flesh and blood and sinews of a complete body politic, should be left to a process of organic development under the influence of the changing circumstances and expanding conditions of the country as time went on. In a very recent judgment (*Attorney-General for Ontario v. Attorney-General for Canada*, [1912] A.C., p. 586), Lord Loreburn, L.C., observed that "the unwritten Constitution of England is a growth, not a fabric." In part, the Constitution of the Dominion had necessarily to be fixed by statutory provision; but, so far as might be, it was expedient, if it was to satisfy successive generations of Canadians, that it should be a growth, and not a fabric.

Mr. Lefroy finds evidence of the recognition of this principle rather in what is not to be found in the North America Act, than in what is in it. He points to the fact, in the first place, that no attempt is made to crystallize by statutory enact-