

THE DOMINION AND THE EMPIRE—LORD JUSTICE THESIGER.

on behalf of their respective colonies with the imperial Government.

Finally, in respect to this subject, Mr. Todd remarks (p. 189):—

“The B. N. A. Act of 1867, in distributing the powers exercisable under its provisions, and in vesting ‘exclusive’ right (secs. 91, 92, 93) of legislation in certain specified matters, either in the Dominion Parliament or Provincial Legislatures, has in no respect altered the relation of Canadian subjects to the imperial Crown or Parliament, or interposed any additional obstacle to prevent imperial legislation in reference to Canada in any case of adequate necessity.”

For he says:—

“No parliament is competent by its own act or declaration to bind or restrain the freedom of action of a succeeding parliament.”

This reasoning appears so self-evident that it is surprising to find Mr. O’Sullivan maintaining in his Manual (p. 60) that “It would appear that *neither the Imperial authorities* or the Provincial Legislatures have any power to legislate on these subjects” (i.e., these reserved to the Dominion Parliament by the B. N. Act). Mr. Watson, in his volume on the Powers of the Canadian Parliament, takes the same view as Mr. Todd. He says:—

“Political imagination, in its most fervid and patriotic flights, would shrink from picturing the Imperial and Federal Legislatures as the possessors of co-equal powers. Still, there may be a few who fancy that the B. N. A. Act, while giving pre-eminence to the Ottawa House of Commons as respects the Provincial Parliaments, constitutes it, in a mysterious and definite manner, the compeers of the Imperial Legislature. For better or for worse, they will never be compeers.”

This paper is already far too long to admit of any reference to the other important matters in relation to imperial connection treated of by Mr. Todd; such as treaty obligations,—appeals to the Privy Council, and military and naval control. The object of these articles have been, not so much to call attention to Mr. Todd’s book,—it stood in no need of that,—much less to presume to add to

the praise it has already received in many quarters, as for example, in the English Law Journal for August 7th ult. The object has rather been to bring out, in some degree, what appears to be the most interesting lesson it teaches. It shows that the British empire is after all a real empire: that, though the general public may not hear of them, despatches are constantly passing to and fro between the Home authorities and the Colonies, and the imperial government is constantly exercising not only direct control in imperial matters, but also that “paternal influence” which Mr. Todd (see p. 126-sq:) dwells upon and illustrates. He must be a bold man who would deny the hand of Providence in the spectacle of England, the home of Parliamentary Government, enabled, though no deliberate design of her own, to guide and help the progress of young communities in the application of the principles of Parliamentary Government in every quarter of the globe.

F. L.

SELECTIONS.

LORD JUSTICE THESIGER.

We regret to record the death of Lord Justice Thesiger, which occurred on the 20th Nov. During the last nine days, inflammation of the ear (which may have been due to want of caution in sea-bathing) spread internally and led to blood-poisoning. This, it is said, was the proximate cause of death. The Right Hon. Alfred Henry Thesiger was the third son of the first Baron Chelmsford (Lord Chancellor in 1858 and again in 1866), by Anne Maria, youngest daughter of Mr. William Tinsley, of Southampton. The late Lord Justice was born in 1838, and educated at Eton and Oxford. His papers in the schools were so well done that, upon his going in for the *viva voce* part of his examination, the examiner advised him to allow