

McRuer, but I think the examples I have quoted amply illustrate the need for much better safeguards than we now have and much closer scrutiny of the manner in which those powers are exercised.

We in Canada have inherited our system of democratic government from the mother of Parliaments in Britain which had its beginnings at Runnymede in the year 1215 and has been evolving ever since. Magna Carta had to do with individual rights and liberties, and that is what democracy is all about.

Prior to Magna Carta all power was vested in the king. He could generate his own powers, create new jurisdictions, create new powers and new rights. By the same token, he could abolish and destroy jurisdictions, powers and individual rights as it pleased him. In fact, even today it is, *in form*, the king or sovereign whose plenitude of power is exercised in Parliament, in the government departments and in his courts. Magna Carta ensured as a minimum that the citizen could not be relieved of his freehold estate or his life without judicial process.

The struggle for the limitation of the sovereign's power continued down through the centuries. Magna Carta was revised and expanded with succeeding monarchs and eventually became the basis of British law and justice.

The seventeenth century saw the termination of the power of the Crown, to create new jurisdictions without the consent of Parliament. Concomitant with these changes was the development of specialized courts, the concept of the rule of law and the principles on which it was based and by which it should be administered. This was the era of the Petition of Rights bill of 1628 and the Habeas Corpus Act of 1679.

But it was in the eighteenth and nineteenth centuries that these developments received the greatest impetus. Lawmaking, law enforcement, the whole process of Government is, or should be, in a continuous state of evolution, reflecting the evolutionary changes taking place in society itself which, in turn, are themselves reflections of changes in social concepts, values and goals.

Up to the latter half of the eighteenth century, production and supply were predominantly agricultural. Home trades and crafts were organized around small, readily comprehended units. Society was mainly rural and government was still largely controlled by the landed aristocracy and gentry who had

inherited the powers wrested from the Crown by the earls and barons at Runnymede.

The advent of the Industrial Revolution in 1760, the invention of the steam engine by Watt in 1769, the utilization of new forms of energy, the production of new materials and new machines, the development of factories and manufacturing processes, the nineteenth century commercial revolution based on the development of the British banking system in 1830, which shifted international trade from metallic currency to credit, coupled with the British Free Trade Policy of 1846—all these factors produced profound changes in society which generated corresponding changes in the development of law, justice and government.

The feudal and mercantilist practices of the seventeenth century gave way to the philosophy of *laissez-faire* which was based on the belief that, if men were free to make their own self-interest decisions, it would automatically result in making available the greatest amount of goods at the lowest price. During the eighteenth and nineteenth centuries, in accordance with this dominant philosophy, industry, banking and commerce were almost completely self-governed. Human destiny was subjected to the market empire, but the proponents of *laissez-faire* did not necessarily deny responsibility for the satisfaction of human need. They simply believed that, if left alone, market forces could create and exchange the necessities for a good life better than any conscious human agency. These views were the natural reaction to the mercantilist control of government.

As a result of technological development, the revival of trade and development of world trade, there was a drift of population from the land to the cities. This made the problem of supply and demand more acute. Dynastic and national ambitions for power and aggrandizement, coupled with a stringency in the supply of goods and services, begot local and national price regulations and attempts to control production and the import and export of gold and commodities.

Louis J. Jaffe, in his book to which I have already referred, states, and I quote:

The *laissez-faire* solution illustrates once again, though subtly disguised, the transfer of jurisdiction as a device for the redistribution of power,—

Further on he states:

—it delivered the control of the economy to the dynamic entrepreneurial class