

sovereign of the United Kingdom of Great Britain and Ireland, and be administered according to the well-understood principles of the British constitution by a sovereign personally, or by the representative of the sovereign duly authorized."

In these three paragraphs we see tersely expressed the leading principles on which our system of government rests; a federation with a central government exercising general powers over all the members of the Union, and a number of local governments having the control and management of certain matters naturally and conveniently falling within their defined jurisdiction, while each government is administered in accordance with the British system of parliamentary institutions. These are the fundamental principles which were enacted into law by the British North America Act of 1867.

*The law and the conventions or understandings of the constitution.*—Before I proceed to refer to the general features of the federal system, I may here appropriately observe that the practical operation of the government of Canada affords a forcible illustration of a government carried on, not only in accordance with the legal provisions of a fundamental law, but also in conformity with what has been well described by eminent writers as conventions or understandings, which do not come within the technical meaning of laws since they cannot be enforced by the Courts. It was Professor Freeman (b) who first pointed out this interesting and important distinction, but Professor Dicey has elaborated it in a recent work, in which he very clearly shows that "Constitutional Law," as we understand it in England and in this country, consists of two elements: "The one element, which I have called the 'law of the constitution,' is a body of undoubted law; the other element, which I have called the 'conventions of the constitution,' consists of maxims or practices which, though they regulate the ordinary conduct of the Crown and of Ministers and of others under the constitution are not in

(b) Freeman's Growth of the English Constitution, pp. 114, 115.