

the persons chosen as presidential electors would have a real freedom of choice. We know very well that the only two persons between whom the choice can lie, are selected at party conventions, and that the voting of the chosen electors is now a matter of form. In the same way we should be unable to discover from the constitutional document that the Senate would begin with being "essentially a diet of plenipotentiaries,"* or "international conference," † and that it would become by our own time an Upper Legislative Chamber: no one would guess that the expectation of the founders of the constitution that the House of Representatives would obtain a position like that of the English House of Commons would have been so signally defeated, and that it would sink into a position subordinate to the Senate. ‡

To illustrate the inadequacy of the study of constitutional documents in relation to Canada, look at the sections in the B. N. A. Act referring to the Executive:

Sec. 9. "The Executive Government and Authority of and over Canada is hereby declared to continue and be vested in the Queen."

Sec. 11. "There shall be a Council to aid and advise in in the Government of Canada, to be styled the Queen's Privy Council for Canada: and the Persons who are to be Members of that Council shall be from Time to Time chosen and summoned by the Governor-General, and sworn in as Privy Councillors, and Members thereof may be from Time to Time removed by the Governor-General."

Sec. 12. Powers under any previous Imperial or Provincial Act "vested . . . in the respective Governors or Lieutenant-Governors, . . . with the Advice, or with the Advice and Consent, of the respective Executive Councils thereof, or in conjunction with those Councils, or *with any number of Members thereof*, or by those Governors or Lieutenant-Governors individually, shall, as far as the

* Bryce, *American Commonwealth*, I., 118. † *Ibid.* 121. ‡ *Ibid.* 125-127.