

SIX LETTERS

ON THE

AMENDMENT

OF THE

PROVINCIAL CONSTITUTION.

LETTER I.

SIR,—I have read in the daily *Globe* of this city an extended report of a speech delivered by you at a "great Reform demonstration" in the County of Elgin on the 2nd of July inst. You make several references to me, and to my opinions as a lawyer and as a politician. The speech has been before the public for some days, and I believe you have not found fault with the reporter for any inaccuracy or misapprehension on his part. I am justified therefore in assuming that you hold, have acted, and intend to act, upon the constitutional (or as I think, the unconstitutional) doctrine announced by you in these words:—"The North America Act contained an express clause giving to the Legislatures of the Provinces the power of altering their own constitution in *everything* except as regarded the Lieutenant-Governor."

I had ventured to question the constitutional power of the Legislature of Ontario to pass the Act "to readjust the representation," introduced by you at the close of the last session, and to point out to you that if the Act were held to be within the power of the Legislature, it was in my view both unnecessary and inexpedient, and as a precedent for tinkering and altering the constitution, open to the very gravest objections. I confess that further examination of the Constitutional Act, and further discussions with intelligent men—lawyers, judges, politicians, and citizens—have not changed my original opinion. The report tells us that your intelligent *Reform* demonstration received your remark that one gentleman—a lawyer—had disputed your right to gerrymander the constituencies on the eve of an election, with "laughter." Knowing how successful you are upon the stump, and with

what ease you can excite the risible faculties, I am not at all offended with the good Reformers of West Elgin for laughing even on an occasion so serious. But if they will do me the favour to read these letters and then laugh at me for questioning your right to alter *everything* in the Provincial Constitution whenever you can get forty-four members of the Legislature to agree with you; I will frankly admit that they are too far advanced in their ideas of reform and constitutional government for me, and I will hereafter accept the title "traitor" as the most honourable their platform orators can confer upon me.

First. Let us see what the "Provincial Constitution" is, and where it is to be found.

"The British North America Act, 1867," contains, as I presume you will admit, the text of that Constitution. The fifth head or division of that Act is entitled "*Provincial Constitutions*." All the sections from fifty-eight to ninety-five, both inclusive, establish, define, limit, or relate to the executive and legislative powers of the Provincial Governments. The ninety-first section enumerates the classes of subjects assigned exclusively to the Federal Parliament, but as this enumeration affords a more perspicuous view of the distribution of powers between the general and local Legislatures, it is not out of place where it stands. A few sections in the subsequent part of the Act relate exclusively or chiefly to the Provinces, and being extensions or limitations of the powers already granted, must be regarded as part of the "Provincial constitutions."

It is to be observed that what you claim power to "alter" is one or more—you say all, except the provisions relating to the Governor—of these Imperial enactments! Your claim is not power to "amend," or