

pondence with the home authorities from seeming to admit that that was his matured view. The controversy led in another direction altogether, and Sir John intimated his desire to deal, at a later date, with the whole question of the competency of the Canadian Parliament herein and of the position of the British Parliament with regard to the B.N.A. Act (u).

### III. THE CANADIAN CONTENTION.

It is submitted that the Canadian side of this question has been considered from the wrong standpoint, the views of some of the text-writers being particularly narrow and smacking of that insular conceit that lost to the British Empire the great republic to the south.

Professor Dicey, with an assurance not quite justified under the circumstances, stated that the Fathers of Confederation were guilty of "official mendacity" in declaring that Canada is federally united with a constitution similar in principle to that of the United Kingdom. His lack of knowledge in this respect may, perhaps, furnish ground for suspecting that, in the interpretation he seeks to place upon the Canadian Magna Charta, his mind is again perverted by the absence of that broad-minded conception, the possession of which is necessary to enable the fact to be grasped that Canada is not a Divine provision for the reward of English producers, but is a Nation breathing the freedom that haunts her hills and invests her valleys. The Almighty fashioned this country on a majestic scale—the rivers, the mountains, the forests and prairies, all bespeak the lavish hand of the Creator, and is it to be conceived that, having done so much, He should mar the symmetry of His work by instilling into the Canadian people a spirit so little in consonance with its surroundings as to hesitate to assert the supreme right of freedom? No, it cannot be, and it is on account of not recognizing and giving full weight to this spirit of liberty that Professor Dicey fails to give proper value to the important events that culminated in the passage of the British North America Act. The Confederation was something new; it was a step far in advance of anything that had yet been attempted in the British Empire (v) and as well might disregard be had for

(u) Hodgins, p. 1306, par. 47.

(v) "No enactment has been passed in modern times of such gravity as the B.N.A. Ac:."—Crooks, Q.C., arguing in *Reg. v. College of Physicians and Surgeons*, 1 Cart. at p. 767.