

icipalities have governments within their respective limits which are practically their own. They make laws under the power granted them by the Municipal Act, which are none the less effective because they are called bye-laws. It is only when the vast extent of municipal jurisdiction is revealed to the sight, that one can form any estimate of the variety and number of subjects of purely Provincial legislation which are thus removed from Dominion control. So important a factor in our Government is the municipal system, that Mr. Bourinot says of it (p.32): "In fact the municipal system of Canada lies at the very basis of its parliamentary institutions." The legislation of the municipal bodies is entirely out of reach of any power of disallowance.

Notwithstanding the limitation of their powers, the Legislatures are not infrequently spoken of as sovereign bodies, and so Mr. Bourinot names them. The Judicial Committee of the Privy Council is referred to as authority for this. They are not, however, sovereign bodies, properly speaking, nor has the Privy Council ever attributed to them sovereign powers. In a case from India, and again in Hodge's case recently decided, their Lordships laid down that the Legislatures created by the Imperial Parliament are not in any sense the agents or delegates of the latter, but when acting within the limits assigned to them have plenary powers of legislation, as large and of the same nature as those of the Imperial Parliament. In all the remarks of the Privy Council, however, there are involved the following undisputed propositions: (1) The Imperial Parliament created our Legislatures; (2) it conferred upon them law-making powers; (3) it placed bounds to those powers. First, it is necessary to point out that the dictum of the Privy Council was in answer to the argument that our Legislatures were the agents or delegates of the Imperial Parliament. They are plainly not agents. If they were, the laws enacted by them would in fact originate in and be the laws of the Imperial Parliament, and our Legislatures would be simply the instruments of the Parliament. The Privy Council properly answer that this position is not sound. The laws of our Legislature are of the same nature and force and of as high an order as if enacted by the Imperial Parliament; and to originate such laws they have powers as plenary as those of the Imperial Parliament—when acting within the limits assigned to them. But they have limits assigned to them, and are, therefore, in subjection to the power which placed the limit. The creator is greater than the creation. Our Legislatures owe their existence to the superior legislative body which created them, and therefore cannot be equal to it, much less superior. They are inferior, derivative, subordinate. The Imperial Parliament, when it created them, and endowed them with law-making powers, not only set limits to those powers, but put the legislation of the Parliament of Canada under the direct control of Her Majesty in Council, and that of the Provincial Legislatures under the direct control of the Governor-General in Council. Notwithstanding all this there still remains in full vigour the supreme power of the Imperial Parliament to make laws for Canada upon any subject, whether confided to the Canadian Legislatures to be dealt with or not. For it is unquestioned that the Parliament in creating legislatures for us did not renounce its own authority in their favour. Therefore the Canadian Legislatures have co-ordinate jurisdiction only, each within its limits, with the Imperial Parliament, and if the latter is a sovereign body, as it undoubtedly is, our Legislatures are not sovereign. And, finally, the Legislatures are so much subject to the judiciary that, if the latter pronounce an Act invalid, there is no power to enforce obedience to it. True it is that the Legislatures are supreme, in that the laws which they make must be obeyed. But to be a law the declaration of their will must be within the proper limits assigned to them; and so, while demanding obedience from the subjects of their power, they in turn act in obedience to a power above them. They are in a state of subjection to the author of their being. They render habitual obedience to the supreme power in the State—the Imperial Parliament—by the very recurrence of their sessions, and it is only when rendering that obedience to the Imperial Parliament which is demanded by the British North America Act that they can exact obedience to themselves. We have here no element of sovereignty, but rather every indication of subjection and subordination.

E. DOUGLAS ARMOUR.

PARTIES are the necessary outgrowth of our institutions; but a government is not by the people when one party fastens its control upon the country and perpetuates its power by cajoling and betraying the people instead of serving them; a government is not by the people when a result which should represent the intelligent will of free and thinking men is or can be determined by the shameless theft of their suffrages.—*Cleveland's Letter.*

NATIONAL LITERATURE.

To those who desire a Canadian Nationality, with all that is implied by the words, it may be unpleasant to feel that one of the chief glories of a nation, a distinctive national literature, can hardly be a reality in this country for many generations to come. Yet while acknowledging this truth, forced upon us by the nature of our existence, we may without despair turn to seek that in which we may achieve a measure of success. A healthy caterpillar state is necessary to the final glory of the butterfly. It must be accumulated sufficient vitality to carry out the evolution of the chrysalis that finally develops the perfect insect. We cannot attain the perfection of the butterfly at once; yet we can seek out and store ourselves with that which, in after years, may lend a beauty to our maturer state. We have among us the relics of a fast fading race, whose history, tradition, and religion are well worthy to be preserved by the pen of the Canadian historian and poet. It is the legacy bequeathed to us by a dying people hastened by our advancing civilization to the tomb. To us remains the generous task of preserving these memorials, and to Canadian Literature will be the honour, if we perform it well. These pigments, though few in number are rich in colour, and worked by the brush of the skilful word-painter would produce pictures of character and incident, with back-grounds of unsurpassed scenery, well worthy to be "hung on the line" in any nation's gallery of fame. With Cartier and Champlain a new era opens, and from their days to the termination of the French rule in Canada were vigorous stirring times that have already furnished material for historical and imaginative works that are, let us hope, but precursors of brighter gems of literature. Since the foundation of English rule the different Provinces now forming Canada have had varied and not uneventful histories. Canadian blood has been shed in defence of Canadian homes, and rebellion, the causes and results of which loyal men calmly judge to-day, has given us a stormy page in our history. By such material as this, the literatures of other lands have been enriched. May we not expect as much from this for our own? To-day we are a nation, and though conflicting interests may now and then excite dissensions, time will harden the cement that binds us in a national structure.

Many of the world's greatest novelists have been, what is frequently termed, writers for a purpose; and to such the Canada of to-day offers a fair field of labour; but the Canadian writer who seeks fame in such an arena must bear in mind that, though he writes to scourge a local evil, or depict a local phase of life, his treatment must be organic to touch the nerves of humanity wherever men read the language that he writes. Do we not find in the works of English and American authors of note, passages descriptive of life and character not only true to those who know the originals, but so universally human that the nature of another land does not say "this is too local," "I cannot appreciate this;" and when we read such do we not long that some one from among us might arise and speak thus, that the nations might listen, understand and applaud? Who can satirize the evils and follies of a nation so well as a resident or native born? A stranger is too often prejudiced. His ideas are moulded by the mode and custom of his own land. The uncommon to him is frequently reprehensible for no other reason than that it is unfamiliar. Thus good and evil alike receive the lash and excite his raillery. He quibbles over the use or misuse of a word. Peculiarities of manner and custom that are only wrong by arbitrary ruling, not from inherent evil, are strange to him, and he mocks because he knows no better. His superficial criticisms seize upon the effect and overlook the cause. The resident or native born who is not a pedant distinguishes between the right and wrong of things. He knows the root of the evil and folly by which he is surrounded, and from him rebuke or ridicule is a power.

Among the disadvantages under which literature labours in this country there is one, which instead of being a detriment, should be a help, and form a stepping-stone to higher things. This is the Daily Press of the country. It is not as newspapers that they form the detriment to good literature; the receipts from subscriptions and advertisements must regulate to a great extent the amount expended on the collection of news; but it is those pages of original matter, those studies in black and white through magnifying glasses, the editorial columns, that deserve a word of censure. Black abuse and slander and fulsome adulation, spouted out upon almost every prominent character in the political or municipal arena—language that used in conversation would provoke and deserve a blow—is considered justifiable and perhaps gentlemanly by the political writer, and it is frequently of a construction, grammatically speaking, to justify the application of the birch to its careless or illiterate author. Turn to the local paper. The "acrid mud" of the political editorial is not there; but bad grammar and slang run a close race up and down the columns of