

DIARY FOR JUNE.

6. SUNDAY... 1st Sunday after Trinity.
 8. Tuesday... Quarter Sessions and County Court sittings.
 10. Thursday... Sittings Court of Error and Appeal.
 12. SUNDAY... 2nd Sunday after Trinity.
 14. Monday... 10 A. M., P. C. Judgments; 11 A. M., C. P. Judgments.
 15. Tuesday... 11 A. M., Q. B. Judgments.
 18. Friday... 10 A. M., P. C. Judgments; 11 A. M., C. P. Judgments.
 19. Saturday... 12 Noon, Q. B. Judgments.
 20. SUNDAY... 3rd Sunday after Trinity.
 21. Monday... Queen Victoria proclaimed, 1837.
 27. SUNDAY... 4th Sunday after Trinity.
 30. Wednesday Last day for filing Pleadings before Vacation.

"TO CORRESPONDENTS"—See Last Page.

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JUNE, 1858.

THE WORK OF LEGISLATION.

To legislate is to make laws—to exercise a power of fearful import—a power attended with vital consequences to society.

We are told by Blackstone that the only foundation of society consists of the wants and fears of individuals. This is true in almost every state of society; so out of the wants and fears of individuals, arises the business of legislation.

When men in the first state of society lived on roots and herbs; when in the second, they lived by hunting; when in the third, they lived by flocks and herds; when in the fourth, they lived by agriculture—legislation was simple and its responsibility light. But when we find agriculture and manufactures combined; when we find these great interests of society surrounded by a phantasmagoria of lesser interests; when we find not only various material interests, but various social and political interests conflicting; when we find rival trades, rival creeds, and rival interests of every kind; we have forced upon us some idea, though a confused one, of the nature and dignity, the utility and importance of law making.

Wherever the will of the ruler, as distinct from the people, is the law of the land, there can scarcely be freedom. Neither in Great Britain nor any of her dependencies, does such a state of things exist. The British constitution not only makes the people the object of legislation, but in a great measure the source of it,—not only the source of it, but in a great measure the author of it. De Lolme has wisely said that the basis of the English constitution, the capital principle on which all others depend, is that the legislative power belongs to Parliament.

And what is Parliament? The same enlightened writer tells us that the constituent parts of Parliament, are the King, the Lords, and the Commons. So in a modified form is the Parliament of Canada. Though we have not

the Monarch in person, we have her representative. Though we have not the lords, we have our legislative council or assembly of men of high qualifications and long term of office. And last, though not least we have the veritable Commons,—the real Simon Pure of popular interests. In this Province, as in England, there are three constituent parts of Parliament. Each has a negative on the acts of the other. Hence each is independent of the others and cannot be affected by them, unless through its own deliberate choice. Either House may originate a measure, but the other may veto it. The Queen's representative may veto it though it have received the approval of both Houses. It is by this admirable piece of machinery that our laws are made, our liberties preserved, and our properties protected.

We do not intend to trace the growth of the popular element in England,—we leave that to the student of history. Nor do we intend to maintain that the people are the all in all,—we leave that to the political trimmer or popular declaimer. We do not propose to hold forth on the omnipotence—the justice—the infallibility of public opinion—we leave that to others whose mission is different from ours. Contrary to the generally received belief, we submit that public opinion, that is, the opinion of the people,—of the whole people, is not in all cases the origin of legislation. So far from this being the case, in few instances only can we trace the origin of our most useful statutes to popular clamor or popular demands. The bulk of legislation—all that it is really practical in legislation—is composed of a number of unpretending statutes which issue silently from the Queen's Printers and are scarce known, except by those whom they directly affect. The birth-place of this extensive class of laws is not to be discovered in public opinion. Society at large, it has been well said, is too selfish to provide for society in detail, and if no legislation took place as to parts, except what is demanded by the whole, society would perish in detail, while it kept up a noisy and showy existence in front. It is a fallacy then to assert, as some persons do, that a particular measure is not needed because the people have not petitioned for it. The people though having a great interest in, do not at all times formally ask for legislation.

Still no part of the community, no class, no individual can obtain a law without the assent of the whole community. This assent is given by parliamentary representatives. Each member of Parliament is not only a representative of a particular constituency, but of the whole people. The absurd practice mentioned by De Tocqueville in his "Old Regime" of members of the third estate receiving *cahiers* or written instructions from their constituents no longer exists even in France. Nay more in the United Provinces of the