

CONSTITUTION AND GOVERNMENT OF CANADA

to ascertain. The limits of power between the federal and provincial authorities are not always so sharply defined as to prevent wide differences of opinion as to their true bearings and relations. The language of statute makers is not invariably a perfect medium of expression; consequently the task of settling questions arising out of apparent conflicts of laws is one of delicacy as well as of vast importance. Costly litigation in the courts of Canada and Great Britain frequently affords illustration of the heavy penalties paid for misunderstanding the true sanctions of statutes and their relations to each other as deriving their authority from different powers in the federal system. All laws are to be interpreted in cases of dispute by the courts, the final court of appeal being the Judicial Committee of the Privy Council in England. Our courts, governments and legislatures are bound to consider the final decisions of this court as precedents for their future action. Here the duties of the judiciary are of the gravest importance, the exercise of the powers assigned to the judges under the constitution demanding high intelligence, great learning and thorough impartiality. The courts, as one able writer has declared, are the custodians of the constitution. They may decide as to whether a statute is valid or void, and their considered decisions thus become a part of the constitution. As a result of this procedure certain litigated cases stand out with great prominence as landmarks in the judicial and constitutional history of the country. They have settled not merely the precise questions in dispute at the time, but have laid down general principles of interpretation upon which future executive and legislative action must be based. For ampler information the student may be referred to "Cartwright's Cases under the British North America Act," the Reports of the Supreme Court of Canada and other similar works.

The above outline of the form and system of government in Canada has aimed merely to sketch in a general way the framework of our constitution. The intelligence, moral character and spirit of the people who live under it, who must impel and guide its operations and who are responsible for its failure or success as an instrument of national prosperity, are in reality of supreme importance. They, and not the system, must count principally in the working out of the great plan. But their share in the work is a subject for the consideration rather of the philosopher, historian and statesman than of the jurist. The constitution itself, in its entirety, has not been of sudden growth, but has developed slowly and has been tested by time and experience under many diverse circumstances. It has proved itself not only strong but adaptable, capable of sustaining patriotic feeling at its highest pitch, and of inspiring public confidence in its value as a solid basis of security for the healthful development of the state in all its varied interests. Under it, our opportunities for social culture and spiritual progress, based upon the virtues of industry, economy, sobriety and patriotism, have full scope for their freest exercise. It forms at once a safeguard of liberty and an enduring monument to the statesmen whose labours and genius were devoted to the welfare of their country.