

**A MANUAL OF GOVERNMENT IN
CANADA; OR, THE PRINCIPLES
AND INSTITUTIONS OF OUR
FEDERAL AND PROVINCIAL
CONSTITUTIONS**

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A Manual of Government in Canada; Or, The Principles and Institutions of Our Federal and Provincial Constitutions by D. A. O'Sullivan

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OR,
THE PRINCIPLES AND INSTITUTIONS OF
OUR FEDERAL AND PROVINCIAL
CONSTITUTIONS.

BY
D. A. O'SULLIVAN, ESQ., M. A.,
Of Osgoode Hall, Barrister-at-Law.

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P R E F A C E .

IN the compilation of the following pages the writer has endeavoured to make a fair use of such materials as were within his reach, in order to effect the object he intended. Preceded by no writer on the subject, and desirous of rejecting such contemporary opinion as was neither judicial nor official, nor otherwise authoritative, he has found the task not at all an easy one. From the number of distinguished Constitutional Lawyers in Canada, and especially in this Province, one might have been justified in the expectation that something more permanent than a speech at the hustings, or a pamphlet in some party issue, would have remained as instructive reading on the subject. As to contemporary opinion, very little of it is entitled to grave consideration.

It is needless to say that the writer has carefully avoided using any public expression of opinion, no matter how authoritative it may appear, unless it bore the stamp of some authority with it. In regard to decisions of the Courts and judicial *dicta* on the subject, the former *must* of course be taken to be law; the latter carry weight proportionately with the reputation and ability of the particular Judge pronouncing them. It must be admitted that a Judge, in construing our Constitutional Act, or any section of it, or any Statute in fact, familiarizes himself necessarily with the spirit of the Act; and if he goes out of his way to express an uncalled for opinion, or what may be deemed uncalled

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for, it is certainly because on that point he has no doubt whatever. Judges have plenty to do in deciding in the disputes immediately before them; and it is to be expected that before commenting on any foreign subject they generally will have entertained strong views on it. The writer makes no apology for regarding such *dicta* as entitled to great consideration; and only regrets that he was unable to find more judicial utterances in the Law Reports than are incorporated herein.

The utterances of any of our public men, speaking in their official capacity as servants of the Crown and Country, are deserving of consideration next only to what must be regarded as settled law. The writer has faith in the political morality of our leading statesmen to the extent, at least, that no one of them, acting in an official or, as may be said, a judicial position—as advisers of the Crown, as trustees of the Constitution—would permit his judgment to be biased by a mere party spirit, or for a temporary party triumph.

If it be otherwise in Canada, then it is time we were governed without party, as that term is now understood.

Accordingly, all official papers and correspondence, both of English and Canadian Ministers while in office, bearing on the subject, have been freely used.

None of the other sources need comment.

In his task the writer has consulted no one, and asked no one's opinion. It is only fair to state this, as it may well happen that in a work which was the joint production of the writer and others, any excellence in it would

be attributed to them and the defects to himself. Whatever there is in this book deserving either of praise or blame, is attachable to the writer, and to no other person.

It was originally intended to make the work complete for each Province as to the Executive Departments, and to add the Courts of Law thereto. This was abandoned, partly because some necessary information from professional gentlemen in the other Provinces did not come to hand in time, and also because, if rumor be true, a description of the Courts in Ontario as they are now constituted, may not apply for any length of time.

Some other alterations were made in the plan of the work after portions of it were in type.

The indulgence of the public will have to be asked in regard to any errors in this edition. Though in contemplation for some time, it was entirely remodeled and re-written within the past two months; and it was put through the press very rapidly.

The writer acknowledges with pleasure the assistance he has received, both in the preparation of the Index and otherwise, from Mr. C. L. Mahony and Mr. A. A. Archbold, Students-at-Law.

Toronto, December, 1879.