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PATRIOTISM AND THE PRIVY COUNCIL

In 1867, the "Fathers of Confederation" drafted the British North America Act with the purpose of unifying Canada under a strong federal government. Having observed the workings of the American Constitution, wherein the power of the central government was defined and the remainder left to the state legislatures, these great gentlemen, under the guidance of Sir John A. Macdonald, expressly intended to draft a contrasting document. With this goal in mind they defined both the power of the Provinces and that of the Dominion, leaving the residue in the hands of the Federal Government. Through this division they perceived that the federal function could operate without being unduly hampered by provincial interference.

Strangely enough, through constitutional interpretation, the balance of power in both these systems has developed in a direction not intended nor anticipated by the original draftsmen. In the United States to-day, the government at Washington has an overwhelming power and state autonomy has slipped by the board. In Canada the provinces have acquired unbelievable strength and the federal government has found itself hamstrung in its attempt to carry out the dominion function. This Canadian situation has largely resulted from interpretation of the British North America Act as manifested through the judicial decisions of the Privy Council.

The effect of this development in both countries has been significant, particularly in the field of national patriotism. Under a strong central government the Americans have achieved a tremendous national spirit symbolized in the "Stars and Stripes". In Canada no comparable transition has taken place, but rather a contrasting situation exists, whereby the citizens of the Dominion have directed their loyalty toward provincialism.

As long as this feeling persists, the

term "Canadian" will have no meaning unless expressed within its context; that is, in reference to one of the nine geographic locations. An outcropping of this condition has resulted in a minimum of Dominion-Provincial co-operation.

Canada is too small a nation to have, within its boundaries, divided loyalties; and, the need for a united national patriotism is great. It is strange indeed, that the proud feeling of Americanism has not captivated the emotions of the Canadian public so as to make them desirous of a similar fraternal pride.

In the international sphere the Federal Government must be able to speak on behalf of a consolidated people and not merely as the representative of nine autonomous states. Internally the necessity of co-operation between the Provinces and the Dominion is essential to promote the welfare of Canada and Canadians as a whole. This can most readily be achieved under a strong central government, one that is not balked at every turn by provincial selfishness. Such a goal could be attained through a working interpretation of the British North America Act administered by decisions of the Supreme Court of Canada, and viewed in the light of existing conditions. This body, through direct contact with public opinion and governmental policy, could make the constitution workable; and, by sweeping aside the debris of Privy Council decisions, would restore the nature of our constitution to its intended purpose.

Under the guidance of the Federal Government, coast to coast co-operation would become a reality and the people of Canada, behind a united front, could more proudly take their place among the nations of the world as Canadians with a consolidated patriotism and pride befitting their native heritage.

WHEU.

THE MOOT COURT— A BROADER PURPOSE

Originally the exclusive object of the Moot Court was the training of the students of the School of Law in the art of advocacy. The success of this programme is a matter of record and of congratulation to the senior members of the staff and graduates of the school. The skillful pleadings of barristers who received their initial training in the Moot Court continually draw attention to the permanent value of such an early training in advocacy.

The success of the original programme this year encouraged the faculty to broaden the purpose of the Court to include training in the rules of procedure. In place of the customs and precedents peculiar to this Court have been substituted the Rules of Practice of the Supreme Court of Ontario.

To ensure the standards and smooth operation of the Moot Court, two faculty representatives have been appointed in the capacity of liaison officers between the Council of Judges and the Faculty Council of the School of Law. The representatives for the current year, Messrs. D. Vanek and W. Reed, are former members of the Moot Court and are distinguished in their ability to interpret the respective viewpoints of these bodies.

It is to be stressed that narrow institutional provisions taken to ensure the success of this wider objective of the Court would, in themselves, be insufficient. It is essential that the Court continue to enjoy the
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