

the Privy Council. At the same time it is not the business of courts to revise the legislation of Parliament and under pretence of interpreting, practically make new enactments. Parliament may no doubt give a statutory validity to subsidiary enactments of inferior tribunals. We have instances of that, where rules of court made by judges are given the force of a statute, so also where orders in council are given a statutory effect; but where Parliament thus legislates as it were by reference, it is quite obvious that the enactments of judges and governors have no statutory effect beyond what is expressly ascribed to them by Parliament. With regard to the provincial Acts purported to be ratified and confirmed, they are not as we have seen, unqualifiedly ratified and confirmed, but only so far as they are "within the legislative authority" of the provinces enacting them—or in regard to provincial Acts made prior to the 10th August, 1904, the ratification is limited to those that "were in force." Can an Act which is ultra vires, be said to be "in force?" Can Acts which provinces have no power to pass, be fairly said to be Acts "within the legislative authority" of the provinces. Then it may be remarked the Acts are only confirmed in so far as they "purport to prohibit" Sunday labour on railways and tramways; and it may be a question, does confirmation of the prohibition include confirmation of the imposition of penalties for disobedience of such provincial Acts?

And that is a point by no means clear. It may be that the Dominion Parliament intended to confirm the prohibition so as to make an infraction of the law a misdemeanour, but that it did not intend to adopt or confirm the penal clauses of the Provincial Acts. The learned Chancellor, we observe, dissents from the judgment of the Supreme Court, *In re Legislation respecting Sunday*, 35 S.C.R. 581, to the effect that Provincial legislatures have no power to restrict the operation of companies of their own creation to six days a week. He thinks a Provincial Legislature may as a condition of incorporating a company limit its operation to six days in the week, and he