

enactments shall apply to all subjects of the realm and of the other dominions of the Crown ; and by these latter words they are Imperial laws in force in the colonies and can only be varied or repealed by Imperial legislation. It is also a well established rule that the common law of England is the common law of the colonies, and that the Imperial statutes in affirmance of it passed antecedent to the acquisition of a colony, are in force there (Chalmers' Colonial Opinions, p. 511). So are all Imperial statutes which are manifestly of universal policy (Clark's Colonial Law, p. 15). And the Courts in Lower Canada (now Quebec) have held that as soon as Canada ceased to belong to France, the law of Canada ceased to exist, and the public law of England came in (*Corse v. Corse*, 4 L.C. Jur. 314). The Imperial laws we have cited were part of the public law of England at the time of the cession of Canada to the British Crown, and are still in force. The B.N.A. Act, s. 129, exempts Imperial statutes from any right of repeal by the legislative powers of the Dominion or Provinces ; and by the 7 & 8 William III, c. 22, now superseded by 28 & 29 Vict., c. 63, all colonial laws repugnant to the Imperial statutes in force in the colony are void and inoperative to the extent of such repugnancy.

But the Imperial Act known as the Quebec Act of 1774, seems to be conclusive on this question. By s. 5 of that Act His Majesty's subjects in the province were allowed "the free exercise of the religion of the Church of Rome," subject to the provisions of the Act of Supremacy, 1st Elizabeth c. 1. The Act of Elizabeth thus made part of the law of Canada, revived the statutes of Henry prohibiting the foreign jurisdiction of the Pope, and added a general prohibition that "no foreign prince, person, prelate, state, or potentate, spiritual or temporal," should use, enjoy, or exercise any manner of power, jurisdiction, or authority, within the realm or any of the dominions of the Crown. This Imperial Act is still part of the law of the Province of Quebec.

We think we have now shown our readers sufficient of both common and statute law to enable them to judge how far this Quebec Act is, according to Blackstone, the introduction of a foreign power into this land, the creation of an *imperium in imperio*, and a diminution of the regal authority which constitutionally belongs to the Crown, and therefore *ultra vires* of the legislature of Quebec.

THE GRAND JURY SYSTEM.

ATTENTION has been called to the subject of Grand Juries by Senator Gowan in a most interesting and instructive speech, delivered last month in his place in the Senate. We wish that our space permitted us to reproduce all the remarks of the honorable gentleman. No one in Parliament is better able, and few as competent, to discuss this subject in an intelligent manner from an experimental point of view. Having had nearly forty-one years of continuous judicial service he has had large opportunities of forming an opinion as to whether or not it is desirable to make a change in the Grand Jury system as it at present exists in this Province. As he stated in his address, he has come to the definite conclu-