Quebec and all his successors, whomsoever they might be, appointed by the foreign superior and under bulls, which, according to the legislation that these hon. gentleman ask us to apply to Quebec to-day, it would be high treason to introduce into the country. In 1838 a Roman Catholic college was incorporated in the Province of Prince Edward Island, and the question was submitted to the law officers of the Crown fifty years ago, whether it was a violation of the supremacy of the Crown. It was a violation of the supremacy of the Crown fifty times over if anything within this Act of Quebec is a violation of that supremacy. But the law officers of the Crown advised that it was within the competency of the local powers as they then existed, and that it was no derogation of the Act of Supremacy, if that Act could be held to apply to that Province. But since that period, since the period when the officers in this country charged with the maintenance of the rights of the Crown began to be infinitely less restrictive than we are asked to be to-day, three-quarters of a century later, what a change has taken place in the colonies of British North America. We have been placed upon a different footing. We have received free institutions, we have received legislative powers, and by the voice of our Sovereign, by the voice of Her Parliament, by the policy of Her Ministers, as expressed in every act of State, it has been declared that, subject only to those matters which are of Imperial concern, we shall be as fully clothed with the rights of self-governing freemen in every part of Canada as are the subjects in the heart of England. Yet we are told now that we are under, not only the restrictive legislation of 300 years ago, but that no Legislature of Canada has power to repeal any such restrictive legislation, and that any restrictive legislation of that kind is beyond the competency of a Provincial Legislature. Why, we heard last night the singular statement that a Provincial Legislature has only a derived or delegated authority. I deny that statement as explicitly as it is courteous to deny any statement made by any hon. member of this House. I go further and I say that, within the limits of its authority and subject only to the power of disallowance, a Provincial Legislature is as absolute as is the Imperial Parliament itself. The Imperial Parliament is not restricted as to the subjects over which it can legislate, the Provincial Legislatures are restricted in regard to the subjects on which they can legislate, but in legislating upon these subjects a Provincial Legislature has all the rights which it is possible for the Imperial Parliament to confer. I say more: I say that a Provincial Legislature, legislating upon subjects which are given to it by the British North America Act, has the power to repeal an Imperial statute prior to the British North America Act affecting those subjects. It has been urged upon the House these two days that we had no power, and that the Act of 28 and 29 Victoria, called the Colonial Enactments Act, provided that no statute of a colony should have force as against an Imperial statute. But after the statute of 28 and 29 Victoria, the British North America Act was passed, and it gives us, as I have said, a division of powers between the two bodies, but it gives the two bodies in legislating in their respective spheres all the powers that the Imperial Legislature possessed. The hon. member for Victoria (Mr. Barron) was misled, I think, last night in his reference to the British North America Act. It is true that the British North America Act seems to contain in the 129th section a reservation in that behalf; it reads:

"Except as otherwise provided by this Act all laws in force in Canada, Nova Scotia and New Brunswick at the union and all courts of civil and criminal jurisdiction and all legal commissions, powers and authorities and all officers, judicial, administrative and ministerial existing therein at the Union, shall continue in Ontario, Quebec, Nova Scotia and New Brunswick respectively, as if the Union had not been made; subject nevertheless (except with respect to such as are enacted by or exist under Acts of the Parliament of Great Britain or of the Parliament of the United Kingdom of Great Britain and Ireland) to be repealed, abolished or altered by the Parliament of Canada or by the Legislature of the respective Provinces according to the authority of the Parliament or of that Legislature under this Act."

The hon. gentleman read it as being a restriction by the British North America Act against our repealing or modifying an Imperial statute relating to any subject under our control. I do not so regard it. I regard it as containing neither a grant of power nor a restriction as to our legislating upon Imperial statutes. But since that Act was passed, in which the Imperial Parliament virtually said: "We say nothing as to Imperial statutes;" we have had three distinct decisions of the Judicial Committee of the Privy Council in regard to legislation by a Province upon a subject within its control, and declaring that the Provincial Legislature has power to repeal a statute of the Imperial Parliament. The first is the case of Harris against Davies, page 279, which was an appeal from New South Wales, and in which this was held with reference to a statute of James I, which had distinct force in that colony:

"Held that the Legislature of New South Wales had power to repeal the statute of James I, which according to its true construction placed an action for slander for words spoken, upon the same footing, as regards costs and other matters, as an action for written slander."

The statute of James I made distinct provision as to the amount of costs which the litigant could recover when he only obtained a verdict for a certain amount for slander; the Legislature passed an Act repugnant to that and the provisions of the Colonial Enactment Act were cited. The judgment of their Lordships was delivered by Sir Barnes Peacock, who said:

"Their Lordships are of opinion that there are no sufficient grounds for reversing the judgment of the court below. Their Lordships are of opinion that the Colonial Legislature had the power to repeal the statute of James I if they thought fit, and they are also of opinion that looking at the first section of 11 Victoria, No. 13, it was the intention of the Legislature to place an action for words spoken, upon the same footing as regards costs and other matters as an action for written slander."

Mr. BARRON Have they a statute in that colony corresponding with the British North America Act?

Sir JOHN THOMPSON. Yes. I have examined that, and it conveys no larger grant of legislative powers than the British North America Act does to us. If the hon. gentleman will look in the same volume to the case of Powell *vs.* Apollo Candle Company, Limited, in which the law of New South Wales came up likewise, he will find that the conclusion which he urged as to the Colonial Legislature being a mere delegate of the Imperial Parliament was fully considered and discussed, and principally on reference to the case from Canada of Hodge *vs.* The Queen. The Judicial Committee said:

"Two cases have come before this board in which the powers of Colonial Legislatures have been a good deal considered, but these cases are of too late a date to have been known to the Supreme Court when their judgment was delivered. The first was the case of Regina *vs.* Burah (1), in which the question was whether a section of an Indian Act conferring upon the Lieutenant Governor of Bengal the power to determine whether the Act, or any part of it, should be applied to a certain district, was or was not *ultra vires*. In the judgment of this board, given by the Lord Chancellor, the legislation is declared to be *intra vires*, and the Lord Chancellor lays down the general law in these terms: 'The Indian Legislature has powers expressly limited by the Act of the Imperial Parliament which created it, and it can of course do nothing beyond the limits which circumscribe these powers. But when acting within those limits it is not in any sense an agent or delegate of the Imperial Parliament, but has, and was intended to have, plenary powers of legislation as large, and of the same nature, as those of Parliament itself.' The same doctrine has been laid down in a later case of Hodge *vs.* The Queen (2), where the question arose whether the Legislature of Ontario had or had not the power of entrusting to a local authority—a board of commissioners—the power of enacting regulations with respect to their Liquor License Act of 1877, of creating offences for the breach of those regulations, and annexing penalties thereto Their lordships held that they had that power. It was argued then, as it has been argued to-day, that the Local Legislature is in the nature of an agent or delegate, and, on the principle *delegatus non potest delegare*, the Local Legislature must exercise all its functions itself, and can delegate or entrust none of them to other persons or parties. But the judgment, after reciting that such had been the contention, goes on to say: 'It appears to their lordships,