

Some may reply that, from that time to this, no question has been raised that the power of enforcement of the criminal law in the Courts of Assize, Oyer and Terminer and General Gaol Delivery, where they are now likely to conduct these prosecutions, lies with the provincial authorities. But the writer feels that he may properly invoke the authority of the examined judgments in support of the view that the Minister of Justice, or the Attorney-General for the Dominion (as the officer was, in the examples in question, designated), is without status in any forum, exalted or petty, which exercises a criminal jurisdiction. And, while submitting this proposition, he would draw attention to the most notable form of usurpation practised by the Government's representative on the preliminary hearing requiring the prisoners to furnish bail and determining its amount.

The parts intended in the writer's belief to be played by the divisions "Criminal law and procedure" and "Administration of justice," assigned by the B.N.A. Act to Parliament and the provincial legislatures respectively, might be fitly compared with the provision and employment of the plant in some industrial factory. The agent, "Criminal law and procedure" installs it, but that which contributes the motive power and sets the inert pieces running is the force "Administration of justice."

If more were needed to shatter any plea which might be submitted for the Dominion, it can be found in the introductory provisions of the Code, sec. 3, sub-s. 6, which enacts that the expression "Attorney-General" means the Attorney-General and Solicitor-General of any Province in Canada in which any proceedings are taken under this Act." And as going to shew that provincial Attorneys-General have a controlling influence over prosecutions from the moment of their inception, reference, amongst others in point, may be had to the sections providing for their consent in certain cases being obtained to bring prosecutions, and the section providing for the attendance of a witness beyond the limits of the Province at a preliminary enquiry "on request therefor by the informant or complainant or the Attorney-General."

J. B. MACKENZIE.